

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** 8 CHURCH CLOSE UXBRIDGE**Development:** Change of use from a 6-bed HMO to a 7-bed HMO**LBH Ref Nos:** **41454/APP/2020/665****Drawing Nos:** ASB691-03
ASB691-01
Location Plan (1:1250)
ASB691-02**Date Plans received :** 08/04/2020**Date(s) of Amendment(s):****Date Application Valid:** 08/04/2020**1. SUMMARY**

The application seeks planning permission for a change of use from C4 HMO (for up to 6 occupants) to Sui Generis HMO for 7 occupants.

The change of use would not result in a significant increase in the intensification of the use of the site. It would not result in harm to the character and appearance of the property or the wider setting, there would be no harm in terms of parking and highways issues and the change of use would not result in any harm to the residential amenity of existing and future occupants.

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 number ASB691-02.

REASON

To ensure the development complies with the provisions of the Local Plan: Part Two - Development Management Policies (2020) and the London Plan (2016).

3 NONSC Non Standard Condition

The property shall only be used as a house in multiple occupation for no more than 7 individuals without a further express permission from the Local Planning Authority.

REASON

To ensure that the premises remain as a HMO for 7 people only until such time as the Local Planning Authority may be satisfied that any additional occupants would be in accordance with Policy DMH5 of the Local Plan (2020).

INFORMATIVES

1 I52 Compulsory Informative (1)

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 Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

DMH 2 Housing Mix

DMH 5 Houses in Multiple Occupation

DMH 4 Residential Conversions and Redevelopment

DMHB 11 Design of New Development

DMHB 16 Housing Standards

DMHB 18 Private Outdoor Amenity Space

DMT 2 Highways Impacts

DMT 6 Vehicle Parking

LPP 3.5 (2016) Quality and design of housing developments

NPPF- 2 NPPF-2 2018 - Achieving sustainable development

NPPF- 11 NPPF-11 2018 - Making effective use of land

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 Local Plan Part 2 (2020), then London Plan Policies (2016). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.

4 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.

5 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).

For Private Roads: Care should be taken during the building works hereby approved to ensure no damage occurs to the verge of footpaths on private roads during construction. Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative routes should be taken to avoid private roads. The applicant may be required to make good any damage caused.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the south side of Church Close. It has a long rear garden which backs onto the Andover Close. The property has been extended by way of side and front extensions as well as a roof extension. To the front there is a large driveway. Internally the property comprises of HMO will 6 rooms across the ground and first floors. There is a shared living room, kitchen and bathroom. A seventh room is located in the roof and is currently vacant.

The street scene is residential in character and appearance comprising two storey dwellings. There are no site specific designations relating to this property.

3.2 Proposed Scheme

This planning application seeks planning permission for the change of use of the property from a 6 person HMO (Class C4) to a 7 person HMO (Sui Generis). It is proposed to utilise the seventh room located in the roof so that it forms part of a larger HMO. No physical changes to the interior or exterior of the property are proposed.

3.3 Relevant Planning History

41454/A/88/0301 8 Church Close Uxbridge

Erection of a two-storey side extension & single- storey front extension

Decision: 28-04-1988 Approved

41454/B/92/1655 8 Church Close Uxbridge

Installation of first floor landing window; Variation of condition 3 of planning permission ref. 41454A/88/301 dated 28.4.88; Erection of a two-storey side extension and single-storey front extension

Decision: 05-11-1992 Approved

Comment on Planning History

The applicant has provided evidence that the use of property as a HMO was given a licence in 2011 prior to the introduction of the Article 4 Direction which means that there

are no permitted development rights in relation to the change of use of dwellings into a HMO. The applicant has also provided evidence that this licence was renewed in 2017. As such it is considered that the existing use of the property as a small HMO under Class C4 did not require planning permission and the use of the site as a HMO has already been established.

In regard to the roof extension, this was completed in 2019. The applicant confirms that this structure was completed under permitted development, as such there was no legal obligation for the applicant to seek planning permission or a CLD for this development. Case law from 2016 in relation to a development at 1 Huntswood, Ashford appeal ref:APP/E2205/D/16/3154764 established that properties in C4 use do, indeed have permitted development rights. As such it is considered that the roof extension which contains the vacant seventh bedroom is lawful.

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

3 neighbouring properties were consulted on 9th April 2020 giving 21 days for comments. No comments were received.

Highways:

No comments received.

Access Officer:

No objection.

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

PT1.H1 (2012) Housing Growth

Part 2 Policies:

DMH 2 Housing Mix

DMH 5 Houses in Multiple Occupation

DMH 4 Residential Conversions and Redevelopment

DMHB 11 Design of New Development

DMHB 16 Housing Standards

DMHB 18 Private Outdoor Amenity Space

DMT 2 Highways Impacts

DMT 6 Vehicle Parking

LPP 3.5	(2016) Quality and design of housing developments
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 11	NPPF-11 2018 - Making effective use of land

In addition: N/A

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 only for a change of use. Therefore, the development would cause no significant harm in terms of loss of light, loss of outlook or loss of privacy.

On balance given that the existing property operates with 6 occupants it is considered that the increase to 7 occupants would not be such a significant increase or result in any material impact on the neighbouring properties.

7.2 Impact on Street Scene

The proposed development would have no impact on the appearance of the building and would have an acceptable impact on the visual amenities of the surrounding area, in accordance with Policies DMHB 11 and DMHB 12 of the adopted Local Plan (2020).

7.3 Traffic Impact/Pedestrian Safety

The Council's Local Plan states that off-street parking for a HMO for over 6 occupants will be assessed on an individual basis through the provision of a transport appraisal or Travel Plan. At present there are three off street parking spaces for the property with no additional parking provision proposed. No transport appraisal or Travel Plan has been provided. However it is considered that an increase in the number of occupants from 6 to 7 would not have a significant impact upon the local road network. It is evident that there is on street parking availability on Church Close and as such should the future occupant of the seventh room have a car it is unlikely that this will give rise to conditions prejudicial to pedestrian and highway safety. As such the development is on balance in accordance with Policy DMT6 of the Local Plan.

7.4 Carparking & Layout

As above.

7.5 Urban Design, Access and Security Considerations

The existing HMO already has a licence for 6 people as such in this case it is the acceptability of the seventh room which needs to be assessed. The additional room has a floor space of 23sq.m with it's own en-suite which is larger than the other rooms already within the HMO. The room would have an acceptable level of light and outlook as there are two main windows t the rear and two roof lights to the front. The property already has a large rear garden and there is already a large kitchen, living room and bathroom which can be accessed by the occupants of the additional room.

As such the development would be in accordance with Policy DMH5 of the Local Plan (2020) and Policy 3.5 of the London Plan.

7.6 Other Issues

There is an existing bin store for the property located within the rear garden. Given that the proposal would involve a small increase in the number of occupants it is considered that there would not be a need to provide any further details of the bin storage for this site.

8. Reference Documents

Hillingdon Local Plan Part One: Strategic Policies (2012).
Hillingdon Local Plan Part Two: Development Management Policies (2020)
The London Plan (2016)
National Planning Policy Framework;

Contact Officer: Kelly Sweeney

Telephone No: 01895 250230