
Appeal Decision

Site visit made on 21 November 2017

by Richard S Jones BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 01 December 2017

Appeal Ref: APP/R5510/W/17/3178166

49 Central Avenue, Hayes, Hillingdon UB3 2BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr RS Makkar against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 38444/APP/2016/744, dated 23 February 2016, was refused by notice dated 9 June 2017.
 - The development proposed is a change of use from use Class C4 HMO to 7 Beds HMO (Sui Generis).
-

Decision

1. The appeal is allowed and planning permission is granted for a change of use from use Class C4 HMO to 7 Beds HMO (Sui Generis) at 49 Central Avenue, Hayes, Hillingdon UB3 2BW, in accordance with the terms of the application, Ref 38444/APP/2016/744, dated 23 February 2016, subject to the conditions set out in the Schedule attached to this decision.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupiers of adjoining properties with particular reference to noise and disturbance.

Reasons

3. Although the appeal relates to a two storey, end of terrace property, it has been significantly extended with a relatively large single storey rear extension. It also benefits from additional accommodation provided by the conversion of a fairly wide attached garage. Consequently the proposal provides a floor area and a level of accommodation which is in excess of a conventionally laid out terrace property, with six bedrooms, two living rooms and a kitchen/diner. The Council's Committee report states that the property has a floor area of 165m², which is significantly in excess of the minimum figure of 120m² required by its HMO SPG¹ for terrace properties before they can be considered for conversion. Indeed, the property is already in use as a house in multiple occupation (HMO) for six people.

¹ Houses in Multiple Occupation and other non-self contained housing – Supplementary Planning Guidance to the Hillingdon Unitary Development Plan

4. There appears to be a difference of opinion on the number of occupants now proposed. In this regard, the application documents refer to a seven bed HMO with a maximum occupancy of eight persons. However, the schedule of bedrooms shown on the proposed plans show a single person maximum for three bedrooms and a two person maximum for four of the bedrooms. Whilst I'm not convinced that bedroom 7 is sufficiently large enough to accommodate two persons, based on the information provided by the appellant I can appreciate why the Council has assessed the proposal on the basis of up to 10 occupants. Nevertheless, the appellant's supporting documents confirm the acceptability of a condition restricting the development to eight occupants.
5. In terms of configuration, the proposal would result in one additional bedroom being created within the existing floor space. Five of the bedrooms would remain as existing whilst the existing living accommodation within the garage conversion would be used for two bedrooms. The existing bedroom at the front ground floor level, which is larger than both of the new bedrooms, would be used as a communal living room. The increase in bedroom floor space is not therefore significant and the overall size of the property and the way it is laid out is suitable to accommodate eight persons, as applied for. In my view, two additional occupants in a property of this size and layout would not result in a significant additional amount of comings and goings or such an intensification of use of the building or garden which would warrant withholding planning permission.
6. I have carefully considered the security concerns expressed by the occupant of the neighbouring property. Whilst I fully sympathise with those concerns, I have no evidence of any increase in anti-social behaviour, crime-rates or that there has been a steady decline in the environment and that such matters and concerns regarding police resources would be materially exacerbated by the appeal proposal. Moreover, the appellant has explained that the existing HMO has not resulted in any noise complaints and no evidence to the contrary has been provided by the Council. These factors therefore limit the weight I am able to attribute to these concerns.
7. I accept that the conversion of the garage has brought the living accommodation closer to No 48 Central Avenue but the Council's Committee report confirms that planning permission has been granted for such works so this would remain the case even if I were to dismiss the appeal. Moreover, as noted, the proposal would replace living room accommodation in this location with bedroom accommodation, which is likely to generate less noise.
8. I therefore conclude that the proposal would not result in unacceptable harm to the living conditions of neighbouring residents and would not be contrary to the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies BE19, BE21 or OE3 or the Council's HMO SPG. These state, amongst other matters, that the local planning authority will seek to ensure that new development within residential areas complements or improves the amenity and character of the area and that uses which have the potential to cause noise annoyance will only be permitted if the impact is mitigated within acceptable levels.

Other matters

9. The Council has highlighted that the site lies within a designated Area of Special Local Character (ASLC). However, the appeal proposal would not

involve any alterations to the exterior of the building and the existing garden area would remain largely unaltered. The proposed landscaping to the front would be of some, albeit limited benefit. I accept that part of the character includes family housing but it is confirmed that the property is already in use as a HMO. The proposal would not therefore result in material harm to the ASLC and I also have no evidence to demonstrate that the proposal would unacceptably affect the supply of large family housing.

10. Matters relating to any damage to a boundary wall are private matters between the parties involved.
11. The proposal would provide four parking spaces and parking facilities for seven bicycles. I also observed that frontage parking is common place along the street scene and I have no evidence of any harm arising. I do not therefore envisage that the proposal would result in any unacceptable parking or highway safety concerns. Subject to an appropriate form of landscaping in front of the property, I'm not convinced that the car parking layout would prevent access to and from the cycle parking provision at the rear of the property.

Conditions

12. I have had regard to the conditions provided by the Council. In addition to the standard condition that limits the lifespan of the planning permission, I have specified the approved plans for the avoidance of doubt and in the interests of proper planning.
13. The parking provision across the site frontage is already in place therefore a condition requiring its provision is not necessary. A condition is however, necessary to ensure its retention as well as to ensure the operation of the HMO in accordance with the HMO Management Supervision Plan.
14. A condition restricting occupancy to eight persons is required to protect the living conditions of neighbouring residents.
15. A condition is required to ensure the timely provision of the cycle parking facilities in order to encourage sustainable modes of transport. A landscaping scheme is necessary to improve the setting of the development.

Conclusion

16. For the reasons given above, and taking into account all other matters raised, I conclude the appeal should be allowed.

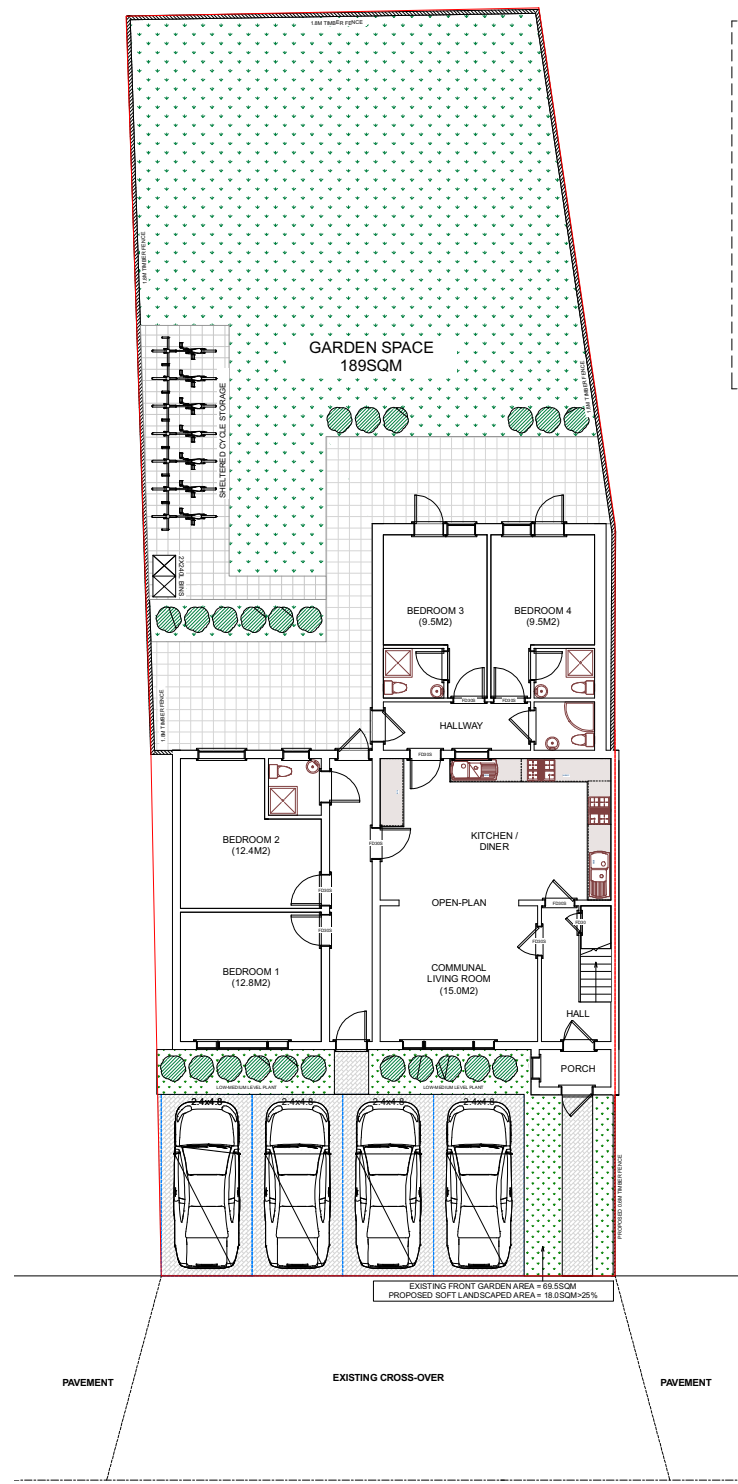
Richard S Jones

INSPECTOR

SCHEDULE

CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 49CA-HMO-1/Rev.1.0; 49CA-HMO-2/Rev.1.0; 49CA-HMO-3/Rev.1.0 and the HMO Management Supervision Plan.
- 3) The car parking shall be retained for the occupants of the site and the operation of the HMO shall be in accordance with the HMO Management Supervision Plan.
- 4) The development hereby permitted shall have a maximum occupancy of eight persons.
- 5) The development shall not be occupied until the proposed cycle parking facility as shown on drawing No. 49CA-HMO-3/Rev.1.0 has been provided. Thereafter, the cycle parking provision shall be retained for the occupants of the site.
- 6) Prior to the additional occupation hereby permitted, a landscaping scheme shall be submitted to and approved in writing by the local planning authority which shall include an agreed schedule and timescale for its implementation. The scheme shall be carried out in accordance with the agreed details and retained thereafter.



PROPOSED SITE PLAN WITH
PARKING (SCALE 1:200)

SCHEDULE OF BEDROOMS

Bedroom 1 - 12.8m² (max. 2 people*)
Bedroom 2 - 12.4m² (max. 2 people*)
Bedroom 3 - 9.5m² (max. 1 person*)
Bedroom 4 - 9.5m² (max. 1 person*)
Bedroom 5 - 8.7m² (max. 1 person*)
Bedroom 6 - 15.0m² (max. 2 people*)
Bedroom 7 - 10.0m² (max. 2 people*)

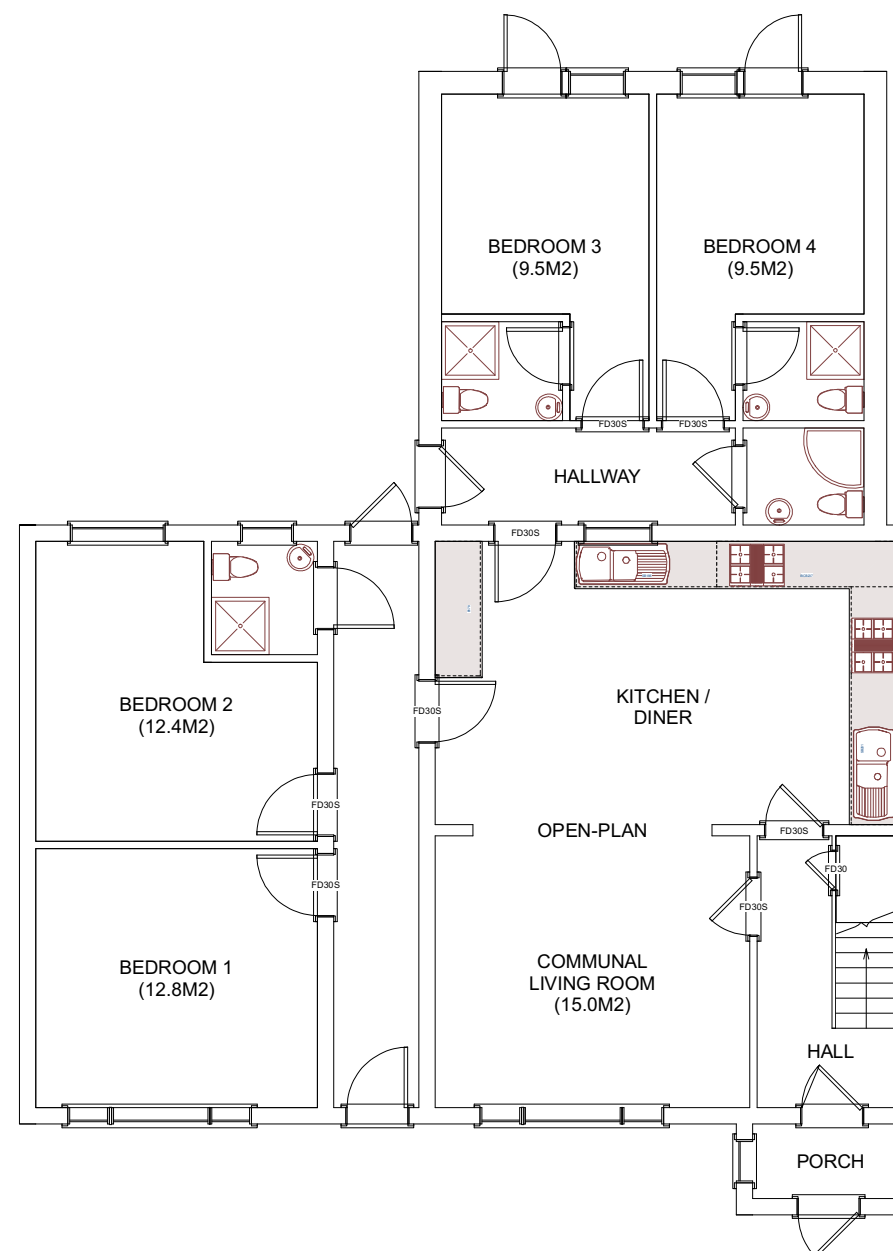
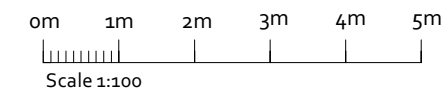
* under Housing Act 1985

SCHEDULE OF PARKING

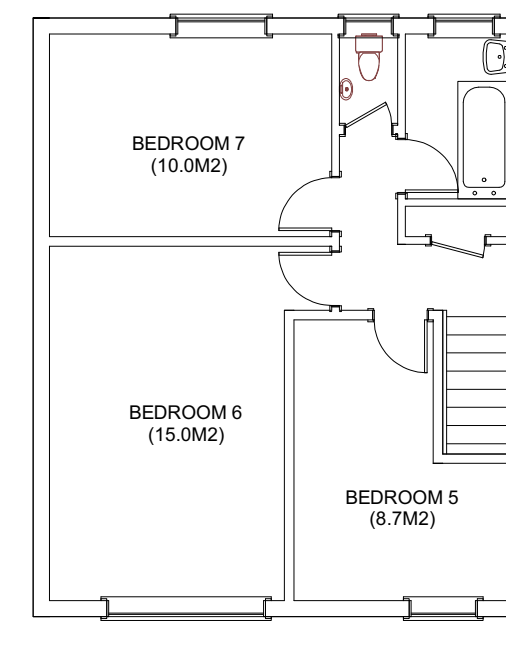
4 SPACES SUITABLE FOR UP TO 8 BEDROOMS

SCHEDULE OF AMENITY SPACE

REAR GARDEN SIZE = 189SQM
SUITABLE FOR 7+ BEDROOM @ 15SQM/ROOM



PROPOSED GROUND FLOOR
(SCALE 1:100)



PROPOSED FIRST FLOOR
(SCALE 1:100)

Sheet #
3 of 3

Drawn By:
MS

Date:
21/02/2016

Scales: 1:50
1:100, 1:200,
1:500, 1:1250
@ ISO A3 (297
x 420)

Applicant: SBI Properties Ltd
Proposal: Change of Use from 6-bed House in Multiple
Occupation (Use Class C4) to use as a 7-bed House in
Multiple Occupation (Sui Generis)

Address: 49 Central Avenue,
Hayes, Middx UB3 2BW
Drawing Ref.: 49CA-HMO-3/
Rev.1.0



Mr Mandeep Singh
Top Floor
Bridgewater House
866-868 Uxbridge Road
Hayes UB4 0RR

Application Ref: 38444/APP/2016/744

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

REFUSAL OF PLANNING PERMISSION

The Council of the London Borough of Hillingdon as the Local Planning Authority within the meaning of the above Act and associated Orders **REFUSES** permission for the following:-

Description of development:

Change of use from a 6 person house in multiple occupation (Use Class C4) to a 10 person house in multiple occupation (Sui Generis)

Location of development: 49 Central Avenue Hayes

Date of application: 26 February 2016

Plan Numbers: See attached Schedule of plans

Permission is refused for the reason(s) listed on the attached schedule:-

Head of Planning and Enforcement

Date: 9 June 2017

NOTES: (i) Please also see the informatives included in the Schedule of Reasons.

(ii) Should you wish to appeal against this decision please read the attached sheet which explains the procedure.

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

REFUSAL OF PLANNING PERMISSION

Application Ref: 38444/APP/2016/744

SCHEDULE OF REASONS

- 1 · The proposal would result in an overintensive use of this end-of terrace dwelling to the detriment of the residential amenities of adjoining occupiers by reason of noise and disturbance. Therefore the proposal would be contrary to policies BE19, BE21 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Guidance Houses in Multiple Occupation (2004).

END OF SCHEDULE

Address:

Residents Services
London Borough of Hillingdon
3 North Civic Centre, High Street, Uxbridge UB8 1UW
Tel: 01895 250230
www.hillingdon.gov.uk

REFUSAL OF PLANNING PERMISSION

Application Ref.No.: 38444/APP/2016/744

SCHEDULE OF PLANS

Design and Access Statement - received 22 Feb 2016

49CA-HMO-1 Rev 1.0 - received 22 Feb 2016

HMO Management Supervision Plan - received 22 Feb 2016

49CA-HMO-3 Rev 1.0 - received 22 Feb 2016

49CA-HMO-2 Rev 1.0 - received 22 Feb 2016

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the office of the First Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel 0117 372 8424). Appeal forms can be downloaded from the Planning Inspectorate's website at <http://.Planning-inspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of an appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices.

If either the local planning authority or the officer of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

APPLICATION FOR: 38444/APP/2016/744

49 CENTRAL AVENUE HAYES

COMMITTEE: Central South PC

DATE: 18th May 2016

I confirm:-

- All consultations have been completec
- All consultations are reflected in the report.
- The report is free from spelling, typing and grammatical errors.

Final formatting:

Signed:- _____
Case Officer

Signed:- _____
Team Manager

Signed:- _____
Senior Manager

I agree this report can go on the agenda for the above Committee.

Signed:- _____
DC Tech Admin

Item No. **Report of the Head of Planning, Building Control, Sport & Green Spaces**

Address 49 CENTRAL AVENUE HAYES

Development: Change of use from a 6 person house in multiple occupation (Use Class C4) to a 10 person house in multiple occupation (Sui Generis)

LBH Ref Nos: 38444/APP/2016/744

Drawing Nos: Design and Access Statement
49CA-HMO-1 Rev 1.0
HMO Management Supervision Plan
49CA-HMO-3 Rev 1.0
49CA-HMO-2 Rev 1.0

Date Plans Recieved: 23/02/2016

Date(s) of Amendment(s):

Date Application Valid: 26/02/2016

1. **SUMMARY**

The application seeks planning permission for a change of use from from a 6 person house in multiple occupation (Use Class C4) to a 10 person house in multiple occupation (Sui Generis). The proposal is not considered to detract from the character and appearance of the Central Avenue Area of Special Local Character (ASLC) and, subject to the imposition of conditions to secure compliance with the submitted Management Plan, would not result in an unacceptable loss of residential amenity to occupants of neighbouring dwellings. The proposal does not raise any highway safety concerns and it therefore recommended for approval.

2. **RECOMMENDATION**

APPROVAL subject to the following:

1 HO1 **Time Limit**

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

REASON

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

2 HO2 **Accordance with approved**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan and document, number 49CA-HMO-3 Rev 1.0 and HMO Management Supervision Plan received 22.2.16

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2015).

3 NONSC **Non Standard Condition**

The development shall not be occupied until the proposed cycle parking as shown on the proposed site plan, Drawing No. 49CA-HMO-3 Rev 1.0 has been provided. Thereafter,

the proposed cycle parking provision shall be maintained and retained at all times for the occupants of the site.

REASON

To ensure that an appropriate level of secure cycle storage provision is provided on site in accordance with Policy AM9 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Chapter 6 of the London Plan . (July 2011).

4 NONSC Non Standard Condition

The development hereby permitted shall not be occupied until the physical works and management arrangements are completed/in place in accordance with the specified supporting plans and/or documents:

- (i) HMO Management Procedure (HMO Management Supervision Plan received 22.2.16)
- (ii) Parking Arrangements (as set out within plan no: 49CA-HMO-3 Rev 1.0)

Thereafter the development shall be retained/maintained in accordance with these details for as long as the development remains in existence.

REASON

To ensure that the development complies with the objectives of Policies AM14, OE1 and BE38 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and Policy 3.5 of the London Plan (2015).

5 RES9 Landscaping (car parking & refuse/cycle storage)

No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Soft Landscaping
 - 1.a Planting plans (at not less than a scale of 1:100),
 - 1.b Written specification of planting and cultivation works to be undertaken,
 - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
2. Details of Landscape Maintenance
 - 2.a Landscape Maintenance Schedule for a minimum period of 5 years.
 - 2.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.
3. Schedule for Implementation

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality in compliance with policies BE13 and BE38 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

INFORMATIVES

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

2 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (2015) and national guidance.

AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
H2	Restrictions on changes of use of residential properties
H3	Loss and replacement of residential accommodation
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

3 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2015). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

4 I47 Damage to Verge - For Council Roads:

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage

occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

5 I5 Party Walls

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

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

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

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

6 I15 Control of Environmental Nuisance from Construction Work

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance' The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the west side of Central Avenue and is occupied by a two storey end of terrace dwelling with a two storey side and single storey rear extension and rear dormer extension. The site is situated within the Developed Area and Central Avenue Area of Special Local Character (ASLC) as identified in the policies of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3.2 Proposed Scheme

The application seeks planning permission for a change of use from from a 6 person house in multiple occupation (Use Class C4) to a 10 person house in multiple occupation (Sui Generis). The submitted plans propose the following:

- 1 communal kitchen,
- 1 communal living/dining room,
- 2 shared shower-rooms with WC,
- 1 shared bathroom,
- 1 shared WC facility,
- 2 en-suite bedrooms
- 1 sheltered cycles storage (7 bicycles)
- soft landscaped front and rear garden
- front driveway for 4 cars
- 2 refuse storage bins

The size of the bedrooms proposed are as follows:

Bedroom 1 - 12.8m²
Bedroom 2 - 12.4m²
Bedroom 3 - 9.5m²
Bedroom 4 - 9.5m²
Bedroom 5 - 8.7m²
Bedroom 6 - 15.0m²
Bedroom 7 - 10.0m²

3.3 Relevant Planning History

38444/APP/2014/2222 49 Central 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 3.6 metres, and for which the height of the eaves would be 3 metres

Decision: 04-08-2014 PRN

38444/APP/2015/1554 49 Central Avenue Hayes

Conversion of garage to habitable room involving alterations to rear elevation and replacement window to front (Part Retrospective)

Decision: 30-06-2015 Approved

38444/APP/2015/166 49 Central Avenue Hayes

Conversion of roofspace to habitable use to include a rear dormer, 3 front rooflights and conversion of roof from hip to gable end (Application for a Certificate of Lawful Development for a Proposed Development)

Decision: 11-03-2015 Approved

38444/APP/2015/187 49 Central Avenue Hayes

Conversion of garage into habitable room with replacement window (Application for a Certificate of Lawful Development for an Existing Development)

Decision: 21-04-2015 Refused

Comment on Relevant Planning History

The following planning history is considered to be of relevance to this application:

38444/APP/2015/1554 - Conversion of garage to habitable room involving alterations to rear elevation and replacement window to front (Part Retrospective) APPROVED

38444/APP/2015/187 - Conversion of garage into habitable room with replacement window (Application for a Certificate of Lawful Development for an Existing Development) was refused for the following reason:

The development does not constitute Lawful Development under Section 191 of Town and Country Planning Act 1990, Section 191 as amended by Section 10 of the Planning and Compensation Act 1991 as the Applicant has not demonstrated that, on the balance of probability, the use has existed and been continuous for at least a period of four years, prior to the date of this application and the development does not constitute permitted development by virtue of the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as condition 3 of 38444/APP/86/0678 for the original development of the garage stated that the garage cannot be used other than for the parking of private motor vehicles.

38444/APP/2015/166 - Conversion of roofspace to habitable use to include a rear dormer, 3 front rooflights and conversion of roof from hip to gable end (Application for a Certificate of Lawful Development for a Proposed Development). APPROVED

38444/APP/2014/2222 - 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 3.6 metres, and for which the height of the eaves would be 3 metres. APPROVED.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM14 New development and car parking standards.

AM7 Consideration of traffic generated by proposed developments.

OE1 Protection of the character and amenities of surrounding properties and the local area

OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
H2	Restrictions on changes of use of residential properties
H3	Loss and replacement of residential accommodation
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

The Townfield Tenants Residents Association and 7 neighbouring properties were consulted by letter dated 3.3.16 and a site notice was displayed to the front of the site which expired on 4.4.16

1 letter of objection has been received from the Hayes Village Conservation Area Panel raising concerns about the extensions to this property which were carried out on the assumption that the property was a single private dwellinghouse. The property should be retained as a larger single private dwelling which are in demand in this area. HMO's detract from the character of the area, often leading to parking problems.

The application has been called to committee for consideration by the Ward Councillor.

Internal Consultees

HMO Housing Officer: No objection

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Paragraph 2.8 of the SPG HMO 2004 advises that policies H2 and H3 seek to safeguard existing housing in the borough. In this respect, it should be noted that the Council does not consider the change of use of a HMO to sui generis to represent a loss of residential accommodation and as such the proposal would not be in conflict with the above mentioned policies. Hence the principle of the change of use from an existing House in Multiple Occupancy (C4) to a larger House in Multiple Occupancy (sui generis) is

considered acceptable, subject to the proposal meeting all other guidelines.

Paragraph 3.5 of the SPG states that terraced properties with minimum gross floor area (GFA) of 120m² can be considered for conversion. The proposal property is an end terrace and has a total GFA of 165m². Hence this property would be considered suitable for the conversion. The principle of the development is therefore considered acceptable.

7.02 Density of the proposed development

Not applicable to this application.

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

The application site lies within the Central Avenue Area of Special Local Character (ASLC). Policy BE5 resists development which would adversely affect Areas of Special Local Character. The proposal would not result in any external alterations to the property itself. The submitted plans propose the introduction of soft landscaping to the frontage which would be of visual benefit to the ASLC.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Furthermore policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) resist any development which would fail to harmonise with the existing street scene or would fail to safeguard the design of existing and adjoining sites. Policy BE5 seeks to resist development which would adversely affect the character of Areas of Special Local Character.

The proposal does not involve any external alterations to the building. The submitted plans show the introduction of a soft landscaped area to the frontage which would be an improvement to the character and appearance of the street scene. As a result it is considered that the proposal would not have a negative impact upon the visual amenity of the site or the surrounding area in compliance with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and policies BE5, BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.08 Impact on neighbours

In assessing applications for HMOs, the Council will seek to ensure that the change of use will not be detrimental to the residential amenity of the area, including whether the dwelling is large enough and that any increase in the number of residents will not have an adverse impact on noise levels and the level of amenity neighbouring residents can reasonably be expected to enjoy. Under Policy OE1, uses which are likely to become detrimental to the amenities of the surrounding properties or area generally because of noise are not permitted and uses which have the potential to cause noise nuisance will need to be mitigated (Policy OE3).

Policy OE1 states permission will not normally be granted for uses and structures which are, or are likely to become, detrimental to the character or amenities of surrounding properties or the area generally due to their siting or appearance, the storage or display of items, traffic generation and congestion, and noise and vibration emissions.

Although properties used by single families are equally capable of becoming run down, many landlords do not live on-site and so physical problems with converted properties can go undetected for some time without proper management supervision. The transient nature of many converted properties, because of the relatively short duration of tenancies, also increases the need for the effective management and maintenance of properties. Regardless of the interior condition of a property, outwardly visible signs of poor management and maintenance (such as unkempt gardens) tend to have a detrimental effect on the overall street scene and level of residential amenity.

Effective management control, whether it be carried out by housing associations, managing agents or applicants themselves, is crucial to maintaining a satisfactory environment for tenants and for achieving a good tenant/neighbour relationship. The applicant has submitted a Management Plan with this application which the Council's Housing Servicing Manager has advised is acceptable. It is recommended that this management plan be conditioned accordingly to ensure that occupants of nearby dwellings do not suffer an unacceptable loss of amenity in accordance with Policies OE1 and OE3 of the Local Plan.

7.09 Living conditions for future occupiers

The guidance contained within the Council's SPG on Houses in Multiple Occupation advises that the occupancy levels for semi-detached houses should be a maximum of 10 and will be required to provide a ground floor habitable room over 10m², other than a kitchen for communal living purposes. The proposal complies with this advice with the provision of a kitchen diner measuring 22.5 square metres and a separate communal living room measuring 15 square metres. All bedrooms are considered to be of an acceptable size with an acceptable layout and the future occupants of the property would enjoy a satisfactory level of residential amenity in accordance with the requirements of the Supplementary Planning Guidance Houses in Multiple Occupation and other non-self contained housing (2004).

The Council's SPG on HMOs require the provision of 15 square metres of external amenity space for each habitable room (excluding those used for communal living purposes). Therefore, the proposed development would be required to provide 105 square metres of external amenity space. A total of 189 square metres of external amenity space is provided and this would therefore comply with Policy BE23 of the Hillingdon Local Plan (November 2012).

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy AM7 of the Local Plan considers the traffic generated by proposals but states that permission will not be granted where the free flow of traffic or conditions of general highway or pedestrian safety are likely to be prejudiced. Policy 4.7 within the SPG 'Houses in Multiple Occupation' offers the following advice in terms of parking for HMOs:

'The Council will require the provision of up to 1 off-street parking space for every 2 habitable rooms, excluding those used for communal living purposes. The submitted plan shows the provision of 4 parking spaces within the frontage which would meet this requirement. The submitted plans also confirm the provision of 7 secure cycle spaces which will be conditioned accordingly. The proposal is therefore considered acceptable in accordance with Policy AM14 of the Hillingdon Local Plan - Saved UDP Policies (November 2012).

7.11 Urban design, access and security

The issues are addressed in the sections above.

7.12 Disabled access

No issues raised.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Not applicable to this application.

7.15 Sustainable waste management

The proposal includes the provision of two 240L wheelie bins with permanent enclosure, located to the rear of the property.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

The issues are addressed in the sections above.

7.19 Comments on Public Consultations

An objection has been raised from the Hayes Village Conservation Panel raising concerns that the property is being used as an HMO with a licence for operating as such. The application property can be used as a small HMO (C4) with a maximum occupancy of 6 residents as permitted development. The current application seeks permission for a change of use of this property from a C4 use to a sui generis use to increase the number of occupants and thus does not result in a change in the nature of the use.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

No other issues raised.

8. Observations of the Borough Solicitor

General

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

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

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

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing

the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

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

Equalities and Human Rights

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

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

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

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

The application seeks planning permission for a change of use from from a 6 person house in multiple occupation (Use Class C4) to a 10 person house in multiple occupation (Sui Generis). The proposal is not considered to detract from the character and appearance of the Central Avenue Area of Special Local Character (ASLC) and, subject to the imposition of conditions to secure compliance with the submitted Management Plan, would not result in an unacceptable loss of residential amenity to occupants of neighbouring dwellings. The proposal does not raise any highway safety concerns and it therefore recommended for approval.

11. Reference Documents

Hillingdon Local Plan (November 2012)

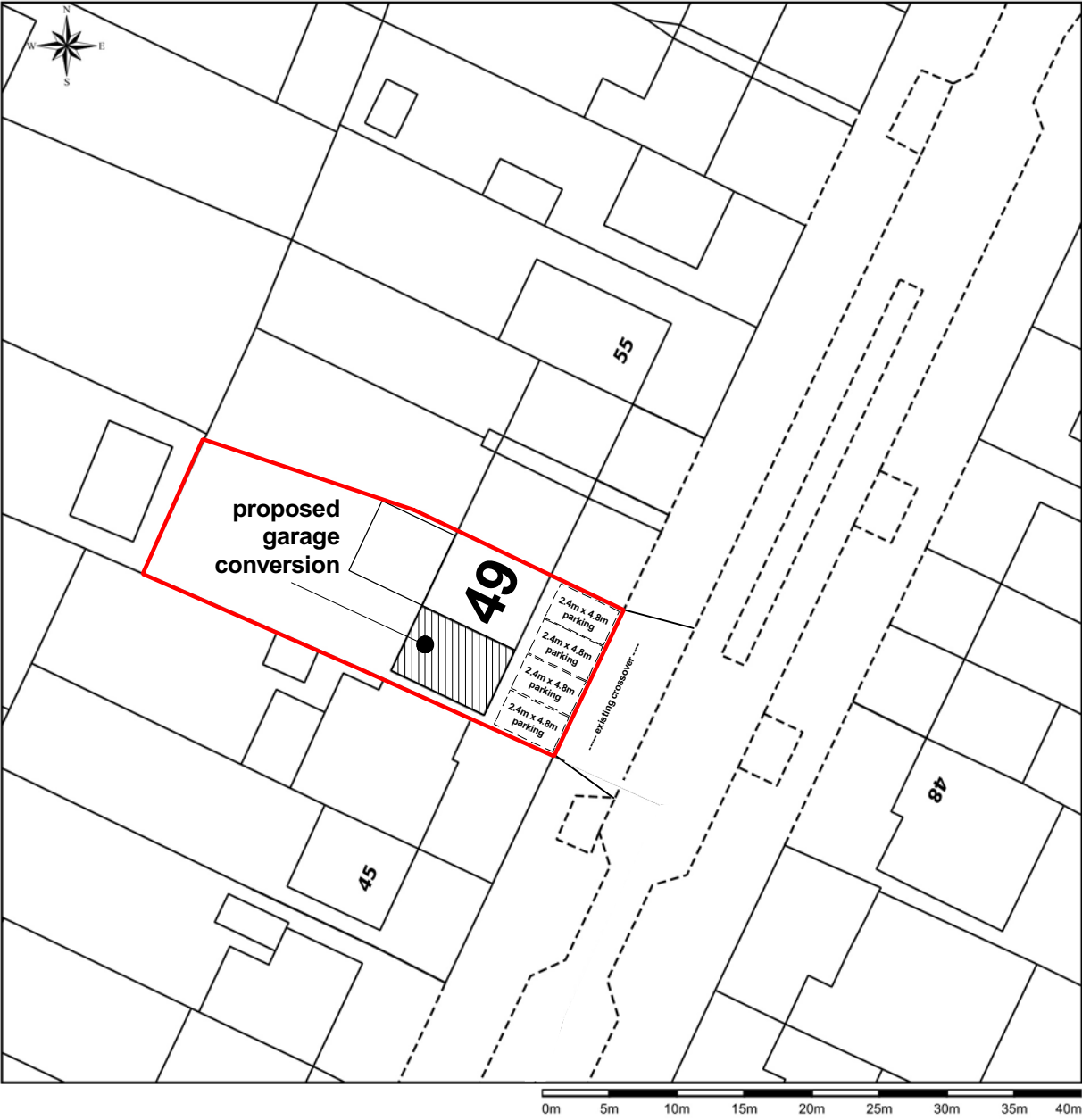
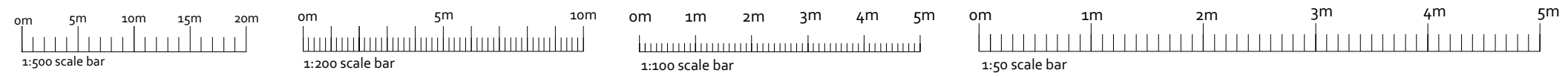
The London Plan (March 2015)

Housing Standards Minor Alterations to The London Plan (March 2016)

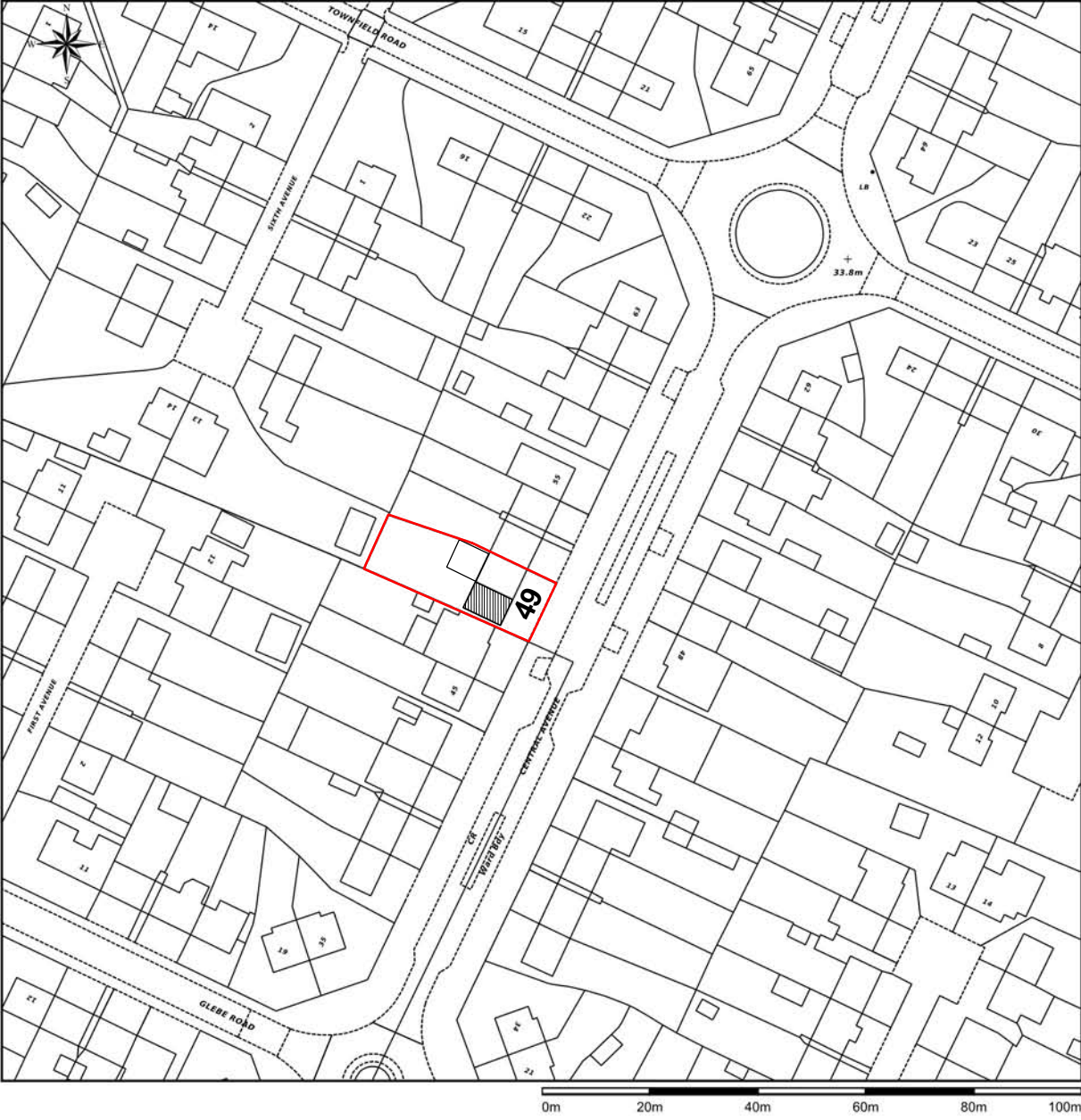
Parking Standards Minor Alterations to The London Plan (March 2016)
National Planning Policy Framework
Hillingdon Design and Accessibility Statement: Residential Layouts (July 2006)
Supplementary Planning Guidance Houses in Multiple Occupation and other non-self
contained housing (2004)

Contact Officer: Nicola Taplin

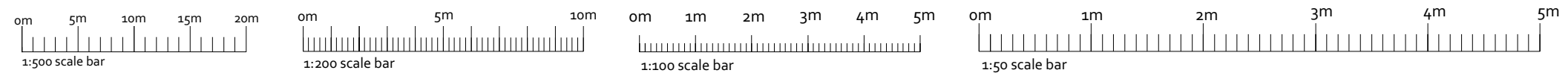
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BLOCK PLAN (SCALE 1:500)



LOCATION PLAN (SCALE 1:1250)



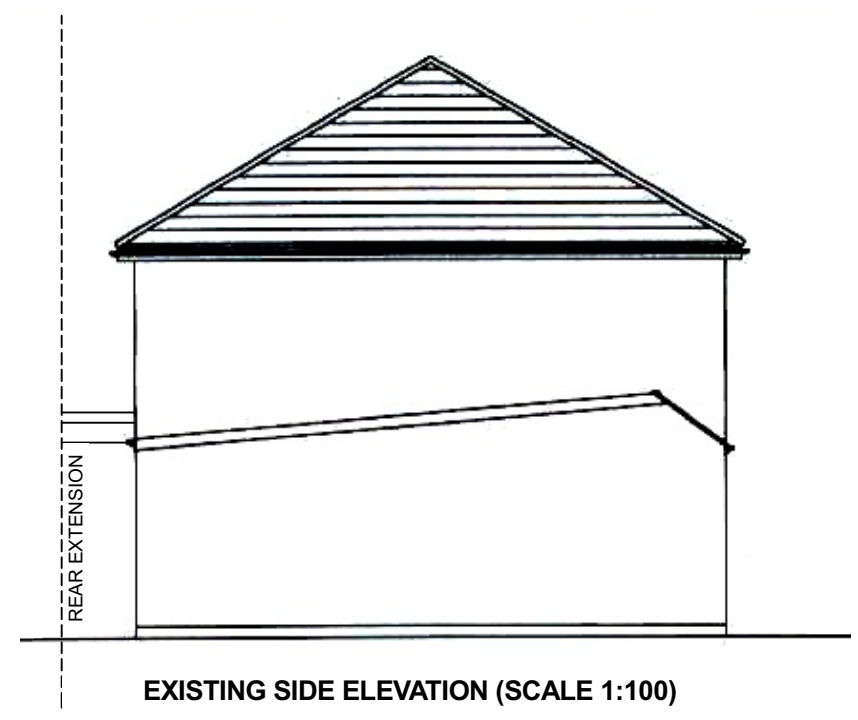
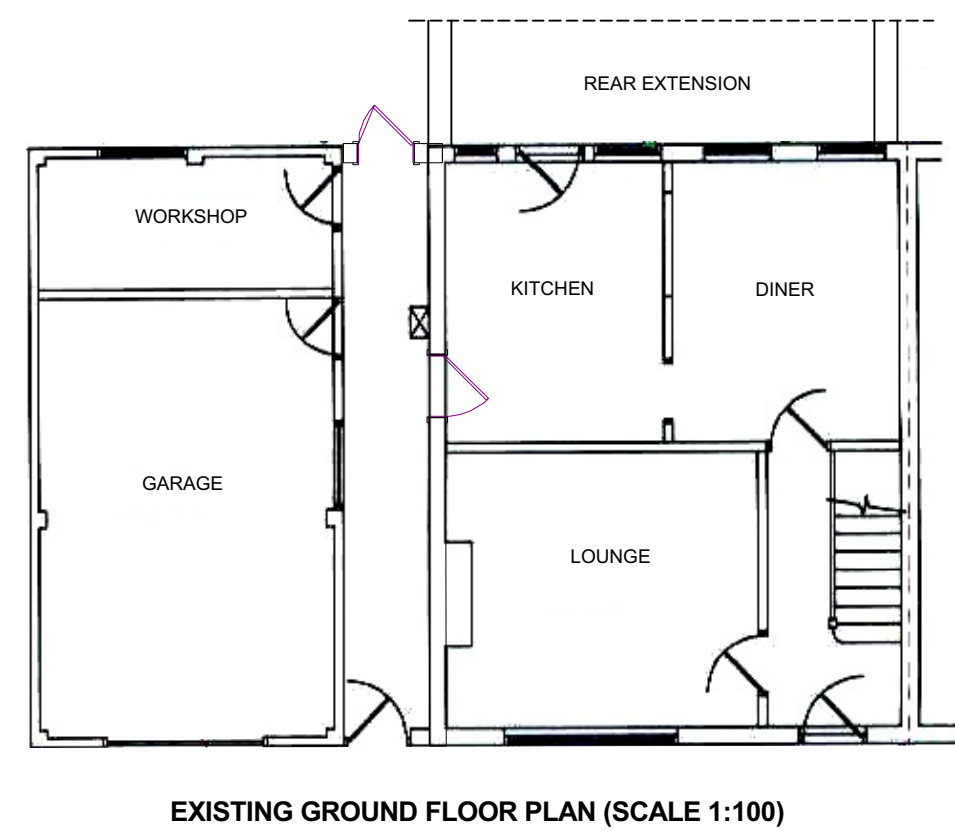
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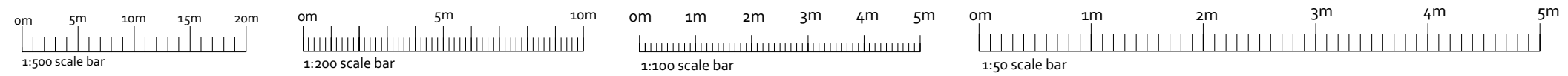
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27/04/2015

Scales: 1:50
1:100, 1:200,
1:500, 1:1250
@ ISO A3 (297
x 420)

Address: 49 Central Avenue, Hayes, Middx UB3 2BW
Drawing Ref.: CAD/2015/49CA/V1-2/Rev.2.0
Applicant: SBI Properties Ltd
Project: Conversion of existing garage into habitable rooms (FP)



EXISTING PLANS (SCALE 1:100)



Drawn By:
MS

Date:
27/04/2015

Scales: 1:50
1:100,1:200,
1:500,1:1250
@ISO A3 (297
x 420)

Address: 49 Central Avenue, Hayes, Middx UB3 2BW
Drawing Ref.: CAD/2015/49CA/V1-3/Rev.2.0
Applicant: SBI Properties Ltd
Project: Conversion of existing garage into habitable rooms (FP)

Side door retained to provide garden and refuse access and meet the HDAS 4.28 'front to rear access' requirement.

proposed uPVC window to match existing

proposed pebble dash rendering to match existing

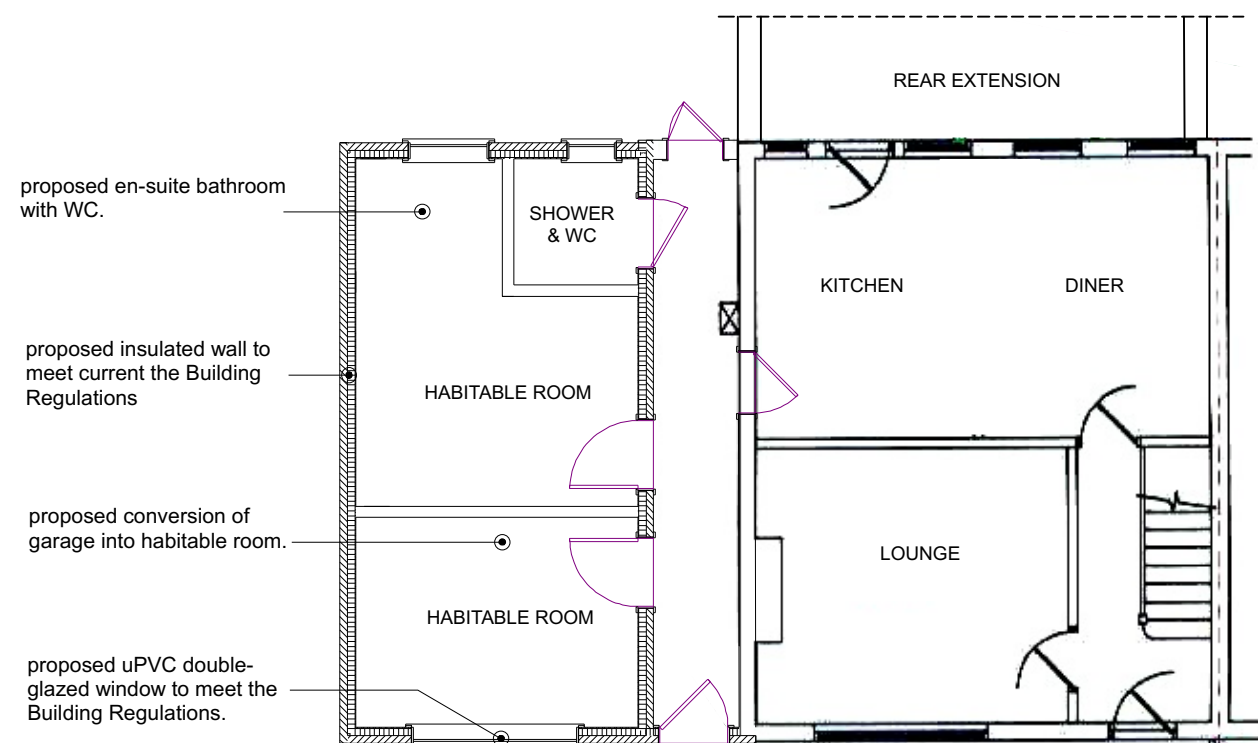


PROPOSED FRONT ELEVATION (SCALE 1:100)

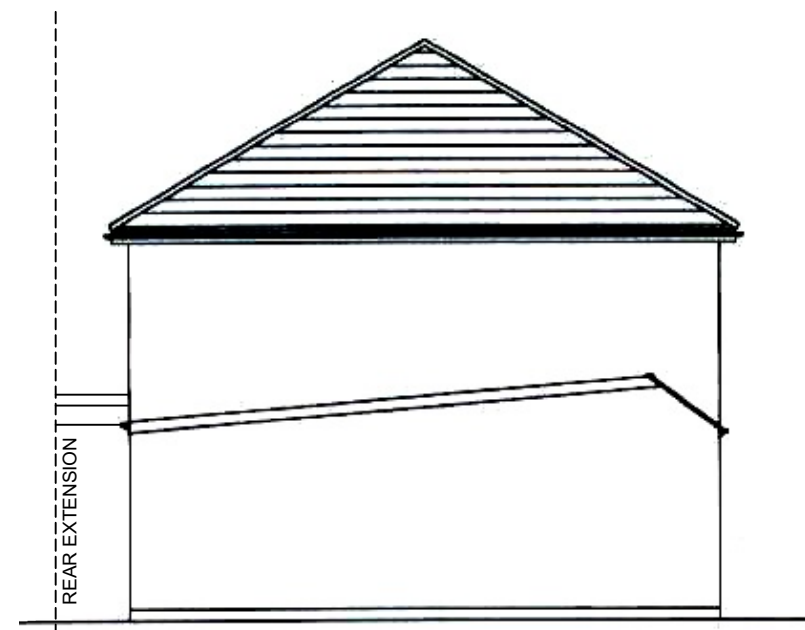


proposed uPVC window to match existing

PROPOSED REAR ELEVATION (SCALE 1:100)



PROPOSED GROUND FLOOR PLAN (SCALE 1:100)



PROPOSED SIDE ELEVATION (SCALE 1:100)

PROPOSED PLANS (SCALE 1:100)