

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL

Select an Option

1.	No valid planning application objection in the form of a petition of 20 or more signatures, has been received	☐
2.	Application complies with all relevant planning policies and is acceptable on planning grounds	☐
3.	There is no Committee resolution for the enforcement action	☐
4.	There is no effect on listed buildings or their settings	☐
5.	The site is not in the Green Belt (but see 11 below)	☐

REFUSAL RECOMMENDED: GENERAL

6.	Application is contrary to relevant planning policies/standards	☐
7.	No petition of 20 or more signatures has been received	☐
8.	Application has not been supported independently by a person/s	☐
9.	The site is not in Green Belt (but see 11 below)	☐

RESIDENTIAL DEVELOPMENT

10.	Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha	☐
11.	Householder application in the Green Belt	☐

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

12.	Change of use of retail units on site less than 1 ha or with less than 1000 sq. m other than a change involving a loss of A1 uses	☐
13.	Refusal of change of use from retail class A1 to any other use	☐
14.	Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use.	☐

CERTIFICATE OF LAWFULNESS

15.	Certificate of Lawfulness (for proposed use or Development)	☐
16.	Certificate of Lawfulness (for existing use or Development)	☐
17.	Certificate of Appropriate Alternative Development	☐

CERTIFICATE OF LAWFULNESS

18.	ADVERTISMENT CONSENT (excluding Hoardings)	☐
19.	PRIOR APPROVAL APPLICATION	☐
20.	OUT-OF-BOROUGH OBSERVATIONS	☐
21.	CIRCULAR 18/84 APPLICATION	☐
22.	CORPSEWOOD COVENANT APPLICATION	☐
23.	APPROVAL OF DETAILS	☐
24.	ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where the Heads of Terms have already received Committee approval	☐
25.	WORKS TO TREES	☐
26.	OTHER (please specify)	☐

The delegation powers schedule has been changed. Interim Director of Planning, Regeneration & Public Realm can determine this application

Case Officer:

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informative's are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DETAILS SHOULD BE USED IN THE PS2 RETURNS ODPM

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

Address: 131 YORK AVENUE HAYES

Development: Change of use from 6 person HMO to 9/10 person HMO

LBH Ref Nos: 70082/APP/2022/1202

Drawing Nos: 10233 BR 101
 10233 BR 102
 10233 BR 103
 10233 BR 104
 10233 BR 105
 TQRQM22120203005228
 10233 BR 107
 10233 BR 108
 10233 BR 109
 10233 BR 110
 10233 BR 106

Date Plans received: 06-05-22

Date(s) of Amendments(s):

Date Application valid 06-05-22

1. SUMMARY

Planning permission is sought to change an existing 6 person HMO into a 9/10 Person HMO.

The proposal is considered to cause harm to the local highways network, pedestrian safety, road user safety and the amenities of the future residents. It is also considered to result in an over intensification in activity at the site which would be of detriment to the amenities of neighbouring properties.

The application is therefore recommended for refusal and a detailed assessment of the applications acceptability has been carried out below.

2. RECOMMENDATION

REFUSAL for the following reasons:

1. NON2 Non Standard reason for refusal

The proposed development, given the number of potential occupants (9/10) would give rise to

undue noise and general disturbance to neighbouring residents, particularly as a result of a marked increase in comings and goings and the use of the rear garden. The proposal would therefore be contrary to the requirements of Policies DMH 5 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and paragraph 130 (f) of the NPPF (2021).

2. NON2 Non Standard reason for refusal

Due to its undersized rooms and limited garden space, the proposed HMO would provide existing and future residents with cramped and unsatisfactory living accommodation to the detriment of their amenities. The proposal is therefore considered to be contrary to paragraph 130 (f) of the NPPF, Policy D6 of the London Plan and Policy DMH 5 of the Hillingdon Local Plan : Part Two - Development Management Policies (2020).

3. NON2 Non Standard reason for refusal

The proposed development would fail to provide adequate car parking to serve the proposed increase in occupants at the site, resulting in increased road side parking, additional traffic, and a more hazardous environment for pedestrian and road users. The proposed development is therefore considered to be contrary to 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), as well as 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).

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.

NPPF4	NPPF 2021 - Decision-Making
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF9	NPPF 2021 - Promoting sustainable transport
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places

LPP D6	(2021) Housing quality and standards
LPP H9	(2021) Ensuring the best use of stock
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
LPP D14	(2021) Noise
DMH 1	Safeguarding Existing Housing
DMH 5	Houses in Multiple Occupation
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
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

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the east side of 131 York Avenue. It comprises a two storey semi-detached property finished in render. To the front of the property, there is a paved drive providing off street parking space for 1 vehicle.

The surrounding area is primarily residential comprising pairs of semi detached properties, which are set back from the street with off limited off road parking space and small front gardens.

The application site has a PTAL Rating of 2.

3.2 Proposed Scheme

Planning permission is sought to change the use of the property from a 6 person HMO to 9/10 person HMO.

3.3 Relevant Planning History

70082/APP/2020/1869 131 YORK AVENUE HAYES

Conversion of roof space to habitable use to include a rear dormer, 2 front roof lights and conversion of roof from hip to gable end with new gable end window (Application for a Certificate of Lawful Development for a Proposed Development)

Decision: 20-07-2020 Approval

70082/APP/2014/2174 131 YORK AVENUE HAYES

Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6 metres, for which the maximum height would be 4 metres, and for which the height of the eaves would be 3 metres

Decision: 29-07-2014 Prior Approval
N/Req

Comment on Planning History

The sites planning history is set out in section 3.3 of this report.

The dormer, hip to gable roof extension and rooflights approved under application no.70082/APP/2020/1869 have been constructed. The site already exists as per the proposed plans and therefore planning permission is solely sought to add additional occupants to the existing property.

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date: Not applicable

4.2 Site Notice Expiry Date: Not applicable

5. Comments on Public Consult

6 neighbouring properties were directly notified of the proposed development and given 21 days to respond. No comments were received in response to consultation on the application.

Internal Consultee Comments

Highways Officer: Objection. See section 7.3 of this report for full comments.

Access Officer: No objection. See section 7.5 of this report for full comments.

Officer Comment: The impact of the proposal on the local highways network, neighbours amenities, the amenities of future residents, accessibility and the character and appearance of the area have been addressed in the main body of the report below.

6. 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

Part 2 Policies:

NPPF4	NPPF 2021 - Decision-Making
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF9	NPPF 2021 - Promoting sustainable transport
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
LPP D6	(2021) Housing quality and standards
LPP H9	(2021) Ensuring the best use of stock
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
LPP D14	(2021) Noise
DMH 1	Safeguarding Existing Housing
DMH 5	Houses in Multiple Occupation
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
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

In addition: Development Plan

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) (2021) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

7. MAIN PLANNING ISSUES

7.1 Impact on the amenities of the occupiers of neighbouring residential properties

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

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.

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 unlikely to cause any additional overlooking views, loss of light or loss of privacy to neighbouring dwellings.

Notwithstanding the above, the proposed development comprises the following internal accommodation.

Bedroom 1: 9.3m²

Bedroom 2: 12.5m²

Bedroom 3: 3.8m²

Bedroom 4: 22m²

Living/dining room: 22m²

Kitchen: 8.2m²

Family room: 26m²

At present the site comprises a 6 person HMO. The proposal seeks to create a 9/10 person HMO. The increase 9/10 people accessing the site, on a regular basis, by foot, car or bicycle would cause a significant increase in activity at the site to the detriment of neighbouring amenities. The likelihood of nuisance and disturbance to neighbours amenities would also be increased by the over intensification of the sites use. Use of the sites garden space for 9/10 people, alongside potential

visitors, would generate noise over and above that of the existing HMO, such noise would be detrimental to all of the sites adjoining neighbours.

Taking into consideration these points the proposal is considered to cause harm to the amenities of Nos. 129 and 133 York Avenue through over intensification of the sites use, excessive people movements, as well as the generation of unacceptable noise and general disturbance by having so many people at the site.

The use of the site as a small HMO (6 person), is not considered to justify the increases in noise, activity and disturbance which would arise from having 9/10 people living at the address.

7.2 Impact on Street Scene

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 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;

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. 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. The proposal is therefore not considered to be out of character enough to warrant refusal of the application. Bins and cycle stores have not been shown on the proposed plans but could be secured via condition to ensure they are appropriately placed. Taking into consideration these points the proposal is considered to have an acceptable impact on the character and appearance of the area.

7.3 Traffic Impact/Pedestrian Safety

Paragraph 111 of the NPPF states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Policy DMT 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner.

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.

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: 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).

The Boroughs Highways and Traffic Officer has been consulted on the proposed development and has provided the following comments:

'The proposal involves the change of use from a 6 persons HMO to a 9/10 person HMO.

The site has an existing formal dropped kerb and given the forecourt dimensions can only accommodate 1 car. The site achieves a poor PTAL rating of 2 validating the relative isolation of the site from public transport services which gives rise to a higher dependency on the ownership and use of private motor transport.

The Hillingdon Local Plan: Part 2 Development Management Policies (2020) Policy DMT 6: requires that development proposals must comply with the relevant parking standards. For an HMO with up to 6 occupants: 1 space per 2 occupants and for HMOs over 6 occupant, car parking requirement will be assessed through a transport appraisal and travel plan.

The applicant has provided insufficient information on the existing and proposed developments car and cycle parking provision and layout. Given that the proposal is for 9/10 bed HMO the applicant is required to submit a transport statement (transport appraisal and travel plan) in accordance with policy DMT6.

No cycle storage has been shown, Cycle parking provision and storage for the HMO should be compliant with policy DMT6 (1 per occupant).

The onus is on the applicant to provide sufficiently detailed information, data, and analysis for the HA to fully understand and assess the viability of the proposal, it is not for the HA to make assumptions or undertake any of the assessment on behalf of the applicant.

RECOMMENDATION: Refuse.'

Officer Comment:

No robust transport appraisal or travel plan has been submitted in support of the application.

No parking stress survey has been submitted which evidences that the surrounding area could accommodate additional cars serving the development site, without harming the local highways network and existing parking provisions.

The proposed development would require 5 parking spaces in the absence of the mentioned information. Only 1 parking space exists at the site. It is therefore considered that the proposal could lead to 4 cars being displaced at the roadside (10 if each resident had a car). Increased roadside parking in this dense residential area would create a hazardous environment for pedestrians and road users. It would also lead to traffic build up and congestion on the local highways network, reducing the free flow of traffic. The development is therefore considered to be harmful to local highways network and pedestrian/vehicle user safety.

Cycle storage and ev charging points could be secured via condition and are therefore not a reason for refusing the proposal.

For the reasons mentioned above the proposal is considered to be contrary to Local Plan Policy DMT 2, DMT 6, London Plan Policy T4 and paragraph 111 of the NPPF (2021).

7.4 Carparking & Layout

See above.

7.5 Urban Design, Access and Security Considerations

ACCESSIBILITY

The Access Officer was consulted on the application and provided the following comments:

'This development application has been assessed against the requirements of the 2021 London Plan and its contained policy D5. Given that the existing HMO is not particularly accessible the above policy should not be applied. Conclusion: no objection is raised from an accessibility perspective.'

Taking into consideration the above the proposal is considered to be appropriately accessible.

LIVING CONDITIONS FOR FUTURE OCCUPIERS

The GIA of the internal accommodation within the building is set out below:

Bedroom 1: 9.3m²

Bedroom 2: 12.5m²

Bedroom 3: 3.8m²

Bedroom 4: 22m²

Living/dining room: 22m²

Kitchen: 8.2m²

Family room: 26m²

The property has 4 bedrooms at present to accommodate its 6 residents. It will have 4 bedrooms post development but for 9 to 10 people.

Taking into consideration that there are no additional bedrooms proposed the additional 3/4 occupants would have to occupy existing rooms in the building.

Two rooms are doubles and therefore could accommodate 2 of the additional occupants. The other

two rooms are single sized or smaller and are therefore not fit for accommodation by the remaining 1/2 proposed residents. Having additional residents in tight, undersized rooms would be harmful to their standard of living and amenities. It would also reduce the spaciousness of rooms and the building for existing residents. It is therefore considered that the proposed internal room sizes are not large enough to accommodate 9 to 10 person occupancy, without severely harming the amenities of new residents and existing occupants of the building.

Additionally the resulting 9/10 person HMO would provide its occupants with a 50sqm garden, which is severely cramped and undersized to the detriment of their amenities.

It is noted that one of the bedrooms is severely undersized and unfit for habitation, however this is an existing situation, so is not a standalone reason for refusing the proposal.

The proposal would therefore be contrary to paragraph 130 (f) of the NPPF (2021) and Policy DMH 5 of the Hillingdon Local Plan Part Two.

EXTERNAL LIVING ACCOMMODATION

Policy DMHB 18 is not applicable to HMO's. Notwithstanding this point, an outbuilding exists to the rear of the site and the property has been extended. The proposal would therefore provide approximately 50sqm of private amenity space for the occupiers of the property. Whilst this is not considered to be a standalone reason for refusing this application. It adds to the cramped and poor standard of living accommodation which would be provided for existing and future residents.

WASTE AND RECYCLING:

Had the application been recommended for approval, the bin storage facilities for the site would be secured via condition. Full details of the design and the dimensions of the bin store would be secured.

7.6 Other Issues

PRINCIPLE OF DEVELOPMENT

The application site does not lie within the 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 an HMO (Class C4). Nevertheless, this proposal requires planning permission as a large HMO is proposed.

Policy DMH 5 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that:

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.

As mentioned within the report, the proposal would harm to neighbouring amenities and the

amenities of its future occupiers, as such the proposal is contrary to Policy DMH 5.

8. 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 (2021)

Contact Officer:	Haydon Richardson	Telephone No:	01895 250230
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