

Item No. **Report of the Interim Director of Planning, Regeneration & Public Realm**

Address 4 CHURCH CLOSE WEST DRAYTON

Development: Conversion of existing 6 people Class C4 HMO to a 7 people Sui Generis HMO

LBH Ref Nos: 27891/APP/2022/2859

Drawing Nos: Design and Access Statement
 Site Supervision Management Plan
 HMO Management Supervision Plan
 Appeal Decision - APP/R5510/W/17/3178166
 Appeal Decision Plan - APP/R5510/W/17/3178166 - 49CA-HMO-3/
 2021-4CC-SGHMO-3
 2021-4CC-SGHMO-5
 2021-4CC-SGHMO-4
 2021-4CC-SGHMO-2
 2021-4CC-SGHMO-1

Date Plans Recieved: 14/09/2022

Date(s) of Amendment(s):

Date Application Valid: 14/09/2022

1. SUMMARY

A non-determination appeal has been lodged in relation to this application which seeks planning permission to convert an existing 6 person Class C4 HMO to a 7 person Sui Generis HMO.

No extensions or external alterations are proposed to the existing dwelling. With the exception of parking layout alterations and minor landscaping changes, the resulting HMO would be visually identical to the development approved under application no. 27891/APP/2021/3493. The proposal is therefore considered to preserve the character and appearance of the conservation area and to cause no harm to the street scene. When compared with the existing 6 person HMO, the addition of 1 additional occupant within the confines of the building is considered to cause no undue harm to neighbouring amenities. Acceptable internal and external living conditions would be provided for future residents of the HMO.

Notwithstanding the above, the proposed development would fail to provide adequate, functional, parking space for its future residents. The lack of adequate and functioning parking space would lead to additional road side parking. Such parking would cause traffic build up and congestion on the local highways network, as well as creating a more hazardous environment for pedestrians and road users.

Accordingly, had an appeal not been lodged, the application would have been recommended for refusal for the reasons set out in the Recommendation in section 2 of this report (below).

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 **Non Standard reason for refusal**

The proposed development, due to the shortfall in off-street parking, would result in overspill parking onto the narrow and congested Church Close, to the detriment of the free flow of traffic, creating a more hazardous environment for pedestrians and other road users. As such, the proposed development is contrary to Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part 2 (2020), Policy T4 of the London Plan (2021), and paragraph 111 of the NPPF (2021).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan (2021) and national guidance.

DMH 1	Safeguarding Existing Housing
DMT 1	Managing Transport Impacts
DMHB 7	Archaeological Priority Areas and archaeological Priority Zones
DMT 5	Pedestrians and Cyclists
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
DMHB 4	Conservation Areas
DMH 5	Houses in Multiple Occupation
DMHB 11	Design of New Development
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D6	(2021) Housing quality and standards
LPP D14	(2021) Noise
LPP HC1	(2021) Heritage conservation and growth
LPP H9	(2021) Ensuring the best use of stock
LPP T4	(2021) Assessing and mitigating transport impacts
NPPF16	NPPF 2021 - Conserving & enhancing the historic environment
NPPF9	NPPF 2021 - Promoting sustainable transport
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF11	NPPF 2021 - Making effective use of land

3. CONSIDERATIONS

3.1 Site and Locality

The development site is located on the west side of Church Close. The site comprises a two storey building finished in brick. A hardsurfaced drive exists to the front of the site providing car parking space. Soft landscaping also exists to the front of the site.

The area surrounding the development site is predominantly residential. The properties

that make up the immediate area are two storeys in height and are finished in brick. Like the development site, they are set back from the road allowing for soft landscaping and off road parking. A public park is located at the end of the road.

The development site is located within Colne Valley Archaeological Priority Zone and West Drayton Conservation Area. The development site is also located upon potentially contaminated land and is within a Air Quality Management Area.

3.2 Proposed Scheme

Planning permission is sought for the conversion of the existing 6 person Class C4 HMO to a 7 person Sui Generis HMO.

Although no certificate of lawfulness exists for the site's use as a 6 bed HMO, the change of use of dwellinghouse to a C4 HMO is permitted development under Schedule 2, Part 3, Class L of The Town and Country Planning (General Permitted Development) Order 2015 (as amended). The Council's HMO licensing team have advised that a HMO application has been submitted for the property. The application form states that the property is in use as a 6 bed HMO. The planning application is considered on this basis.

3.3 Relevant Planning History

27891/79/2101 4 Church Close West Drayton
Single-storey front extension.

Decision: 22-11-1979 PRQ

27891/A/84/0733 4 Church Close West Drayton
Alterations to elevation (P)

Decision: 08-06-1984 Approved

27891/APP/2021/3493 4 Church Close West Drayton
Retention of garage conversion with replacement windows and doors, and amendments to rear and side elevation fenestration (Retrospective application)

Decision: 29-03-2022 Approved

Comment on Relevant Planning History

The planning history is set out in section 3.3 of this report (above).

Retrospective planning permission was sought for 'Retention of garage conversion with replacement windows and doors, and amendments to rear and side elevation fenestration (Retrospective application)', under application No. 27891/APP/2021/3493. The application was approved on 29/03/22.

A planning enforcement investigation commenced at the site in June 2021 after concerns were raised regarding the alleged subdivision of the property (ENF/462/21). The case remains open and is separate to the consideration of this planning application.

4. Planning Policies and Standards

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

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

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

The National Planning Policy Framework (NPPF) (2021) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

Local Plan Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment
PT1.HE1 (2012) Heritage
PT1.EM8 (2012) Land, Water, Air and Noise

Part 2 Policies:

DMH 1 Safeguarding Existing Housing
DMT 1 Managing Transport Impacts
DMHB 7 Archaeological Priority Areas and archaeological Priority Zones
DMT 5 Pedestrians and Cyclists
DMHB 16 Housing Standards
DMHB 18 Private Outdoor Amenity Space
DMHB 4 Conservation Areas
DMH 5 Houses in Multiple Occupation
DMHB 11 Design of New Development
DMT 2 Highways Impacts
DMT 6 Vehicle Parking
LPP D3 (2021) Optimising site capacity through the design-led approach
LPP D6 (2021) Housing quality and standards
LPP D14 (2021) Noise
LPP HC1 (2021) Heritage conservation and growth
LPP H9 (2021) Ensuring the best use of stock
LPP T4 (2021) Assessing and mitigating transport impacts
NPPF16 NPPF 2021 - Conserving & enhancing the historic environment
NPPF9 NPPF 2021 - Promoting sustainable transport
NPPF12 NPPF 2021 - Achieving well-designed places
NPPF11 NPPF 2021 - Making effective use of land

5. Advertisement and Site Notice

- 5.1 Advertisement Expiry Date:- Not applicable
5.2 Site Notice Expiry Date:- **26th October 2022**

6. Consultations

External Consultees

18 neighbouring properties were directly notified of the proposal on 27/09/22.

7 letters of objection have been received in response to consultation on the application. Those comments have been summarised below.

- 1) The proposal would cause harm to the Conservation Area;
- 2) The proposal would have an adverse impact on the local highways network, as well as pedestrian and vehicle user safety, it would also reduce the ability of emergency vehicles to access residencies on the road;
- 3) Works carried out to the property have resulted in a loss of privacy and outlook for neighbouring property;
- 4) Residents on the road are in the process of obtaining a parking management scheme for the road / would also like double yellow lines installed;
- 5) The proposed development is an overdevelopment of the site;
- 6) The proposed plans are inaccurate and misleading;
- 7) The proposed HMO would be out of character in this residential area;
- 8) The existing HMO use has caused parking issues in the area;
- 9) Seven house bells have been added to the front of the house which has changed the street scene within the conservation area - the bells imply seven studio flats as opposed to a family home;
- 10) Waste from the site spills onto the road, this would be exacerbated by the proposed development;
- 11) The room shown as a store on the proposed plans is already being used as habitable accommodation.

A petition with 35 signatures has also been received against the proposed development. The petition raises the following summarised points:

- i) Church Road is already congested and has parking issues. The proposal would worsen parking issues on the road, causing further harm to the local highways network. It would also be harmful to pedestrian and vehicle user safety and would reduce the ability of emergency vehicles to access residencies and the park at the end of the road.
- ii) Residents are in the process of obtaining a parking management scheme for the road.
- iii) Waste already spills onto the pavement in the area. This would be exacerbated by the proposed development.
- iv) The proposed plans are inaccurate and misleading.
- v) The proposed development is an overdevelopment of a 3 bedroom family home and will adversely affect the living environment of residents on Church Road.

Local Ward Councillor:

- A) The property is being used as a HMO without a licence.
- B) The existing area has parking problems which would be exacerbated by the proposed development.
- C) The proposed development would result in less parking space at the site and more people at the site as the new 7 bed HMO would have capacity for 11 people.

West Drayton Conservation Area Advisory Panel:

We consider large HMOs inappropriate in this area, so are opposed to the application. In addition, the parallel they are apparently attempting to draw with a property in Central Avenue, Hayes is not a good one, as in that case there was already approval for its use as a smaller HMO - which does not appear to be the case here.

PLANNING OFFICER COMMENTS:

Material issues raised are considered in the main body of the report. As mentioned in section 3.2 of this report, a HMO licence has been applied for at the site. In addition to the above, Members are advised to note the following:

In relation to point 6 and iv, the correct plans have been submitted in support of the application. However, in addition to those plans, the appeal plans for 49 Central Avenue, Hayes were submitted. The original labelling of the plans on the public website was ambiguous. Consequently, this has since been updated to clarify the proposal.

Internal Consultees

ACCESS OFFICER:

This proposal has been reviewed against the requirements of the 2021 London Plan policy D7 which should not be applied to the proposed increase from a six to seven person HMO. There would be no loss of accessible housing stock as a result of this conversion if approved. Conclusion: no objections raised from an accessibility perspective.

WASTE STRATEGY OFFICER:

Hillingdon is not a wheelie bin borough, therefore our collection vehicles cannot lift 240L containers. Our crews also cannot empty these by hand as they are very deep and it is a Health and Safety issue. I would recommend providing 80L containers or a bulk waste container to site to accommodate for the waste generated here. If the bulk container option is considered, we encourage refuse and recycling to be introduced and a 1100L container for each would be sufficient. Can you also advise how the bins will be presented for collection? Will there be provisions in the house and communal areas to recycle?

HIGHWAYS OFFICER:

The development would provide 3no. car parking spaces to the front and 8no. on-site cycle spaces to the rear. Two of the car parking spaces would be perpendicular to the highway, the third parallel. None of the car parking spaces would be provided with electric vehicle charging points.

Church Close is a short cul-de-sac that provides access to 16no. residential dwellings, the road is an adopted highway and approximately 4m wide at its narrowest point. At the far end of Church Close is a car park serving The Closes park, which is open during the daytime only. Along Church Close there are 14no. vehicle crossovers which limits on-street parking to just 3no. vehicles. Parking along Church Close is not controlled by any parking restrictions. However Church Road, with which Church Close intersects, forms part of parking management scheme WD5. Here parking is restricted to permit holders only Monday to Friday 09:00 and 17:00h. The proposal site has a PTAL ranking of 3 indicating that its access to public transport is moderate when compared to London as a whole suggesting that there would be some reliance on the private car for trip making.

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The published London Plan 2021 is silent on parking standards for HMOs so the Highway Authority refers to the London Borough of Hillingdon Local Plan Part 2 Development Management Policies 2020. Policy DMT 6: Vehicle Parking, which requires that for HMOs with up to 6no. occupants 1no. car parking space is provided per 2no. occupants. For HMOs over 6no. occupants then 'car parking requirements will be assessed through a Transport Appraisal and Travel Plan'. Neither of these documents has been provided in support of this application. A Transport Appraisal provides such details that the Highway Authority requires to be able to assess the planning application. For larger developments this may be trip generation and modal split for example. However, given the scale of this proposal, there is no further information that the Highway Authority requires over and above that provided as part of the application.

A Travel Plan is a strategy to reduce the amount of traffic a development generates by facilitating travel by public transport, car sharing, walking or cycling. Encouraging and enabling more people to cycle is an important component of any Travel Plan. As mentioned above, the proposal would provide 8no. on-site bicycle parking spaces. A Travel Plan is not therefore necessary for these cycle parking spaces to be secured. Furthermore most other Travel Plan measures are not suitable for an HMO for 7no. persons. The Highway Authority does not require a Transport Appraisal or Travel Plan to assess this proposal. If the Highway Authority was to object to the application for not providing these documents, as they are not necessary it would be a position that [would be] difficult to defend at an appeal.

The Highway Authority does not consider the proposed layout of the 3no. car parking spaces to be satisfactory. Two spaces would be perpendicular to the highway and the third parallel. This layout makes it difficult to manoeuvre in and out of the parallel parking space, particularly when the two perpendicular spaces are occupied. As a result some drivers may resort to parking on-street which would impede the free flow of traffic and increase the road safety risk.

In the absence of a Transport Appraisal and Travel Plan, though not considered necessary, the Highway Authority has applied the Local Plan standard of 1no. space per 2 occupants. These standards would require the development to provide up to 4no. car parking spaces. Four spaces are considered necessary taking into account the limited amount of parking available along Church Close itself and that parking along the surrounding roads is restricted by the operation of a parking management scheme which restricts parking to permit holders only.

The development would provide 2no. usable car parking spaces, which it is anticipated would result in 2no. vehicles being displaced on-street. Given that Church Close has capacity to accommodate just 3no. cars on-street, situations could arise such as cars parked blocking driveways, cars being parked on both sides of the road opposite one another, as Church Close is narrow and this would restrict the free flow of traffic especially for larger vehicles such as refuse vehicles. It is also anticipated that drivers may also resort to using the car park serving the The Closes park, taking away parking for whom it is provided.

The proposal would not provide any electric vehicle charging points. This contradicts the published London Plan 2021 Policy T6.1 Residential Parking which requires that '20 per cent of spaces should have active charging facilities, with passive provision for all remaining spaces'. For this development 1no. dual socket electric vehicle charging would be required.

There are highway objections to this proposal as it is contrary to the London Borough of Hillingdon Local Plan Part 2 Development Management Policies 2020. Policy DMT 6: Vehicle Parking and the published London Plan 2021 Policy T6.1 Residential Parking.

PLANNING OFFICER COMMENTS:

Had the application been recommended for approval, a condition would have been recommended, requiring full details of the design, location and sizes of all refuse and recycling storage facilities to be used at the development. All other issues have been addressed in the main body of the report.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

PRINCIPLE OF DEVELOPMENT:

Hillingdon Local Plan: Part 2 - Development Management Policies (2020) Policy DMH 1 states:

The net loss of existing self-contained housing, including affordable housing, will be resisted unless the housing is replaced with at least equivalent residential floorspace. B)

The Council will grant planning permission for the subdivision of dwellings only if: i) car parking standards can be met within the curtilage of the site without being detrimental to the street scene; ii) all units are self contained with exclusive use of sanitary and kitchen facilities and provided with individual entrances and internal staircases to serve units above ground floor level; iii) adequate amenity space is provided for the benefit of residents; and iv) adequate living space standards are met.

Paragraph 4.3 of the Local Plan provides guidance for the implementation of Policy DMH 1 and states 'In order to meet projected housing needs, the Council aims to resist the loss of residential accommodation within the Borough by means of Policy DMH 1: Safeguarding Existing Housing. For the purposes of this policy, residential accommodation includes Houses in Multiple Occupation (HMOs), student accommodation and other uses falling into Use Classes C3 and C4.'

As the proposal involves the conversion of a HMO to a larger HMO, there would be no net loss of the Borough's housing stock.

Hillingdon Local Plan: Part 2 - Development Management Policies (2020) Policy DMH 5 states:

A) In all parts of the Borough, proposals for the provision of large HMOs, residential hostels, student accommodation and secure accommodation will be required to demonstrate that: i) there is good accessibility to local amenities and public transport; ii) they accord with the Accessible Homes standards and provide satisfactory living conditions for the intended occupiers; and iii) there will be no adverse impact on the amenity of neighbouring properties or the character of the area.

In relation to criterion Ai of Policy DMH 5, the site has a PTAL Rating of 3 and is approximately 8 minutes walk from shops, services and bus routes on Station road. Additionally, a public park is located at the end of Church Close. Taking into consideration these points, the site is considered to have adequate accessibility to local amenities and public transport in the context of Policy DMH 5.

Detailed consideration in respect of criteria Aii and Aiii is set out in relevant sections of this Committee Report (below). Subject to these matters, it is considered that the principle of the development can be supported.

7.02 Density of the proposed development

Addressed in other sections of this report where relevant.

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

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Local Planning Authority, requiring that in exercising planning functions with respect to any buildings or other land in a conservation area, the Local Planning Authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Policy HC1 of the London Plan (2021) states development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities

Policy DMHB 4 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states: New development, including alterations and extensions to existing

buildings, within a Conservation Area or on its fringes, will be expected to preserve or enhance the character or appearance of the area. It should sustain and enhance its significance and make a positive contribution to local character and distinctiveness. In order to achieve this, the Council will: A) Require proposals for new development, including any signage or advertisement, to be of a high quality contextual design. Proposals should exploit opportunities to restore any lost features and/or introduce new ones that would enhance the character and appearance of the Conservation Area. B) Resist the loss of buildings, historic street patterns, important views, landscape and open spaces or other features that make a positive contribution to the character or appearance of the Conservation Area; any such loss will need to be supported with a robust justification. C) Proposals will be required to support the implementation of improvement actions set out in relevant Conservation Area Appraisals and Management Plans.

The development site is located on the west side of Church Close. The site comprises a two storey building finished in brick. A hardsurfaced front drive exists to the front of the site providing car parking space. Soft landscaping also exists to the front of the site. The area surrounding the development site is predominantly residential. The properties that make up the immediate area are two storeys in height and are finished in brick. Like the development site, they are set back from the road allowing for soft landscaping and off road parking.

The proposed development includes no extensions or external alterations to the existing building. The minor landscaping changes proposed to the front of the site (including changes to parking layout and incorporation of additional greenery) would arguably improve the appearance of the site by breaking up the hard surfacing which currently exists. 3/4 cars can currently be parked at the site, 3 spaces would remain post development. Secure waste storage would be located at the front of the site in a partially screened position. The waste storage facilities would reduce the likelihood of unsightly waste being stored at the road side. The existing area is residential in character and it would remain residential post development. Taking into consideration these points, the proposal is considered to preserve the significance of the Conservation Area and to cause no harm to the general visual amenities of the surrounding area.

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

Paragraph 130 of the NPPF (2021) states 'Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

Policies D1, D3 and D4 of the London Plan (2021) require development proposals to be of high quality and to enhance the local context by delivering buildings and spaces that positively respond to local distinctiveness.

Hillingdon Local Plan Part 1: Strategic Policies (2012) Policy BE1 states 'The Council will require all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents. All new developments should achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place.'

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states: 'All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including: i) harmonising with the local context by taking into account the surrounding scale of development, height, mass and bulk of adjacent structures; building plot sizes and widths, plot coverage and established street patterns; building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure; architectural composition and quality of detailing; local topography, views both from and to the site; and impact on neighbouring open spaces and their environment.'

Policy DMHB 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) re-emphasises the need for new development to be well integrated with the surrounding area and provides design criteria as to how this would be achieved.

The development is considered to have an acceptable impact on the character and appearance of the area for reasons set out in section 7.03 of this report.

7.08 Impact on neighbours

Policies DMH 5, DMHD 1 and DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) seek to ensure a satisfactory relationship with adjacent dwellings with no unacceptable loss of outlook, amenity, daylight and sunlight to neighbouring occupiers.

Policy D14 of the London Plan (2021) requires that proposals minimise noise pollution and Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) promotes the maximum possible reduction in noise levels and seeks to ensure that noise impacts can be adequately controlled and mitigated.

As has been noted, there are no physical changes proposed to the existing building as part of this planning application. By their nature, the proposed landscaping changes would not give rise to concerns of overlooking, overbearing or loss of light.

When compared with the existing 6 person HMO, the proposal represents an increase of one resident, or a 17% increase. The intensification of the site will bring about limited additional comings and goings of people and associated impacts that arise with people living independently from one another. The increase of 1 additional person is considered to be modest and the total occupancy of seven residents is not too dissimilar to many of

the large detached family dwelling houses in the area.

For these reasons, it is considered that the addition of 1 additional occupant would not give rise to impacts upon neighbouring residential amenity that would warrant a refusal of planning permission.

7.09 Living conditions for future occupiers

INTERNAL AMENITY:

The proposed HMO comprises 7 bedrooms, the GIA of the internal accommodation within the building is set out below:

Bedroom 1: 12.1m²
Bedroom 2: 9.8m²
Bedroom 3: 9.5m²
Bedroom 4: 12.3m²
Bedroom 5: 9.3m²
Bedroom 6: 10m²
Bedroom 7: 9.7m²
Kitchen and dining area: 18.5m²

Residents within the property would have large single bedrooms or double bedrooms (with individual en-suites). They would have windows with reasonable access to outlook, light and privacy. Ground floor habitable rooms would also have privacy due to defensive planting. A communal household store/utility room is situated at ground floor. A kitchen and dining room will remain at ground floor providing communal space for residents. It is therefore considered that future residents of the building would have satisfactory internal living accommodation.

EXTERNAL AMENITY:

Policy DMHB 18 of the Hillingdon Local Plan - Part 2: Development Management Policies (2020) requires a minimum of 100sqm of outdoor amenity space for a dwelling house with 4 or more bedrooms. It is required to be well located, well designed and usable for the private enjoyment of the occupiers.

The existing 6 bed HMO has approximately 100sqm of communal external amenity space for 6 occupants. This would remain the same post development with 1 additional occupant. The amenity space provision is considered to be sufficient for the minor occupancy increase. It should also be noted that a public park is situated at the end of Church Close, providing additional, accessible, outdoor space for any new resident of the proposed HMO. It is considered that future residents of the building would have satisfactory external living accommodation.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

PARKING AND TRIP GENERATION:

Policy DMT 2 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) states:

'Development proposals must ensure that:

- i) safe and efficient vehicular access to the highway network is provided to the Council's standards;
- ii) they do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents;
- iii) safe, secure and convenient access and facilities for cyclists and pedestrians are satisfactorily accommodated in the design of highway and traffic management schemes;

- iv) impacts on local amenity and congestion are minimised by routing through traffic by the most direct means to the strategic road network, avoiding local distributor and access roads; and
- v) there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and committed roads, including along roads or through junctions which are at capacity.'

Policy DMT 5 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) states:

'A) Development proposals will be required to ensure that safe, direct and inclusive access for pedestrians and cyclists is provided on the site connecting it to the wider network, including:

- i) the retention and, where appropriate, enhancement of any existing pedestrian and cycle routes;
- ii) the provision of a high quality and safe public realm or interface with the public realm, which facilitates convenient and direct access to the site for pedestrian and cyclists;
- iii) the provision of well signposted, attractive pedestrian and cycle routes separated from vehicular traffic where possible; and
- iv) the provision of cycle parking and changing facilities in accordance with Appendix C, Table 1 or, in agreement with Council.'

Policy DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that development proposals must comply with the parking standards outlined in Appendix C Table 1 in order to facilitate sustainable development and address issues relating to congestion and amenity.

For a HMO with up to 6 occupants, this would be 1 space per 2 occupants. For HMOs over 6 occupants, car parking requirements will be assessed through a transport appraisal and travel plan.

There are no specific parking requirements for HMO's set out in the London Plan (2021).

PARKING:

3 parking spaces are proposed for future residents. Two of the car parking spaces would be perpendicular to the highway, the third parallel. As mentioned by the Borough's Highways Officer, 4 parking spaces are required for the proposed development. 3 Parking spaces are proposed, meaning that inadequate parking would be provided for the new HMO.

Furthermore, the parking space proposed parallel to the road is not considered to be fit for purpose due to its orientation and relationship to the dropped kerb and site access. The space would be difficult to enter and exit safely and without excessive maneuvers. This could lead to any potential occupier of the space parking at the roadside. Taking into consideration these points, it is considered that 2 functional parking spaces would be provided for the proposed development. As such, there would be a shortfall of 2 parking spaces at the site. The shortfall would lead to additional roadside parking (in an area with existing roadside parking issues) and congestion, which would create a more hazardous environment for pedestrians and road users. The proposed development is therefore considered to be contrary to Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part 2 (2020), Policy T4 of the London Plan (2021), and paragraph 111 of the NPPF (2021).

ELECTRIC CHARGING POINTS:

London Plan (2021) Policy T6 states 'Where car parking is provided in new developments, provision should be made for infrastructure for electric or other Ultra-Low Emission vehicles in line with Policy T6 .1 Residential parking, Policy T6 .2 Office Parking, Policy T6.3 Retail parking, and Policy T6.4 Hotel and leisure uses parking'.

Had the recommendation otherwise been to approve planning permission, a condition could have secured electric vehicle charging provision.

BICYCLE PARKING:

8 cycle parking spaces (1 per occupant and 1 for a visitor) are proposed within an enclosed and secure cycle storage unit to be located to the rear of the site. The provision is considered to be acceptable.

REFUSE/RECYCLING COLLECTION:

Concerns were raised by the Borough's Waste Management Officer regarding the size of the proposed waste storage facilities. Had the application been recommended for approval, a condition would have been recommended, requiring full details of the design, location and sizes of all refuse and recycling storage facilities to be used at the new HMO. The applicant would be required to provide waste storage of an appropriate size.

ACCESS:

No changes are proposed to the site's access.

7.11 Urban design, access and security

Due to the nature of the development (introducing 1 additional occupant to an existing HMO), the development raises no significant security concerns. Issues regarding design and access are covered in other sections of the report.

7.12 Disabled access

No objection has been raised by the Council's Access Officer as mentioned in section 6 of this report. For the reasons mentioned by the Officer, the proposal is considered to be acceptable in terms of its accessibility.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Policy DMHB 14: 'Trees and Landscaping' of the Hillingdon Local Plan Part 2: Development Management Policies (2020) requires:

A) All developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit.

B) Development proposals will be required to provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area, which supports and enhances biodiversity and amenity particularly in areas deficient in green infrastructure.

C) Where space for ground level planting is limited, such as high rise buildings, the inclusion of living walls and roofs will be expected where feasible.

D) Planning applications for proposals that would affect existing trees will be required to provide an accurate tree survey showing the location, height, spread and species of trees. Where the tree survey identifies trees of merit, tree root protection areas and an arboricultural method statement will be required to show how the trees will be protected. Where trees are to be removed, proposals for replanting of new trees on-site must be provided or include contributions to offsite provision.

The proposed landscaping scheme (Drawing No. 2021-4CC-SGHMO-5) shows that a good balance of greenery and hard landscaping would be installed at the site, along side secure and enclosed bin and cycle storage, located in accessible and visually acceptable locations. Notwithstanding the significant concerns raised about the parking layout, and subject to revised refuse/recycling details being secured in the event of approval (as previously discussed), in visual terms, the proposals for landscaping are considered acceptable.

7.15 Sustainable waste management

Discussed in section 7.10 of the report.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Policy SI12 of the London Plan (2021) states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI 13 of the London Plan (2021) states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

Policy DMEI 9 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that proposals that fail to make appropriate provision for flood risk mitigation, or which would increase the risk or consequences of flooding, will be refused. Policy DMEI 10 states that development within areas identified at risk from surface water flooding which fail to make adequate provision for the control and reduction of surface water runoff rates will be refused.

The development site is not located in a critical drainage area or an area prone to surface water flooding.

The application site is located in Flood Zone 1 where there is a low probability of risk of flooding from rivers or seas. As such, all forms of development including residential development (which is classified as a 'more vulnerable use') are acceptable in this location, in terms of fluvial flood risk.

Planning permission is sought to change a 6bed HMO into a 7bed HMO. The additional occupant would have no adverse drainage impact at the site. Furthermore, additional soft landscaping is to be introduced at the site, improving its natural drainage capacity. The proposed development is considered to be acceptable from a drainage perspective.

7.18 Noise or Air Quality Issues

NOISE:

Issues regarding the development's impact on neighbouring amenities (in terms of noise generation) have been addressed in section 7.08 of the report.

7.19 Comments on Public Consultations

The issues raised during the consultation process have been addressed in the sections above.

7.20 Planning obligations

The proposed development is not CIL liable.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

Appeal Scheme

An appeal decision has been submitted in support of the application (APP/R5510/W/17/3178166), however the sites are not comparable in size. The sites are in different areas. Additionally, the appeal was allowed in 2017 before the adoption of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and the London Plan (2021). Consequently, the appeal decision is not considered to provide any weight in favour of the proposed development.

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 proposed development would provide inadequate parking for future residents. The parking shortfall would lead to roadside parking. Roadside parking would create a more hazardous environment for pedestrians and road users, whilst also causing traffic build up on Church Close. The proposed development is therefore considered to be contrary to Policies DMT 1, DMT 2 and DMT 6 of the Local Plan: Part 2 (2020), Policy T4 of the London Plan (2021), and paragraph 111 of the NPPF (2021).

The identified harm would not be outweighed by the minor benefit of the proposed additional soft landscaping at the front of the site, or any other material consideration.

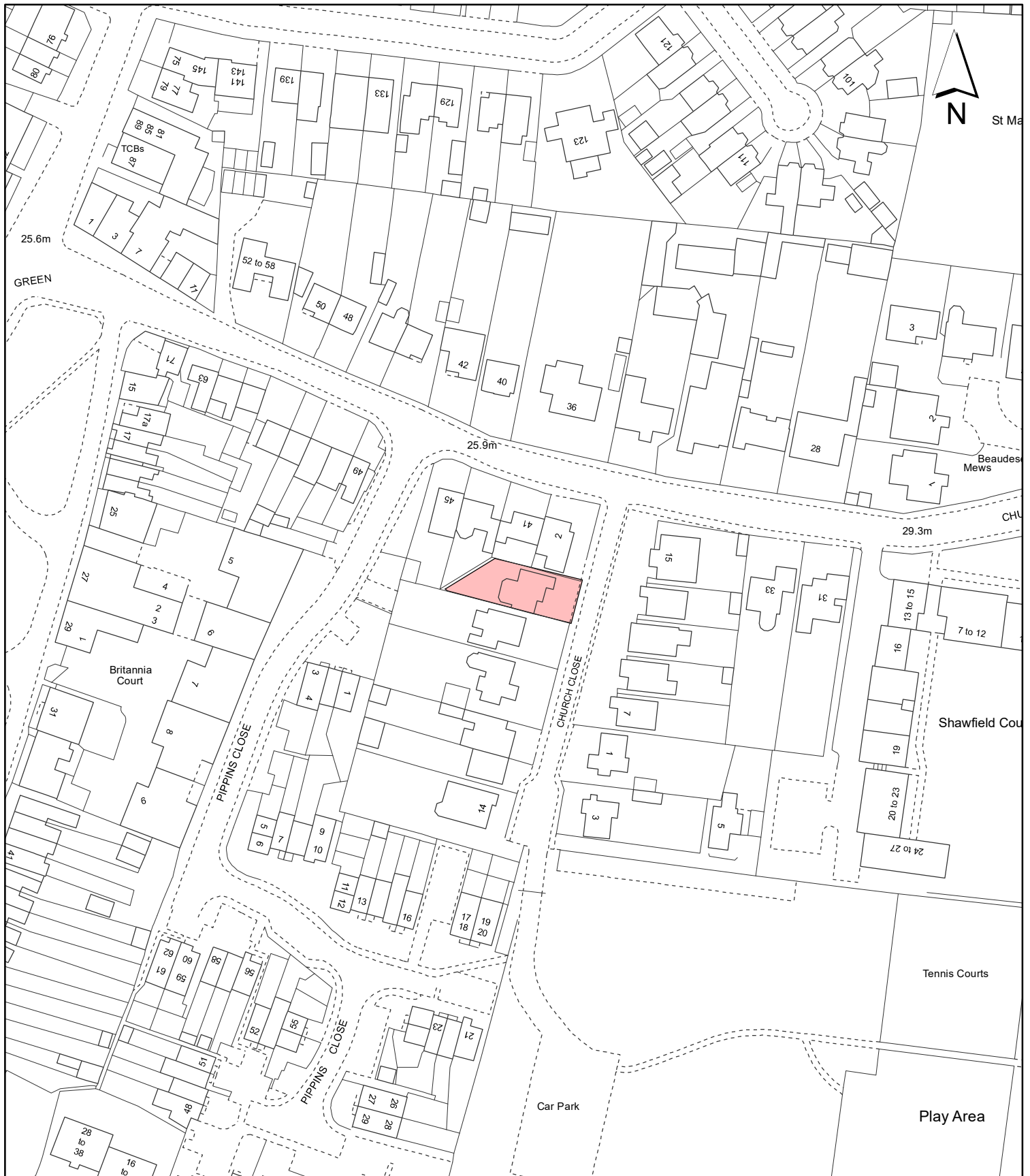
Had an appeal against non-determination not been received, it would have been recommended that planning permission be refused for the reasons set out in this report.

11. Reference Documents

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

Contact Officer: Haydon Richardson

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Notes:

 Site boundary

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Site Address:

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

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 Telephone No.: Uxbridge 01895 250111

Planning Application Ref:
27891/APP/2022/2859

Scale:
1:1,250

Planning Committee:
Borough

Date:
May 2023

