



Application Reference:	P1038.19
Location:	39 Crow Lane
Ward:	Brooklands
Description:	Change of use from single dwelling house to house in multiple occupation (HMO) for six persons. Formation of single storey rear extension.
Case Officer:	Cole Hodder
Reason for Report to Committee:	A Councillor call-in has been received.

1. BACKGROUND

- 1.1 The application has been called in by Councillor Robert Benham.

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 The change of use and extension would not be inappropriate development within the Green Belt, nor would the use of the building for up to six occupants living as a single household result in any harm to neighbouring amenity any greater than a large detached dwelling house. It is considered that any harm arising can be mitigated by planning conditions and that a decision to refuse permission could not be substantiated.

3 RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission subject to conditions to secure the following matters:

Conditions

1. Time Limit 3 years - Development must be commenced no later than three years from the date of this permission.
2. Accordance with plans - The development must not deviate from the approved plans.

3. Matching materials – Single storey extension shall be constructed of materials which shall match the main dwelling house.
4. 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. There shall be no provision made at any time throughout the lifetime of the development for cooking facilities to be installed in any of the bedrooms.
5. Compliance with (Reg 36 (2)(b) / Part G2 of the Building Regulations) - The building shall comply with Part G2 of the Building Regulations.
6. Construction Hours - All building operations in connection with the development shall take place only between 8.00am and 6.00pm Monday to Friday and 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.
7. Cycle Storage - Details of cycle storage provision
8. Refuse and recycling - Details of refuse storage

4 PROPOSAL AND LOCATION DETAILS

4.1 Proposal

- 4.2 Permission is sought for the change of use of the existing dwelling into a house of multiple occupancy comprising of six rooms for six persons maximum. A single storey extension is shown to the rear to form a communal space.

4.3 Site and Surroundings

- 4.4 The application relates to the property at 39 Crow Lane, Romford. This is a two-storey detached house set back from the road with a parking area to the front and garden to the rear.
- 4.5 The site is surrounded by residential properties within a predominantly residential section of Crow Lane.

4.6 Planning History

The following planning decisions are relevant to the application:

- 4.7 P0282.17 – The change of use of from a single dwelling house to a House of Multiple Occupancy (HMO) for seven residents

REFUSED BY REGULATORY SERVICES COMMITTEE:

- The proposal, by reason of the severely limited amount of head room and narrow area of useable floor space in the third floor attic bedrooms, would create a cramped and poor quality standard of accommodation. As a result the proposal would not provide acceptable living conditions for all of the future occupants, to the detriment of residential amenity and contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
- 4.8 P1985.16 - The change of use of from a single dwelling house to a House of Multiple Occupancy (HMO) for seven residents, plus the addition of dormer roof extensions.

REFUSED BY REGULATORY SERVICES COMMITTEE

- The proposed dormer windows, by reason of their scale, design and position, would appear overly dominant and intrusive, creating an incongruous and unsympathetic feature in the streetscene harmful to the character and appearance of the surrounding area. The proposal is therefore contrary to the provisions of Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD.

5 LOCAL REPRESENTATION

- 5.1 A total of twenty eight neighbouring properties were notified about the application and invited to comment.
- 5.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: Seven, seven objections.

The following Councillors made representations:

Councillor Robert Benham

- Not in keeping with the area
- Dwelling has already been part converted from a family house and been used as a HMO since 2017. Rooms added to roof, side doors added.
- Outbuilding in the rear has been demarcated with a fence since 2017, and people reported to be living in there.
- I question 4 vehicles being able to be parked on the front garden.
- Noise and nuisance issues
- Lack of amenities – as the garden is smaller than the plans suggest. As the rear garden has been divided up and dwelling at the bottom of the garden, which has been omitted from the plans/application.

- 5.4 At the time of site inspection there was nothing inherent about the layout of the property which would suggest it was already in use as a HMO. The property appeared to be in use by a single family and no evidence has been presented to suggest otherwise.
- 5.5 With regards to the demarcation of the rear garden and use of the outbuilding, at the time of site inspection there was no evidence of this. It is understood that the above matters were the subject of an investigation undertaken by the Planning Enforcement team and that the planning breaches have since been addressed as evidenced by site photos taken by the case officer.
- 5.6 Other matters raised will be addressed in the substance of this report.

Representations

5.7 Objections

- Inadequate parking
- Excessive waste/refuse
- Increased coming and goings
- Noise and disturbance
- Poor layout
- Number of occupants
- Out of character

- 5.8 Many of the matters raised relate to assertions over future occupiers, as well as matters relating to the existing occupancy of the dwelling. These are not material considerations. Similarly the impact of the change of use on existing services is not a material consideration.
- 5.9 The impacts of the development on neighbouring amenity will be considered in the substance of this report, as well as the other material considerations raised.

Staff comments

- 5.10 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.
- 5.11 The applicant has not stated who would use the building other than providing accommodation for six persons. Members are advised that 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.
- 5.12 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. The Council does not possess any powers which can dictate who the properties should be let to.

- 5.13 The current application follows the refusal of two earlier planning applications. Planning application P1985.16 sought permission for a conversion to a seven person HMO with side dormer extensions. This was refused on the grounds that the proposed dormer windows would have appeared overly dominant and intrusive, creating an incongruous and unsympathetic feature in the street-scene. To address this issue the dormers were removed from a subsequent application (P0282.17) which was most recently refused by Regulatory Services Committee members in May 2017 due to the quality of living environment for future occupants.
- 5.14 Matters raised by residents and in representations made by Councillor Benham, whilst in places are materially relevant to the current submission, they are not matters which have not previously been considered by Planning Committee members and to which weight was attributed in refusing permission.

6 MATERIAL PLANNING CONSIDERATIONS

- 6.1 The main planning issues raised by the application that the committee must consider are:

- Principle of development/Green Belt considerations
- Quality of living environment for future occupiers
- Impact on neighbouring amenity and;
- Implications for highways, pedestrian access and parking

6.2 Principle of Development/Green Belt considerations

The site is located within the Metropolitan Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The use proposed in this instance is not regarded as conflicting with the purpose of the Green Belt, as the use would remain residential.

- 6.3 Many forms of development are regarded as inappropriate within the Metropolitan Green Belt. LDF Policy DC45 outlines exceptions which correlate broadly with the National Planning Policy Framework (NPPF) despite predating it. Extensions, alterations and replacement of existing dwellings will be allowed provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling. The NPPF takes a broader view, permitted extensions which would not result in disproportionate additions over and above that of the original dwelling house.
- 6.4 Whilst predating the NPPF, volumetric increase is regarded as a useful tool in gauging disproportionality. In this instance the subject dwelling has not been extended historically, with the volume increase equivalent to an increase of

only 12% of the cubic capacity of the original dwelling well below the 50% threshold. It would also be modestly proportioned and on that basis it is possible to conclude that the proposed extension would read as a subservient feature and would not harm openness, even when taken in consideration of the outbuilding at the extremities of the site.

6.5 Turning then to the use itself, 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.

6.6 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.

6.7 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. The use of the property as a HMO is not regarded as being objectionable in principle subject to meeting those criteria.

6.8 The single storey extension shown complies with Council guidance and therefore requires no further consideration.

6.6 **Quality of living environment for future occupiers**

The earlier submission (P0282.17) concerned a HMO with seven occupants and was refused by Planning Committee solely for the quality of living environment for future occupants. It was considered that the accommodation in the roof would have been of a standard which would have been detrimental to the amenity of future occupants. The applicant has omitted accommodation from the roof and has sought instead to make use of only the ground and first floors. The provision of a single storey extension enables a communal area to be formed.

6.7 The internal layout was amended at the request of officers to demonstrate a more cohesive arrangement with access to the rear amenity area taken from the communal area. This would otherwise have been restricted to using the side access which was not viewed as a convenient arrangement. The alterations have not had any detrimental impact upon the quality of living spaces.

6.7 All rooms shown would be of an adequate size and the communal area would be functional. Whilst the overall level of communal space within the properties would be limited, in the context of the nature of the accommodation it is not considered to be unacceptably small, in part supplemented by the outside space available. The close relationship of bedrooms to the communal space is not regarded as having the potential for any adverse impact on the privacy of the future occupiers of the ground floor rooms, nor to be without precedent.

- 6.8 The use of the parking spaces at the front of the property would have at least some effect on the road facing bedroom on the ground floor by virtue of the potential for noise and disturbance from vehicular movement along with the impact of headlights during the hours of darkness. On balance, such a relationship between parking areas and ground floor windows is not uncommon or without precedent. Any such impact would be unlikely to be more than momentary as the manoeuvring of a vehicle takes place and there is no reason to believe that any impact on living conditions would be any more than very limited and therefore of no overall significance. It would in many respects be a matter of choice for any prospective occupant.
- 6.9 **Impact on amenity of surrounding residential properties**
Earlier submissions sought the formation of a HMO with greater occupancy (seven persons), than is sought currently (six). The intensification of the residential use was not given as a refusal reason in either instance. As with earlier submission, a condition could be imposed in the event of approval restricting occupancy to six persons only.
- 6.10 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.
- 6.11 Whilst it is recognised that the level of occupancy of up to six adults is likely, on balance, to potentially be greater than for a single family dwelling, in view of the size of the house and its detached position, it is unlikely that any level of activity could be reasoned to be so intense compared to a large detached family dwelling to justify refusal. The proposed HMO is a detached property and could be restricted by condition to accommodate a maximum of 6 persons (one per bedroom if all of the rooms are fully occupied).
- 6.12 **Implications for highways, pedestrian access and parking**
Policy DC33 sets out the appropriate level of parking for this type of development with Annex 5 setting a maxima of 1no. space per two habitable rooms. The proposal would provide six bedrooms and four resident parking spaces, which would be in excess of this requirement.
- 6.13 The Local Highway Authority consider this level of provision to be acceptable and have raised no objections to the proposed change of use on those matters, not access or highway safety.
- 6.14 Comments made by residents express concerns over the adequacy of the parking arrangements, citing concerns held over the way in which vehicles park currently. To some extent, as evidenced by site inspection the arrangement shown is historic. Vehicles were not observed to overhang onto the public footway and were capable of being accessed independently of one

another. The drawings show an acceptable layout, which has been considered by previous applications and found to be acceptable.

- 6.15 How the space adjacent to the cycle/refuse storage would be used is regarded as a matter for future occupants and their convenience rather than a sole grounds for refusal. Were the property to operate with only three parking spaces this would continue to meet with the required parking standard. Officers do not consider there to anything fundamentally harmful about the arrangement shown. How occupiers would make use of the area to the frontage would be a matter of choice rather than a failing of the scheme and it is recognised, as above, that it is an existing arrangement in many respects.

7 Conclusion

- 7.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.