Expiry Date - 19/05/2025

Development Control – Delegated Officer Report

Application Number: AWDM/0384/25 Recommendation – APPROVE

Site: 13 Cortis Avenue Worthing West Sussex BN14 7BQ

Proposal: Application for Certificate of Lawfulness for proposed small 5-bedroom HMO for 6 people (Class C4).

Site visit: N

Proposal, Site and Surroundings

The application site is on the western side of Cortis Avenue and comprises a semi-detached property. The site is not a listed building nor is it in a conservation area. The property to the north shares a boundary and is connected with a shared wall.

The proposal relates to the conversion of a property into a C4 HMO for 6 people. This changes in the form of a change in the dining room and lounge to two bedrooms.

Representations

The application was not sent to neighbours for consultation but one objection was received from a neighbouring occupier as set out below.

Our objects include:

1. Increase noise - currently we have a number of issues with noise due to neighbours, who also participate in anti-social behaviours and illegal activities (drugs). An HMO has the potential to increase this problem as there is a lack of ownership. There are families in the houses immediately surrounding it. The children in these properties have neurodiverse, there are also families where Mental Health is an issue and the noise, plus potential regular changes in people would affect them.

2. Exacerbate Parking - as said above, there is also an issue with parking, the road is very narrow and only accommodates for single side parking and when all available areas are parked in, there is very little space for people to pull into, so cars can go both ways. A small, currently three bedroom house, housing 6 individuals would cause greater issues with parking in an already congested area.

3. Another HMO example - the council already has a project (effectively an HMO) at number 3 and 5 Cortis Avenue, and these houses, despite being managed, cause many issues. In recent months there have been other issues with these houses. If an HMO is agreed and further degrades the quality of life

for vulnerable families, many of whom are already affected by the presence of other HMOs in the area.

4. Vulnerable families - there are many families down the street, many of which are vulnerable, some families are known and have been known to social services. These children play freely in the street, unsupervised. Therefore, a HMO is a safeguarding risk to children and vulnerable individuals living in close proximity to the proposed HMO. .

5. Anti-social behaviours - As stated above the street has had and still has an issue with antisocial behaviours and drugs, an HMO can add to these issues and cause more issues.

6. Contribute to the housing crisis in Worthing by reducing the availability of family-oriented housing in an area that already has a significant need for it.

Our house is attached to the property, therefore we have great concerns about it. We are a family of six neurodiverse people, the disruption, constant change and potential noise would cause us incredible anxiety and distress, which would have an impact on our well-being. Also, our children play freely in our garden at all times of the year, however the proposed HMO property overlooks our garden, breaking the privacy they currently enjoy and exposing them to potential risk.

We respectfully ask for your support in objecting to this application, ensuring that 13 Cortis Avenue remains a family home and that the safety and integrity of our community are maintained. We would also appreciate the opportunity for further discussion or a meeting to better understand and address the concerns of local residents.

Response to Representations

Due to the nature of the application it is only possible to assess the application against the relevant section of the General Permitted Development Order.

Planning Assessment

Principle

The proposal will be viewed against the criteria of permitted development, as laid out within The Town and Country Planning (General Permitted Development) (England) Order 2015.

Consideration

Schedule 2, Part 3 - Changes of Use

Class L – small HMOs to dwellinghouses and vice versa

Permitted development

L. Development consisting of a change of use of a building—

(a) from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;

(b) from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.

Development not permitted

L.1 Development is not permitted by Class L if it would result in the use—

(a) as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or

(b) as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.

Analysis: The proposed alteration would not result in a development that would split the unit into two or more dwellinghouses.

Use Class C4 (houses in multiple occupation) relates to small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

Analysis: The proposed layout shows six bedrooms with two shared bathrooms. The ground floor has a shared kitchen and dining facilities.

Conclusion

The application has been considered under Class L (b) for change of use of a building from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule. and would not result in the use of the property as L.1 (b) two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.

Recommendation

Issue a Certificate of Lawfulness for Proposed Development, the submission of a planning application for the change of use will not be required.

Reason for Recommendation

The proposal constitutes 'development' as defined by Section 55 of the Town and Country Planning Act 1990 but is permitted Class L of Part 3 Schedule 2 of Town and Country Planning (General Permitted Development) (England) Order 2015.

Case Officer:	Finlay Gardner	Date: 19/05/2025
Authorised by:	Louise Prew	Date: 19/05/2025