



REGULATORY SERVICES COMMITTEE

REPORT

25 October 2012

Subject Heading:

P1009.12 – 111 Albany Road,
Hornchurch– Conversion of existing
house into 2 self-contained flats (received
13 August 2012)

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

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This report concerns an application for the conversion of a dwellinghouse into 2 self contained flats. Staff consider that the proposal would accord with housing, environment and highways/parking policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and approval is therefore recommended, subject to a Legal Agreement

and conditions. The application is being referred to Committee by Officers as there is a significant Planning Enforcement and Appeals history.

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), to secure the following:

- A financial contribution of £6,000 to be used towards infrastructure costs in accordance with the Draft Planning Obligations Supplementary Planning Document.
- 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 Legal Agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Agreement, prior to completion of the Agreement, irrespective of whether the Agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

That Staff be authorised to enter into such a Legal Agreement to secure the above and that upon completion of that agreement, grant planning permission subject to the following conditions:

1. 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.

2. Before any of the development hereby permitted is commenced, samples of the proposed hardstanding materials (which should be porous) to be used shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area.

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications submitted to and approved by the Local Planning Authority.

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.

4. Details of a waste management scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme, which shall thereafter be permanently maintained, shall include details of the method and location of refuse and recycling storage, including provision for all refuse and recycling materials to be properly contained within the approved facility, together with arrangements for disposal. The scheme shall be implemented on site, in accordance with the approved details, prior to the first occupation of the flatted development hereby approved and retained permanently thereafter.

Reason: In the interests of the amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

5. Prior to completion of the development hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability.

6. The building shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimal value) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of the NPPF.

7. No construction works or construction related deliveries into the site shall take place other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect residential amenity

8. Prior to first occupation of the flats hereby approved, clear and unobstructed pedestrian visibility splays 2.1m wide by 2.1m deep shall be provided to the satisfaction of the Local Planning Authority either side of each vehicular

access. The approved splays shall be kept permanently unobstructed thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of Highway safety.

9. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the visual amenities of the development and in accordance with Policy DC60 of the LDF Core Strategy and Development Control Policies DPD.

10. Prior to commencement of the development, details of the proposed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to first occupation of the flats.

Reason: To ensure that the proposal has an acceptable impact on visual amenity in the street scene in accordance with Policy DC61 of the LDF Development Control Policies DPD.

11. The proposed alterations to the Public Highway shall be submitted in detail for approval prior to the commencement of the development.

Reason: In the interest of ensuring good design and ensuring public safety and to comply with Policies CP10, CP17 and DC61 of the LDF Core Strategy and Development Control Policies DPDs.

12. The necessary agreement, notice and/or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development. A Commercial standard access will be required for demolition and construction activities.

Reason: To ensure the interests of the travelling public are maintained and to comply with Policies CP10, CP17 and DC61 of the LDF Core Strategy and Development Control Policies DPDs.

13. Prior to the commencement of the development hereby permitted, a full and detailed application for the Secured by Design scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the aforementioned scheme are to be incorporated. Once approved in

writing by the Local Planning Authority in consultation with the Havering Crime Prevention Design Advisor, the development shall be carried out in accordance with the agreed details.

Reason: In the interest of residential amenity and creating safer, sustainable communities, reflecting guidance set out in NPPF, and The LONDON PLAN, and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies DPD.

INFORMATIVES

1. Community Safety - Informative:

In aiming to satisfy Condition 13, the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

2. The Council encourages the developer to apply the principles of the "Considerate Constructors Scheme" to the contract for the development.

3. Reason for approval:

The proposal accords with Policies CP1, CP7, CP17, DC2, DC4, DC33, DC61 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Documents, the London Plan and the NPPF.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85.00 is required per submission pursuant to discharge of condition.

4. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

Mayoral CIL

The proposed development is not liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3.

REPORT DETAIL

1. Site Description

- 1.1 The application property is a two-storey semi-detached house with extensions on one and two-storeys to the rear, two-storeys to the side and one-storey to the front elevation. It is currently in use for multiple occupation although this is not authorised and is the subject of an Enforcement Notice. While the submitted plans show a layout approved in 2009 (P0815.08), the internal layout of the property currently comprises on the ground floor: 2 single bedrooms, a "Room", 1 kitchen, 2 shower/toilet; a TV room and a 11.8 sq.m store (bedroom size) and at first floor level: 4 bedrooms (2 double and 2 single), 1 kitchen, 2 shower/toilet; and a 6 sq.m store.
- 1.2 There are two parking spaces to the front and an access to the rear.
- 1.3 The surrounding area is mainly of two-storey semi-detached properties to Albany Road with terraced properties to Adelphi Crescent. There is a small parade of shops to the south of the site.

2. Description of Proposal

- 2.1 The proposal is for the conversion of the existing building into two flats.
- 2.2 It is proposed to separate the use into two separate flats by keeping the existing front porch and subdividing the hallway so that the upper flat is accessed directly via the existing staircase. There would be no change to the external appearance of the property.
- 2.3 The proposal would provide the ground floor flat with two bedrooms (one with en suite), a kitchen, separate lounge and dining rooms, a shower room and a study (of bedroom size). To the upper floor, the proposal would provide the same with the exception that there would not be an en-suite and the study room would be smaller.
- 2.4 It is proposed to split the existing garden into roughly equal parts with a dividing fence and a shared alleyway to the side of the property. This would provide an amenity space for the ground floor flat immediately to the rear of the building of approximately 103 sq.m and that for the upper flat beyond that of approximately 114 sq.m (excluding the parking area).
- 2.5 It is proposed to provide 2 additional parking spaces at the far end of the existing garden on pervious hardstand.

3. History

- 3.1 P1677.07 Three bed attached house - refused 18.10.2007

P2287.07 Proposed attached 2 bed house and detached garage - refused 11.03.2008

P0815.08 Single storey side/rear with two storey side/rear extensions - approved 19.06.2009

P0115.09 Retention of single storey front extension and insertion of new flank door - refused 30.06.2009

P1640.09 Change of use: dwellinghouse to house in multiple occupancy (HMO) - recommended for refusal 31-03-2010 but withdrawn on 14-06-2011 (see below in relation to Enforcement Notice).

P1066.11 – change of use to house in multiple occupancy (HMO) – refused 5-10-11; Subsequent appeal dismissed 1/5/12

An Enforcement Notice was served on 22/12/09 in connection with the use of the building as an HMO. The applicant appealed against the Enforcement Notice on 17/3/10 including on Ground A, that planning permission should have been granted, however the Planning Inspector upheld the Enforcement Notice, refusing planning permission on 11/5/11, requiring the applicant within 3 months to stop using the property as a HMO.

A second Enforcement Notice was served on 22/12/09 in connection with the ground floor front extension and the insertion of a new flank door. The applicant appealed against the notice. The Planning Inspector allowed the appeal and quashed the enforcement notice on 11/5/11 subject to a condition that within 3 months the extension was rendered to match the existing property. The rendering works have been undertaken satisfactorily.

In dismissing the appeal earlier this year (P1066.11), the Planning Inspector indicated that in relation to a the proposal for a House in Multiple Occupation that “The general level of activity and coming and going at the site and use of the garden are ... likely to generate noise and disturbance which would not be characteristic of this quiet residential area” and further that “The change of use to a house in multiple occupation therefore does not comply with Policy DC4.” Such that “For these reasons I conclude that the proposed change of use is harmful to the living conditions of neighbouring residents, particularly those at 109 Albany Road. While the changed ground floor layout would separate the communal T V room from the individual bedsits, it would not alter my conclusions regarding the effect of the development on its neighbours.”

4. Consultation/Representations

- 4.1 42 neighbouring and nearby properties were notified of the application for a time extension. There have been 4 replies objecting to the proposal on the following grounds:
- it will still be a house in multiple occupation
 - there is insufficient space for two cars to the front of the building
 - cars will park on the junction
 - the proposal is an attempt to circumvent the planning system and get what the developer has already been refused permission for

- a new access is being proposed resulting in an unacceptable increase in vehicles and traffic to the rear of existing residential properties
- the application form contains inaccuracies relating to the existing development
- while the plans show 2, 2-bedroom flats, other rooms will also be used as bedrooms and it will continue to be used for as a HMO rather than by families
- the proposed front parking access at the junction would be dangerous
- only a single dwellinghouse would be in character in this area

Also concerns were raised in relation to the existing arrangements and rubbish associated with the current unauthorised use.

- 4.2 The Metropolitan Police Crime Prevention Design Advisor raises a concern at the remoteness of the parking area at the rear of the site and the need for 2m gates and has requested that conditions and an informative are attached in relation to Secured by Design, together with conditions requiring details of proposed cycle storage and boundary treatments.
- 4.3 The Fire Brigade (LFEPa) have written to indicate that they are satisfied with the proposals.

5. **Staff Comments:**

- 5.1 The main issues are the principle of the development, the impact of the development in the street scene, impact on the amenities of nearby residential occupiers and highways/car parking issues. Policies CP1, CP7, CP17, DC2, DC4, DC33, DC61 and DC72 of the Local Development Framework Core and Development Control Policies Development Plan Documents are relevant, as are the Residential Design and Planning Obligations (Draft) SPDs. Also relevant are London Plan Policies 3.3, 3.5, 3.8, 4.7 and 7.3 as well as the NPPF.

5.2 *Principle of development*

- 5.2.1 Policy CP1 indicates that housing will be the preferred use of non-designated sites. The proposal is for the conversion of an existing residential unit to two flats. Policy DC4 indicates that "Planning permission will only be granted for proposals involving conversions to residential and subdivision of existing residential dwellings provided the following criteria are satisfied:
- residents/visitors are able to park without detriment to highway safety taking into account the availability of on and off street parking with regard to the standards set out in DC33
 - there is no conflict with surrounding uses
 - the proposal should not result in an unacceptable loss of privacy enjoyed by the occupants of adjoining properties by reason of overlooking and, should by its layout, provide a suitable degree of privacy and private sitting out/amenity space
 - the living rooms of new units do not abut the bedrooms of adjoining dwellings

Where the conversion or subdivision involves the provision of self contained residential accommodation provided that:

- each flat has a reasonable outlook and aspect
- at least one, one bed self-contained flat is provided with a separate sleeping area. Studio flats will not be permitted
- the property has safe and secure access from the street.”

5.2.2 The proposal is for the provision of additional housing within the urban area. Staff consider that the site accords with Policy CP1 in that it would help to meet the housing targets and be located within the existing urban area and would be on land not designated for other uses within the urban area. The site is also served by public transport (a walk to the north) and there are some limited shops in the locality.

5.2.3 The London Plan and the NPPF promote the better use of urban land and support in general the provision of a range of housing to meet identified needs. Staff therefore consider that the proposed development would be acceptable in principle.

5.3 *Density/Site Layout*

5.3.1 The proposal is for the conversion of the existing extended two-storey semi-detached properties into two flats. The proposed density on this 0.0533 hectare site would be 37.5 units per hectare. The expected density range would be 30-50 units per hectare and the proposal would fall within this range. Nonetheless, the main consideration is whether the proposal has a high quality of design and layout which is considered in greater detail below.

5.3.2 The London Plan indicates at Policy 3.5 (Table 3.3) that a 2-bedroomed, 4 person unit should have a minimum floorspace of 107 sq.m each. The submitted drawings show that the ground floor flat would be 109.55 sq.m and the first floor flat would have a gross internal floor area of 79 sq.m. Staff consider that while the second flat would be below the minimum space indicated, there are individual bedrooms and separate kitchen, dining room and lounge room and that its layout would provide acceptable accommodation in line with Policy DC4 (See below).

5.3.3 Each flat would have a reasonable outlook and aspect, and the proposed conversion would result in at least one, one bed self-contained flat provided with a separate sleeping area (in this case, 2, 2-bedroom units) and have a safe and secure access from the street (shared lobby area), in line with Policy DC4.

5.3.4 In respect of amenity space provision, the SPD on Residential Design is relevant. The SPD indicates that amenity space should be large enough for the needs of the proposed occupiers for daily use. In this case the amenity space provided for each flat would be 103 sq.m (ground) and 114 sq.m (first floor). The SPD also specifies that the space should be private, screened from public view and convenient. In this case the proposed amenity space to

the rear would be allocated to the upper floor flat enabling the ground floor flat to have their private area directly adjacent to their property. It would nonetheless require the occupiers of the upper floor to exit out of the front door and walk down a passageway to the rear of the application site. At a minimum distance of 26m from the shared front lobby, it is considered that the amenity area would be somewhat remote. However, the proposed parking area for the upper floor flat is also located at the rear and the upper floor flat would have a direct view over their amenity/parking area such that it is likely that more use would be made of the amenity area as a result. Staff therefore consider that the proposal would provide a satisfactory level and quality of amenity space.

5.3.5 In conclusion, Staff consider that the proposal would be of a satisfactory density and layout.

5.4 Design/Impact on Street/Garden Scene

5.4.1 The development would not result in any external changes to the building such that apart from the garden being divided in two and there being two areas of parked vehicles, the proposed flats would operate without having any significant impact on visual amenity in the streetscene.

5.5 Impact on Residential Amenity

5.5.1 The proposal would have bedrooms adjacent to the party wall with the attached neighbouring property at 109 Albany Road. It is considered, in line with the criteria for conversions (Policy DC4) that the proposal would not result in any significant harm to this neighbouring occupier. The proposal to site a bedroom in the extension to the building which would be located adjacent to a living space at No.109 Albany Road would be a choice for the residents (as this could easily be swapped with the adjoining study which is of similar size, however Staff consider that as there is no party wall, that this would not of itself result in a substandard level of amenity for any future occupiers.

5.5.2 It is recognised that the external changes would split the garden area into two and they would be used independently. Nonetheless given the scale of the existing building Staff do not consider that the day-to-day use of the garden area(s) would be so significantly greater than might be expected from possible residents in the enlarged dwellinghouse. It is recognised that there may be a greater level of garden furniture; nonetheless since flats do not benefit from permitted development allowances for outbuildings, any such proposals would require planning permission.

5.5.3 Parking already occurs to the front of the building and the proposal would add two parking spaces to the rear. While this would introduce parking at the end of the garden accessed from the side road, this is similar to large numbers of corner properties across the Borough. Given that the provision is for two spaces to the rear of the property Staff do not consider that this

would result in a level of noise and disturbance which would cause significant harm to existing residential amenity.

5.6 Highway/Parking/Servicing

5.6.1 Policy DC2 indicates that parking would be needed within the range of 1.5-2 parking spaces per property. The proposal provides 2 parking spaces for each property which is considered to be acceptable.

5.6.2 The proposal includes a section of public highway. Separate consent would need to be sought to enable the stopping up of the highway. If such permission is not granted, then the scheme may need to be revised. Suitable conditions will be attached to require the submission of the details of the alterations to the highway and to provide suitable pedestrian visibility splays for each new vehicular access.

5.6.3 Suitable refuse storage would be capable of being provided within the amenity areas of each of the proposed flats and a suitable condition will be attached to any grant of planning permission requiring details of refuse and recycling storage.

5.6.4 In line with Annex 6, cycle parking provision would need to be provided on site. Suitable provision can be made for cycle storage and further details can be submitted through a condition if planning permission is granted.

5.7 Planning Obligations

5.7.1 It is considered that as the proposal would result in additional local infrastructure demand such that a financial contribution is needed in accordance with Policy DC72 and the draft SPD on Planning Obligations, totalling £6,000. The applicant has indicated a willingness to enter into such an agreement.

5.8 Mayoral CIL

5.8.1 The proposed development would not involve any new build and is not therefore liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3.

5.9 Other Issues

5.9.1 The Secured by Design Officer indicates that further crime prevention measures would be needed and asks if conditions and an informative can be attached.

6. Conclusions

6.1 The proposal is for the conversion of the existing large single residential unit into two flats. The scheme itself is considered to be acceptable in principle, in line with Policy CP1.

- 6.2 While the dwelling is half of a semi-detached pair of properties, Staff consider that there would be no undue impact on residential amenity and that the proposal would not result in any significant harm to visual amenity in the streetscene or rear garden environment or to Highways/parking. The proposal is therefore considered to be in line with Policy DC4 on residential conversions.
- 6.3 Although the proposal is for two flats, rather than a House in Multiple Occupation, Staff consider that the proposal would overcome the reasons why the Planning Inspector dismissed the appeal earlier this year as bedrooms (rather than bedsits) would be provided adjacent to the attached neighbour's party wall. Also, while the activities/comings and goings of two families could be greater than one family occupying the whole of this large property, Staff consider that they would not be so significantly greater as to result in the levels of noise and disturbance identified by the Planning Inspector in relation to the occupation of the large unit as a House in Multiple Occupation occupied solely by adults in bedsit accommodation. Staff therefore consider that the proposal for two flats would also overcome the concerns raised by the Planning Inspector.
- 6.4 A legal agreement would be needed to cover additional local infrastructure costs arising.

IMPLICATIONS AND RISKS

7. **Financial Implications and risks:**

7.1 None

8. **Legal Implications and risks:**

8.1 A legal agreement would be needed to ensure that suitable contributions are made to local infrastructure arising from the proposed development.

9. **Human Resource Implications:**

9.1 None

10. **Equalities and Social Inclusion Implications:**

10.1 The Council's planning policies are implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.