

Report of the Head of Planning, Sport and Green Spaces

Address 2 CASTLE AVENUE YIEWSLEY

Development: Conversion of single family dwellinghouse (Class C3) into a 7 bedroom House in Multiple Occupation (Sui Generis)

LBH Ref Nos: 33995/APP/2016/3713

Drawing Nos: CA PA 02 Rev. E
CA PA 01 Rev. C

Date Plans Received: 06/10/2016 **Date(s) of Amendment(s):**

Date Application Valid: 06/10/2016

1. SUMMARY

The proposal consists of the conversion of a single family dwellinghouse (Class C3) into a 7 bedroom House in Multiple Occupation (Sui Generis). An enforcement investigation remains open regarding the use of the site as self contained flats. However, it is anticipated that this would be closed should this application be approved and the use regularised.

The Council's HMO licencing team has already issued a HMO licence for the property and the proposal is considered to comply with the Council's 'Houses in Multiple Occupation and other non-self contained housing' Supplementary Planning Guidance in terms of the quality of the internal accommodation for future occupiers.

The Highway Engineer has raised no objection, subject to conditions relating to the existing access, parking layout, and provision of cycle storage.

The proposal seeks no external changes to the building. Therefore, the development would have minimal impact on the character and appearance of the area, or the residential amenity of neighbouring properties, subject to condition to restrict the maximum number of occupants.

Subject to conditions, the proposal is considered to comply with local, regional, and national planning policies and should be approved.

2. RECOMMENDATION

APPROVAL subject to the following:

1 NONSC Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990

2 NONSC 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 CA PA 01 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 2 Saved UDP Policies (November 2012) and the London Plan (2016).

3 NONSC HMO's/Bed & Breakfast/Hostels

The property shall only be used on the basis of multiple occupation with shared facilities including a kitchen and separate living room as shown on drawing CA PA 01 Rev. C and there shall be no more than 7 bedrooms and not more than 9 persons occupying the premises at any time. The communal rooms and hallways shall remain continuously available for communal use for all residents and not for habitable sleeping purposes.

REASON

To ensure the development provides acceptable accommodation for future occupiers and to prevent 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 2 Saved UDP Policies (Nov 2012) and the Council's Supplementary Planning Guidance: Houses in Multiple Occupation 2004.

4 NONSC Landscaping (car parking & refuse/cycle storage)

Notwithstanding the submitted plans, no development shall take place until a scheme for the following details has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Details of Soft Landscaping

- 1.a Planting plans (at not less than a scale of 1:100),
- 1.b Written specification of planting and cultivation works to be undertaken,
- 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate

2. Details of car parking

- 2.a Refuse Storage
- 2.b Secure, accessible, and sheltered cycle storage to accommodate a minimum of 4 bicycles
- 2.c Means of enclosure/boundary treatments

3. Details of Landscape Maintenance

- 3.a Landscape Maintenance Schedule for a minimum period of 5 years.
- 3.b Proposals for the replacement of any tree, shrub, or area of surfing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

4. Schedule for Implementation

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 to provide adequate car parking and facilities in compliance with policies AM2, AM7, AM14, BE13 and BE38 of the Hillingdon Local Plan: Part 2 Saved UDP Policies

(Nov 2012).

5 B11 Visible for Private Access

Prior to occupation of the development, the existing vehicular gate on site onto Yew Avenue shall be removed and adequate visibility shall be provided at the back of the footway measured on both sides of each vehicular crossing/access within 2.5 metre sight lines. It shall be maintained free of all obstacles to the visibility between heights of 0.5m and 2m above the level of the adjoining highway.

REASON

In the interests of highway and pedestrian safety in accordance with policy AM7 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

6 NONSC HMO Site Management and Supervision Plan

Prior to commencement of development, a HMO Site Management and Supervision Plan shall have been 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 2 Saved UDP Policies (Nov 2012).

7 NONSC Retention of communal outbuilding

The outbuilding in the rear garden shall remain continuously available for communal storage use for all residents and shall not be used for any other purpose including as a living room, bedroom, kitchen, study, as a separate unit of accommodation or for any business purposes.

REASON

To ensure the development provides acceptable accommodation for future occupiers and to prevent 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 2 Saved UDP Policies (Nov 2012) and the Council's Supplementary Planning Guidance: Houses in Multiple Occupation 2004.

8 NONSC Details of car parking

Prior to occupation of the development, details of 4 car parking spaces that are independently accessible and permit vehicles to enter and leave the site in forward gear (demonstrated by appropriate swept path analysis using industry recognised software and showing a 300mm error margin to account for potential driver errors) shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, and before occupation, the parking spaces shall be marked out and made available for use by future occupants, and shall remain in perpetuity.

REASON

To ensure that the development provides adequate car parking in compliance with policies AM2, AM7, and AM14 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (Nov 2012)

9 NONSC Details of boundary treatment to front

Prior to occupation of the development, details of boundary treatment to the front of the site onto Castle Avenue shall be submitted to and approved in writing by the Local Planning Authority. The front boundary of the site onto Castle Avenue shall be closed off

by means of a fence/wall to prevent vehicles from accessing the site unlawfully from the crossover at No. 4 Castle Avenue. The approved wall/fence shall be implemented and completed in accordance with the agreed details prior to occupation and shall be retained in perpetuity.

REASON

To safeguard pedestrian safety and to provide an acceptable level of outdoor amenity space in compliance with policies AM2, AM7, AM14, and BE23 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (Nov 2012).

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 (2016) and national guidance.

AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
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.
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
H2	Restrictions on changes of use of residential properties
H3	Loss and replacement of residential accommodation
LPP 3.8	(2016) Housing Choice
LPP 5.17	(2016) Waste capacity
LPP 6.3	(2016) Assessing effects of development on transport capacity
LPP 6.9	(2016) Cycling
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.

4 12 Encroachment

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application may have to be submitted. The validity of this planning permission may be challengeable by third parties if the development results in any form of encroachment onto land outside the applicant's control for which the appropriate Notice under Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 has not been served.

5 15 Party Walls

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Residents Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

6 16 Property Rights/Rights of Light

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

7 115 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 site is located on the south side of Castle Avenue, at its junction with Yew Avenue. The site comprises a two storey semi detached residential property that has been extended at two storeys to the side and part two, part single storey to the rear. In addition, a single storey outbuilding has been erected within the rear garden. The property is not listed, nor located within a Conservation Area, or Area of Special Local Character. The site is located within the Hayes/West Drayton Corridor, a Critical Drainage Area, and Air Quality Management Area. The PTAL rating is 3, which is moderate, and there is vehicular access on the side of the site from Yew Avenue. There is hardstanding to the side and front of the property which is currently used for off street car parking.

The surrounding area is characterised by mainly similar two storey detached, semi detached, and terrace residential buildings.

3.2 Proposed Scheme

The proposal consists of the conversion of a single family dwellinghouse (Class C3) into a 7 bedroom House in Multiple Occupation (Sui Generis). No external alterations are sought.

3.3 Relevant Planning History

33995/83/1631 2 Castle Avenue Yiewsley
Householder development - residential extension(P)

Decision: 21-12-1983 ADH

33995/APP/2005/2398 2 Castle Avenue Yiewsley
ERECTION OF TWO STOREY SIDE, PART TWO STOREY REAR AND PART SINGLE STOREY REAR EXTENSION

Decision: 04-11-2005 Refused

33995/APP/2006/1236 2 Castle Avenue Yiewsley
ERECTION OF TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSION.

Decision: 04-08-2006 Withdrawn

33995/APP/2008/3075 2 Castle Avenue Yiewsley
Use as 4 one-bedroom self-contained flats (Application for a Certificate of Lawfulness for an

existing use or activity or operation).

Decision: 13-01-2009 Refused **Appeal:** 08-07-2009 Dismissed

33995/APP/2009/22 2 Castle Avenue Yiewsley

The unauthorised conversion of a single-family dwellinghouse into four self-contained residential units (flats) without the benefit of planning permission (Appeal against Enforcement Notice; Application for planning permission deemed to have been made pursuant to Section 174 of the Town and Country Planning Act 1990).

Decision: **Appeal:** 08-07-2009 Dismissed

33995/APP/2009/2735 2 Castle Avenue Yiewsley

Conversion of single family dwelling to 3 self-contained flats with associated single storey rear extension and rear dormer windows.

Decision: 15-10-2010 Refused

33995/APP/2012/2854 2 Castle Avenue Yiewsley
Part two-storey, part single-storey rear extension

Decision: 04-02-2013 Refused

33995/APP/2012/641 2 Castle Avenue Yiewsley
Single storey rear extension

Decision:

33995/APP/2013/3239 2 Castle Avenue Yiewsley

Two storey, 2-bed, end of terrace dwelling with associated parking involving installation of vehicular crossover to front

Decision: 18-06-2014 Not Determined **Appeal:** 15-09-2014 Dismissed

33995/APP/2013/954 2 Castle Avenue Yiewsley
Part two storey, part single storey rear extension (Resubmission)

Decision: 19-06-2013 Approved

Comment on Relevant Planning History

There is an open enforcement investigation Ref: ENF/9306 dating from 2006 on the site that relates to the use of the property as 4 residential units. An Enforcement Notice has been served, the Council has prosecuted, and the owner at that time was found guilty. It is understood that the use of the building has changed in nature since. Nevertheless, this investigation has not been closed as there has been on-going concerns regarding the

actual use of the site. It is anticipated that if this application were to be approved and the development carried out (thereby regularising the use of the site), then this enforcement matter could be closed.

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:

AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
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.
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
H2	Restrictions on changes of use of residential properties
H3	Loss and replacement of residential accommodation
LPP 3.8	(2016) Housing Choice
LPP 5.17	(2016) Waste capacity
LPP 6.3	(2016) Assessing effects of development on transport capacity
LPP 6.9	(2016) Cycling
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

6 neighbouring properties were consulted the 25th October 2016 and a site notice erected the 27th October 2016. The statutory consultation period expired the 24th November 2016. 5 responses in support and 2 objections have been received which raise the following summarised concerns:

- Impact on local infrastructure such as waste collection, doctors and dentists surgeries

- Noise disturbance from intensification of the use
- Insufficient off street parking will exacerbate parking stress
- Poor quality of accommodation for future occupants

Officer's response: Please see the main body of the report below for consideration of the concerns raised.

WHITETHORN RESIDENTS ASSOCIATION: No comment

Internal Consultees

HIGHWAYS OFFICER:

In order to comply with adopted parking standards, the proposals would need to provide 4 car parking spaces.

Drawing no. CA-PA-02 Rev E suggests that 4 vehicles could be parked in the rear courtyard. The parking spaces measure 2.4 x 4.8m, which is in line with current standards.

For safety reasons, in light of the proposed intensification in the use of the car park, it would be required for vehicles to be able to access and exit the parking area in forward gear.

The parking spaces are arranged in a row of three spaces to the north of the vehicular access, while one space is located to the east of the courtyard, next to the storage shed.

The space between the row of 3 parking spaces and the southern boundary wall is 4.2m, which is below the accepted standard width of 6m, which might result in excessive turning manoeuvres in order to exit the parking area in forward gear. The location of the fourth parking space would also result in excessive turning manoeuvres to exit in forward gear.

A redesign of the parking area is therefore required in order to demonstrate internal manoeuvrability. The redesign should be supported by appropriate swept path analysis using industry recognised software. Swept paths should include a 300mm error margin to account for potential driver errors.

Pedestrian visibility splays should be provided at the vehicular access. In order to do so, the height of the boundary wall should be reduced to a maximum of 1.05m on both sides of the vehicular access and for a length of 2.4m.

A condition should be attached to the proposals for the removal of the existing gate, as it would not be possible to set it back 5m from the highway boundary, as required by current council's standards. If the design changes listed above were to be successfully addressed, it would not be possible to sustain an objection to the proposals on highway grounds.

WASTE OFFICER:

The location of bin stores comply with advice provided in Building regulations 2010, Part H, Section H6, Paragraph 1.8.

FLOOD AND WATER MANAGEMENT OFFICER:

No objection

PLANNING ENFORCEMENT TEAM:

There is an Enforcement Notice on the extended property concerning the division into separate self--

contained units. The owner at the time was prosecuted and found guilty. It is understood that the property has since been sold to a new owner.

PRINCIPLE ENVIRONMENTAL HOUSING SURVEYOR (HMO):

No objection, subject to conditions to require the submission of further parking details and a HMO management and supervision plan.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy H2 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (Nov 2012) states that the Local Planning Authority will not normally grant planning permission for a change from residential use (including residential use above shops and in other mixed developments) of any building or part of a building that is suitable with or without adaptation for residential use.

Policy H3 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (Nov 2012) states that the loss of residential accommodation (which could be occupied with or without adaptation) will only be permitted if it is replaced within the boundary of the site. An increase in the residential accommodation will be sought, subject to other policies in the plan.

The Council's 'Houses in Multiple Occupation and other non-self contained housing' Supplementary Planning Guidance recognises that policies H2 and H3 seek to safeguard existing housing in the borough. In this respect, it notes that the Council does not consider the change of use of a dwellinghouse to an HMO to represent a loss of residential accommodation. Also, it states that whilst the retention of most of the Borough's stock of small, single family dwellinghouses remains a primary objective, the Council acknowledges the significant demand for non self-contained housing that exists in the Borough.

Policy 3.8 'Housing Choice' of the London Plan (2016) stipulates that boroughs should work with the Mayor and local communities to identify the range of needs likely to arise within their areas and ensure that new developments offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups and the changing roles of different sectors in meeting these.

The site is not 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. Nevertheless, the proposal is for a 7 bedroom House in Multiple Occupation (Sui Generis) which requires planning permission.

The proposal would result in the loss of a residential dwellinghouse. However, the proposal would provide replacement residential accommodation within the site, albeit in a different form. Policy 3.8 of the London Plan (2016) recognises that new development should offer a range of housing choices, including types, taking into account the housing requirements of the different groups in the area. There is a need for this type of residential offer within the borough and the proposal is not considered to conflict with any other relevant housing policy. Therefore, the principle of the change of use to HMO (Sui Generis) is acceptable.

7.02 Density of the proposed development

The number of habitable rooms and units would remain unchanged by the proposal. Therefore, the density would remain as existing as defined by the London Plan.

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

The site is not located in an area subject to any specific archaeological, heritage or special character designations. Therefore, the proposal is acceptable in this regard.

7.04 Airport safeguarding

The proposal would not raise any airport safeguarding issues.

7.05 Impact on the green belt

Not relevant to the determination of this application.

7.06 Environmental Impact

The development would not introduce a more vulnerable use in terms of environmental matters, nor are there any proposed internal or external alterations. As such, there would be minimal environmental impact.

7.07 Impact on the character & appearance of the area

The proposal seeks no external changes to the building. Conditions would secure landscape and boundary treatment works. However, their impact would not be significant. Overall, the development would have limited impact on the character and appearance of the area.

7.08 Impact on neighbours

The proposal seeks no external changes to the building. The internal layout of the building would remain as existing so there would be no change in terms of overlooking of neighbouring properties or impact on their outlook or daylight.

Nevertheless, 'Houses in Multiple Occupation and other non-self contained housing' Supplementary Planning Guidance to the Hillingdon Unitary Development Plan states that:

'the suitability of a semi-detached house as an HMO is likely to diminish once the number of occupants increases significantly beyond the number originally intended for the property.

And;

'increased occupancy may well give rise to greater noise and disturbance but the Council's Environmental Protection Unit can only control such nuisance where it has become excessive and a statutory nuisance. The possibility of continued noise and disturbance just inside the limit of "statutory noise nuisance" is unlikely to be acceptable in terms of residential amenity and will not be endorsed by the granting of planning permission without restrictions on the maximum occupancy of the property.....limited to 9 occupants for semi detached properties.'

The proposal would not increase the number of habitable rooms within the building. Nevertheless, it is recognised that over intense use of the site could lead to loss of amenity to neighbours. Therefore, should this application be approved, a condition has been imposed to ensure that the maximum number of occupants is restricted to 9.

On this basis and given the scale and nature of the development, the proposal is not considered to give rise to any concerns regarding impact on the residential amenity of neighbouring properties.

7.09 Living conditions for future occupiers

The internal layout would remain as existing. Therefore, the residential accommodation on offer for future occupants would be no worse or better than it is for existing occupants.

The Council's 'Houses in Multiple Occupation and other non-self contained housing' Supplementary Planning Guidance states that for the purposes of occupancy, habitable rooms with 6.5-10sqm would normally accommodate 1 occupant; habitable rooms with 10-15sqm would normally accommodate 2 occupants; and habitable rooms with 15-19sqm

would normally accommodate 3 occupants. Therefore, the development could accommodate 14 occupants in total.

In most cases, where conversions are considered acceptable in principle, additional restrictions will be considered in order to control the use of the property following its conversion.

Applicants should be aware of the maximum capacity of rooms in converted dwellings, as prescribed by Hillingdon Private Sector Housing. The Council will normally attach conditions to planning permissions, in order to maintain occupancy within these levels. Regardless of the number and size of additional habitable rooms in an enlarged semi-detached house, the maximum number of occupants in such properties will be limited to 9 persons. Should this application be approved, a condition has been imposed to ensure that the maximum number of occupants permitted is 9.

HMOs and hostels will also be required to retain at least one ground floor habitable room over 10m², other than a kitchen, for communal living purposes. The plans have been revised to provide a ground floor level communal living room measuring 14.6sqm with shared access to the rear garden. Should this application be approved, a condition has been imposed to ensure that this communal lounge remains as such, and is not used as a bedroom.

Overall, the residential accommodation on offer for future occupants would be considered acceptable and compliant with policy.

In addition, the SPG requires that a minimum of 15m² of private usable external amenity space per habitable room (excluding those used for communal living purposes) is provided. As such, the development would require 105sqm of external amenity space. The proposal provides 51sqm to the rear and 126sqm to the front and side (excluding the area set aside for car parking). The side garden is enclosed by a boundary wall and through use of defensive planting could be designed to count towards usable external amenity space. The front garden cannot count towards external amenity space.

It is not uncommon for properties in this area (notably along the western side of Yew Avenue) to have a substandard level of external amenity space. For example, No. 1 Yew Avenue has less than 32sqm, No. 6 Archer Terrace has less than 21sqm, No. 1a Spinney Close has less than 26sqm, and No. 1b Spinney Close has less than 15sqm. Also, the site is 380m walking distance from Yewley Recreational Grounds which could be utilised by future residents of the property to compensate for the shortfall in private outdoor amenity space provision on site. Given the above circumstances, there is not considered to be grounds to substantiate a reason for refusal.

The Council's HMO licencing team has already issued a HMO licence for the property and the proposal is considered to comply with the 'Houses in Multiple Occupation and other non-self contained housing' Supplementary Planning Guidance in terms of the quality of the internal accommodation for future occupiers. On this basis, the proposal is considered to provide acceptable accommodation.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Castle Avenue and Yew Avenue are unclassified roads with parking unrestricted on street along both kerbs. The PTAL for the site is 3, which is moderate.

The HMO would contain 7 bedrooms. Therefore, 4 car parking spaces and 4 cycle parking

spaces would be required.

The applicant proposes to use the existing crossover along Yew Avenue, which gives access to a rear court. Drawing no. CA-PA-02 Rev. E suggests that 4 vehicles could be parked in the rear courtyard. The parking spaces measure 2.4 x 4.8m, which is in line with current standards.

For safety reasons, in light of the proposed intensification in the use of the car park, it would be required for vehicles to be able to access and exit the parking area in forward gear.

The parking spaces are arranged in a row of three spaces to the north of the vehicular access, while one space is located to the east of the courtyard, next to the storage shed.

The space between the row of 3 parking spaces and the southern boundary wall is 4.2m, which is below the accepted standard width of 6m, which might result in excessive turning manoeuvres in order to exit the parking area in forward gear. The location of the fourth parking space would also result in excessive turning manoeuvres to exit in forward gear.

The Council's Highway Engineer has requested that the parking area be redesigned in order to demonstrate internal manoeuvrability. Also, the new layout should be supported by appropriate swept path analysis using industry recognised software. Swept paths should include a 300mm error margin to account for potential driver errors. There is a large area of land around the side of the site to accommodate 4 car parking spaces. Therefore, it is considered that a condition could secure an appropriate level of car parking to meet the needs of the development without causing over spill and parking stress on surrounding roads.

It has been noted that visibility from the existing access would need to be improved to cater for the intensification of its use. This could be achieved by removing elements of the wall and the existing gate.

Also, details of secure, accessible, and sheltered cycle parking should be provided. It is recognised that the existing outbuilding could be utilised for this purpose for use by residents.

Subject to conditions, to secure an appropriate parking layout, better visibility at the access, and 4 cycle parking spaces, the proposal would be considered to be acceptable in highway terms, in accordance with local, regional, and national planning policies.

7.11 Urban design, access and security

The proposal would not affect urban design, access or security given that there is no internal or external alterations/changes.

7.12 Disabled access

The proposal would not change access to the building. As such, the proposal is acceptable in this regard.

7.13 Provision of affordable & special needs housing

Not relevant to the determination of this application.

7.14 Trees, landscaping and Ecology

There are no trees affected. Nor is there ecology of significance within the site. The proposal would be likely to improve the general landscaping around the site which will be secured by condition.

7.15 Sustainable waste management

Refuse storage has been shown on the submitted plans and it is considered acceptable to meet the needs of the development.

7.16 Renewable energy / Sustainability

Not applicable.

7.17 Flooding or Drainage Issues

The proposal would be unlikely to raise any flooding or drainage issues given that it is for a change of use and it would not be any more vulnerable to flooding.

7.18 Noise or Air Quality Issues

Despite the change in the nature of the use, the proposal would have the same number of habitable rooms as the existing dwellinghouse and it would remain as residential accommodation. Therefore, the proposal is not likely to raise any noise or air quality concerns in this residential area.

7.19 Comments on Public Consultations

Please see external consultee section of this report for consideration of comments from the public.

7.20 Planning obligations

Not relevant.

7.21 Expediency of enforcement action

There is a open enforcement investigation ref. ENF/9306 dating from 2006 on the site that relates to the use of the property as 4 residential units. An Enforcement Notice has been served, the Council has prosecuted, and the owner at that time was found guilty. It is understood that the use of the building has changed in nature since. Nevertheless, this investigation has not been closed as there has been concerns regarding the lawfulness of its use. It anticipated that if this application were to be approved and the development carried out (thereby regularising the use of the site), then this enforcement matter could be closed.

7.22 Other Issues

Not applicable.

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 proposal consists of the conversion of a single family dwellinghouse (Class C3) into a 7 bedroom House in Multiple Occupation (SUI GENERIS). An enforcement investigation remains open regarding the use of the site as self contained flats. However, it is anticipated that this would be closed should this application be approved and the use regularised.

The Council's HMO licencing team has already issued a HMO licence for the property and the proposal is considered to comply with the Council's 'Houses in Multiple Occupation and other non-self contained housing' Supplementary Planning Guidance in terms of the quality of the internal accommodation for future occupiers.

The Highway Engineer has raised no objection, subject to conditions relating to the existing access, parking layout, and provision of cycle storage.

The proposal seeks no external changes to the building. Therefore, the development would have minimal impact on the character and appearance of the area, or the residential amenity of neighbouring properties, subject to condition to restrict the maximum number of occupants.

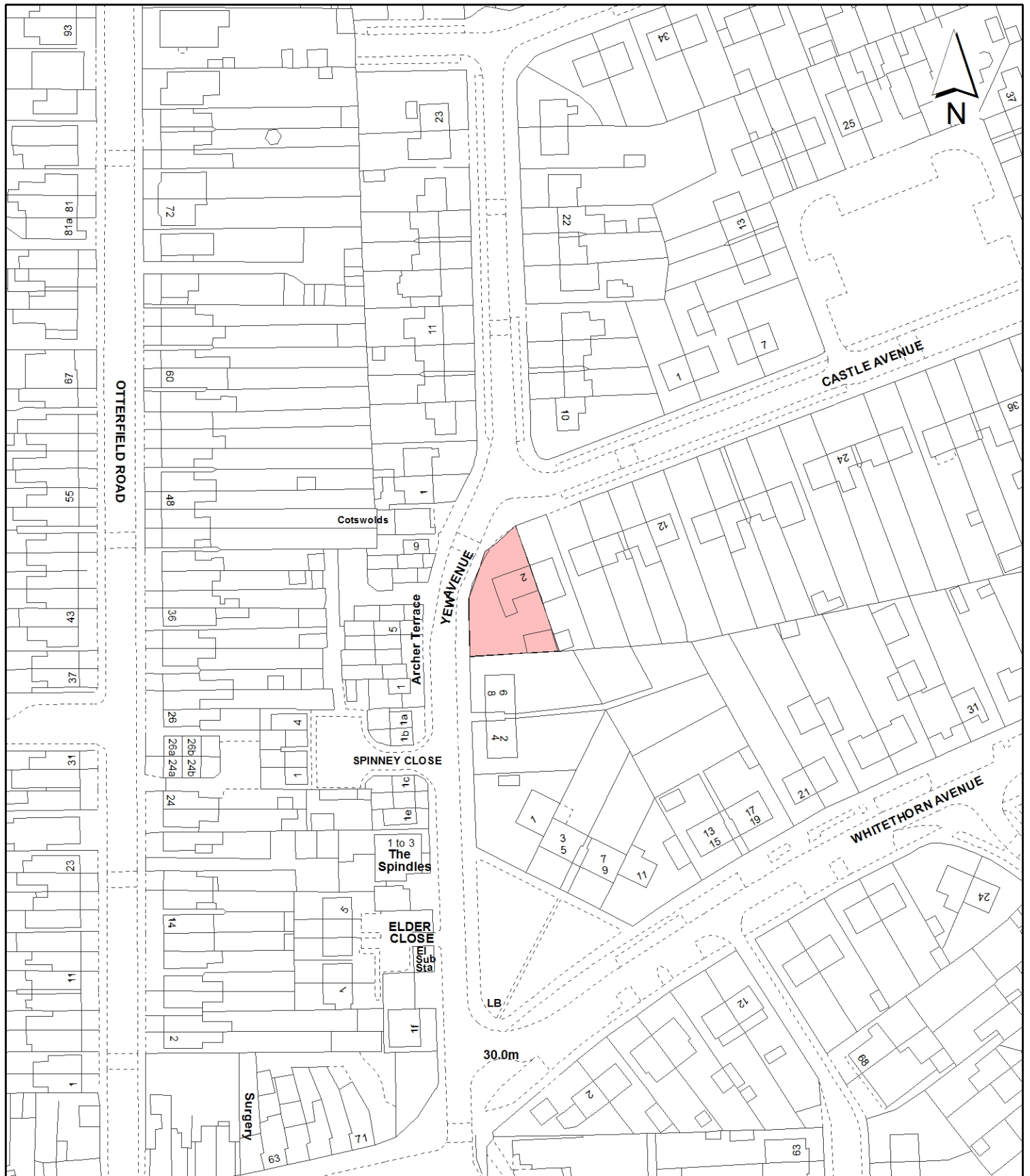
Subject to conditions, the proposal is considered to comply with local, regional, and national planning policies and should be approved.

11. Reference Documents

Hillingdon Local Plan (November 2012);
The London Plan (2016);
National Planning Policy Framework (2012);
Hillingdon Supplementary Planning Guidance Houses in Multiple Occupation;

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Notes:

 Site boundary

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Planning Application Ref:
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Central & South

Date:
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HILLINGDON
 LONDON