

Report of the Head of Planning, Sport and Green Spaces

Address 20 VINE LANE HILLINGDON

Development: Conversion of dwelling from Use Class C3 (Dwelling house) to Sui Generis to form an 8 bed House in Multiple Occupation (HMO)

LBH Ref Nos: 21231/APP/2016/1015

Drawing Nos: VL PA 01 Rev. B
VL PA 02 Rev. C

Date Plans Received: 09/03/2016 **Date(s) of Amendment(s):**

Date Application Valid: 21/03/2016

1. SUMMARY

Full Planning Permission is sought for the change of use from a single dwelling (Use Class C3) to a Sui Generis use to form an 8 bed House in Multiple Occupation (HMO). The site requires planning permission as the number of occupants proposed, exceed the maximum number of 6 people allowed under permitted development for the conversion of residential properties to houses in Multiple Occupation.

There are no external alterations proposed and the dwelling would remain with a similar layout as existing with 8 double bedrooms with 6 of them being ensuite, a kitchen, swimming pool/gym and off road parking for a minimum of 6 cars.

2. RECOMMENDATION

APPROVAL subject to the following:

1 RES4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers VL PA 01 Rev. B and VL PA 02 Rev. C and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2016).

2 NONSC Non Standard Condition

Within 1 month of the date of this decision, a Site Supervision Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON: To safeguard the amenity of the occupants of surrounding properties in accordance with Policy OE1 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

3 NONSC Non Standard Condition

Within 1 month of the date of this decision, a landscape scheme shall be submitted to and

approved in writing by the Local Planning Authority by the Local Planning Authority. The scheme shall include:

- 2.a Refuse Storage
- 2.b Cycle Storage

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies BE13 and BE38 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policy 5.17 (refuse storage) of the London Plan (2016).

4 NONSC Non Standard Condition

Within 1 month of the date of this decision, a revised kitchen layout shall be submitted to and approved in writing by the Local Planning Authority by the Local Planning Authority. Thereafter, the layout shall be implemented and maintained in full compliance with the approved measures.

REASON

To safeguard the amenity of the current and future occupants of the application property in accordance with Policy H7 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Hillingdon HMO Amenity Standards 2015.

5 MDR5 Multiple Occupation/Shared Facilities

The property shall only be used on the basis of multiple occupation with shared facilities and no more than 8 bedrooms. Not more than 8 persons shall occupy the premises at any time.

REASON

To ensure the development would not result in an unacceptable degree of intensification, which could result in an increase in noise and disturbance, in accordance with Policy OE1 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the Council's Supplementary Planning Guidance: Houses in Multiple Occupation 2004.

6 H7 Parking Arrangements (Residential)

Parking on the forecourt to the front of the property shall at all times only be used in connection with the use of the property as a House in Multiple Occupation and for no other purpose.

REASON

To ensure that an appropriate level of car parking provision is provided on site in accordance with Policy AM14 of the adopted Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Chapter 6 of the London Plan (2016).

7 RES10 Tree to be retained

Trees, hedges and shrubs shown to be retained on the approved plan(s) shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. If any retained tree, hedge or shrub is removed or severely damaged during (or after) construction, or is found to be seriously diseased or dying, another tree,

hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' Remedial work should be carried out to BS BS 3998:2010 'Tree work - Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy BE38 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and to comply with Section 197 of the Town and Country Planning Act 1990.

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to GRANT 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 GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (2015) and national guidance.

- BE13 New development must harmonise with the existing street scene.
- 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.
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- OE1 Protection of the character and amenities of surrounding properties and the local area
- AM7 Consideration of traffic generated by proposed developments.
- AM14 New development and car parking standards.
- H7 Conversion of residential properties into a number of units

- LPP 3.3 (2015) Increasing housing supply
LPP 3.8 (2015) Housing Choice
LPP 3.9 (2015) Mixed and Balanced Communities

3 159 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 saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

4 147 Damage to Verge - For Council Roads:

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

5 115 Control of Environmental Nuisance from Construction Work

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises of a large detached dwelling situated at the junction of Vine Lane and Chetwynd Drive.

The property is set well back from the adjacent highway and is constructed from a light red brick with a hipped roof and benefits from a single flat roof dormer to the front elevation and a converted single garage which projects beyond the principal elevation. The property is enclosed by a brick and iron fence with the full front garden area consisting of hardstanding to accommodate a minimum of 6 cars. The rear garden is also of a substantial size.

3.2 Proposed Scheme

The application seeks retrospective permission for the change of use from a single dwelling (Use Class C3) to a Sui Generis use to form an 8 bed House in Multiple Occupation (HMO). The application site comprises of 8 bedrooms, 6 which benefit from en suite, a shared kitchen, a swimming pool/gym and off road parking for a minimum of 6 cars.

3.3 Relevant Planning History

21231/A/86/2074 20 Vine Lane Hillingdon
Householder dev. (small extension,garage etc) (P)

Decision: 19-12-1986 Approved

21231/APP/2007/3858 20 Vine Lane Hillingdon
ERECTION OF A PART TWO STOREY PART SINGLE STOREY REAR EXTENSION.

Decision: 10-03-2008 Approved

Comment on Relevant Planning History

21231/APP/2007/3858: Erection of a part two storey part single storey rear extension: Granted.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

BE13 New development must harmonise with the existing street scene.

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.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
H7	Conversion of residential properties into a number of units
LPP 3.3	(2015) Increasing housing supply
LPP 3.8	(2015) Housing Choice
LPP 3.9	(2015) Mixed and Balanced Communities

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

A total of 5 adjoining and nearby neighbouring properties were consulted via letter dated 23.03.16 including a site notice displayed adjacent to the premises on 05.04.16.

A total of 4 comments and objections received from neighbouring properties and a petition containing 47 signatures requesting recommendation of refusal for the application and for it to be returned to a single family dwelling.

Comments and objections summarised below:

1. Live directly next door with no issues of 8 bed HMO.
2. There are two protected pine trees within the front garden which should be taken into account.
3. Constant struggle to live on Vine Lane as the previous occupants of the application site have had run ins with the police.
4. Cars are constantly coming and going, with their drive directly opposite mine causing me to wait when leaving my drive.
5. If approved I shall have to move away.
6. The property over the years has caused many anti-social problems including high boundary walls, drug running, noise disturbance and overgrown gardens on the edge of a conservation area.
7. The site causes excessive traffic and in use as a poor quality HMO.
8. Have had many complaints to the Council over the years with constant bonfires with builders and traders living there.

The objections raised by the adjoining and nearby neighbouring properties will be discussed within the main body of the report.

Internal Consultees

Environmental Protection Unit:
No objections.

Principal Housing Surveyor:

1. No objections to proposal.
2. Considerations should be made against the Hillingdon HMO SPG 2004 in regards to parking, Cycle parking, refuse storage, amenity requirements or condition on approval if the case.

Tree and Landscape Officer.

Acceptable, subject to amended plans and condition RES10.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy H7 seeks to safeguard existing housing in the borough, and in this respect it should be noted the Council does not consider the change of a dwellinghouse to a HMO to represent a loss of residential accommodation. This type of accommodation does not fall within a specified class of the 1987 use classes order but constitutes a 'sui generis' use.

The demand for converting detached houses, although low, is often the most suitable form as larger plots enable more off street parking and garden space in addition to reduced impact on adjoining occupiers in respect of noise levels.

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

Policies BE13 and BE19 require all new development to harmonise with the existing street scene and to complement or improve the amenity and character of the area. There are no external alterations proposed as part of the application for the change of use.

Policy OE1 states permission will not normally be granted for uses and structures which are, or are likely to become, detrimental to the character or amenities of surrounding properties or the area generally due to their siting or appearance, the storage or display of items, traffic generation and congestion, and noise and vibration emissions. In accordance with this policy and as the proposal is for the conversion from a single dwelling to a HMO, it would be considered prudent to impose a condition which requires details of management and maintenance for the up keep of the house and garden. Although properties used by single families are equally capable of becoming run down, many landlords do not live on-site and so physical problems with converted properties can go undetected for some time without proper management supervision. The transient nature of many converted properties, because of the relatively short duration of tenancies, also increases the need for the effective management and maintenance of properties. Regardless of the interior condition of a property, outwardly visible signs of poor management and maintenance (such as unkempt gardens) tend to have a detrimental effect on the overall street scene and level of residential amenity.

Effective management control, whether it be carried out by housing associations, managing agents or applicants themselves, is crucial to maintaining a satisfactory environment for tenants and for achieving a good tenant/neighbour relationship. Details of management and maintenance will therefore be applied through a planning condition and will be expected to include arrangements for:

- Keeping front and rear gardens free of refuse and unsightly household items;
- Mowing of grassed areas;
- Repairing of broken fencing, gates and other enclosures;
- Repairing of damaged or broken external facades of building(s).

Subject to the management and supervision condition, the proposal is considered acceptable in accordance with Policies BE13, BE15, BE19 and OE1 of the Hillingdon Local Plan, Part Two, Saved Policies (November 2012).

7.08 Impact on neighbours

The potential impacts of the additional number of residents at 20 Vine Lane upon the adjoining neighbours in terms of the additional noise, greater comings and goings to the property, vehicle movements that would be the case with eight persons in shared occupation rather than six cannot easily be assessed.

These identified impacts relate primarily to social and behavioural issues, which for private dwellings cannot be controlled under planning legislation and are not necessarily any more likely to occur in a shared household than in a single family dwelling house. Although there have been complaints in the past relating to several matters since an HMO use commenced at No. 20, these are investigated individually and appropriate warnings/action taken if absolutely necessary. However, these occurrences should be taken as being the exception and an increase in two persons living at the application property would be unlikely to give rise to significant increase in the likelihood of these disturbances.

7.09 Living conditions for future occupiers

In accordance with the Housing Surveyors recommendation, a new kitchen layout should be implemented to meet the minimum standards within the amended Hillingdon HMO SPG 2004 where shared kitchen facilities must be of a such layout and size and equipped with such facilities so as to allow those sharing the facilities to store, prepare and cook food. This can be achieved by way of condition, as requested by the Principal Housing Surveyor although it should be noted that the existing license was granted on the basis that there were adequate provisions within the kitchen.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy AM14 of the Hillingdon Local Plan Part Two Saved UDP Policies and the Hillingdon HMO SPG seeks a maximum of 1 car parking space per 2 habitable rooms.

The application site is currently occupied as a 6 bed HMO with a large front hardstanding area capable of accommodating at least 8 cars. Two additional occupants is not considered likely to result in an adverse increase in the number of cars parking than over the last five years, and most importantly already benefits from more car parking spaces than the Council's current required parking standard.

As such the proposal is considered to comply with Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two -Saved UDP Policies (November 2012) and the Councils SPG to Hillingdon UDP Houses in Multiple Occupancy and other Non-Self Contained Housing.

7.11 Urban design, access and security

With regard to private amenity space, the Council require a minimum of 15m² of private usable amenity space per habitable room (excluding those used for communal living

purposes). Given that the rear garden measures approximately 450 square metres in addition to a large swimming pool and gym area, it is considered that sufficient amenity space would be available to meet these requirements.

With regard to the residential living conditions proposed, the Hillingdon HMO SPG for detached housing requires at least one ground floor habitable room over 10m² other than a kitchen for communal living purposes. The house has adequate facilities including a large communal swimming pool/gym area as well as a breakfast/dining area as viewed on site, a kitchen and a WC, as set out in the Council's Supplementary Planning Guidance 'Houses in Multiple Occupation and other non-self contained housing'(2004) and thus an adequate standard of accommodation, layout and amenity space is provided thus ensuring compliance with Policies H7 and BE23 of the Hillingdon Local Plan, Part Two, Saved Policies (November 2012).

7.12 Disabled access

Not applicable.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Policy BE38 of the Local Plan seeks to retain and utilise topographical and landscape features of merit and the provision of new landscaping and planing wherever possible.

The application site is covered by TPO 715, however as there is no external development proposed to the site, it is considered no trees, protected or otherwise will be affected. It was noted the trees should be protected by way of condition.

Accordingly, for these reasons, the proposal is considered to comply with the objectives of Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

Noise issues have been covered above. No issues of air quality arise.

7.19 Comments on Public Consultations

Discussed within main body of the report.

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

Planning Permission is sought for the change of use from a single dwelling (Use Class C3) to a Sui Generis use to form an 8 bed House in Multiple Occupation (HMO).

There are no external alterations proposed and the dwelling would remain with a similar layout as existing with 8 double bedrooms with 6 of them being ensuite, a kitchen, swimming pool/gym and off road parking for a minimum of 6 cars.

The proposal is not considered to have a greater impact upon the adjoining neighbours and character of the street scene and surrounding area, than the existing use and with sufficient off road car parking and amenity area, the application is considered acceptable.

11. Reference Documents

Hillingdon Local Plan: Part One (November 2012)

Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

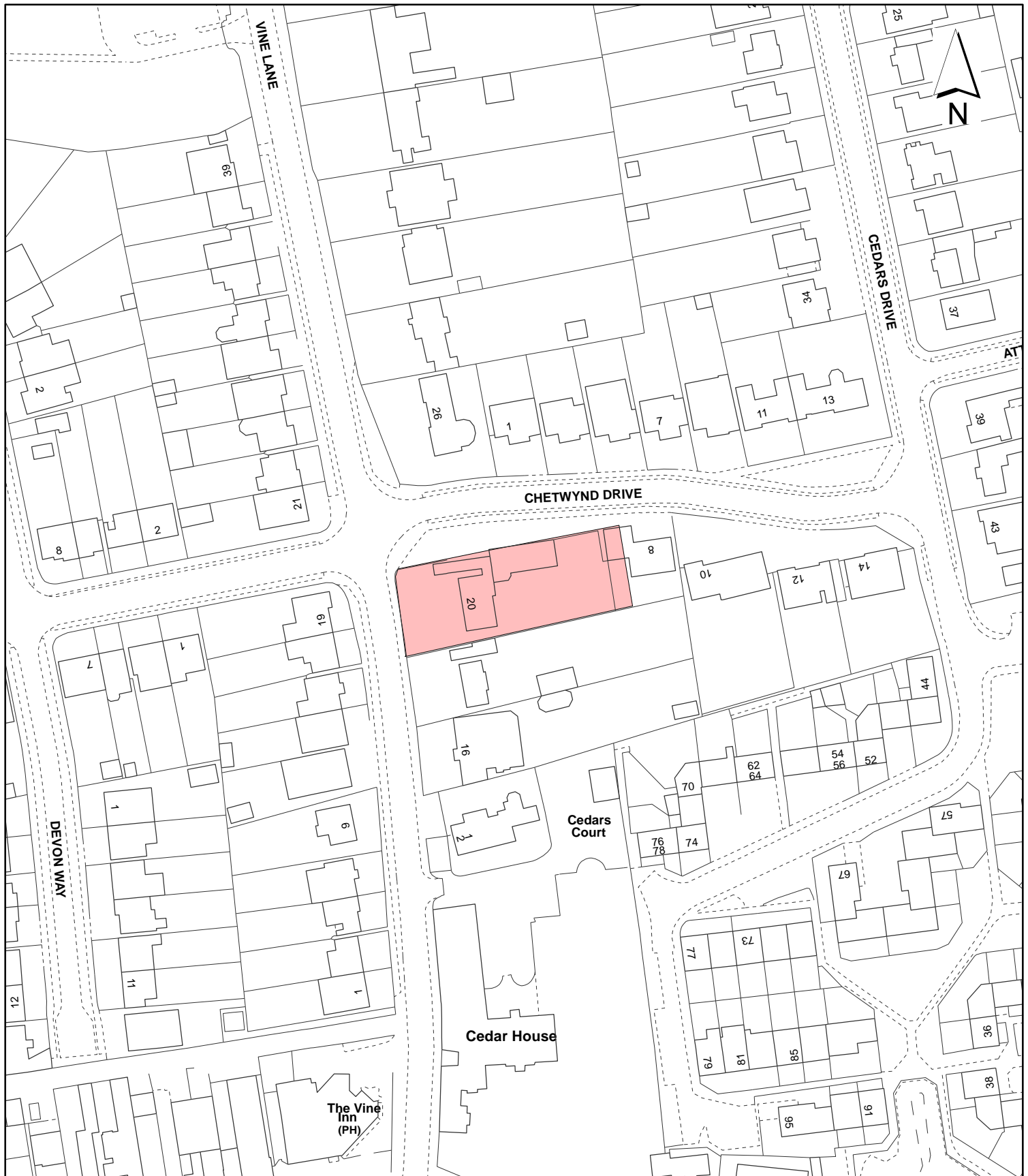
London Plan 2016

Accessible Hillingdon SPD

Hillingdon Supplementary Planning Guidance on Houses in Multiple Occupation and other non-self contained housing (2004).

Contact Officer: Naim Poptani

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

**20 Vine Lane
Hillingdon**

**LONDON BOROUGH
OF HILLINGDON**
 Residents Services
 Planning Section
 Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 250111

Planning Application Ref:
21231/APP/2016/1015

Scale:
1:1,250

Planning Committee:
Central and South

Date:
September 2016

