

**APPLICATION FOR:** 35085/APP/2022/2548  
65 BERWICK AVENUE HAYES

**COMMITTEE:** Minor Apps PC

**DATE:** 10th May 2023

I confirm:-

- All consultations have been completed
- 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 Interim Director of Planning, Regeneration & Public Realm

**Address:** 65 BERWICK AVENUE HAYES

**Development:** Change of use from a maximum 6-person HMO (use class C4) to a 6-bed, 10-person HMO (sui generis)

**LBH Ref Nos:** 35085/APP/2022/2548

**Drawing Nos:** 65 001 Proposed Floor Plans and Elevations (existing drawings superseded by plans received 20.04.2023)  
 Floor Plan  
 65 001 Existing Floor Plans and Elevations (amended plan received 20.04.2023)  
 65 003 Existing Floor Plans and Elevations (Dormer) (received 20.04.2023)  
 Location Plan

**Date Plans received:** 12-08-2022                      **Date(s) of Amendment(s):** 12-08-2022

**Date Application valid** 12-08-2022

## 1. SUMMARY

The application proposes the change of use of the existing six-person HMO (small HMO, C4 use class) to a ten-person HMO (large HMO, sui generis use class).

The host terraced property sits within a residential area and it is considered that the proposed use as a large HMO for ten occupants represents excessive density for the property, evident in a lack of car parking and unsatisfactory standard of living for the future occupants. Moreover, there are concerns about the impact on neighbouring residential amenity as a result of noise and disturbance, and further, there is an absence of detail relating to flood risk. Consequently, the proposal conflicts with the Development Plan and it is recommended that planning permission is refused for the following reasons:

- 1) Principle of development
- 2) Harm to neighbour amenity (noise disturbance)
- 3) Traffic and parking issues
- 4) Inadequate standard of accommodation for future occupants
- 5) Lack of Flood Risk Assessment

## 2. RECOMMENDATION

## **REFUSAL for the following reasons:**

### **1. NON2 Principle of Development**

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

### **2. NON2 Harm to Neighbour Amenity**

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

### **3. NON2 Traffic and Parking Issues**

The proposed development would fail to provide adequate car parking and electric vehicle parking to serve the increase in the number of occupants, resulting in increased pressure upon on-street car parking, additional traffic congestion on local roads and a lack of alternative forms of sustainable transportation. This is contrary to Section 9 of the National Planning Policy Framework 2021, Policies T2, T4, T5 and T6 of the London Plan (2021) and Policies DMH 5, DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan - Part 2: Development Management Policies (2020).

### **4. NON2 Inadequate Standard of Accommodation**

The dwelling has inadequate internal floorspace to accommodate the proposed increase in the number of occupants, coupled with an inadequately sized kitchen and Room 5 and no identified storage. Moreover, the application fails to demonstrate that noise transfer between the communal kitchen and Room 2 could be adequately controlled, in order to provide a suitable level of acoustic amenity for the future occupant(s) of Room 2. Collectively, these issues would result in a substandard form of accommodation for future occupants, contrary to Section 12 of the National Planning Policy Framework (2021), Policies D6 and D14 of the London Plan (2021) and Policies DMH 5, DMHB 11 and DMHB 16 of the Hillingdon Local Plan - Part 2: Development Management Policies (2020).

### **5. NON2 Lack of Flood Risk Assessment**

In the absence of a Flood Risk Assessment and by virtue of an increase in the number of proposed occupants, there is inadequate information to conclude that the proposal would not result in adverse flood risk to future occupiers, contrary to Section 14 of the National Planning Policy Framework (2021), Policy EM6 of the Hillingdon Local Plan - Part 1: Strategic Policies (2012), Policy DME1 9 of the Hillingdon Local Plan - Part 2: Development Management Policies (2020), and Policy SI12 of the London Plan (2021).

## **INFORMATIVES**

## 1. I71 Discussion

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service. We have however been unable to seek solutions to problems arising from the application as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

## 2. I52 Compulsory Informative (1)

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

## I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan 2021.

DMEI 10	Water Management, Efficiency and Quality
DMEI 9	Management of Flood Risk
DMH 1	Safeguarding Existing Housing
DMH 5	Houses in Multiple Occupation
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
DMHD 1	Alterations and Extensions to Residential Dwellings
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D14	(2021) Noise
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP H9	(2021) Ensuring the best use of stock
LPP SI12	(2021) Flood risk management

LPP SI13	(2021) Sustainable drainage
LPP T2	(2021) Healthy Streets
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF14	NPPF 2021 - Meeting the challenge of climate change flooding
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
NPPF4	NPPF 2021 - Decision-Making
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF9	NPPF 2021 - Promoting sustainable transport

### 3. CONSIDERATIONS

#### 3.1 Site and Locality

The 330sqm site is rectangular in shape and flat. It comprises an end of terraced property on the northern side of Berwick Avenue in a narrow cul-de-sac comprising of similar two storey terraced properties. A large outbuilding is sited to the rear with access onto a fenced rear lane. The frontage is unfenced and comprises hardstanding, but with limited depth, it is not formally available for parking of vehicles (no dropped kerb). Many of the other properties in the street use the frontage for car parking, either diagonally or with overhangs onto the pavement.

Site Constraints:

- Development Limits
- Public Transport Access Level 1b
- Flood Zone 2
- Hillingdon Air Quality Management Area

#### 3.2 Proposed Scheme

The application proposes a change of use from a maximum 6-person HMO (use class C4) to a 6-bedroom, 10-person HMO (sui generis).

The plans originally submitted with the planning application suggested that the proposal included a hip to gable conversion and rear dormer extension. However, it has subsequently been clarified by the planning agent, that these works do not form part of the proposal, as they were completed in 2021 under permitted development rights. Accordingly, the application description and 'existing' plans have been updated to accurately reflect that the proposal is only for the proposed change of use.

### 3.3 Relevant Planning History

35085/APP/2011/1221 65 Berwick Avenue Hayes  
Single storey rear extension involving alterations to side  
**Decision:** 02-08-2011 Approved

#### Comment on Relevant Planning History

None relevant.

### 4. Planning Policies and Standards

Development Plan:

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)  
The Local Plan: Part 2 - Development Management Policies (2020)  
The Local Plan: Part 2 - Site Allocations and Designations (2020)  
The West London Waste Plan (2015)  
The London Plan (2021)

Material Considerations:

The National Planning Policy Framework (NPPF) (2021) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

#### 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.HE1 (2012) Heritage  
PT1.EM6 (2012) Flood Risk Management

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

Part 2 Policies:

NPPF4	NPPF 2021 - Decision-Making
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF9	NPPF 2021 - Promoting sustainable transport
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF14	NPPF 2021 - Meeting the challenge of climate change flooding
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP H9	(2021) Ensuring the best use of stock
LPP T2	(2021) Healthy Streets
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
LPP D14	(2021) Noise
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
DMH 1	Safeguarding Existing Housing
DMH 5	Houses in Multiple Occupation
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards

DMHB 18	Private Outdoor Amenity Space
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
DMEI 10	Water Management, Efficiency and Quality
DMHD 1	Alterations and Extensions to Residential Dwellings
DMEI 9	Management of Flood Risk

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date: Not applicable

5.2 Site Notice Expiry Date: Not Applicable

## 6. Consultations

### External Consultees

Five neighbouring properties were consulted from 23 August to 14 September 2022. Objections have been received from 3 local residents, in addition to a petition of 20 signatures (in objection). The objections are summarised as follows:

- Over development of the site with excessive density and a lack of space
- Not appropriate for the location

Officer comments: The principle of the change of use is not supported, as outlined in Reason for Refusal 1.

- Increased rubbish and waste generation
- Existing levels of anti-social behaviour, crime and noise will likely increase

Officer comments: The increase in density poses issues of noise disturbance, as discussed in 'Impact on neighbours' and Reason for Refusal 2. This does not extend to any issues relating to waste generation, which could be satisfactorily addressed by condition in the event of an approval. Any anti-social activities or crime would be a matter for the Police.

- Lack of on-site parking and congestion within on street parking
- Increased traffic

Officer comments: There is a lack of on-site parking which places additional pressure upon on-street parking availability. Refer to comments in 'Traffic impact, Car/cycle parking, pedestrian safety' and

Reason for Refusal 3.

### **Internal Consultees**

Highways Officer

Objections are raised on the following grounds:

- No transport appraisal or travel plan
- Lack of car parking
- Lack of cycle parking
- Lack of EV charging points

Officer comment: Reason for Refusal 3 encompasses highways related objections, as outlined in 'Traffic impact, Car/cycle parking, pedestrian safety'.

Access Officer

No objection.

Waste Officer

No objection.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

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

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

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

'A) In all parts of the Borough

Proposals for the provision of large HMOs, residential hostels, student accommodation and secure accommodation will be required to demonstrate that:

- i) there is good accessibility to local amenities and public transport;
- ii) they accord with the Accessible Homes standards and provide satisfactory living conditions for the intended occupiers; and
- iii) there will be no adverse impact on the amenity of neighbouring properties or the character of the area.'

Part B of Policy DMH 5 applies to proposals that are situated in wards covered by an Article 4 Direction for HMOs. As the site is not located within such a ward, Part B of the policy is not relevant to the proposal.

Paragraph 4.14 of the Hillingdon Local Plan - Part 2: Development Management Policies (2020) states that 'intensive occupation of former family dwellings such as those used for student accommodation or as a HMO can have negative impacts on residential amenity within an area through increases in on-street and off-street parking, loss of front gardens, reductions in levels of privacy, alterations to the exterior of buildings and increased generation of refuse.'

The property is already used as a licensed HMO and so there is no in principle objection to its continued use as an HMO. However, the intensification of the site from a small to large HMO cannot be supported in this case, as it raises issues of highways and neighbour amenity impacts and several other issues, as outlined below.

#### **7.02 Density of the proposed development**

Discussed in other sections of this report.

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

Not applicable.

#### **7.04 Airport safeguarding**

Not applicable.

#### **7.05 Impact on the green belt**

Not applicable.

#### **7.07 Impact on the character & appearance of the area**

Policies D1, D3 and D4 of the London Plan (2021) require a high-quality development that enhances the local context by delivering buildings and spaces that positively respond to local distinctiveness. Policy BE1 of the Hillingdon Local Plan - Part 1: Strategic Policies (2012) seeks a quality of design in all new development that enhances and contributes to the area in terms of form, scale and materials; is appropriate to the identity and context of the townscape; and would improve the quality of the public realm and respect local character.

Policy DMHB 11 of the Hillingdon Local Plan - Part Two: Development Management Policies (2020) states that new development will be required to be designed to the highest standards and incorporate principles of good design. Policy DMHB 12 requires integration with the surrounding area. Policy DMHD 1 states that alterations and extensions to dwellings should not have an adverse cumulative impact on the character and appearance of the street scene and should appear subordinate to the main dwelling.

The proposed change of use would be facilitated by the hip to gable conversion and dormer extension which has previously been carried out and does not form part of this planning application (as clarified in section 3.2 of this report). There appears an intention to utilise the existing hardstanding at the front of the property for parking. Notwithstanding issues of insufficient length and a lack of a dropped kerb, there is very limited landscaping to this side of the street and the parking of vehicles would not be opposed on visual/character and appearance grounds.

#### **7.08 Impact on neighbours**

Policies DMH 5, DMHD 1 and DMHB 11 of the Hillingdon Local Plan - Part 2: Development Management Policies (2020) seek to ensure a satisfactory relationship with adjacent dwellings with no unacceptable loss of outlook, amenity, daylight and sunlight to neighbouring occupiers.

Policy D14 of the London Plan (2021) also requires that proposals minimise noise pollution and Policy EM8 of the Hillingdon Local Plan - Part 1: Strategic Policies (2012) promotes the maximum possible reduction in noise levels and seeks to ensure that noise impacts can be adequately controlled and mitigated.

Relative to the existing six person HMO (which can be undertaken without planning permission), the proposal represents an increase of four residents, or a 67% increase. Six bedrooms and ten occupants would be atypical of the surrounding area, which is predominantly two bed flats and three bed dwellings. It will bring about additional comings and goings of people and associated impacts that arise with people living independently from one another. The nature of the increase is significant and excessive for the scale of the dwelling and plot. The lack of on-site parking would result in parking on the street, thereby resulting in movement of residents over longer distances. Whilst the details have not been substantiated as part of this assessment, resident objections have referred to existing levels of noise disturbance and anti-social behaviour. In terms of harm to surrounding properties, the extent of the impact is likely to be significant and unreasonable and this forms Reason for Refusal 2.

## 7.09 Living conditions for future occupiers

### Internal Amenity

Policy DMH 5 of the Hillingdon Local Plan - Part 2: Development Management Policies (2020) allows large HMOs only where there are satisfactory living conditions for occupiers. Policy D6 of the London Plan (2021) and Policies DMHB 11 and DMHB 16 of the Hillingdon Local Plan - Part 2: Development Management Policies (2020) require a high standard of design with minimum internal space standards. A three-storey dwelling house should have an internal floor area of at least 129sqm, though this is the maximum standard and relates to a seven-person occupancy dwelling. Each additional occupant usually necessitates an additional 9sqm of floorspace, which would equate to a total floorspace of 156sqm in this case. The building has a floorspace of 132sqm, which is considered insufficient for its intended purpose for ten occupants and implies an excessive level of occupation within the dwelling.

Bedroom sizes are required to be at least 7.5sqm and 2.15m wide for single occupancy rooms (or 11.5sqm and 2.55m wide for double occupancy rooms). The proposed bedrooms vary between 5sqm and 23sqm. There are a total of five double bedrooms, but Room 5 is noted to be of insufficient size as a single occupancy room (albeit this is an existing bedroom).

The kitchen has an internal floorspace of 12sqm (excluding cupboard and bench space), which appears inadequate for ten occupants. There is also no identified storage.

There are two ground floor bedrooms proposed - one adjacent to the front door (Room 1) and one at the rear alongside the kitchen (Room 2). There is likely to be some noise transfer between the parking area and the bedroom at the front of the property (Room 1), although this would not be an entirely uncommon arrangement. However, there are more significant concerns in respect of Room 2, in relation to noise transfer from the kitchen. Whilst it is feasible that some treatment to the wall could be implemented to minimise noise transfer, it is unlikely to sufficiently eliminate noise from the use of the kitchen by up to nine residents at any one time, giving rise to concerns about whether a

suitable acoustic environment could be provided for the occupant(s) of Room 2.

The factors discussed above are collectively considered to indicate that a ten person HMO is not suitable for this property and are indicative of excessive density. This forms Reason for Refusal 4.

#### Outdoor Amenity

Policy DMHB 18 of the Hillingdon Local Plan - Part 2: Development Management Policies (2020) requires a minimum of 100sqm of outdoor amenity space for a dwelling house with 4 or more bedrooms. It is required to be well located, well designed and usable for the private enjoyment of the occupiers. The usable area of the rear garden at the application property measures 100sqm when discounting the existing outbuildings.

The proportion of outdoor space per person would reduce from 17sqm per occupant to 10sqm per occupant. Given that there is compliance with the standard for a dwelling house (as quoted above) and the amount of space per occupant is relatively spacious, as well as good connectivity and openness to the garden, no objection is raised in relation to provision of external amenity space.

### **7.10 Traffic impact, Car/cycle parking, pedestrian safety**

#### Sustainability and Traffic

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

The site has a PTAL rating of 1b, indicating that access to public transport is poor, suggesting that there will be a strong reliance on the use of the private car. However, it is noted that the Hayes Retail Park at Uxbridge Road (Minor Town Centre) is 1km to the west and there are other shops on Uxbridge Road approximately 400m to the south. There is also a north and southbound bus stop on Yeading Road providing regular buses to White City, Acton, Uxbridge and Hayes, including via Hayes and Harlington Station (routes 207 and 427). On this basis, the siting of the HMO is considered appropriate in terms of accessibility of location.

#### Access

Policy DMT 2 of the Hillingdon Local Plan - Part 2: Development Management Policies (2020) requires safe and efficient vehicular access and protection of local amenity. The submitted Planning Statement refers to parking spaces at the front of the property. However, the setback of the dwelling from the front boundary is such that there is insufficient space for the parking of a vehicle. Many vehicles in the street overhang the footpath or park diagonally. In this case, there is also no dropped kerb and so there is no access to the proposed parking area. This is contrary to the Hillingdon Domestic Vehicle Footway Crossover Policy 2022.

#### Parking

Policy DMT 6 of the Hillingdon Local Plan - Part 2: Development Management Policies (2020) requires compliance with car parking standards to facilitate sustainable development and to address issues relating to congestion and amenity. In accordance with the Local Plan, the parking provision for a large HMO should be determined by a transport appraisal and travel plan. The

proposal involves an increase of four occupants and in the absence of any such documentation, it is difficult to understand the likely parking generation. Parking along Berwick Avenue is not part of any parking management scheme, though parking is limited due to the presence of vehicle crossovers and dropped kerbs. Resident objections have given anecdotal observations of parking congestion within Berwick Avenue.

For comparative purposes, the Local Plan specifies that an HMO for up to six occupants requires one space per two occupants, a dwelling requires two spaces and a flat building with four or more bedrooms requires two spaces. The London Plan specifies up to 1.5 spaces per dwelling.

In the absence of the required driveway length or a dropped kerb, the dwelling is car free. This could be a departure of up to five spaces or feasibly could involve the parking of ten vehicles on the street, leading to additional congestion on Berwick Avenue and other surrounding streets. Berwick Avenue is 5m wide and given the demand for on street parking, there is a prevalence of on-road/off-road parking. The displacement of more cars on-street contradicts Policy T2 of the London Plan (2021) which states that development plans should 'reduce the dominance of vehicles on London's streets whether stationary or moving'. The overarching failure to provide any parking or adequate consideration of any car free scheme forms Reason for Refusal 3.

There would need to be provision for a minimum 20% 'active' EV (electric vehicle) charging provision with all remaining spaces being designated as 'passive'. However, given that there is no car parking, there is no realistic proposal for EV charging.

Policy DMT 6 requires one cycle space per occupant. A cycle store is not included as part of the proposal. This could be accommodated without any significant impediment, particularly as there is external access to the rear garden. This would be conditioned in the event of an approval.

#### **7.11 Urban design, access and security**

Not applicable.

#### **7.12 Disabled access**

Policy D5 of the London Plan (2021) seeks to ensure development proposals achieve the highest standards of accessible and inclusive design. Policy DMH 5 of the Hillingdon Local Plan - Part 2: Development Management Policies (2020) allows large HMOs where they are accessible.

The Council's Access Officer has not raised objection and the provision of ground floor toilet and a communal kitchen with level access from the street would suggest that there is good accessibility.

#### **7.13 Provision of affordable & special needs housing**

Not applicable.

#### **7.14 Trees, landscaping and Ecology**

There are no external changes proposed to the property, such that there is no subsequent impact to existing landscaping, nor would there be any foreseeable ecological harm.

#### **7.15 Sustainable waste management**

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

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

The proposal does not include any provision for bin storage though existing bins are stored on the south western corner adjacent to the pavement. The increase in the number of occupants would lead to an increase in waste generation, but additional bins could be accommodated without any undue harm. Details of an enclosure, to ensure a more managed appearance, would be conditioned in the event of an approval.

#### **7.16 Renewable energy / Sustainability**

Not applicable.

#### **7.17 Flooding or Drainage Issues**

Flooding

Policy SI 12 of the London Plan (2021) seeks to ensure flood risk is minimised and mitigated, and that residual risk is addressed and Policy DMEI 9 of the Hillingdon Local Plan - Part 2: Development Management Policies (2020) states that proposals that fail to make appropriate provision for flood risk mitigation, or which would increase the risk or consequences of flooding, will be refused.

The site is in Flood Zone 2 (medium risk of flooding). Whilst no changes are proposed to the built form of the property/site and there is no change to the 'more vulnerable' classification, there is a change of use to sui generis and an increase in the occupancy of the dwelling. This necessitates a Flood Risk Assessment and as none has been submitted, there is inadequate information for the Council to ascertain whether there would not be any increased flood risk. This forms Reason for Refusal 5.

Drainage

Policy SI 13 of the London Plan (2021) states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. Policy DMEI 10 of the Hillingdon Local Plan - Part 2: Development Management Policies (2020) states that development within areas identified at risk from surface water flooding which fail to make adequate provision for the control and reduction of surface water runoff rates will be refused. No changes are being proposed to the building footprint or hardstanding, and on this basis, there is no identifiable drainage issue that would require additional provision or management. As such, no objection is raised in respect of drainage.

#### **7.18 Noise or Air Quality Issues**

Noise

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

Air Quality

Given that there is no change to the use of the building and a net increase of four occupants, no significant issues are raised with respect to air quality.

#### **7.19 Comments on Public Consultations**

Comments received in response to the public consultation have been summarised in section 6 (above) and the matters raised are discussed throughout relevant sections of this report.

#### **7.20 Planning obligations**

Not applicable.

#### **7.21 Expediency of enforcement action**

Not applicable.

#### **7.22 Other Issues**

None.

### **8. Observations of the Borough Solicitor**

#### **General**

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

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

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

#### **Planning Conditions**

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

#### **Planning Obligations**

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

#### **Equalities and Human Rights**

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to

have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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

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

#### **9. Observations of the Director of Finance**

Not applicable.

#### **10. CONCLUSION**

The proposed use as a large HMO for ten occupants represents excessive density for the property, evident in a lack of car parking, unsatisfactory standard of living for future occupants and harm to neighbouring residential amenity. Further, there is an absence of detail relating to flood risk. For these reasons, the proposed change of use to a large HMO is unacceptable and contrary to the Development Plan. The identified harm is not outweighed by any material considerations and consequently it is recommended that planning permission is refused as set out in Section 2 of the Committee Report.

#### **11. Reference Documents**

National Planning Policy Framework (July 2021)

The London Plan (March 2021)

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