

Report of the Head of Development Management and Building Control

Address: 12 MORELLO AVENUE HILLINGDON

Development: Change of use of a Class C3 dwellinghouse to a Class C4 Small Scale HMO with associated refuse and bike storage.

LBH Ref Nos: 77998/APP/2023/2616

Drawing Nos: SD819 HMO 00b
SD819 RE 02C
SD819 RE 01

Date Plans received: 06-09-2023 **Date(s) of Amendments(s):** 06-09-2023

Date Application valid 06-09-2023

1. SUMMARY

The application proposes the change of use from Class C3 Dwelling House to a House in Multiple Occupancy (HMO). The application has come before the Committee due to the submission of a petition with 42 signatures in objection to the proposal.

The applicant has applied for a small C4 HMO use up to five persons. However during the course of the assessment, it has been established that due to the overall size of each bedroom (minimum floorspace 15 sq.m with maximum bedroom size approx 30 sq.m), the proposed use would be more akin to a Large HMO (Sui-generis) as each room would be large enough for 2 persons.

It is considered that the potential use of the property of up to ten occupants represents excessive density for the property, insufficient car parking and unsatisfactory standard of living for the future occupants. Moreover, there are concerns about the impact on neighbouring residential amenity as a result of noise and disturbance.

Consequently, the proposal conflicts with the Development Plan and it is recommended that planning permission is refused as the principle of the development is not acceptable, harm to neighbour amenity (noise disturbance), traffic and parking issues and inadequate standard of accommodation for future occupants.

2. RECOMMENDATION

REFUSAL for the following reasons:

1. NON2 Non Standard reason for refusal

The proposed layout and overall size of each bedroom within the HMO is more akin to a large HMO

(Sui-generis). The establishment of a large HMO for up to ten occupants is inappropriate and incompatible with the character and form of existing residential development in the local area, contrary to Policy DMH 5 of the Hillingdon Local Plan - Part 2: Development Management Policies (2020).

2. NON2 Non Standard reason for refusal

By virtue of the increase in the number of occupants, the proposal would give rise to undue noise and general disturbance to neighbouring residents from additional comings and goings, movements between parked vehicles on the street and the building and the use of the rear garden, contrary to Policy D14 of the London Plan (2021), Policy EM8 of the Hillingdon Local Plan - Part 1: Strategic Policies (2012), Policies DMH 5 and DMHB 11 of the Hillingdon Local Plan - Part 2: Development Management Policies (2020) and the National Planning Policy Framework.

3. NON2 Non Standard reason for refusal

The proposed development would fail to provide adequate car parking and electric vehicle parking to serve the increase in the number of occupants and in the absence of a Transport Appraisal and Travel Plan, it has not been demonstrated that the proposed HMO would not result in increased pressure upon on-street car parking, additional traffic congestion on local roads as well as lack of alternative forms of sustainable transportation. This is contrary to Section 9 of the National Planning Policy Framework 2021, Policies T2, T4, T5 and T6 of the London Plan (2021) and Policies DMH 5, DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan - Part 2: Development Management Policies (2020).

4. NON2 Non Standard reason for refusal

The dwelling has inadequate internal communal space to accommodate the proposed increase in the number of occupants, coupled with an inadequately sized kitchen. Moreover, the application fails to demonstrate that noise transfer between the communal kitchen and Room 2 could be adequately controlled, in order to provide a suitable level of acoustic amenity for the future occupant(s) of Room 2. Collectively, these issues would result in a substandard form of accommodation for future occupants, contrary to Section 12 of the National Planning Policy Framework (2023), Policies D6 and D14 of the London Plan (2021) and Policies DMH 5, DMHB 11 and DMHB 16 of the Hillingdon Local Plan - Part 2: Development Management Policies (2020).

INFORMATIVES

1. I71 LBH worked applicant in a positive & proactive (Refusing)

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. We have made available detailed advice in the form of our statutory policies from the Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service. 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.

2. 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).

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

DMEI 10 Water Management, Efficiency and Quality

DMEI 9 Management of Flood Risk

DMH 1 Safeguarding Existing Housing

DMH 5 Houses in Multiple Occupation

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 15 Planning for Safer Places

DMHB 16 Housing Standards

DMHB 18 Private Outdoor Amenity Space

DMHD 1 Alterations and Extensions to Residential Dwellings

DMT 1 Managing Transport Impacts

DMT 2 Highways Impacts

DMT 5 Pedestrians and Cyclists

DMT 6 Vehicle Parking

LPP D14 (2021) Noise

LPP D5 (2021) Inclusive design

LPP D6 (2021) Housing quality and standards

LPP H9 (2021) Ensuring the best use of stock

LPP SI12 (2021) Flood risk management

LPP SI13 (2021) Sustainable drainage

LPP T2 (2021) Healthy Streets

LPP T4 (2021) Assessing and mitigating transport impacts

LPP T5 (2021) Cycling

LPP T6 (2021) Car parking

National Planning Policy Framework 2023

DMH 1 Safeguarding Existing Housing

DMH 4 Residential Conversions and Redevelopment

DMH 5 Houses in Multiple Occupation

DMHB 11 Design of New Development

DMHB 16 Housing Standards

DMHB 18 Private Outdoor Amenity Space

DMT 1 Managing Transport Impacts

DMT 2 Highways Impacts

DMT 5 Pedestrians and Cyclists

DMT 6	Vehicle Parking
H10	Proposals for hostels or other accommodation for people in need of care
LPP D14	(2021) Noise
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D6	(2021) Housing quality and standards
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to a two storey semi-detached property, located on the south east side of Morello Avenue. The area to the front of the property, within the curtilage of the site, is covered in hardstanding and grass and provides space to park 2 vehicles.

The immediate area is characterised by C3 residential properties with semi-detached dwellings the predominant housing type.

The site is not listed, is not within a conservation area and has no trees protected by TPOs on site. Currently there is a Article 4 restriction in place restricting the conversion of C3 residential units into C4 (Small House in Multiple Occupation). The site situated within a PTAL rank of 2 with limited access to public transport.

3.2 Proposed Scheme

The application proposes for the change of use of a Class C3 dwellinghouse to a HMO with associated refuse and bike storage. The bike storage has been added to the rear garden with room for 12 bicycles. It is noted that the property has been extended with the erection of a two storey rear and single storey side extension. This has previous planning approval and does not form part of the assessment.

3.3 Relevant Planning History

77998/APP/2023/1383 12 Morello Avenue Hillingdon

Erection of partial two storey extension to the rear and single storey extension to the rear and side.
Erection of a front porch.

Decision: 27-07-2023 Approved

Comment on Relevant Planning History

As discussed above, the property had a previous approved permission under planning ref: 77998/APP/2023/1383 for the 'erection of partial two storey extension to the rear and single storey extension to the rear and side. Erection of a front porch.' These works have largely been completed.

In terms of relevant history of note to a neighbouring property, No 31 Morello Avenue has previously applied for permission to convert a single family dwelling in 2017 and 2018 to a House in Multiple Occupancy.

In 2017, 31 Morello Avenue sought permission for conversion of family dwelling into a 6 bedroom House in Multiple Occupation (72026/APP/2017/1064). This application was refused on the following grounds:

- Fails to provide a satisfactory residential environment for the future occupants of the HMO
- Insufficient parking provision for the proposed use
- Over-intensification of the site to the detriment of the residential amenities

An appeal against the refusal of the application was dismissed by the planning inspectorate who upheld the Council's decision (APP/R5510/W/17/3179484).

A follow-up application at 31 Morello Avenue sought permission for the conversion of family dwelling into a 5 bedroom House in Multiple Occupation (72026/APP/2018/2672). This application was refused on the following grounds:

- Fail to provide a satisfactory residential environment for the future occupant of the HMO in terms of outlook/light
- Over-intensification of the site to the detriment of the residential amenities
- Fail to provide satisfactory level of amenity to the occupants of habitable bedroom by way of substandard floor area

An appeal against this refusal was also dismissed by the planning inspectorate who again upheld the Council's decision (APP/R5510/W/18/3218579).

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)

Material Considerations

The National Planning Policy Framework (NPPF) (2023) 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.H1 (2012) Housing Growth

PT1.EM8 (2012) Land, Water, Air and Noise

Part 2 Policies:

DMH 1 Safeguarding Existing Housing

DMH 4 Residential Conversions and Redevelopment

DMH 5 Houses in Multiple Occupation

H10 Proposals for hostels or other accommodation for people in need of care

DMHB 11 Design of New Development

DMHB 16 Housing Standards

DMHB 18 Private Outdoor Amenity Space

DMT 1 Managing Transport Impacts

DMT 2 Highways Impacts

DMT 5 Pedestrians and Cyclists

DMT 6 Vehicle Parking

LPP D3 (2021) Optimising site capacity through the design-led approach

LPP D4 (2021) Delivering good design

LPP D6 (2021) Housing quality and standards

LPP D14 (2021) Noise

LPP T5 (2021) Cycling

LPP T6 (2021) Car parking

LPP T6.1 (2021) Residential parking

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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 on 15/09/23. Three comments of objection and a petition with 42 signatures opposing the scheme have been received.

The following concerns have been raised:

- 1) Noise pollution
- 2) Impact on Parking. Property would not have parking capacity - the street is already congested
- 3) Impact on drainage
- 4) Disruption and damage from current construction work, concerns regarding Asbestos disposal
- 5) Height of approved extension affects light and should be inspected.
- 6) Disruption from a HMO. The street is for families
- 7) Properties are not suitable for HMO as small in nature
- 8) Unclear why this is classed as a "small HMO" rather than a "Large HMO".

In regard point 4, the impact of the construction work for the extensions recently approved at the property is not material to the current application. Proper procedures and regulations are in place to ensure that Asbestos is removed appropriately and safely from a site. Whilst the concerns raised regarding the removal of Asbestos are noted, this would not be a material planning consideration in the current application. If the removal procedures or appropriate licensing are not fully complied with, the matter can be referred to the relevant enforcement authority (Health and Safety Executive).

In regard point 5, the previous planning application (77998/APP/2023/1383) would have assessed the impact on light and again this would not be considered under the current application as no extensions are proposed.

Point 8 deals with HMO's in general and the potential for the site to be used as a larger HMO. The applicant has applied for a Class C4 HMO, which allows up to 6 people to reside together. The layouts and overall size of the property would need to be considered by officers as to whether the property is more akin to a small HMO or a large HMO sui-generis (more than 6 people residing together). This matter is discussed in detail below within the land use section of this report. The remainder of the points are also addressed within the body of the report.

Internal Consultees

ACCESS OFFICER

This proposal has been reviewed against the requirements of the 2021 London Plan Policy D7, which

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should be applied to the Change of Use of this existing Class C3 dwelling to a small C4 HMO constructed prior to the application of accessible housing standards. There would be no loss of accessible housing stock as a result of this Change of Use if approved. Conclusion: no objections raised from an accessibility perspective.

HIGHWAYS

The Highway Officer had provided 2 sets of comments. The initial comments dated 25th September 2023 and the follow up comments on the amended plans dated 26th October 2023. Both sets of comments are included below:

Highways comments 26 October 2023 (taken account the revised drawings)

The applicant has submitted a Design and Access Statement dated August 2023. Paragraph 1.1 states that the development will provide a high quality HMO comprising of 6 single occupancy dwellings (note - only 5 bedrooms are shown on the revised plans).

Drawing SD819 HMO 00a titled Site & Block Plan shows 3no. car parking spaces with pedestrian access between the front door of the dwelling and the adopted highway which is an acceptable level of parking for a 6no. person HMO and concurs with The London Borough of Hillingdon Local Plan Part 2: Appendix C - Parking Standards -Table (b) Parking Requirements and would be acceptable. A vehicle crossover would be required to concur with London Borough of Hillingdon Domestic Vehicle Footway Crossover Policy (DVFC) and would need to be constructed under s.184 Highways Act 1980 at the applicant's/ developer's expense.

Note - as per previous comments 'for HMOs accommodating over 6 occupants, a transport appraisal and travel plan would be required to assess car parking requirements and therefore it is likely that a six-bedroom HMO with 12no. occupants would require 6no. parking spaces. The failure to provide adequate vehicle parking is likely to result in the use of the highway for on street parking, adversely affecting the free flow of traffic and causing obstruction to the detriment of highway safety.'

Drawing SD819 HMO 00a titled Site & Block Plan shows that a cycle store would be provided in the rear garden which does not concur with the London Cycling Design Standards (LCDS) 8.5.3 Residential Cycle Parking which requires cycle parking to be well located: close to the entrance of the property and avoiding obstacles such as stairs, multiple doors, narrow doorways (less than 1.2 metres wide) and tight corners which therefore raises an objection on highway grounds.

Recommendation

There are highway objections to this proposal and the Highway Authority would therefore recommend refusal as it is unlikely that the proposal will meet London Borough of Hillingdon car parking and cycle parking standards.

Highways comments 25 September 2023 (on the original plans submitted)

Site Description

The application site is located on Morello Avenue, a residential road with a 30mph speed limit. There are no parking restrictions though the availability of on-street parking is limited by the presence of numerous vehicle crossovers. Pavement parking is allowed for cars and vans only not exceeding 1525kg.

The application site is located in an area with a PTAL ranking of 2 indicating that the proposal would be located in an area with poor access to public transport which would require residents of the proposed

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development to make most trips to and from the application site in a private motor car which fails to comply with the Mayor's Transport Strategy which aims to encourage people to walk, cycle and use public transport as an alternative and NPPF 9: Promoting Sustainability.

Access

The application proposes to convert the existing four-bedroom residential dwelling into a six-bedroom house in multiple occupation (HMO) which is ambiguous as the application form describes the proposed development as 'Change of use from C3, Single dwellinghouse, to C4, Small shared house occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom' and Drawing SD819 RE 02 titled Planning: Proposed Plans & Elevations which shows 6no. bedrooms all with double beds which would therefore allow 12no. occupants.

Access to the application site may be gained from Morello Avenue over a vehicular crossover providing perpendicular parking spaces for 3no. vehicles. Drawing SD819 HMO 00 titled Site & Block plan shows 3no. vehicles parked perpendicular to Morello Avenue, however, this layout will not be acceptable as parked vehicles will obstruct pedestrian access between the front door of the dwelling and the adopted highway which fails to concur with The London Plan 2021 - Chapter 10 Transport Policy T2 Healthy Streets and London Borough of Hillingdon Domestic Vehicle Footway Crossover Policy (DVFC) 3.4 Safety Considerations. Revised drawings should be provided. The vehicle crossover would be likely to require extending to accommodate additional vehicle parking which should concur with DVFC and would need to be constructed under s.184 Highways Act 1980 at the applicant's/ developer's expense.

Car Parking

For an HMO with up to 6 occupants The London Borough of Hillingdon Local Plan Part 2: Appendix C - Parking Standards -Table (b) Parking Requirements allows 1 parking space per 2 occupants therefore 3no. parking spaces would be required for 6no. occupants which does not appear achievable whilst maintaining pedestrian access to the HMO.

Additionally, for HMOs accommodating over 6 occupants, a transport appraisal and travel plan would be required to assess car parking requirements and therefore it is likely that a six-bedroom HMO with 12no. occupants would require 6no. parking spaces. The failure to provide adequate vehicle parking is likely to result in the use of the highway for on street parking, adversely affecting the free flow of traffic and causing obstruction to the detriment of highway safety.

The Published London Plan Policy T6 Car Parking Paragraph J states that a Parking Design and Management Plan should be submitted alongside all applications which include car parking provision, indicating how the car parking will be designed and managed, with reference to Transport for London guidance on parking management and parking design. A Parking Design and Management Plan will therefore be required that should ensure that all car parking spaces are allocated and leased to the dwellings to which they serve and should be secured by condition.

Cycle Parking

The applicant will be required to provide cycle parking in accordance with London Borough of Hillingdon Local Plan (2020) Part 2: Appendix C - Parking Standards -Table (b) Parking Requirements which requires that 1no. cycle parking space per occupant is provided therefore 6no.-12no. cycle parking spaces would be required to meet the needs of the occupants. Drawing SD819 HMO 00 titled Site & Block Plan shows a cycle store on the front hardstanding of the application site which would not be acceptable as it will not be possible to access the cycle store when a vehicle is parked in space P1 and the doors to the cycle store would be blocked by the bin store. Drawing SD819 HMO 00 titled Site & Block Plan shows a detail of the type of bike store that would be provided which would not be suitable for an HMO as to access a cycle parked at the rear of the store multiple cycles would need to be removed which would not be acceptable for

unrelated residents. The Local Plan Appendix C (a) Specific Requirements 1(c) requires that the minimum dimensions for a bicycle space are 600mm x 1800mm and therefore the cycle store shown on the drawing is unlikely to be large enough for 6no.-12no. occupants of the HMO.

Recommendation

There are highway objections to this proposal and the Highway Authority would therefore recommend refusal as it is unlikely that the proposal will meet London Borough of Hillingdon car parking and cycle parking standards.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application site is situated within an area of the borough that is subject to a direction made under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (Article 4 Direction) (GPDO) which came into force on 24th March 2013 to remove permitted development rights relating to making a change of use of a dwelling house (Class C3) into a House in Multiple Occupancy (HMOs) (Class C4).

HMOs are dwellings which are shared by three or more tenants who are not from one household, but who share facilities like the bathroom and kitchen. HMOs for 3-6 unrelated individuals are classed as use class C4 in planning terms, whereas HMOs for 7+ unrelated individuals are classed as 'sui generis'.

Policy H9 of the London Plan (2021) recognises the need for HMOs in meeting local and strategic housing needs on the grounds that they reduce pressure on other elements of the housing stock, particularly for students, young people, and those on low incomes.

Policy DMH 5 (Houses in Multiple Occupation (HMOs) and Student Accommodation) of the Hillingdon Local Plan - Part 2: Development Management Policies (2020) 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.'

B) In wards covered by an Article 4 Direction for HMOs, planning applications for the change of use from dwelling house (Use Class C3) to HMO (Use Class C4) will only be permitted:

- i) where it is in a neighbourhood area where less than 20% of properties are or would be exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs;
- ii) in Conservation Areas where less than 10% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs and the change of use does not form a consecutive HMO use in a street frontage;
- iii) where less than 15% of properties 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, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
iv) where 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.

The supporting text within paragraph 4.13 of the Hillingdon Local Plan Part Two - Development Management Policies (2020) states where there is intensive occupation of former family dwellings such as those used for student accommodation or as a HMO can have negative impacts on residential amenity within an area through increases in on-street and off-street parking, loss of front gardens, reductions in levels of privacy, alterations to the exterior of buildings and increased generation of refuse. There are significant concentrations of HMOs in the Uxbridge South and Brunel Ward, where an Article 4 Direction has been imposed removing permitted development rights for HMO accommodation.

The application that has been submitted seeks permission to convert a single dwelling into a small scale HMO. On review of the plans that have been submitted as well as reflecting on the recent appeal decisions at 31 Morello Avenue, Officers would consider the overall layout and size of each bedroom within the property to be more akin to a large HMO (sui-generis class). With both appeal decisions at 31 Morello Avenue, the Inspectorate had acknowledged that the property could be occupied by more than six persons given that the floor area of each bedroom exceeds 10 sqm.

Similarly, for the current application at 12 Morello Avenue, the smallest bedroom space proposed would be approximately 15.5 sqm (including ensuite). All of the bedrooms contain ensuite facilities. The overall size of the smallest bedroom would be considered a double room in terms of London Plan and the Housing Technical Standards capable of accommodating 2 persons. Were each of the 5 bedrooms shown in the revised plans to be taken by a couple living together or 2 single persons in twin beds, it would be capable of accommodating 10 persons. It is on this basis that the property reflects a large HMO that the assessment is carried out.

In regards part B of Policy DMH5, it is noted that there are no other Registered HMOs within Morello Avenue or within a 100 metres distance of the current proposal. As such, there is scope to convert the property to a HMO however there are significant factors within the policy that need to be considered including part B iv) which seeks to ensure that any conversion complies with all other planning standards. Officers has assessed these planning standards in the remainder of the assessment and consider that the conversion would cause harm to the neighbours through over-intensification of the use, fail to provide adequate parking and a suitable amount of communal floorspace to serve the occupants.

As such, the principle of the change of use would be contrary to Policy DMH5 of the Hillingdon Local Plan Part Two - Development Management Policies (2020).

7.02 Density of the proposed development

Policy DMHB 17: Residential Density states that all new residential development should take account of the Residential Density Matrix contained in Table 5.2. Developments will be expected to meet habitable room space standards. A detailed assessment of the proposals acceptability has been carried out below.

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

Not applicable.

7.04 Airport safeguarding

Not applicable.

7.05 Impact on the green belt

Not applicable.

7.07 Impact on the character & appearance of the area

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that new development should harmonise with the character and appearance of the existing street scene and surrounding area, and the scale, form, architectural composition and proportions of the original building.

Policy DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development should be well integrated with the surrounding area and accessible.

Paragraph 135 of the NPPF (2023) 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;

Other than minor alterations to the site's parking layout and the cycle storage to the rear, the proposed development includes no changes to the bulk, size, height or position of the existing building and no external changes are proposed to its fenestrations. The front of the property currently is in disrepair with the curtilage hard surfaced and a limited boundary treatment to the street. There is some soft landscaping along the boundary with No 10 Morello Avenue. It is unclear from the details whether this landscaping would be retained. The loss of this landscaping would be regrettable given it provides some visual relief to the front of the site. Amended plans received remove one of the car spaces to the front and replace this with green garden space which would provide some landscaping to the front. Were the application to be supported, a condition would have been recommended to ensure that the landscaping along this side boundary be retained or replaced style soft landscaping.

The proposed parking spaces have been altered to include a pedestrian footpath from the street to the entrance porch of the property with 2 vehicular spaces. Given the current front curtilage which is in disrepair and predominately hard surfaced, the proposed layout changes would not cause significant harm to local character. Further landscaping would be recommended which could be secured via condition in order to soften the visual impact and improve the relationship with the street. As the whole width of the curtilage would be necessary for the parking, it would not however be possible to secure a boundary treatment that could provide further visual relief. Given that there is no existing boundary treatment and the curtilage is presently largely exposed along the street, the lack of a solid boundary treatment along the front boundary and its impact on the local character would not

be sufficient to refuse in this instance.

In regard the cycle storage, the level of detail provided is limited to a block plan showing its overall positioning within the rear garden. This indicates that it would be sufficient size to fit 12 bicycle spaces however the design and height of the structure has not been provided. Although no elevations have been submitted as part of the application, Officers are satisfied that the block plan shows the positioning of the structure away from the neighbouring boundaries. Were the scheme to be recommended for approval, further details would have been sought via condition. A suitably worded condition could also ensure that any submitted details have restricted heights thereby ensuring that the structure does not become visually imposing to the local character.

Taking into consideration these points the proposed development would cause no harm to the appearance of the area. The area surrounding the site is residential and a HMO is a form of residential use.

For these reasons the proposal is considered to have an acceptable impact on the character and appearance of the area and host dwelling. The proposal is considered to meet the overarching aims of Policies DMHD1, DMHB 11 and DMHB 4 of the Hillingdon Local Plan Part Two (2020) and in line with Paragraph the NPPF (2021), by securing a viable use for the site.

7.08 Impact on neighbours

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to ensure that development proposals do not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. This is supported by Policy DMH 5 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) which requires HMOs to not have a detrimental impact upon the residential amenity of adjoining properties.

Paragraph 135 (f) of the NPPF (2023) states Planning policies and decisions should ensure that developments; create places that are safe, inclusive and accessible and which promote health and wellbeing, 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.

The proposed development includes no changes to the bulk, size, height or position of the existing building and no external changes are proposed to its fenestrations. As such the proposal is would not cause any additional overlooking views, loss of light or loss of privacy to neighbouring dwellings.

As discussed in the principle section of the report, given the overall size of each bedroom, officers have assessed the scheme on the grounds that it could be utilised as a large HMO (Sui-generis). The revised proposal contains 5 large bedrooms, some of which exceed 20 square metres internally. Given their overall size, they could be suited for a couple accommodation or twin rooms. This perspective was also taken by the Planning Inspectorate in the appeal decisions at 31 Morello Avenue.

The Inspectorate stated in paragraph 7 & 8 of the latter appeal decision (APP/R5510/W/17/3179484):

"The proposal is for the conversion of the property to a six bedroom HMO. The appellant states that the property would be occupied by no more than six persons. However, no control on the occupancy of the property is proposed. The Council argues that five of the proposed bedrooms could be

occupied by two persons. The floor area of these bedrooms exceeds 10sqm which is the minimum size for two person occupancy set out in Table 3 of the SPG. Moreover I saw on the site visit that at least two of the bedrooms contained two single beds. It seems to me therefore, that the property could be occupied by up to 11 persons." (Para 7)

"This would represent a significant intensification of the use of the property compared with its use as single family dwelling. Having regard also to the likely transient nature of the occupation of the property (recognised in the appellant's statement), this could be expected to result in a greatly increased number of comings and goings. This is likely to include movements on foot and by car and at various times of the day and night." (Para 8)

This appeal decision is a material consideration for the current proposal given the proximity of the application site. Officers would point out that the application site is a larger property with larger bedrooms which also brings more possibilities for the property to be used by more persons and potentially up to 10 persons. It will bring about additional comings and goings of people and associated impacts that arise with people living independently from one another. The nature of the increase is significant and excessive for the scale of the dwelling and plot. The lack of sufficient parking could result additional pressure on the street, thereby resulting in movement of residents over longer distances.

Officers would also argue that restricting the number of occupants through conditioning so that it cannot be occupied by more than 5 persons would be extremely difficult to enforce. No operational management plan has accompanied the application to demonstrate how the applicant could ensure 5 persons occupy the property. In light of all this, it would lead to an over-intensification of the site to the detriment of the neighbouring properties along this quiet street.

The Inspectorate had noted the quiet nature of the street in their decision on 31 Morello Avenue: "It is common ground that there are few other houses in multiple occupation in the area. Nor is there obvious flatted housing or commercial development and traffic noise levels are low. As such, the area has a fairly quiet, residential character. Furthermore, the properties are fairly closely spaced. I consider that the introduction of the proposed use into this setting would be likely to lead to levels of noise and disturbance which would adversely affect the living conditions of neighbouring occupiers." (Para 9 APP/R5510/W/17/3179484)

Having regard to the above, 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 with Policies DMH5, DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policy D14 of the London 2021 and Policy EM8 of the Hillingdon Local Plan - Part 1: Strategic Policies (2012) in this respect.

7.09 Living conditions for future occupiers

Internal Amenity

Policy DMH 5 of the Hillingdon Local Plan - Part 2: Development Management Policies (2020) allows large HMOs only where there are satisfactory living conditions for occupiers. Policy D6 of the London Plan (2021) and Policies DMHB 11 and DMHB 16 of the Hillingdon Local Plan - Part 2: Development Management Policies (2020) require a high standard of design with minimum internal space

standards.

Policy D6 of the London Plan (2021) sets out the minimum internal floor space standards required for residential developments in order to ensure that there is an adequate level of amenity for future occupants.

Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all housing development should have an adequate provision of internal space in order to provide an appropriate living environment.

The proposed development comprises the following internal accommodation:

Room 1 (front ground floor bedroom including ensuite): 17 sq.m approx
Room 2 (rear ground floor bedroom including ensuite): 27 sq.m approx (with additional storage space)
Room 3: (front first floor bedroom including ensuite): 17 sq.m approx
Room 4: (rear first floor bedroom including ensuite): 15.5 sq.m approx
Room 5: (loft bedroom including ensuite): 30 sq.m approx *
(* part of this floorspace would have reduced head height beneath the eaves).

Ground Floor Communal Kitchen/diner: 16 sq.m plus including utility room
First Floor Communal Kitchen: 10 sq.m

Whilst Officers are satisfied that each bedroom would be generous in floorspace and provide sufficient outlook, daylight through principal windows for potential occupants whether one/two persons, the overall layout and size of the communal floor space would appear substandard.

Given the potential for the property to be used as a 10-person HMO, there are 2 communal spaces situated on ground and first floor. The ground floor communal space would comprise a communal diner of approximately 16 sq.m floor space. The width of this space would be approximately 3m which would provide limitations to the amount of furniture and tenants that could use the space at any one time. Similarly the first floor additional kitchen space would provide a maximum of approx 10 sq.m space with restricted width of 2m in some sections of this space that would be inadequate. This overall layout and size would hinder HMO tenants in using the shared facilities at the same time.

There are two ground floor bedrooms proposed - one adjacent to the front door (Room 1) and one at the rear alongside the kitchen (Room 2). There is likely to be some noise transfer between the parking area and the bedroom at the front of the property (Room 1), although this would not be an entirely uncommon arrangement. There would also be significant concerns regarding noise transfer from the kitchen. Whilst it is feasible that some treatment to the wall could be implemented to minimise noise transfer, it is unlikely to sufficiently eliminate noise from the use of the kitchen by other residents utilising this communal area, giving rise to concerns about whether a suitable acoustic environment could be provided for the occupant(s) of Room 2. The factors discussed above are collectively considered to indicate that a HMO is not suitable for this property and are indicative of excessive density.

As such, the development would fail provide a suitable living conditions for the future residents. The proposal would therefore fail to comply with Paragraph 135 (f) of the NPPF (2023) and Policy DMH 5 of the Hillingdon Local Plan Part Two - Development Management Policies (2020).

Outdoor 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 usable area of the rear garden at the application property is approximately 200 sq.m. The amount of space per occupant is relatively spacious, as well as good connectivity and openness to the garden, no objection is raised in relation to provision of external amenity space.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy DMH 5 of the Hillingdon Local Plan - Part 2: Development Management Policies (2020) allows large HMOs but only where there is good access to amenities and public transport. Similarly, Policy DMT 1 of the same plan requires development to be sustainably located, with access to public transport, walking, cycling, services and facilities.

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

The application site is located in an area with a PTAL ranking of 2 indicating that the proposal would be located in an area with poor access to public transport which would require residents of the proposed development to make most trips to and from the application site in a private motor car which fails to comply with the Mayor's Transport Strategy that aims to encourage people to walk, cycle and use public transport as an alternative and NPPF Chapter 9: Promoting Sustainability.

The initial Highway's comments had raised concerns regarding the proposed HMO being ambiguous given the original six bedroom HMO unit all showed double bedrooms which were capable of housing 12 no. occupants. The plans were amended during the course of the application with the omission of one bedroom and the proposal would now be a 5 bedroom HMO. The amendments also reduced the number of car spaces to the front from 3 spaces to 2 spaces and providing additional landscaping.

As discussed earlier in the report, the overall size of these bedrooms would still be capable of housing 10 occupants with limited controls. The use of conditions restricting the numbers would be difficult to enforce. Officers would therefore view this property capable as being used for larger numbers (Large HMO Sui-generis) given the room sizes.

Access

Access to the application site may be gained from Morello Avenue over a vehicular crossover providing perpendicular parking spaces for 2 no. vehicles. The Site & Block plan shows 2no. vehicles and has been revised to include pedestrian access between the front door of the dwelling and the adopted highway. This was considered acceptable by the Highway Officer were the property to be

occupied by 5 people. A vehicle crossover would be required to concur with London Borough of Hillingdon Domestic Vehicle Footway Crossover Policy (DVFC) and would need to be constructed under s.184 Highways Act 1980 at the applicant's/ developer's expense.

Car parking

Policy DMT 6 of the Hillingdon Local Plan - Part 2: Development Management Policies (2020) requires compliance with car parking standards to facilitate sustainable development and to address issues relating to congestion and amenity.

The application proposes two off street parking spaces. For an HMO with up to 5 occupants, the London Borough of Hillingdon Local Plan Part 2: Appendix C - Parking Standards -Table (b) Parking Requirements allows 1 parking space per 2 occupants.

Were the site to be occupied by 5 persons, this number of spaces would meet this standard. However as there is scope for up to 10 persons given the room sizes, a transport appraisal and travel plan would be required to assess car parking requirements and therefore it is likely that a five-bedroom HMO with 10no. occupants would require more parking spaces. The failure to provide adequate vehicle parking is likely to result in the use of the highway for on street parking, adversely affecting the free flow of traffic and causing obstruction to the detriment of highway safety. The displacement of more cars on-street contradicts Policy T2 of the London Plan (2021) which states that development plans should 'reduce the dominance of vehicles on London's streets whether stationary or moving'.

In the absence of a transport appraisal and travel plan and given the potential for more cars to be displaced onto the street, officers consider that the scheme has failed to provide sufficient parking and measures which would mitigate against any traffic impact as well as existing car parking capacity.

Cycle parking

A space would be set aside in the rear garden for a communal cycle store. There would be direct access to this through the property via a corridor without having to pass through communal living space. The cycle store could be located in the front, but the rear location is considered to be more secure. Notwithstanding the objections of the highways officer, the location of the cycle parking is considered acceptable in policy terms. Full details would be secured by condition if the application were to be approved.

7.11 Urban design, access and security

See Section 7.12 below.

7.12 Disabled access

Policy D5 of the London Plan (2021) states that development proposals should achieve the highest standards of accessible and inclusive design. The Council's Access Officer was consulted on the proposals and has raised no objections. Taking this into consideration the proposal is considered to be acceptable in terms of accessibility.

7.13 Provision of affordable & special needs housing

Not applicable.

7.14 Trees, landscaping and Ecology

The trees surrounding the application site are not subject to Trees Preservation Orders (TPOs). The

proposed change of use would not have an impact on trees as no trees would be removed.

Modest landscaping works are proposed to the front with a green area proposed. Were the application to be supported, a condition would be sought to seek further soft landscaping to the front and rear of the property in order to contribute toward enhancing the local character and promote ecology, drainage and biodiversity.

7.15 Sustainable waste management

Policy DMHB 11 of the Hillingdon Local Plan - Part 2: Development Management Policies (2020) states that development proposals should make sufficient provision for well-designed internal and external storage space for general, recycling and organic waste, with suitable access for collection.

External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

The proposal does include provision for bin storage to the front of the property along the southern boundary with No 10 Morello Avenue. The increase in the number of occupants would lead to an increase in waste generation, but additional bins could be accommodated without any undue harm. Details of an enclosure, to ensure a more managed appearance, would be conditioned in the event of an approval.

7.16 Renewable energy / Sustainability

Not applicable.

7.17 Flooding or Drainage Issues

Flooding

Policy SI 12 of the London Plan (2021) seeks to ensure flood risk is minimised and mitigated, and that residual risk is addressed and 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.

The site is in Flood Zone 1 (low risk of flooding). Whilst there is a potential increase in the number of people occupying the property, there is no additional operational development that could lead to an increase in flooding.

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 10 of the Hillingdon Local Plan - Part 2: Development Management Policies (2020) 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.

No changes are being proposed to the building footprint or hardstanding, and on this basis, there is no identifiable drainage issue that would require additional provision or management. As such, no objection is raised in respect of drainage.

7.18 Noise or Air Quality Issues

Noise

Issues related to noise are discussed in Sections 7.08 and 7.09 of this report (above).

Air Quality

Given that there is no change to the use of the building, no significant issues are raised with respect to air quality.

7.19 Comments on Public Consultations

Addressed in the main body of the report above.

7.20 Planning obligations

Not applicable.

7.21 Expediency of enforcement action

Not applicable.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

General

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

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

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

Planning Conditions

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

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected

characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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

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

9. Observations of the Director of Finance

Not applicable.

10. CONCLUSION

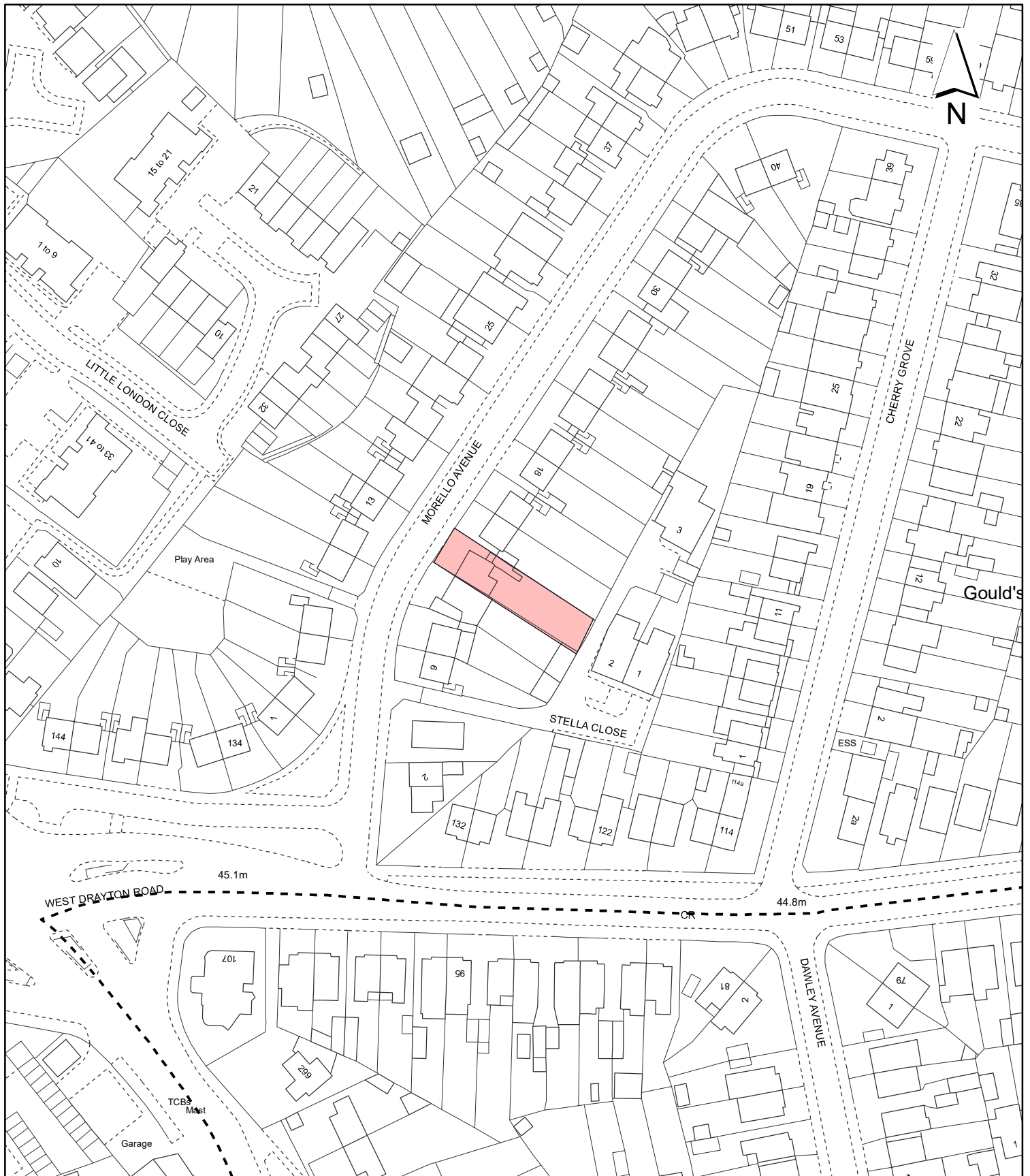
The proposed use as a HMO given its overall size is more akin to a large HMO capable of accommodating ten occupants. Due to the location within a quiet street which is largely single dwelling houses, the conversion would cause significant harm to nearby residents due to comings and goings. The potential impact on street parking would cause an impact on the highway network. The overall living standards for future tenants would appear substandard given the limited inadequate communal living quarters. It would therefore also fail to comply with the principle of converting a dwelling to HMO as set out in DMH5 of the Hillingdon Local Plan - Part 2: Development Management Policies (2020).

The identified harm is not outweighed by any material considerations and consequently it is recommended that planning permission is refused as set out in Section 2 of the Committee Report.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)
Hillingdon's Local Plan Part 2 Site Allocations and Designations (2020)
Hillingdon Design and Accessibility Statement: Accessible Hillingdon (2017)
The London Plan (2021)
National Planning Policy Framework (2023)

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Notes:

 Site boundary

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 Residents Services
 Planning Section

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 Telephone No.: Uxbridge 01895 250111

Planning Application Ref:

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Scale:

1:1,250

Planning Committee:

Minor

Date:

March 2024



HILLINGDON
 LONDON