

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P2007.22

WARD: Marshalls & Rise Pk **Date Received:** 9th December 2022

ADDRESS: 9 Eastern Avenue East
Romford

PROPOSAL: Part two storey, part single storey side and rear extension, hip to gable loft conversion including 1 x rear dormer and front rooflights use and change of use from Use Class C3 (Dwellinghouse) to Sui Generis (Large HMO 7 Rooms)

DRAWING NO(S): SLP 1:1250
SLP 1:500
101
201
202

RECOMMENDATION: It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

SITE DESCRIPTION

The subject property consists of a two-storey semi-detached dwelling with two parking spaces on a hardstanding to the front of the dwelling and one space. There is a garage located to the rear.

The surrounding area consists of similar two-storey semi-detached dwellings.

The application dwelling is not a listed building or within a conservation area.

DESCRIPTION OF PROPOSAL

Consent is sought for a part two storey, part single storey side and rear extension, hip to gable loft conversion including 1 x rear dormer and front rooflights use and change of use from Use Class C3 (Dwellinghouse) to Sui Generis (Large HMO 7 Rooms).

By way of background an application was refused under ref: P0106.22 for a part single, part two storey rear extension, two storey side extension, and demolition of existing outbuilding and extension. The refusal reason were as follows:

The two-storey side extension would, by reason of its excessive width, roof design and lack of set back from the existing front elevation would result in a dominant and visual intrusive extension

detrimental to the character and appearance of the host property and visual amenity of the locality contrary to Policy 26 of the Havering Local Plan 2021.

The proposed combination of the single storey and first floor rear extension would, by reason of its overall depth and flat roof design would form a dominant and intrusive feature detrimental to the character and appearance of the host property contrary to Policy 7 and 26 of the Havering Local Plan 2021.

No appeal was submitted.

RELEVANT HISTORY

D0040.22	Certificate of Lawfulness for single storey side and rear extensions, conversion of roof space to habitable use to include a rear dormer, 2 No. front roof lights, and conversion of roof from hip to gable end to include new gable end window, involving demolition of existing outbuilding and rear extension
	PP not required 25-07-2022
P0106.22	Part single, part two storey rear extension, two storey side extension, and demolition of existing outbuilding and extension
	Refuse 21-03-2022

CONSULTATIONS/REPRESENTATIONS

Letters were sent to neighbouring properties and no letters of representation were received.

In addition the following comments were made by other stakeholders:

Waste - No objection subject to waste being presented at the boundary for collection/suitable storage ahead of collection.

Public protection - Objection on noise grounds/absence of evidence supporting the application (Noise survey/management detail).

RELEVANT POLICIES

East London HMO Guidance

Policies 7 (Residential design and amenity), 8 (Houses in Multiple Occupation), 23 (Transport connections), 24 (Parking provision and design), 26 (Urban Design), 34 (Managing Pollution) and 35 (On-site waste management) of the Havering Local Plan (2016-2031) as well as the Havering Community Infrastructure Levy Charging Schedule is relevant.

Policies D1 (London's form, character and capacity for growth), D6 (Housing quality and standards), D11 (Safety, security and resilience to emergency), D14 (Noise), H9 (Ensuring the best use of stock), T5 (Cycling), T6 (Car parking), T6.1 (Residential parking), T9 (Funding transport infrastructure through planning) of the London Plan 2021 are relevant.

The National Planning Policy Framework - Paras 130/134 in particular.

MAYORAL CIL IMPLICATIONS

There is no requirement under the CIL regulations for a contribution in this instance owing to the limited overall floor area created through the proposals.

STAFF COMMENTS

PRINCIPLE OF DEVELOPMENT

Policy 8 of the Havering Local Plan 2016-2031 is applicable. Within this policy and its justification the Council recognises that Houses in Multiple Occupation (HMOs) can make a valuable contribution to the private rented sector by catering for the housing needs of specific groups. This needs to be balanced with the potential harm that can arise from such development if they are not subject to control. The Council will support applications for HMOs where it can be demonstrated that:

- i. The overall size of the original property to be converted is not less than 120 sq m;
- ii. The proposal does not result in more than 10% of properties in one street becoming HMOs (including existing lawful HMOs) or more than two adjacent properties becoming HMOs, thereby undermining the principle of mixed communities;
- iii. The proposal does not have an adverse impact on the surrounding area and will not be likely to give rise to significantly greater levels of noise and disturbance to occupiers of nearby residential properties than would a single family dwelling of equivalent size;
- iv. The proposal meets Havering's parking requirements and it will not have an unacceptable impact on parking conditions and traffic congestion in the area;
- v. Adequate, secure and well screened refuse storage is provided within the curtilage of the site and is accessible by all residents;
- vi. The property contains communal space, including either a dining or living area, large enough for all the dwelling's occupants to use simultaneously; and
- vii. The proposal meets the requirements of the East London HMO guidance.

There is no evidence before officers that the proposal would result in more than 10 percent of properties becoming HMOs based on records available to officers. However, notwithstanding this the floor area of the dwelling as it exists presently is less than 120 sqm (in the region of 92sqm) and there is then conflict with Policy 8(i) which renders the proposals unacceptable in principle.

The impact on amenity 8(iii), parking 8(iv) and quality of living environment and available facilities(v),(vi),(vii) are all considered fully within this report in the following sections.

DENSITY/SITE LAYOUT

With regards to the quality of living environment for future occupants, this is a consideration through Policy 8 of the HLP. Policy 8 requires proposals meet with the East London HMO Guidance.

For two person occupancy a room must be 13 sqm (with cooking facilities elsewhere). It is evident that this has been the target in most cases (exceptions being units 1, 3 and 5). This would still translate in terms of licensing to an HMO with a capacity of 13 people which would be a significant amount. Nevertheless the rooms are of a reasonable size and in most cases would have reasonable outlook/aspect and light. However, for unit 1, due to the relationship to the shared boundary and proposed single storey projection a tunnelling effect results. Outlook would be poor and it is questionable how much light would be received, exacerbated by the compressed window size. This is suggestive of an overdevelopment of the site through the resultantly poor living environment for future occupiers.

The guidance states that a landlord may provide a communal living room in addition to any space that is required for shared kitchen and dining facilities. From the way this is worded it is not a mandatory requirement unlike the minimum required floor area for kitchen facilities. The East London guidance does require that where dining facilities are combined with the living room, the room should be at least 14 sq m for three people, plus 1 sq m for every additional person. To that end, mindful of maximum occupancy this would require a room of at least 24 square metres which is not achieved. It is observed that there are other communal facilities however in the form of a study/snug at first floor level and utility space. These areas combined would make up any perceived deficit however the purpose is that the space should be genuinely communal and capable of being used by all residents. This is an explicit requirement of Havering Local Plan 2016-2031 Policy 8(vi).

The proposals therefore fail to align with the objectives Policy 8 of the HLP and the East London HMO Guidance through insufficient communal space and poor internal layout, in particular for Unit 1 at GF based on prospective occupancy. Officers have given consideration to a restriction on occupancy and use of rooms through condition to ensure compliance, however given the abundance of internal floor area and difficulty in enforcing such a condition as a result this is not considered to be appropriate. Mindful of other conflicts identified the scale of the use is regarded as unacceptable for reasons which will follow.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Paragraph 124 of the NPPF states that planning decisions should take into account the desirability of maintaining an area's prevailing character. At Policy 26 of the Havering Local Plan 2016-2031 these objectives are also sought amongst other considerations.

The Framework further states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It goes on to set out that good design is a key aspect of sustainable development, in so far as that it creates better places in which to live and work and helps make development acceptable to communities. However an overarching consideration is the desirability of maintaining an area's prevailing character and setting (including residential gardens), of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places. The framework requires that permission is refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Whilst preceding the adoption of the Havering Local Plan 2016-2031 the Residential Extensions and Alterations SPD (adopted 2011) remains part of the development plan. It states that whilst extensions and alterations can bring many benefits to the householder in terms of extra space and security, they can also undermine the original character of both the property they are associated with and the street they are situated within. The SPD offers detailed design guidance and principles.

Turning firstly to the hip to gable loft conversion and rear dormer. The proposed dormer would not align with Council guidance, would not be contained well within the body of the main roof and would form a prominent and visually intrusive feature. It has the appearance of development permissible through permitted development however when viewed in isolation and as part of the wider development proposed as a single building operation would lack subservience and be of poor quality design. It is accepted that the applicant has obtained a Certificate of Lawfulness under ref: D0040.22 however this is not regarded as any type of fall-back position, the works are not shown to be existing or nor has evidence been provided that they are substantially completed. Consistent with Council decision making where it has control over such development it is not to be supported. The formation of a gable end would unbalance the semi-detached pair, thereby would be contrary to the guidance contained within the Residential Extensions and Alterations SPD.

The SPD states recognises that side extensions have the potential to interrupt patterns of development within the street and therefore should normally be subordinate in size and set back from the front building line. By setting back the extension from the front elevation in line with Council guidance (1m) the visual impacts in this regard are lessened. However, Council guidance requires that extensions replicate the roof-form of the main dwelling. The differing roof forms of the main roof and extension would form a jarring feature. The hipped roof form in this instance whilst serving a purpose in reducing bulk would have an incongruous and conspicuous appearance in the street-scene and contribute the incongruous nature of the development overall.

The single storey projection and first floor element would align somewhat with Council guidance in terms of the respective depth from the original rear wall of the dwelling and degree of separation from shared boundaries. However as shown, as a single building operation the development would lack subservience in the opinion of officers and is not conducive to good design. Para 134 of the Framework contends that development that is not well designed should be refused, especially where it fails to reflect local design policies. The design of the roof, rear dormer and cumulative impact of other additions and design choices are not compliance with Council design guidance. It is accepted that a different view could have been taken were some of the development shown which might be capable of being constructed utilising permitted development rights (in isolation of those that would require PP) however this is not the case.

The proposals cumulatively would lack subservience to the host dwelling and do not comply with design guidance. The proposals are contrary to guidance contained within the Residential Extensions and Alterations SPD and would conflict with Havering Local Plan 2016-2031 Policy 26 and the Framework (Paras 130 and 134).

IMPACT ON AMENITY

Consideration has been given to the impact on the neighbouring dwellings in terms of loss of light, outlook, sense of enclosure and loss of privacy as is required by Policy 7 of the Havering Local Plan 2016-2031 and the Residential Extensions and Alterations SPD.

As with earlier decision making, the two storey side extension would be well enough removed from nearby residences to mitigate any impacts. The proposed two storey rear extension would be compliant in terms of its depth and separation from shared boundaries and accordingly any impacts resulting are regarded as not being material in planning terms. The depth of the single storey projection would be compliant with Council guidance which allows extension of up to 4m on semi-detached properties in most cases.

Officers consider that the proposals, in amenity terms, would comply with the guidance contained within the Residential Extensions and Alterations SPD and that accordingly the development would not be unneighbourly. The quality of living environment for future occupants of the HMO are considered in preceding sections of this report.

Turning then to the proposed use as a large HMO a requirement of Policy 8 of the Havering Local Plan 2016-2031 is that the proposed use must not have any unacceptable adverse impacts on the surrounding area and fundamentally that the proposal would not have an adverse impact on the surrounding area and will not be likely to give rise to significantly greater levels of noise and disturbance to occupiers of nearby residential properties than would a single family dwelling of equivalent size.

Given the resultant scale of the dwelling, size of bedrooms and accordingly prospective occupancy as a maximum it would be difficult to compare the dwelling with the adjoining site. Even having regard to similar extensions a multi-generational family would be unlikely to attract such significant levels of occupation. With eight large bedrooms, most capable potentially of double occupancy and multiple shared spaces this is suggestive of an intensive use.

The immediate impacts are limited to the adjoining premises. It would not be possible to substantiate grounds to refuse permission through increased overlooking or loss of privacy as the development concerns the use of an existing dwelling with existing fenestration. Where there would be new openings the views would not be unusual or unneighbourly in planning terms in the suburban environment. Considering the change of use as having the maximum occupancy achievable it could not reasonably be likened to a typical family dwelling in the opinion of officers. Whilst it is accepted that there is some judgement involved in reaching this view, it is not considered to be unreasonable on the facts of the case and layout shown. It is reasonable to surmise that the level of activity associated with the use proposed would exceed that of a single dwelling house with increased adult occupancy bringing with it increased comings, goings and visits to the site and use of communal spaces including garden to the rear.

It is envisaged that in the event of approval, a condition could be imposed requiring details of refuse storage indicated on plan to comply with Council policy which would be capable of overcoming any residual harm. However; as above the overarching concerns held relate to the intensive use of the resultant building over and above what could be regarded as acceptable in the suburban context and beyond that of a typical family dwelling. Staff have had regard to a condition restricting the level of occupation, but having regard to the number of bedrooms shown could not be satisfied that the impacts could be mitigated fully by a way of condition.

An objection from the Council's Public protection team reinforces the above views. The absence of any compelling evidence in the form of noise surveys/details of sound insulation at the party walls to mitigate any adverse impacts arising from the intensive occupancy weighs against the proposals. In

light of other grounds for refusal identified these matters have not been explored further.

The proposals therefore are in conflict with Havering Local Plan 2016-2031 Policies 8 and 34.

HIGHWAY/PARKING

Policy 8 of the HLP requires that any proposed HMO use meets Havering's parking requirements and it will not have an unacceptable impact on parking conditions and traffic congestion in the area. The PTAL rating in this location is 3, which is not suggestive of easy access to public transport.

The proposals would provide three spaces which would be in excess of a dwelling of equivalent scale in this location having regard to the London Plan Standards which would be applicable. However; there is no certainty within the application submission and before officers that the proposals would not attract higher car ownership based on the nature of the use and prospective occupancy given that the rooms are shown to be in most cases doubles (applying the standards for new dwellings in the London Plan).

As such and in the absence of evidence to the contrary the proposals do not make adequate provision for off-street parking contrary to Policy 8 of the Havering Local Plan 2016-2031.

KEY ISSUES/CONCLUSIONS

Having regard to the above and in doing so all relevant planning policy and material considerations REFUSAL is recommended.

RECOMMENDATION:

It is recommended that **planning permission be REFUSED** for the following reason(s)

1 Refusal non standard

The original floor area of the house to be converted is less than 120 sqm (in the region of 92sqm) and there is then conflict with Havering Local Plan 2016-2031 Policy 8(i) which renders the proposals unacceptable in principle.

2 Refusal non standard

The proposed development by reason of the resultant scale, bulk and mass of the host property and design concept of the extensions proposed cumulatively would be detrimental to the character and appearance of the host property and street-scene therefore contrary to Havering Local Plan Policies 7 and 26 and the design guidance within the Council's Residential Extensions and Alterations SPD. There would be conflict also with the National Planning Policy Framework, specifically Paras 130/134 which fundamentally require good design and that development add to the overall quality of the area.

3 Refusal non standard

The development by reason of its housing typology, the nature of the use as a large HMO with high prospective occupancy and poor access to public transport, would result in significantly higher levels of coming / goings and intensive activity over and above that of a single dwelling

house resulting in a detrimental impact to the amenity of adjoining residents from noise and disturbance associated with the use contrary to Policies 8 and 34 of the Havering Local Plan 2016-2031. For the reasons given it is not considered that this could be overcome through a restrictive condition.

4 Refusal non standard

The internal layout of the resultant dwelling would fail to meet with the requirements of the East London HMO guidance, having regard to maximum occupancy based on room sizes and requirements for shared space capable of being used by all occupants simultaneously. Furthermore outlook/aspect and light received to Unit 1 would be unacceptable. The proposals therefore conflict with Havering Local Plan 2016-2031 Policy 8 through failing to provide an adequate living environment for all future occupants.

5 Refusal non standard

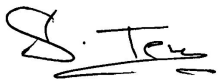
The low PTAL rating is suggestive of poor access to public transport. Mindful of the high prospective occupancy based on the size of rooms/internal layout which is not comparable to a single dwelling house and in the absence of evidence to the contrary there would be potentially high reliance on vehicle ownership. It is not considered that it has been demonstrated as required by Policy 8 of the Havering Local Plan 2016-2031 that the proposals would not have unacceptable impact on parking conditions and traffic congestion in the area.

INFORMATIVES

1 Refusal - No negotiation

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reason(s) for it was given to the agent in writing 30-03-2023

Authorising Officer:



Suzanne Terry

30th March 2023