

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 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. ADVERTISEMENT 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 Heads of Terms have already received Committee approval | ☐ |
| 25. WORKS TO TREES | ☐ |
| 26. OTHER (please specify) | ☐ |

The delegation powers schedule has been checked. Director of Residents Services can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives 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 DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Item No. **Report of the Head of Planning, Transportation and Regeneration**

Address 31 MORELLO AVENUE HILLINGDON

Development: Change of use of 3-bed dwelling to 5-bed HMO (Use Class C4) (Part Retrospective)

LBH Ref Nos: **72026/APP/2018/2672**

Drawing Nos: MAPA01 Rev. B
MAPA02 Rev. B

Date Plans received : 11/09/2018

Date(s) of Amendment(s):

Date Application Valid: 11/09/2018

1. SUMMARY

The application seeks planning permission for a change of use of 3-bed dwelling to 5-bed HMO (Use Class C4) and seeks to address the concerns raised in respect of planning application reference 72026/APP/2017/1064 for a 6 bed HMO which was subsequently dismissed at appeal. Whilst the proposal would not constitute an over-concentration of HMO or sui generis uses in the area in accordance with the Interim Planning Policy Document, the layout of the accommodation would fail to provide a satisfactory residential environment for the future occupants of the HMO given that the communal kitchen/diner would achieve very poor levels of outlook and light and would also result in an overintensive use of the site to the detriment of the amenities of adjoining occupiers. Furthermore the proposal includes a habitable bedroom of substandard size. The proposal fails to adequately address the previous reasons for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposal would fail to provide a satisfactory residential environment for the future occupants of the HMO given that the communal kitchen/diner would achieve very poor levels of outlook and light. The proposal is therefore contrary to Policy 3.5 of the London Plan (2016), the Mayor of London's Housing Standards Minor Alterations to The London Plan (March 2016) and Policy BE20 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

2 NON2 Non Standard reason for refusal

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

3 NON2 Non Standard reason for refusal

The proposal fails to provide a satisfactory level of amenity to the occupants of a habitable bedroom by way of a substandard floor area contrary to Policy 3.5 of the London Plan (2016), the Mayor of London's Housing Standards Minor Alterations to The London Plan (March 2016) and Policies BE19 and BE21 of the Hillingdon Local Plan:

INFORMATIVES

1 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE20	Daylight and sunlight considerations.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
H7	Conversion of residential properties into a number of units
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
LPP 3.5	(2016) Quality and design of housing developments

3 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

4

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service. This is a resubmission of a previously refused scheme, where the Inspectors Report identified issues to be addressed, which were reflected in the reasons for refusal, allowing the opportunity to address those issues within this submission.

3. CONSIDERATIONS

3.1 Site and Locality

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

3.2 Proposed Scheme

The application seeks planning permission for a change of use of 3-bed dwelling to 5-bed HMO (Use Class C4).

The scheme differs from that which was previously dismissed at appeal in that the number of letting bedrooms has been reduced by 1 with this room being used as a lounge and the door removed between it and the kitchen/diner.

3.3 Relevant Planning History

72026/APP/2017/1064 31 Morello Avenue Hillingdon

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

Decision: 18-05-2017 Refused

Appeal: 15-03-2018 Dismissed

Comment on Planning History

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

Planning permission was refused under application reference 72026/APP/2017/1064 for the Conversion of single family dwelling into 6 bedroom House in Multiple Occupation (HMO) (Retrospective) for the following reasons:

1. The proposal would fail to provide a satisfactory residential environment for the future occupants of the HMO given that the communal kitchen/diner would achieve very poor levels of outlook and light. The proposal is therefore contrary to Mayor of London's Housing Standards Minor Alterations to The London Plan (March 2016), Policies BE19 and BE20 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Guidance Houses in Multiple Occupation (2004).

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

3. The proposal would result in an overintensive use of the site to the detriment of the residential amenities of adjoining occupiers by reason of noise and disturbance. Therefore the proposal would be contrary to policies BE19, BE21 and OE3 of the Hillingdon Local

Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Guidance Houses in Multiple Occupation (2004).

An appeal was subsequently dismissed which is discussed in the sections below.

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

7 neighbouring properties were consulted by letter dated 12.9.18 and a site notice was displayed to the front of the site which expired on 12.10.18.

3 letters of objection have been received raising concerns relating to the inadequate parking provision, increased demand on the drainage system resulting from the increased number of bathrooms and residents and referring to the previous refusal and appeal dismissal.

Landscape Officer:

The property has been the subject of recent submissions including application ref. 2017/1064, which was refused on appeal. The current layout appears to be very similar. No trees or other landscape features will be affected by the proposal. The appearance of the hard standing is detrimental to the residential area and contrary to Hillingdon's design guidance. However, it is not unique in this area and if three car spaces are considered essential (on-street parking is limited) there is no scope for landscape enhancement short of removing the existing surfacing and replacing it with better quality permeable materials?

RECOMMENDATION: If three car spaces are not required, conditions H10 and RES9 (parts 1, 2, 4, 5 and 6) should be imposed.

Highways Officer:

With regard to highway implications, this scheme follows that contained within ref, 72026/APP/2017/1064 to which the Highway Authority raised no objections to on a letter dated 4th May 2017. Given that this scheme is effectively like-for-like compared to that already commented upon, I do not deem this application detrimental to the safety and convenience of the highway network.

Mindful of the above, on the proviso that the applicant provides more detailed drawings showing the proposed crossover arrangements, I do not have any objections.

6. UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

AM7 Consideration of traffic generated by proposed developments.

AM14 New development and car parking standards.

BE20	Daylight and sunlight considerations.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
H7	Conversion of residential properties into a number of units
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
LPP 3.5	(2016) Quality and design of housing developments

In addition:

7. MAIN PLANNING ISSUES

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

The application proposes no extensions to the building and is solely for a change of use which seeks permission for an HMO use. Morello Avenue, in the main, comprises modestly sized semi-detached dwellings, where the impact of a large HMO would be exacerbated more than in other suburban streets where there is less dense development.

The proposal would provide 4 double and 1 single bedroom resulting in the potential for 9 unrelated individuals to live together sharing basic amenities such as a kitchen and a bathroom. It is considered that the number of residents proposed within the building would be substantially more than if a large family were to occupy the dwelling and therefore the impact on neighbouring occupiers, in terms of vehicle movements, movements of residents at all times of the day and night and consequently noise and disturbance would be greater than could reasonably be expected if the property were occupied by a family and thus the proposal is considered, on balance to have an unacceptable and undue impact on existing residential amenity and the proposal would therefore be contrary to Policies BE19, BE21 and OE3 of the Hillingdon Local Plan: Part Two - Saved Policies (November 2014).

This view was supported by the Inspector in relation to the previous appeal for the use of the property as a 6 Bed (up to 11 person) HMO. He stated:

"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.

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. Consequently, the proposal would conflict with UDP Policy BE19, which seeks to ensure that development in residential areas complements the character and amenity of the area, and Policy OE3, which states that uses which have the potential to cause noise annoyance will only be permitted if the impact is mitigated. No mitigation measures have been suggested in this case. Nor would the proposal accord with the SPG insofar as it has similar aims."

Whilst it is recognised that the current proposal seeks permission for a lower occupancy

of the application building (9) rather than 11 as previously dismissed, it is considered that the occupancy levels would remain excessive and would have an unacceptable impact upon the occupants of neighbouring dwellings.

7.2 Impact on Street Scene

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

The proposal does not propose any external alterations to the property and is considered acceptable in this respect.

7.3 Traffic Impact/Pedestrian Safety

Policy AM7 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Policy AM14 states that new development will only be permitted where it is in accordance with the Council's adopted Car Parking Standards. These require a maximum provision of 1 space per two bedrooms. The submitted plans indicate 3 parking spaces within the frontage with the crossover details. It is noted that one of the spaces could not be independently accessed if 2 other cars are parked on the frontage. However the highways officer has raised no objection to the proposal, given in the event of an approvable scheme, conditions could be imposed to secure an acceptable parking layout.

7.4 Carparking & Layout

See above.

7.5 Urban Design, Access and Security Considerations

The revised application proposes an internal layout as follows:

Bedroom 1 - 13.6 sq.m (en-suite)
lounge- 10.94 sq.m (en-suite) and door removed to integrate with kitchen diner (19.5 sq.m)
Bedroom 2 - 10.98 sq.m (en-suite)
Bedroom 3 - 12.5 sq.m (en-suite)
Bedroom 4 - 13.14 sq.m (en-suite)
Bedroom 5 - 6.5 sq.m

The National Space Standards, reflected in the Mayor of London's Housing Standards Minor Alterations to The London Plan (March 2016) requires a single room to have a minimum internal floor area of 7.5 square metres. Bedroom 5, at a floor area of 6.5 square metres, fails to meet this minimum standard. As such, the proposal fails to provide a satisfactory level of amenity to the occupants of a habitable bedroom by way of a substandard floor area in conflict with London's Housing Standards Minor Alterations to The London Plan (March 2016) and Policies BE19 and BE20 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

During consideration of the previous appeal, the Inspector raised concerns about the levels of light and outlook enjoyed by the occupants of the HMO in terms of the restricted

light levels and outlook to the communal kitchen area. He advised:

"The communal kitchen/lounge provides the only shared living space for future occupiers. It is a fairly long room, lit at one end by a small window and an obscured glazed door. The openings face the side boundary wall of the property at a distance of around 1.5m and the two storey flank wall of the neighbouring dwelling at a distance of some 4m. As such, the outlook from the room is very restricted and only a small area of sky is visible from much of the room. Moreover, the kitchen area in particular, which is furthest from the window and door, is poorly lit and it would be difficult to carry out day to day activities without the use of artificial lighting.

Consequently, I consider that the outlook from, and light level in, the communal kitchen/lounge would not provide satisfactory living conditions for future occupiers. The proposal would not, therefore, comply with Policy 3.5 of the Housing Standards Minor Alterations to the London Plan 2016 (LP) to the extent that it requires housing developments to be of the highest quality internally, or saved Policy BE20 of the Hillingdon Unitary Development Plan 2007 (UDP) which requires buildings to be laid out so that adequate daylight and sunlight can penetrate into them."

The current proposal attempts to overcome this concern by the use of the original rear facing en-suite bedroom 2 as a communal lounge which would be linked to the communal kitchen dining area by the removal of an internal door. Whilst it is acknowledged that the use of the en-suite room within the rear extension would provide a communal room with appropriate levels of light and outlook, concerns remain in terms of the level of amenity enjoyed by the use of the future tenants of the kitchen/dining room. The removal of the single door would provide restricted rearwards views. However prevention of a door being reinstalled by condition would be difficult to enforce. Furthermore, the restricted views through this doorway towards the rear garden are not considered to overcome the concerns raised in terms of the light and outlook enjoyed by the occupants of the kitchen/dining room. The proposal would therefore fail to provide a satisfactory residential environment for the future occupants of the HMO given that the communal kitchen/diner would achieve very poor levels of outlook and light. The proposal is therefore contrary to Mayor of London's Housing Standards Minor Alterations to The London Plan (March 2016) and Policies BE19 and BE20 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The Council's SPG on HMO's requires the provision of 15 square metres of external amenity space for each habitable room (excluding those used for communal living purposes). Therefore, the proposed development would be required to provide 75 square metres of external amenity space. The rear garden provides some 125 square metres and as such is considered to comply with Policy BE23 of the Hillingdon Local Plan (November 2012).

7.6 Other Issues

Principal of Development

The site is located within an area covered by an Article 4 Direction that removes permitted development rights for the conversion of residential properties to Houses in Multiple Occupation without planning permission. The Council's 'Houses in Multiple Occupation in the Uxbridge South and Brunel Wards' Planning Policy Document recognises that higher education institutions and the student population form an important element of the community and the presence of a large student population contributes greatly to the social vibrancy of Uxbridge and the local economy.

The Council are committed to ensuring student needs are met and will continue to work with Hillingdon's higher education institutions in addressing student housing needs. However, it is also recognised that concentrations of student households, often accommodated in HMOs, can cause imbalances in the local community which can have negative effects. These negative effects can include a rise in anti-social behaviour, increases in crime levels, parking pressures, general increase in demand for local shops such as takeaway establishments, off licenses etc. It can also put pressures on family and starter housing as owner occupiers and buy to let landlords compete for similar properties.

It also has implications for non-students seeking accommodation in the private rented sector. The introduction of the Article 4 Direction to remove permitted development rights for the conversion of properties enables future monitoring of the spatial distribution and impacts of student housing and other HMOs and will allow the Council to identify if it is necessary to prevent an increase in the number of student households and other HMOs in certain areas to ensure communities retain a satisfactory mix of households.

Policy HM1 The Council's 'Houses in Multiple Occupation in the Uxbridge South and Brunel Wards' Planning Policy Document states that:

'Applications for the change of use from dwelling house (Use Class C3) to HMO (Use Class C4 and Sui Generis) will only be permitted where:

- It is in a neighbourhood output area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students or recorded on the Council's database as an HMO or benefit from C4/Sui Generis HMO planning consent or are known to the Council to be HMO's (based on the Council's annual survey data) or
- Less than 15% of properties outside Conservation Areas, or 5% in Conservation Areas, within 100 metres of a street length either side of an application property are exempt from paying council tax because they are entirely occupied by full time students or recorded on the Council's database as an HMO or benefit from C4/Sui Generis HMO planning consent or are known to the Council to be HMOs; and
- The accommodation complies with all other planning standards relating to car parking, waste storage, retention of amenity space and garages and will not have a detrimental impact upon the residential amenity of adjoining properties.'

It is noted that there are no other Registered HMOs within a 100 metres distance of the current proposal. Policy HM1 of the Interim Planning Policy Document (May 2013) states planning permission will only be granted where less than 15% of properties outside Conservation Areas, within 100 metres of a street length either side of an application property are exempt from paying Council tax because they are entirely occupied by full time students or recorded on the Council's database as an HMO or benefit from C4/Sui Generis HMO planning consent or are known to the Council to be HMOs.

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

8. Reference Documents

Hillingdon Local Plan (November 2012);
The London Plan (2016);
National Planning Policy Framework;
Hillingdon Supplementary Planning Guidance Houses in Multiple Occupation;
Houses in Multiple Occupation in the Uxbridge south and Brunel wards.

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