

Report of the Head of Planning & Enforcement

Address 7 BOSANQUET CLOSE COWLEY

Development: First floor rear extension and change of use from 6- bedroom student hostel to 7-bedroom student hostel (Part retrospective application.)

LBH Ref Nos: 33492/APP/2009/2389

Drawing Nos: Design and Access Statement
1:1250 Location Plan
03
05
04
02
01

Date Plans Received: 04/11/2009 **Date(s) of Amendment(s):**
Date Application Valid: 04/11/2009

1. **SUMMARY**

The application property is current converted to provide 6 rooms with shared lounge, kitchen and bathroom facilities. Planning permission is sought for the erection of a first floor rear extension to provide an additional bedroom. This would result in a change of use from a dwelling house to a House in Multiple Occupation. The proposed first floor rear extension would be detrimental to the appearance of the original house and the surrounding area generally. The proposed terraced house is not considered to be of a sufficient size to meet the needs of a House in Multiple Occupation.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 **Non Standard reason for refusal**

The proposed first floor rear extension, by reason of its size, siting, design and appearance would represent an incongruous form of development which would fail to harmonise with the appearance of the original house. It would appear cramped on the rear elevation and would be detrimental to the character and appearance of the surrounding area generally, contrary to policies BE13, BE15 and BE19 of the of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and section 6.0 of the Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions

2 NON2 **Non Standard reason for refusal**

The gross floor area of the proposed enlarged dwellinghouse would be less than the recommended area of 120sq.m for conversion of a terraced house to a House in Multiple Occupation. As such, the proposal would result in an over intensification of residential activities to the detriment of both potential occupiers and occupiers of neighbouring properties, contrary to policies BE19, H7 and OE1 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and the Hillingdon Supplementary

Planning Guidance: Houses in Multiple Occupation and other non-self contained housing August 2004 and the Hillingdon Design and Accessibility Statement Supplementary Planning Document: Residential Layouts July 2006.

3 NON2 Non Standard reason for refusal

The proposal would result in inadequate provision for car parking for the use as a HMO which would be likely to cause additional on-street demand for parking to the detriment of highway and pedestrian safety. The proposal is therefore contrary to Policies AM7(ii) and AM14 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and the Council's Parking Standards (Annex 1, adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

4 NON2 Non Standard reason for refusal

The proposal having regard to the size of the enlarged accommodation would fail to provide an adequate amount of external amenity space for the occupiers of the House in Multiple Occupation, and as such would result in an overintensive use of the remainder of the garden to the detriment of the amenity of future occupiers and to the character of the area. The proposal is therefore contrary to policies BE19 and BE23 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and the Hillingdon Design & Accessibility Statement: Residential Extensions.

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
H7	Conversion of residential properties into a number of units
AM7	Consideration of traffic generated by proposed developments.

AM14	New development and car parking standards.
CACPS	Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)
HDAS	Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions (adopted in August 2006 and to form part of the emerging Local Development Framework documents): 6.0 Rear and First Floor Rear Extensions: Two Storey Hillingdon Design & Accessibility Statement (HDAS): Residential Layouts (adopted in August 2006 and to form part of the emerging Local Development Framework documents): 4.12 Privacy
SPD PO	Supplementary Planning Guidance: Houses in Multiple Occupation

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the east side of Bosanquet Close and comprises a mid-terraced two storey house with a single storey rear extension. To the North lies 6 Bosanquet Close and to the south lies 8 Bosanquet Close. The street scene is residential in character and appearance and the application site lies within the developed area as identified in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

3.2 Proposed Scheme

The submitted plans show that the application property comprises 6 bedrooms, with a shared lounge, kitchen and bathroom. This suggests that the property is being used by a number of persons living together as a single household. Paragraph 66 of Circular 03/2005: Changes of use of Buildings & Land, defines uses falling within class C3 dwelling houses as "whether or not the sole or main residence, by single person, any number of persons living together as a family, or by no more than 6 persons living together as a single household." As there are only 6 small single rooms, the current use does not constitute a change of use from a dwelling house.

Planning permission is sought for the erection of a first floor rear extension to form an additional bedroom. This would result in more than 6 persons living as a single household and as such, the proposal would result in a change of use of a dwelling house to a House in Multiple Occupation (HMO). The application has therefore been assessed on this basis.

The proposed extension would be set 1m and 2.4m from the side boundaries with 6 and 8 Bosanquet Close, respectively. It would measure 3m wide, 3.1m deep, set flush with the rear wall of the ground floor extension, and finished with a hipped ridged roof 2.7m high at eaves level and 3.5m high bat ridge level set 1.2m below the roof ridge.

3.3 Relevant Planning History

Comment on Relevant Planning History

There are no relevant planning decisions.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
H7	Conversion of residential properties into a number of units
AM7	Consideration of traffic generated by proposed developments.
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SPD PO	Supplementary Planning Guidance: Houses in Multiple Occupation

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

13 adjoining owner/occupiers have been consulted. Petitions totalling 42 signatories have been received from the Cowley Community Residents Association.

Cowley Community Residents Association:

(i) The dwelling in question is positioned just off centre of a terrace in which no first floor extensions exist. This first floor extension would be completely out of character with every other house in the terrace and would resemble a shed in the air as the house already has a double ground floor extension which protrudes further than any other extension in the terrace.

(ii) The application states the first floor extension would not overlook any other property, it would definitely overlook 'The Squirrels', Church Road directly into the back of the property.

(iii) The application states there is 1 parking place to the property, there are in fact no parking places to any property, it is a Residents Parking Zone, very overcrowded now and 1 additional car would create an even worse parking problem.

(iv) The property has already increased bedroom capacity by 50% on the original 4 bedroomed build.

(v) The reason for the application "to meet the demand of lack of student accommodation" is nonsense as every estate agent around has properties to let and Brunel Accommodation Bureau also have properties to let" and this is the middle of term year.

(vi) The percentage of student/owner occupier in this close is already at nearly 80/20% and residents are fearful, with just cause, of this close becoming completely student occupied except for the owner/occupiers who cannot for whatever reason move house. That is a very frightening prospect as the majority are older people who have lived in the area 40+ years.

(vii) If this application is allowed it will only be a matter of time before many more landlords are applying for the same extensions. This does not benefit the council or local residents as the particular landlord does not live anywhere the near Borough.

(viii) The community in Cowley is rapidly being lost and Bosanquet Close is now completely overcrowded, another house sold as I write this letter, which has again, been bought by a property developer.

St Lawrence Residents' Association: No comments received.

Internal Consultees

Environmental Protection Unit:

No objections

Highways:

Hostels require 1 parking space for 2 residential bed spaces and HMO's 1 space per 2 habitable rooms. The provision of 1 space for a 7 bedrooms hostel falls short of the standards.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principle of extending existing residential properties and their conversion to a HMO is acceptable subject to the Council's policies and standards.

7.02 Density of the proposed development

This is not applicable to this application.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

This is not applicable to this application.

7.04 Airport safeguarding

This is not applicable to this application.

7.05 Impact on the green belt

This is not applicable to this application.

7.07 Impact on the character & appearance of the area

The proposed first floor rear extension by reason of its siting, set between the first floor rear windows, would represent a visually intrusive form of development. It would appear cramped on the rear elevation as it would not retain gaps between it and the first floor windows.

There are no other first floor rear extensions to houses on this side of Bosanquet Close, and as such, it is considered that the proposed first floor rear extension would have a detrimental impact on the character and appearance of the surrounding area, generally.

Overall, the proposal would be contrary to policies BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and section 6.0 of the Hillingdon Design & Accessibility Statement(HDAS):Residential Extensions.

7.08 Impact on neighbours

The proposed first floor rear extension would be set 1m and 2.4m from the side boundaries with 6 and 8 Bosanquet Close, respectively. These distances are sufficient to ensure that the proposal would not breach a 45 degree line of sight taken from the first floor rear habitable room windows at those properties, closest to the side boundaries with the application property. Therefore, the proposal is not considered to harm the residential amenities of the occupiers of those properties through overdominance, visual intrusion and overshadowing, in accordance with policies BE20 and BE21 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

No windows are proposed facing the adjoining properties and therefore, no overlooking will result. It is therefore considered that the proposal would comply with Policy BE24 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.09 Living conditions for future occupiers

This is not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

On parking, the Councils' Supplementary Planning Document: Houses in Multiple Occupation advises that 1 off-street parking space is required for two habitable rooms. Only one off-street parking space exists at the property and no additional spaces have been proposed. As such, the proposal fails to provide sufficient off-street parking for the resultant HMO which would result in additional on-street demand for parking to the

detriment of highway and pedestrian safety, contrary to policies AM7(ii) and AM14 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.11 Urban design, access and security

This is addressed at section 07.07.

7.12 Disabled access

This is not applicable to this application.

7.13 Provision of affordable & special needs housing

This is not applicable to this application.

7.14 Trees, landscaping and Ecology

This is not applicable to this application.

7.15 Sustainable waste management

This is not applicable to this application.

7.16 Renewable energy / Sustainability

This is not applicable to this application.

7.17 Flooding or Drainage Issues

This is not applicable to this application.

7.18 Noise or Air Quality Issues

This is not applicable to this application.

7.19 Comments on Public Consultations

With regards to the third party comments, Points (i) to (v) are addressed in the report. On point (vi), tenure is not a material planning consideration and on point (vii), proposal for similar schemes will require planning permission.

7.20 Planning obligations

This is not applicable to this application.

7.21 Expediency of enforcement action

This is not applicable to this application.

7.22 Other Issues

Policies within the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) generally regard the conversion of residential property into more units as acceptable in principle provided that this is achievable without causing undue harm to the character, the amenities of the area or the residential amenities of adjoining occupiers.

Of importance in the consideration of HMO's is the suitability of the properties for conversion. The Council's Supplementary Planning Guidance: Houses in Multiple Occupation 2004 recognises that there is a pressing need for such accommodation within the Borough. However, the guidance seeks to avoid the over-concentration of conversions in residential areas, including HMO uses and other more intensive residential uses such as flats, as although a single conversion may not be particularly significant by itself, the cumulative impact upon an area of many conversions can alter its residential character. Paragraph 4.3 of the SPG seeks to safeguard the character and amenity of residential areas by preventing conversions where more than 15% of properties in a street have been converted into either self-contained or non self-contained housing or other types of accommodation within Use Classes C1 or C2. The planning history of Bosanquet Close shows that none of the properties in the street have been converted to self-contained units or other residential institutions. As such, the proposal would not breach the 15% threshold and therefore the predominantly residential character of the road would be maintained.

With regard to intensification of the property, paragraph 3.5 advises that "some (terraced) house types will be more suitable for conversions, in terms of the living conditions of future occupiers and those of neighbouring properties. Properties in multiple occupation tend to be used more intensively than when in single family occupation and the borough's stock of terraced houses are largely considered unsuitable for conversion owing to their size and limited floor area. Terraced properties will, therefore, be required to have a minimum gross floor area of 120sq.m before they can be considered for conversion.

This is reinforced in the Council's Design and Accessibility Statement: Residential Layouts at paragraph 3.5 states that "The conversion of single dwellings into more dwellings can enable more effective use of sites to be achieved. However, this type of development must seek to enhance the local character of the area Guidance on the conversion of properties into Houses in Multiple Occupation and other non self-contained housing is contained in a separate SPG. The conversion of houses into self-contained flats is unlikely to achieve a satisfactory environment where properties have less than 120m² of floorspace".

The enlarged property has a gross floor area of approximately 117sq.m and therefore is not suitable for conversion to a HMO. As such, the proposed HMO would represent an unacceptable intensification of a residential property, contrary to policy H7 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007), the Council's Supplementary Planning Guidance: Houses in Multiple Occupation 2004 and Hillingdon's Design and Accessibility Statement: Residential Layouts.

On private amenity space, the guidance advises that a minimum of 15sq.m of private usable amenity space per habitable room (excluding those used for communal living purposes) is required. The property would provide 7 habitable rooms which equates to 105sq.m of private amenity space. Approximately 70sq.m of private amenity exists which would be insufficient to meet the need of the future occupiers of the HMO, contrary to policy BE23 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

This is not applicable to this application.

10. CONCLUSION

The proposal would result in a change of use from a dwellinghouse to a house in multiple occupation. The proposed change of use would represent an unacceptable intensification of the use as a HMO and would not provide sufficient private amenity space for the occupiers. Furthermore, the proposal first floor rear extension would have a detrimental impact of the character and appearance of the surrounding area generally. Given the above, this application is recommended for refusal.

11. Reference Documents

Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007)

Hillingdon Design & Accessibility Statement(HDAS):Residential Extensions

Hillingdon Design & Accessibility Statement(HDAS):Residential Layouts

Supplementary Planning Guidance: Houses in Multiple Occupation August 2004

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Site Address

**7 Bosanquet Close,
Cowley**

Planning Application Ref:
33492/APP/2009/2389

Planning Committee
Central and South

Scale
1:1,250

Date
March 2010

**LONDON BOROUGH
OF HILLINGDON
Planning &
Community Services**

Civic Centre, Uxbridge, Middx. UB8 1UW
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