

**REGULATORY SERVICES  
COMMITTEE  
22 February 2018**

**Subject Heading:**

**P2032.17: 167 Brentwood Road,  
Romford**

Internal refurbishment and modernisation of the property, including the addition of two ensuite bathrooms, to convert the property from a single dwelling (C3) to a 4 (four) room HMO dwelling (C4).  
(Application received 12 December 2017)

**Ward:**

Romford Town

**SLT Lead:**

Steve Moore - Director of Neighbourhoods

**Report Author and contact details:**

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**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

**The subject matter of this report deals with the following Council Objectives**

Communities making Havering	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making Havering	[X]

## SUMMARY

Internal refurbishment and modernisation of the property, including the addition of two ensuite bathrooms, to convert the property from a single dwelling (C3) to a 4 (four) room HMO dwelling (C4).

It raises considerations in relation to the impact on the character and appearance of the area, the impact on the residential amenity of the future occupants and of neighbouring residents, and the implications for parking, access and highway safety.

Staff consider the proposed development to be acceptable in all respects and approval is accordingly recommended.

A legal agreement is required due to the intensification of the site and the limited availability of on-street parking.

## RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) and Section 16 of the Greater London Council (General Powers) Act 1974, to secure the following obligations by and in the event that the legal agreement is not completed by 22<sup>nd</sup> June 2018 the item shall be refused:

- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
- Pursuant to Section 16 of the Greater London Council (General Powers) Act 1974 save for the holder of blue badges that the future occupiers of the proposal will be prohibited from purchasing residents or business parking

permits for their own vehicles for any existing, revised or new permit controlled parking scheme.

That the Assistant Director of Development be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below:

1. SC4 - Time Limit

The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. SC32 - Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. SC06 – Parking Provision

The area to the front of the site as indicated on drawing no.007-00010-00' shall be set aside for car parking for two vehicles and retained permanently thereafter and kept free of obstruction.

Reason:-

To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

4. SC58 – Refuse and Recycling

No bedroom shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason:-

Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

5. SC59 – Cycle Storage

No bedroom shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

Reason:-

Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

6. House in Multiple Occupation

The use of the building shall be as a House in Multiple Occupation (HMO) as defined in the Housing Act (2004), and by Use Class C4 of the Town and Country Planning (Use Classes) Order 1987 (as amended), and shall not be occupied by more than six persons at any time.

Reason:-

In order to ensure that the use of the building and level of occupancy does not give rise to an unacceptable level of impact on adjoining residential occupiers or have an adverse impact on the character and appearance of the area in accordance with policies DC4, DC5 and DC61 of the Core Strategy and Development Control Policies DPD.

## **INFORMATIVES**

1. No self-containment of rooms

The applicant should note that this planning permission relates to the use of the building as a house of multiple occupation (HMO), providing communal living accommodation for six persons. Any self containment of the rooms to create separate residential units or studio flats would require planning permission in its own right.

2. Approval – No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

## REPORT DETAIL

### **1. *Site Description***

- 1.1 The application relates to the property at 167 Brentwood Road, Romford. This is a two-storey detached property located close to the junction with Globe Road and adjacent to the Wyse Mews access road which runs to the rear. The property is set back from the road to provide a front garden area along with space for on site parking. Further amenity space is available to the rear.
- 1.2 The surrounding area is largely residential in nature featuring a mixture of semi-detached, terraced and flatted properties. The neighbouring premises to the west is currently 'The Kingdom Hall of Jehovah's Witnesses'.

### **2. *Description of Proposal***

- 2.1 The application is seeking planning permission for the internal refurbishment and modernisation of the property, including the addition of two ensuite bathrooms. The applicant wishes to convert the property from a single dwelling (C3) to a 4 (four) bedroom HMO dwelling (C4).
- 2.2 The proposed HMO would comprise two en-suite, double bedrooms and two single bedrooms set out over two floors. The property will feature a shared kitchen/dining area and a toilet at ground floor level. The first floor will include a TV/sitting room, one main bathroom and another single toilet.
- 2.3 The rear garden area would be utilised to form communal amenity space shared by the occupants. Although internal access to the rear garden would be through a downstairs bedroom and via the conservatory, the conservatory can also be accessed directly from the garden.
- 2.4 The site will include on street parking for two vehicles at the front of the dwelling.

### **4. *Relevant History***

- 4.1 None

## **5. Consultations/Representations**

5.1 Notification letters were sent to 53 neighbouring properties and 1 representation has been received. The comments can be summarised as follows:

- The area is already highly populated
- New development and existing HMO's are contributors to the high population.
- Parking is currently difficult in the area.
- Potential impact upon local amenities/infrastructure and traffic.
- Concerns in relation to anti-social problems, crime and excess waste.

5.2 In response to the above: the issues in relation to the amenity of the surrounding residents as well as the amenity of future occupiers is discussed in the following sections of the report. Planning applications can only be determined based on material planning considerations. Officers cannot pre-empt the future occupiers or what may or may not happen following development.

5.3 Environmental Health - No objection.

5.4 Local Highway Authority - No objection, provided a legal obligation is applied which will restrict the use of the parking spaces.

## **6. Relevant Policies**

6.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), DC4 (Conversions to Residential & Subdivision of Residential Uses), DC5 (Specialist Accommodation), DC33 (Car Parking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design), DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

6.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), and 8.2 (planning obligations) of the London Plan, are material considerations.

6.3 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes), and 7 (Requiring good design), are relevant to these proposals.

## **7. *Mayoral CIL implications***

- 7.1 The application does not result in the creation of any additional floorspace and is therefore not liable for any charges under Mayoral CIL legislation.

## **8. *Staff Comments***

- 8.1 This application is for a change of use to a house in multiple occupation (HMO), which is defined in the Housing Act 2004 as including a building which has been converted entirely into flats or bedsits which are not wholly self-contained and which are let to 3 or more tenants who form two or more households and who share kitchen, bathroom or toilet facilities.
- 8.2 The applicant has not stated who would use the building other than providing accommodation for up to six persons. However, the only requirement is that in order to be an HMO the property must be used as the tenants' only or main residence and it should be used solely or mainly to house tenants. Therefore, as long as the occupants have a tenancy agreement and the property is their main or only residence then it would qualify as an HMO. If planning permission is granted for a change of use to an HMO then in theory tenants could come from any category. It would be a matter for the landlord to let to tenants they deemed appropriate. This would be the same as with any property that is let, such as fully self-contained flats.
- 8.3 Changes of use between a dwelling house (Class C3) and a smaller HMO (Class C4) and vice versa, are often permitted development within certain Wards across the Borough. Within Romford Town though, an Article 4 Direction requires that such applications are not permitted unless permission is first approved by the Local Planning Authority.

## **9. *Principle of Development***

- 9.1 Policies DC4 and DC5 of the Core Strategy and Development Control Policies DPD accept the principle of HMOs in residential areas subject to meeting a number of criteria. Policy DC4 concerns the conversion to a residential use and requires, amongst other things that the property is detached and well separated from neighbouring dwellings, and that the nature of the use does not have an adverse impact on the surrounding area. Any disturbance to adjoining residential occupiers should be no greater than that of an ordinary single family dwelling.
- 9.2 The criteria in policy DC5 which relate to specialist accommodation, include location within a residential area, good accessibility to services and public transport and adequate parking for residents and visitors.
- 9.3 Subject to meeting these criteria the use of the building as an HMO would be in accordance with the Council's policies.

## **10. *Design/Impact on Street / Gardenscene***

- 10.1 Policy DC61 of the LDF states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.
- 10.2 The property is in the process of being refurbished and modernised internally. No notable changes are being made to the appearance of the property apart from the resurfacing of the front garden/parking area.
- 10.3 The proposals are not considered to give rise to an unacceptable visual impact in the street scene. It is therefore considered that the proposal would be in accordance with policy DC61.

## **11. *Impact on Amenity***

- 11.1 Policies DC4 and DC5 set criteria that seek to ensure a change of use to an HMO would not be out of character with the locality and would not be likely to give rise to unacceptable levels of noise and disturbance to residential occupiers nearby. Policy DC4 requires that the proposal should not result in an unacceptable loss of privacy enjoyed by the occupants of adjoining dwellings by reason of overlooking and that it would not be likely to give rise to significantly greater levels of noise and disturbance compared with an ordinary single family dwelling.
- 11.2 In terms of the amenity of future occupants: each of the bedrooms would demonstrate a reasonable outlook and aspect, two of which would include an en-suite bathroom. It is considered that the shared kitchen would be adequate in terms of size and sufficiently spacious to accommodate a suitable dining table. Future residents would also benefit from a first floor TV/Sitting room and a communal garden area to the side and rear which is comparable in scale to that of the neighbouring dwellings. Although internal access to the garden would be through a downstairs bedroom and via the conservatory, the rear conservatory can also be utilised from the garden. Generally the house would be set out to ensure safe and secure access from the street. The overall layout and functionality of the dwelling would be to a good standard.
- 11.3 The site is located on a relatively busy road and it is acknowledged that those residents living near to the application site and those within it could reasonably expect a certain amount of background noise on a day to day basis as well as a different type of environment from that which would be found in an entirely suburban housing area.
- 11.4 The main impact on the adjoining residents at 169 Brentwood Road would be likely to arise from activities in the rear garden and front parking area with vehicles, manoeuvring and residents coming and going. The application building is located on a spacious plot and the site can be regarded with a degree of separation within this setting. Whilst it is recognised that the level of occupancy of up to six persons is likely to be greater than for a typical



single family dwelling, again, given the size of the house this is unlikely to give rise to a significantly greater potential for additional harm. The proposed HMO would be restricted by condition to accommodate not more than 6 persons (if all of the rooms are fully occupied). Under these circumstances it is not considered that the intensification of use would cause harm to neighbouring occupiers to such a degree as to justify a refusal.

- 11.5 On balance, it is considered that the proposed development would not harm the amenities of neighbouring properties and would provide acceptable living conditions for the future occupants. The proposal is therefore in accordance with Policy DC61 and the intentions of the NPPF.

## **12. *Parking and Highway Issues***

- 12.1 Policy DC33 sets out the appropriate level of parking for this type of development with Annex 5 setting a maximum of 1 no. space per two habitable rooms. The proposal would provide four bedrooms and two resident parking spaces, which achieves the standard.
- 12.2 The Local Highway Authority considers this level of provision to be acceptable and have raised no objections to the proposal subject to a Section 106 obligation that would prevent future occupiers from obtaining residents parking permits which would offset the highways impacts of the development.

## **13. *Conclusion***

- 13.1 A house in multiple occupation (HMO) is a recognised form of residential use that is acceptable in a residential area, subject to there being no significant adverse impacts. In this case whilst there could be some additional impact on neighbours compared with the former use as a single dwelling house, it is considered that, as a matter of judgement the likely impact on adjoining residents would not be materially harmful to an extent to justify the refusal of planning permission. In reaching this conclusion staff have also taken account of the amount off street car parking provision to the front of the site.
- 13.2 It is therefore considered that the scheme complies with the relevant policies of the Core Strategy and Development Control Policies DPD and it is recommended that planning permission be approved subject to a section 106 agreement and conditions.

## IMPLICATIONS AND RISKS

### ***Financial implications and risks:***

None.

### ***Legal implications and risks:***

Legal resources would be required to prepare and complete the required legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 and Section 16 of the Greater London Council (General Powers) Act 1974. The legal agreement is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating to planning obligations.

### ***Human Resources implications and risks:***

None.

### ***Equalities implications and risks:***

The Council's planning policies are implemented with regard to equality and diversity.