

Report of the Head of Planning, Transportation and Regeneration

Address 289 LANSBURY DRIVE HAYES

Development: Single storey rear extension and conversion of a 5-bed, 6-person House in Multiple Occupation (HMO) to a 6-bed, 9-person House in Multiple Occupation

LBH Ref Nos: 57243/APP/2020/2638

Drawing Nos: LaVaastu/2020/212/02
LaVaastu/2020/212/03
LaVaastu/2020/212/04
LaVaastu/2020/212/05
LaVaastu/2020/212/01
LaVaastu/2020/212/06

Date Plans Received: 20/08/2020 **Date(s) of Amendment(s):**

Date Application Valid: 09/09/2020

1. SUMMARY

The application seeks planning permission for a single storey rear extension to an existing HMO increasing the number of occupants from 5 to 9 occupants. As such the proposal would involve the change of use of the property from C4 HMO (for up to 6 occupants) to Sui Generis use.

The change of use would not result in a significant increase in the intensification of the use of the site and would not result in harm to the character and appearance of the property and the wider setting. However, there would be harm in terms of neighbourly amenities, parking and highways issues, provision of amenity space and the provision of a habitable room which would lack outlook and light.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed single storey rear extension, by reason of its size, scale, bulk, depth and proximity would be detrimental to the amenities of the adjoining occupier at 291 Lansbury Drive, by reason of overdominance, overshadowing, visual intrusion, loss of light and loss of outlook. Therefore the proposal would be contrary to Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies.

2 NON2 Non Standard reason for refusal

The proposal would result in the provision of a habitable room (annotated on plans a dining room, but in practice would act as both dining room and communal living room) with no natural lighting or outlook, resulting in a substandard form of living accommodation and reliance upon artificial means of lighting which would fail to satisfy sustainability and energy efficiency objectives and would be to the detriment of the amenity of future occupiers, contrary to Policies DMH 5 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policy D6 of the London Plan (2021).

3 NON2 Non Standard reason for refusal

The proposed development, by virtue of its failure to provide amenity space of sufficient size and quality commensurate to the size and layout of the property, would result in an over-development of the site detrimental to the residential amenity of existing and future occupiers. The proposal is therefore contrary to Policies DMH 5, DMHB 11 and DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

4 NON2 Non Standard reason for refusal

The proposal has not demonstrated that sufficient off street parking/manoeuvring arrangements would be provided, and therefore the development is considered to result in substandard car parking provision, leading to on-street parking to the detriment of public and highway safety and contrary to policies DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and to Hillingdon's Adopted Parking Standards as set out in Appendix C of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

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 Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan (2021) and national guidance.

DMH 5	Houses in Multiple Occupation
DMHB 11	Design of New Development
DMHB 18	Private Outdoor Amenity Space
DMHD 1	Alterations and Extensions to Residential Dwellings
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LPP D4	(2021) Delivering good design
LPP D6	(2021) Housing quality and standards

3 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant Local Plan Part 2 (2020), then London Plan Policies (2021). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.

4 I71 LBH worked applicant in a positive & proactive (Refusing)

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and

other informal written guidance, as well as offering a full pre-application advice service.

We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the Western side of Lansbury Drive, it comprises a semi-detached property with a hipped roof which has been converted into a licensed HMO. There is a garden to the rear which backs onto another residential rear garden. To the front of the site there is a driveway served by a crossover.

There are no site specific designations relating to the site. The street scene is characterised by two storey semi-detached dwellings.

3.2 Proposed Scheme

This planning application seeks planning permission for the extension to the rear of the existing HMO property to create a 6 bedroom HMO, with a communal kitchen and dining area to the ground floor.

3.3 Relevant Planning History

57243/APP/2002/971 289 Lansbury Drive Hayes

ERECTION OF A TWO STOREY SIDE EXTENSION (INVOLVING DEMOLITION OF EXISTING GARAGE)

Decision: 05-07-2002 Approved

57243/APP/2019/3895 289 Lansbury Drive Hayes

Single storey rear extension and use of dwelling as a House in Multiple Occupation by not more than six residents (Application for a Certificate of Lawful Development for a Proposed Development)

Decision: 22-01-2020 Approved

Comment on Relevant Planning History

57243/APP/2019/3895 - In 2020 a Certificate of Lawfulness was granted for the erection of a Single storey rear extension and use of dwelling as a House in Multiple Occupation by not more than six residents.

4. Planning Policies and Standards

Development Plan

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)
The Local Plan: Part 2 - Development Management Policies (2020)
The Local Plan: Part 2 - Site Allocations and Designations (2020)
The West London Waste Plan (2015)
The London Plan (2021)

Material Considerations

The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

UDP / LDF Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMH 5 Houses in Multiple Occupation
DMHB 11 Design of New Development
DMHB 18 Private Outdoor Amenity Space
DMHD 1 Alterations and Extensions to Residential Dwellings
DMT 2 Highways Impacts
DMT 6 Vehicle Parking
LPP D4 (2021) Delivering good design
LPP D6 (2021) Housing quality and standards

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

23 neighbouring properties were consulted via letters on 11-09-20. Three comments of objection were received, as well as a petition. The objections can be summarised as follows:

1. Loss of daylight.
2. Parking issues.
3. Noise/anti-social behaviour from HMO properties.
4. Loss of community feeling across Lansbury Drive as a result of HMO's.

Planning officer: Material planning concerns raised above will be discussed in more detail within relevant sections below.

Internal Consultees

Highways officer:

Site Characteristics & Background

The site is located within a predominantly residential area and consists of an extended 5-bedroom semi-detached house with a Certificate of Lawful Development (CLD - 57243/APP/2019/3895) dated 22nd January 2020 for an HMO use for up to 6 persons. The proposal is for an extension of the build to facilitate an extra bedroom to accommodate 9 persons in lieu of 6.

There is an existing single carriageway crossing (cc) that serves the frontage which now wholly consists of a hardstanding area. 3 on-plot spaces can be accommodated on the frontage however in order to legitimately access all of the said spaces, the existing crossing would require widening to allow 2 'side by side' spaces and new cc would need to be installed fronting the existing semi-bay window (i.e. adjacent to the adjoining property - No. 291). This would facilitate a further single on-plot space.

The local roadways are mainly devoid of parking controls and the site exhibits a public transport accessibility level (PTAL) of 2 which is considered as low and therefore potentially heightens reliance on the ownership and use of private motor transport. There is a footway parking exemption that covers the surrounding roadways.

Parking Provision Local Plan: Part 2 Policy - DMT 6 requires that new development will only be permitted where it accords with the Council's adopted parking standards unless it can be demonstrated that a deviation from the standard would not result in a deleterious impact on the surrounding road network.

The standard for an HMO use with up to 6 occupants requires 1 parking space per 2 occupants. When occupancy exceeds that level, there is no prescriptive standard with assessment being undertaken by way of transport appraisal and travel plan. This detail has not been provided.

However, the '1 space per 2 occupants' requirement is an established standard which also replicates the council's previous Saved UDP standard and 2004 HMO (Supplementary Planning Guidance) SPG. In the case of the previous policy, there was the opportunity to waive the provision of 1 space on the premise of good accessibility to public transport. However, as it is considered that as the PTAL is rated as relatively low for this address, it would have been inappropriate to apply this waiver in any event.

On the above premise and given the absence of a transport appraisal and travel plan, there would be a requirement to provide 4 to 5 on-plot spaces for the proposed level of occupancy hence there is a measurable under-provision with 3 spaces.

As the applicant has not provided any detail or evidence with regard to the level of present on-street parking demand and whether any spare capacity exists which could satisfactorily accommodate potential parking displacement generated by the proposal, the default position is a refusal on insufficient on-plot parking grounds as private car dependency generated by the proposal is likely to be high due to the very poor PTAL rating which can potentially result in undue loss of on-street parking provision and injudicious parking displacement onto the unrestricted public highway. Understandably the Council has a duty of care to prevent such eventualities wherever possible.

Cycling Provision

In terms of cycle parking there would be a minimum requirement of 1 secure and accessible space per occupant in order to conform to the adopted minimum borough cycle parking standard. This would equate to 9 on-site spaces. No detail is shown however this aspect can be secured via planning

condition.

Existing and New Carriageway Crossing (cc)

The applicant has not indicated any alteration to the existing cc arrangement however in order to legitimately access all of the 3 existing spaces, the existing crossing would require widening to allow 2 'side by side' spaces and a new cc would need to be installed fronting the existing semi-bay window (i.e. adjacent to the adjoining property - No. 291). This would facilitate a single on-plot space

The above is considered acceptable in principle and the crossings should be dimensioned accordingly in line with the Council's 'Domestic Vehicle Footway Crossover Policy' standard. Final designs and provisions would be secured post-permission either by-way of a s184 of the Highways Act 1980 agreement or suitable alternative arrangement with all related processes being financed by the applicant.

Vehicular Trip Generation

Local Plan: Part 2 Policies - DMT 1 and DMT 2 require the Council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

The proposal would be expected to produce a marginal increase in traffic generation from the site as compared to the existing level of use however peak period traffic movement into and out of the site would not be expected to rise beyond 1-2 vehicle movements during the peak morning and evening hours. Hence this uplift is considered marginal in generation terms and therefore can be absorbed within the local road network without notable detriment to traffic congestion and road safety.

Operational Refuse Requirements

Bin storage arrangements would be provided on the frontage in proximity to the highway boundary. This arrangement complies with the adopted waste collection distance parameters. There are no further observations.

Conclusion

Refusal on insufficient on-plot parking grounds is recommended.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy DMH 5: seeks that Houses in Multiple Occupation (HMOs) will be required to demonstrate that: i) there is good accessibility to local amenities and public transport; ii) they accord with the Accessible Homes standards and provide satisfactory living conditions for the intended occupiers; and iii) there will be no adverse impact on the amenity of neighbouring properties or the character of the area.

Given that the current dwelling is used as a HMO, there is no objection to increasing the occupancy in principle. The development is however subject to other planning issues, which will be discussed below.

7.02 Density of the proposed development

Not applicable to this application.

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

Not applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

The Hillingdon Local Plan: Part One Strategic Policy BE1 seeks a quality of design in all new development that enhances and contributes to the area in terms of form, scale and materials; is appropriate to the identity and context of the townscape; and would improve the quality of the public realm and respect local character.

Policy DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to ensure that extensions and alterations do not cause harm to the character and appearance of a site and its wider setting.

Policy DMHD 1: Alterations and Extensions to Residential Dwellings states that single storey rear extensions on terraced or semi-detached houses with a plot width of 5 metres or less should not exceed 3.3 metres in depth or 3.6 metres where the plot width is 5 metres or more. Furthermore, flat roofed single storey extensions should not exceed 3.0 metres in height and any pitched or sloping roofs should not exceed 3.4 metres in height, measured from ground level.

The proposed rear extension would measure a depth of 4 m and a maximum height of 3.6 m, characterised with a pitched roof. Both in terms of height and depth the extension would fail to accord with the policy. However, given its position to the rear of the property and the existence of extensions of various sizes, heights and design on adjoining and other properties in the vicinity, it is considered that the proposal would not be to the detriment of the character, appearance and visual amenities of the street scene and the surrounding area.

7.08 Impact on neighbours

Policy DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) requires that there is no unacceptable loss of outlook to neighbouring occupiers. This sets out the design criteria including external dimensions by which proposals are assessed with the general aim of ensuring that these are subordinate to the original building. Rear extensions will only be allowed where there is no significant over-dominance, overshadowing, loss of outlook or daylight. In particular, a single storey rear extension should not protrude out too far from the rear wall of the original house and a maximum depth of 3.6m would be acceptable. The height of a single storey extension with a flat roof should not exceed 3.0m.

Policy DMH 5 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) requires that proposals for HMO's in all parts of the Borough will be required to demonstrate that there will be no adverse impact on the amenity of neighbouring properties or the character of the area.

The proposed single storey rear element of the proposal would fail to comply with the above criteria as such it is considered that this part of the proposal would cause harm to the amenity of the neighbouring properties by way of loss of light or outlook. The immediate neighbour to the site at 291 Lansbury Drive, has not been extended to the rear and as such a structure which would exceed the limits would result in harm to the occupiers of this property. Thus, the proposed single storey rear extension, by reason of its size, scale, bulk, depth and proximity would be detrimental to the amenities of the adjoining occupier at 291 Lansbury Drive, by reason of overdominance, overshadowing, visual intrusion, loss of light and loss of outlook. Therefore the proposal would be contrary to Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies.

With regards to No. 287 Lansbury Drive, this property is set at an angle and separated by

some distance to the proposed rear element.

No side facing windows are proposed in this aspect of the development that would result in loss of privacy.

In terms of general noise and disturbance it is considered that an increase in the number of occupants from 5 to 9 persons would not significantly increase the intensification of the use of the site. It is also noted that up to 6 people could reside in this HMO without the need for planning permission.

7.09 Living conditions for future occupiers

With regard to the residential living conditions proposed, at least one ground floor habitable room would be over 10 square metres other than a kitchen, for communal living purposes. Two of the proposed rooms would have private bath/toilet. The submitted plans confirm the provision of one large kitchen and one dining room, located on the ground floor. However, the proposed dining room, which would also probably be used as a living area, would not be served by a window providing any light or outlook. Thus, it is considered that the proposal would result in the provision of a habitable room with no natural lighting or outlook that would result in a substandard form of living accommodation and reliance upon artificial means of lighting. As such, the proposal would fail to satisfy sustainability and energy efficiency objectives and would be to the detriment of the amenity of future occupiers, contrary to Policies DMH 1, DMH 5 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policies D4 and D6 of the London Plan (2021).

Private Amenity Space

With regard to private amenity space, the Council requires a minimum of 15 square metres of private usable amenity space per habitable room (excluding those used for communal living purposes). The proposal would fail to meet this minimum standard with the retention of approximately 60 square metres (90 requirement). As such, the proposal would result in an over-development of the site detrimental to the residential amenity of existing and future occupiers. The proposal is therefore contrary to Policies DMH 5, DMHB 11 and DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy DMT6 requires development to accord with the council's adopted car parking standards.

The standard for an HMO use with up to 6 occupants requires 1 parking space per 2 occupants. When occupancy exceeds that level, there is no prescriptive standard with assessment being undertaken by way of transport appraisal and travel plan. This detail has not been provided by the applicant.

However, the '1 space per 2 occupants' requirement is an established standard which also replicates the council's previous Saved UDP standard and 2004 HMO (Supplementary Planning Guidance) SPG. In the case of the previous policy, there was the opportunity to waive the provision of 1 space on the premise of good accessibility to public transport. However, it is considered that as the PTAL is rated as relatively low for this address, it would have been inappropriate to apply this waiver in any event.

On the above premise and given the absence of a transport appraisal and travel plan, there would be a requirement to provide 4 to 5 on-plot spaces for the proposed level of occupancy hence there is a measurable under-provision with 3 spaces.

As the applicant has not provided any detail or evidence with regard to the level of present on-street parking demand and whether any spare capacity exists which could satisfactorily accommodate potential parking displacement generated by the proposal, the default position is a refusal on insufficient on-plot parking grounds as private car dependency generated by the proposal is likely to be high due to the very poor PTAL rating which can potentially result in undue loss of on-street parking provision and injudicious parking displacement onto the unrestricted public highway. Understandably the Council has a duty of care to prevent such eventualities wherever possible.

The proposal would therefore be contrary to Policies DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

7.11 Urban design, access and security

Discussed above.

7.12 Disabled access

Not applicable to this application.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Paragraph 5.54 of the Adopted Local Plan states that trees and landscaping are a vital feature of the built environment, adding to a sense of place and bringing many benefits such as: providing visual and other amenity for residents, increasing biodiversity, helping to reduce pollution and flooding and adding to the character of the Borough. Landscaping and tree planting should be considered as an integral part of the overall design of any development, especially in areas where these are lacking, such as high rise buildings.

Policy DMHB 14 states that all developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit.

Although there are no TPO's or Conservation area designations affecting the site and no trees or other landscape features of merit will be affected by the proposal there is an opportunity to introduce soft landscaping within the site covering up to 25% of the hard surfaced area.

In this instance, the applicant has not incorporated any provision for soft landscaping within the scheme. Given that the application is recommended refusal, amendments have not been sought.

7.15 Sustainable waste management

Not applicable to this application.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

Discussed above.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be

given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

The application seeks planning permission for a single storey rear extension to an existing HMO increasing the number of occupants from 5 to 9 occupants. As such the proposal would involve the change of use of the property from C4 HMO (for up to 6 occupants) to Sui Generis.

The change of use would not result in a significant increase in the intensification of the use of the site and would not result in harm to the character and appearance of the property and the wider setting. However, there would be harm in terms of neighbourly amenities, parking and highways issues, provision of amenity space and the provision of a habitable room which would lack outlook and light.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)
London Plan 2021
Accessible Hillingdon SPD
NPPF (2019)

Contact Officer: Nurgul Kinli

Telephone No: 01895 250230



Notes:

 Site boundary

For identification purposes only.

This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).

Unless the Act provides a relevant exception to copyright.

© Crown copyright and database rights 2020 Ordnance Survey 100019283

Site Address:

289 Lansbury Drive, Hayes

Planning Application Ref:

57243/APP/2020/2638

Planning Committee:

Central & South

Scale:

1:1,250

Date:

April 2021

**LONDON BOROUGH
OF HILLINGDON**
Residents Services
Planning Section

Civic Centre, Uxbridge, Middx. UB8 1UW
Telephone No.: Uxbridge 01895 250111



HILLINGDON
LONDON