

Report of the Head of Planning, Sport and Green Spaces

Address 31 MORELLO AVENUE HILLINGDON

Development: Conversion of single family dwelling into 6 bedroom House in Multiple Occupation (HMO) (Retrospective)

LBH Ref Nos: 72026/APP/2017/1064

Drawing Nos: MA PA 01 Rev. A
MA PA 03 Rev. A

Date Plans Received: 23/03/2017 **Date(s) of Amendment(s):**

Date Application Valid: 23/03/2017

1. SUMMARY

The application seeks retrospective planning permission for the conversion of the house into a 6 bedroom House in Multiple Occupation (HMO). Whilst the proposal would not constitute an over-concentration of HMO or sui generis uses in the area in accordance with the Interim Planning Policy Document, the layout of the accommodation would fail to provide a satisfactory residential environment for the future occupants of the HMO given that the communal kitchen/diner would achieve very poor levels of outlook and light and would also result in an overintensive use of the site to the detriment of the amenities of adjoining occupiers. Furthermore the proposal would create unacceptable demand for parking, which cannot adequately be provided within the application site.

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 the future occupants of the HMO given that the communal kitchen/diner would achieve very poor levels of outlook and light. 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 Guidance Houses in Multiple Occupation (2004).

2 NON2 Non Standard reason for refusal

The proposal would provide insufficient parking provision for the proposed use and would therefore result in an increase in on-street car parking in an area where such parking is at a premium thereby leading to conditions which would be detrimental to the free flow of traffic and to highway and pedestrian safety. The proposal is, therefore, contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012), the Council's Supplementary Planning Guidance: Houses in Multiple Occupation and other non-self contained housing and the Interim Planning Policy - Houses In Multiple Occupation In The Uxbridge South And Brunel Wards (May 2013).

3 NON2 Non Standard reason for refusal

The proposal would result in an overintensive use of the site to the detriment of the

residential amenities of adjoining occupiers by reason of noise and disturbance. Therefore the proposal would be contrary to policies BE19, BE21 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted supplementary Planning Guidance Houses in Multiple Occupation (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.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
LPP 3.5	(2016) Quality and design of housing developments
NPPF	National Planning Policy Framework

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

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. The Council's supports pre-application discussions.

We have however been unable to seek solutions to problems arising from the application

as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

3. CONSIDERATIONS

3.1 Site and Locality

The application property comprises of a two storey semi-detached house located on the North Western side of Morello Avenue which lies within the Developed Area as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012). The property has been recently extended by way of a flat roofed single storey rear extension projecting 4m to the rear. The property was unoccupied at the time of the site visit.

3.2 Proposed Scheme

The application seeks retrospective planning permission for the conversion of the house into a 6 bedroom House in Multiple Occupation (HMO).

3.3 Relevant Planning History

72026/APP/2016/2469 31 Morello Avenue Hillingdon

Erection of a single storey rear extension, which would extend beyond the rear wall of the origin house by 4 metres, for which the maximum height would be 3.5 metres, and for which the height of the eaves would be 3 metres

Decision: 25-07-2016 PRN

Comment on Relevant Planning History

72026/APP/2016/2469 - Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4 metres, for which the maximum height would be 3.5 metres, and for which the height of the eaves would be 3 metres. Approved and implemented.

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:

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.

BE15 Alterations and extensions to existing buildings

BE19 New development must improve or complement the character of the area.

BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
LPP 3.5	(2016) Quality and design of housing developments
NPPF	National Planning Policy Framework

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

5 neighbouring properties were consulted by letter dated 28.3.17 and a site notice was displayed to the front of the site which expired on 27.4.17.

2 letters of objection and a petition with 67 signatories have been received raising concerns relating to the inadequate parking provision and the increased demand on the drainage system resulting from the increased number of bathrooms and residents.

Internal Consultees

HMO Officer: No registered HMO's within vicinity but it is understood that there are a number of unregistered HMO's nearby.

7. MAIN PLANNING ISSUES

7.01 The principle of the 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 permission. 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 distance 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 on the North Western side of Morello Avenue. There are 12 properties within a distance of 100m to the South West of the application site, of which none are recorded as HMO's. There are 12 properties to the North East which are not recorded as HMO's. As such the proposal would not result in an over-concentration of such uses as outlined in policy HM1.

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 which seeks permission for an HMO use. Morello Avenue, in the main, comprises modestly sized semi-detached dwellings, where the impact of a large HMO would be exacerbated more than in other suburban streets where there is less dense development.

The proposal would provide 5 double and 1 single bedroom resulting in the potential for 11 unrelated individuals to live together sharing basic amenities such as a kitchen and a bathroom. It is considered that the number of residents proposed within the building would be substantially more than if a large family were to occupy the dwelling and therefore the impact on neighbouring occupiers, in terms of vehicle movements, movements of residents at all times of the day and night and consequently noise and disturbance would be greater than could reasonably be expected if the property were occupied by a family and thus the proposal is considered, on balance to have an unacceptable and undue impact on existing residential amenity and the proposal would therefore be contrary to Policies BE19, BE21 and OE3 of the Hillingdon Local Plan: Part Two - Saved Policies (November 2014).

7.09 Living conditions for future occupiers

INTERNAL FLOOR AREA

Paragraph 3.5 of the Houses in Multiple Occupation SPD (2004) notes that the suitability of a property to be an HMO will vary depending on the type of house. For semi detached houses, the SPG States that Table 4 sets out the maximum recommended occupancy levels for the conversion of semi-detached dwellings into non self-contained housing. The Council will normally attach conditions to planning permissions, in order to maintain occupancy within these levels. HMOs and hostels will also be required to retain at least one ground floor habitable room over 10 sq.m, other than a kitchen, for communal living purposes. 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.

The proposed development is seeking change of use to a HMO of 6 bedrooms. 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 bedrooms ranging in size as follows:

- Bedroom 1 - 13.6 sq.m (en-suite)
- Bedroom 2 - 10.94 sq.m (en-suite)
- Bedroom 3 - 10.98 sq.m (en-suite)
- Room 4 - 12.5 sq.m (en-suite)
- Bedroom 5 - 13.14 sq.m (en-suite)
- Bedroom 6 - 6.5 sq.m

The submitted plans also include the provision of a kitchen/dining room measuring 19.5 square metres and a separate first floor bathroom.

Based on the submitted plans, the layout of the bedroom accommodation is compliant with the HMO SPG in terms of the size of the bedrooms and facilities provided. It is however noted that In terms of number of people, up to to 11 people could reside in this property under the Housing Act 2004 and they are listed as follows: Bedroom 1 - 2 people Bedroom 2 - 2 people; Bedroom 3 - 2 people Bedroom 4 - 2 people; Bedroom 5 - 2 people, Bedroom 6 - 1 person.

The Council's guidance places importance on communal lounges for HMO's. The submitted plans indicate that the communal living space would comprise of a kitchen/diner with a small window with an outlook of the neighbouring flank wall being located approximately 1.5 m away from the boundary fence and 4 m away from the flank brick wall at Number 31. The proposal would therefore fail to provide a satisfactory residential environment for the future occupants of the HMO given that the communal kitchen/diner would achieve very poor levels of outlook and light. 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).

The Council's SPG on HMO's requires 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 90 square metres of external amenity space. The rear garden provides some 125 square metres and as such is considered to comply with Policy BE23 of the Hillingdon Local Plan (November 2012).

The HMO Officer has indicated that facilities provided for the future occupants of the HMO are acceptable.

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

The submitted plans show that there are three parking spaces provided within the frontage. However the position of the crossover and the parking layout indicates that the 3 spaces could not be independently accessed. The scheme therefore proposes inadequate provision of off-street car parking which would be detrimental to the free flow of traffic and give rise to conditions prejudicial to highway and pedestrian safety. Accordingly, the scheme is contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012), the Council's Supplementary Planning Guidance: Houses in Multiple Occupation and other non-self contained housing (August 2004) and the Interim Planning Policy - Houses In Multiple Occupation In The Uxbridge South And Brunel Wards (May 2013).

7.11 Urban design, access and security

The issues are addressed in the sections above.

7.12 Disabled access

No issues are raised.

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

- Not applicable to this application.
- 7.16 Renewable energy / Sustainability**
- Not applicable to this application.
- 7.17 Flooding or Drainage Issues**
- Not applicable to this application.
- 7.18 Noise or Air Quality Issues**
- Not applicable to this application.
- 7.19 Comments on Public Consultations**
- The comments received as a result of the consultation process are addressed in the sections above.
- 7.20 Planning obligations**
- Not applicable to this application.
- 7.21 Expediency of enforcement action**
- Should the application be refused the expediency of enforcement action will need to be considered by members and would be the subject of a separate report.
- 7.22 Other Issues**
- Since the end of August 2015 applications which are for development which was not authorised need to be assessed as to whether the unauthorised development was intentional. If so, then this is a material planning consideration. In this case officers have no indication that this was an intentional breach of planning control.

8. Observations of the Borough Solicitor

General

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

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

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

Planning Conditions

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

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The

obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

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

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

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

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

The application seeks retrospective planning permission for the conversion of the house into a 6 bedroom House in Multiple Occupation (HMO). Whilst the proposal would not constitute an over-concentration of HMO or sui generis uses in the area in accordance with the Interim Planning Policy Document, the layout of the accommodation would fail to provide a satisfactory residential environment for the future occupants of the HMO given that the communal kitchen/diner would achieve very poor levels of outlook and light and would also result in an overintensive use of the site to the detriment of the amenities of adjoining occupiers. Furthermore the proposal would create unacceptable demand for parking, which cannot adequately be provided within the application site.

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

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Notes:

 Site boundary

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Site Address:

31 Morello Avenue

Planning Application Ref:

72026/APP/2017/1064

Planning Committee:

Central & South

Scale:

1:1,250

Date:

May 2017

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

Civic Centre, Uxbridge, Middx. UB8 1UW
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