

Report of the Head of Planning, Sport and Green Spaces

Address 85 HAIG ROAD HILLINGDON
Development: Change of use from Use Class C3 (Dwellinghouses) to Use Class C4 (HMO).
LBH Ref Nos: 28718/APP/2016/2454
Drawing Nos: HMO management Plan
85HAIGRD.0851 Rev A
Planning Statement
KGS/HAG/548P1/2 Rev A
Location Plan

Date Plans Received: 24/06/2016 **Date(s) of Amendment(s):** 29/09/2016
Date Application Valid: 06/07/2016 27/06/2016
01/07/2016
30/06/2016

1. SUMMARY

The application seeks permission for the change of use from C3 (dwelling house) to C4 (small HMO). This requires planning permission as the site is located within an area covered by an Article 4 Direction that removes permitted development rights for the conversion of residential properties to Houses in Multiple Occupation without planning consent.

Whilst the principle of the change of use of the property to a C4 HMO is considered acceptable, two of the bedrooms within the property are substandard in terms of their level of outlook and privacy, resulting in a poor standard of residential amenity to their occupants, in conflict with the Council's Houses in Multiple Occupation SPD (2004).

The application is therefore recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposal would fail to provide a satisfactory residential environment for future occupants of the ground floor side-facing bedroom which would achieve very poor levels of outlook, light and privacy. Furthermore the bedroom located within the loftspace would only be served by rooflights which would provide a poor standard of outlook to the occupants of this room. The proposal is therefore contrary to Mayor of London's Housing Standards Minor Alterations to The London Plan (March 2016), Policies BE19 and BE20 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document Houses in Multiple Occupation SPG (2004).

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) 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 - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
H10	Proposals for hostels or other accommodation for people in need of care
H7	Conversion of residential properties into a number of units
OE1	Protection of the character and amenities of surrounding properties and the local area
LPP 6.13	(2015) Parking

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 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.

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In order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered to the applicant by the case officer during the processing of the application to identify the amendments to address those elements of the scheme considered unacceptable which the applicant chose not to implement.

3. CONSIDERATIONS

3.1 Site and Locality

The application property comprises of a two storey semi-detached house located on the South Eastern side of Haig Road which lies within the Developed Area as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012).

The loft has been converted to habitable accommodation (although this is not shown on the submitted plans). The application site benefits from off-street parking on the driveway to the front achieving 3 off-street parking spaces. The rear garden is flat and enclosed measuring 238 square metres. The principal elevation of the property faces North West.

3.2 Proposed Scheme

The application seeks planning permission for the change of use from Use Class C3 (Dwellinghouses) to Use Class C4 (HMO). The submitted plans indicate that the property would have 5 bedrooms (1 within the loft, 2 at first floor level and 2 at ground floor level).

3.3 Relevant Planning History

Comment on Relevant Planning History

There is no recent planning history of relevance to this application site.

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:

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
H10	Proposals for hostels or other accommodation for people in need of care
H7	Conversion of residential properties into a number of units
OE1	Protection of the character and amenities of surrounding properties and the local area
LPP 6.13	(2015) Parking

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

16 neighbouring properties were consulted by letter dated 8.7.16 and a site notice was displayed to the front of the house which expired on 9.8.16.

12 letters of objection have been received, including a petition of objection. Concerns raised are as follows:

1. An HMO use is inappropriate in this area.
2. Anti-social behaviour resulting from occupation of the property as an HMO.
3. Poor standards of residential amenity for future occupants.
4. Increased demand for parking in the locality.
5. 4 other nearby HMO properties within the locality.
- 6 The development would result in a reduction in the value of properties within the vicinity
7. Poor maintenance of the property for existing tenants, including damp problems.
8. Poor outlook to habitable rooms

Officer comment: The issues relating to house value, antisocial behaviour, conduct of the applicant and maintenance of the existing property and tenancy agreement are not material planning considerations. The planning concerns are addressed in the sections below.

Internal Consultees

HMO Officer -

The first floor boxroom is too small and under the legal size of 6.5 sq m. The ground floor rear bedroom (in between the kitchen and front room), does not provide an acceptable outlook.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Not applicable to this application.

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

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Furthermore policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) resist any development which would fail to harmonise with the existing street scene or would fail to safeguard the design of existing and adjoining sites.

The proposal does not propose any external alterations to the property and is considered acceptable in this respect.

7.08 Impact on neighbours

The application proposes no extensions to the building and is solely for a change of use. A C4 HMO allows between 3 and 6 unrelated individuals to live together sharing basic amenities such as a kitchen and a bathroom. It is considered that the number of residents allowed within the modest sized dwelling would be no more than if a larger family were to occupy the dwelling and therefore there should be no more impact on neighbouring occupiers than what would reasonably be expected from a family of similar size. On balance it is considered that the change of use would not have an undue impact on existing residential amenity and that the proposal accords with Policy BE21 of the Hillingdon Local Plan, Part Two, Saved Policies (November 2014).

7.09 Living conditions for future occupiers

The proposed development is seeking change of use to a HMO for up to 6 persons. The Houses in Multiple Occupation SPD (2004) sets minimum standards for bedrooms sizes and requires a minimum of 6.5 - 10 sq.m of internal space for a 1-person bedroom. The proposed development comprises 5 bedrooms ranging in size as follows:

bedroom1 GF Rear) - 9.23 square metres.
bedroom 2- GF Front - 12.2 square metres.
bedroom 3- FF Front - 10.4 square metres.
bedroom 4- FF Rear 1 - 7.8 square metres.
bedroom 5- loft 11.35 square metres.

The first floor rear facing boxroom fails to meet the Council's minimum standards. The HMO Management plan submitted within the application confirms that the boxroom will only be used as storage and this is further clarified by the applicants email accompanying the revised floorplans dated 11 November 2016.

The loft room however is only served by rooflights which would not provide an acceptable outlook to this room. As such, the proposal would fail to provide a satisfactory residential environment for future occupant of the first floor rear facing bedroom in conflict with The Houses in Multiple Occupation SPG (2004).

Concerns are also raised in terms of the restricted outlook and levels of amenity to the ground floor rear bedroom. The North East facing outlook from the only side facing window to this proposed bedroom would be very limited by virtue of the fact that it is at a very short distance (3m) away from the flank wall of the adjoining property. The existing low boundary wall separating 83 and 85 Haig Road affords the ground floor rear bedroom little privacy. The boundary wall could be raised but this would further reduce the outlook from and light to this room. The proposed development would therefore result in the provision of a habitable room with very poor levels of outlook, light and privacy to the detriment of the amenities of current and future occupiers.

The proposal is therefore contrary to Mayor of London's Housing Standards Minor Alterations to The London Plan (March 2016), Policies BE19 and BE20 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document Houses in Multiple Occupation SPG (2004).

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy AM7 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) considers 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.

Policy AM14 states that new development will only be permitted where it is in accordance with the Council's adopted Car Parking Standards. These require a maximum provision of 1 space per two bedrooms. Where there is insufficient space within the curtilage to meet this parking standard, 1 space may be waived depending on the local on-street parking capacity and accessibility to public transport and local facilities. Cycle parking should be provided at a ratio of 1 space per two habitable rooms and this parking should be conveniently located and covered. The property benefits from 3 parking spaces within the frontage, which is considered to be acceptable. If the application were considered acceptable in all other respects, a condition would be imposed to secure secure cycle storage.

7.11 Urban design, access and security

External Amenity Space

The Council's SPG on HMO's require the provision of 15 square metres of external amenity space for each habitable room (excluding those used for communal living purposes). Therefore, the proposed development would be required to provide 75 square metres of external amenity space. The rear garden significantly exceeds 75 square metres and as such is considered to comply with Policy BE23 of the Hillingdon Local Plan (November 2012).

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

Not applicable to this application.

7.15 Sustainable waste management

There is sufficient space to the rear of the property to achieve acceptable waste management and a condition could be imposed should the application be considered in all other respects.

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

The comments of the consultations are addressed in the sections 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

Principle of Development

The site is located within an area covered by an Article 4 Direction that removes permitted development rights for the conversion of residential properties to Houses in Multiple Occupation without planning consent. The Council's 'Houses in Multiple Occupation in the Uxbridge South and Brunel Wards' Planning Policy Document recognises that higher education institutions and the student population form an important element of the community and the presence of a large student population contributes greatly to the social vibrancy of Uxbridge and the local economy.

The Council are committed to ensuring student needs are met and will continue to work with Hillingdon's higher education institutions in addressing student housing needs. However, it is also recognised that concentrations of student households, often accommodated in HMOs, can cause imbalances in the local community which can have negative effects. These negative effects can include a rise in anti-social behaviour, increases in crime levels, parking pressures, general increase in demand for local shops such as takeaway establishments, off licenses etc. It can also put pressures on family and

starter housing as owner occupiers and buy to let landlords compete for similar properties.

It also has implications for non-students seeking accommodation in the private rented sector. The introduction of the Article 4 Direction to remove permitted development rights for the conversion of properties enables future monitoring of the spatial distribution and impacts of student housing and other HMOs and will allow the Council to identify if it is necessary to prevent an increase in the number of student households and other HMOs in certain areas to ensure communities retain a satisfactory mix of households.

Policy HM1 The Council's 'Houses in Multiple Occupation in the Uxbridge South and Brunel Wards' Planning Policy Document states that:

'Applications for the change of use from dwelling house (Use Class C3) to HMO (Use Class C4 and Sui Generis) will only be permitted where:

- It is in a neighbourhood output area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students or recorded on the Council's database as an HMO or benefit from C4/Sui Generis HMO planning consent or are known to the Council to be HMO's (based on the Council's annual survey data) or
- Less than 15% of properties outside Conservation Areas, or 5% in Conservation Areas, within 100 metres of a street length either side of an application property are exempt from paying council tax because they are entirely occupied by full time students or recorded on the Council's database as an HMO or benefit from C4/Sui Generis HMO planning consent or are known to the Council to be HMOs; and
- The accommodation complies with all other planning standards relating to car parking, waste storage, retention of amenity space and garages and will not have a detrimental impact upon the residential amenity of adjoining properties.'

It is noted that there are no other registered HMOs within a 100 metres of the current proposal. Policy HM1 of the Interim Planning Policy Document (May 2013) states planning permission will only be granted where less than 15% of properties outside Conservation Areas, within 100 metres of a street length either side of an application property are exempt from paying Council tax because they are entirely occupied by full time students or recorded on the Council's database as an HMO or benefit from C4/Sui Generis HMO planning consent or are known to the Council to be HMOs.

The application property is located at the South Eastern end of Haig Road. There are 33 properties within a distance of 100 m to the East and West of the application site, of which none are recorded as HMO's. The application proposal would not therefore result in an over-concentration of such uses. The proposed development is considered to be in accordance Policy HM1 of the Interim Planning Policy Document Houses in Multiple Occupation in the Uxbridge South and Brunel Wards May 2013.

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

10. CONCLUSION

The application seeks permission for the change of use from C3 (dwelling house) to C4 (small HMO). This requires planning permission as the site is located within an area covered by an Article 4 Direction that removes permitted development rights for the conversion of residential properties to Houses in Multiple Occupation without planning

consent.

Whilst the principle of the change of use of the property to a C4 HMO is considered acceptable, two of the bedrooms within the property are substandard in terms of their levels of outlook and privacy, resulting in a poor standard of residential amenity to their occupants, in conflict with the Council's Houses in Multiple Occupation SPD (2004).

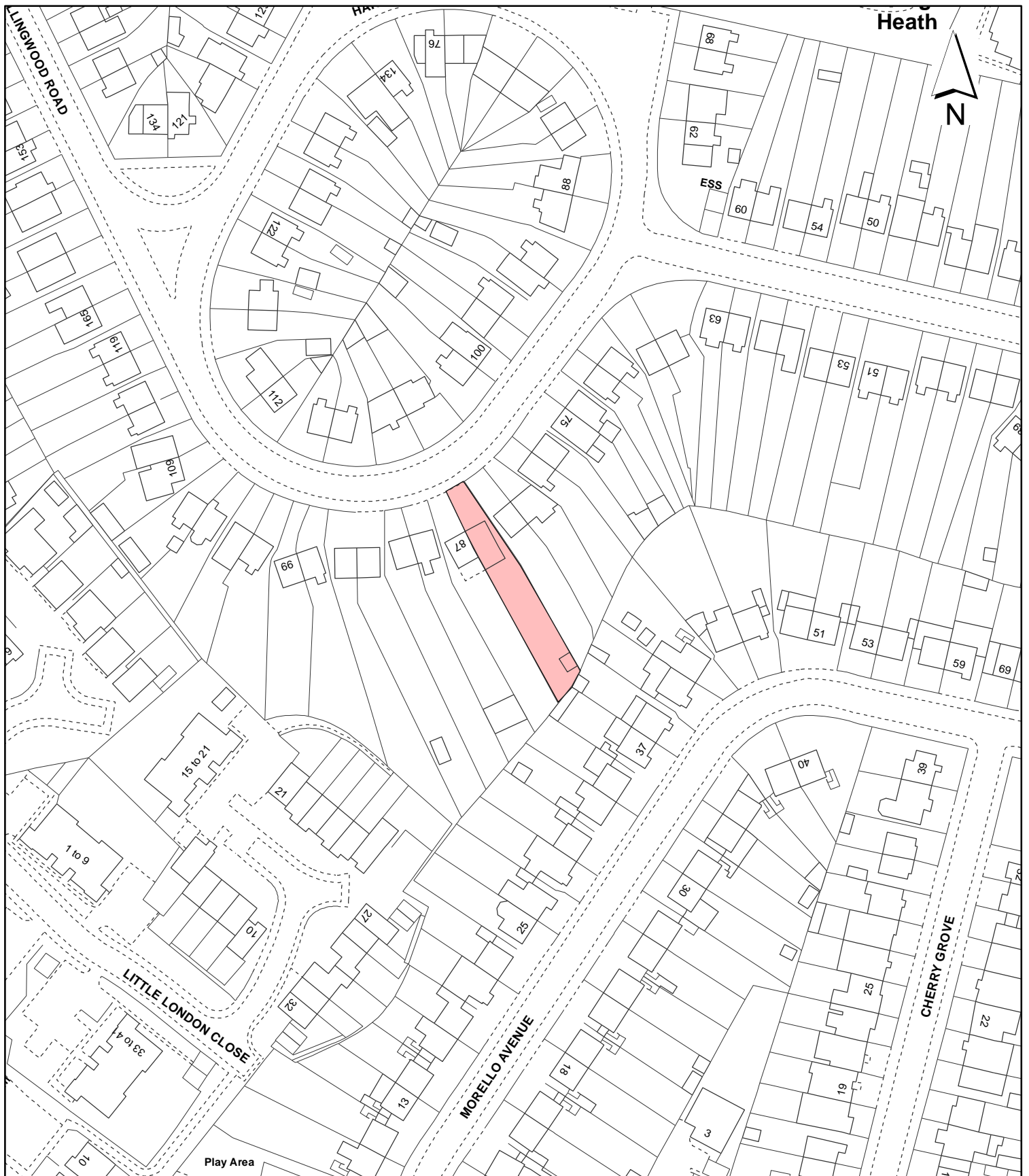
The application is therefore recommended for refusal.

11. Reference Documents

Hillingdon Local Plan (November 2012);
The London Plan (2016);
National Planning Policy Framework;
Hillingdon Supplementary Planning Guidance Houses in Multiple Occupation;
Houses in Multiple Occupation in the Uxbridge south and Brunel wards.

Contact Officer: Nicola Taplin

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

85 Haig Road

Planning Application Ref:

28718/APP/2016/2454

Planning Committee:

Central & South

Scale:

1:1,250

Date:

November 2016

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

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



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