

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0309.24

WARD: Heaton

Date Received: 1st March 2024

ADDRESS: 43 Dewsbury Road
Harold Hill
Romford
Essex

PROPOSAL: Change of Use from Use Class C3 (Dwellinghouse) to Use Class C4 (HMO) to a 3 person HMO

DRAWING NO(S): 04/24
01/24
03/24
02/24

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

SITE DESCRIPTION

The application site comprises a two-storey semi-detached dwelling located on the western side of the road with fully paved front garden.

The property is not a Listed Building and the site is not located in a Conservation Area.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a change of use from a residential dwelling (Class C3) to a HMO for a 3 bedroom, 3 tenant dwelling (Class C4)

RELEVANT HISTORY

CONSULTATIONS/REPRESENTATIONS

Neighbouring properties were consulted. Three representations were received in objection, with the following concerns summarised as follows:

- There are 2 existing HMOs on the road
- Would exacerbate the existing parking issue

- Police always on the road as a result of one of the HMOs
- More waste/rubbish resulting smell, risk of rats, more noise
- Cars inadequate for 2 cars.
- Such social housing in a confined area does attract drugs and antisocial behaviour.

Officer comment - All material planning issues raised will be addressed in the following sections of this report.

The Public Protection Department - no objection subject to sound insulation condition.

The Highway Authority - no comments received.

Designing Out Crime Officer - No objection subject to specific concerns being addressed and Secured by Design conditions and a community safety informative if minded to grant planning permission.

Waste and Recycling - waste and recycling sacks needs to be presented by 7am on the boundary of the property on collection days.

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) and 35 (On-site waste management) of the Havering Local Plan (2016-2031) and the Residential Extensions and Alterations Supplementary Planning Document are relevant.

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) of the London Plan 2021 are relevant.

The National Planning Policy Framework 2023.

MAYORAL CIL IMPLICATIONS

The proposal is not liable for Mayoral or Havering CIL.

STAFF COMMENTS

An in-person site visit was not considered necessary. Site photos were provided by the agent in support of the application. In determining this application, photos, Google Street View, aerial view images and submitted drawings were used to assess the site constraints.

The main issue in this case is the principle of development, impact on neighbouring amenity and parking and highway issues.

PRINCIPLE OF DEVELOPMENT

Policy 8 of the Havering Local Plan states that: "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 square metres;
- 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 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".

Policy 8 of the Havering Local Plan states that the Council's policies seek to deliver appropriate residential conversions whilst maintaining a supply of family housing; this policy is in line with the strategic housing need of the borough. The Outer North East London SHMA identified a need for family properties in the borough, meaning the conversion of small family homes to HMOs would have a particularly negative impact on the supply of family housing. In order to protect small family housing, properties must be at least 120sq m in order for a conversion to an HMO to be considered acceptable.

In this instance, the 'original dwelling' had a gross internal floor space of approximately 71 square metres with a significant shortfall of 49 sq.m, which fails to meet the standard of 120 square metres contrary to Policy 8 (i) of the Havering Local Plan.

According to the Council's list of registered HMOs, only one is found at no. 86 Dewsbury Road, to comply with Policy 8 (ii).

DESIGN/IMPACT ON STREET/GARDEN SCENE

There are no significant changes to the external appearance of the building and no impact on the street- scene.

IMPACT ON AMENITY

Policy 8 of the Havering Local Plan states that the Council will support applications for HMO's where it can be demonstrated that the property contains communal space, including either a dining or living area, large enough for all the dwelling's occupants to use simultaneously; and the proposal meets the requirements of the East London HMO guidance.

The HMO East London Guidance states that "Kitchen facilities should be no more than one floor away from the letting. Where this is not practicable, a dining area of a size suitable for the number of occupiers should be provided on the same floor as, or close to, the kitchen. If dining facilities are combined with the living room, the room should be at least 14 square metres for three people, plus 1 sq m for every additional person".

Policy 8 of the Havering Local Plan states that:

vi. The property contains communal space, including either a dining or living area, large enough for all the dwelling's occupants to use simultaneously

The HMO guidance expects 14sqm of combined dining and living space for a 3 person HMO, no living/dining area provided, only kitchen at approximately 12sq.m. This would be unacceptable, given the proposed combined kitchen/dining and living area size (12sq.m) and the sizes of 2 of the 3 bedrooms above 11.5sq.m required for double occupancy, therefore the property could occupy 5 persons. The HMO guidance expects 15sqm of living space for a 5 person HMO or 16sqm if dining facilities are included and 7.5sqm of kitchen space, which equates to a total of 23.5 square metres, with 12sq.m provision - a significant shortfall of 11.5sqm, would result in a substandard HMO.

The HMO East London Guidance states that kitchen facilities should be no more than 1 floor away from any letting; this would be comply.

The HMO East London Guidance states that rooms for sleeping (with kitchen facilities in a separate room) for one or two occupiers should have a gross internal floor space of 8.5 and 13 square metres respectively. In this instance, the plans show that none of the bedrooms have any kitchen facilities.

The Case Officer has assessed this application on the basis of 5 occupiers in 3 bedrooms and that the 2 larger rooms are double occupancy.

Bedroom 1 on the ground floor has a gross internal area of approximately 13.04 square metres, which meets the gross internal floor space of 13 square metres for two occupiers in the HMO East London Guidance.

Bedroom 2 on the first floor has a gross internal area of 8.87 square metres, which meets the gross internal floor space of 8.5 square metres for one occupier in the HMO East London Guidance.

Bedroom 3 on the first floor has a gross internal area of 16.51 square metres, which meets the gross internal floor space of 13 square metres for two occupiers in the HMO East London Guidance.

The East London HMO Guidance states that "Rooms should have a minimum floor to ceiling height of at least 2m over 75% of the floor area". No cross section drawing submitted, however, given that the proposal is a conversion from an existing C3, it would be considered acceptable.

The HMO East London Guidance states that a bathroom and W.C. should be within one floor of all lettings. There is a bathroom and a WC on the first floor and a WC on the ground floor which complies with the HMO East London Guidance.

Occupiers of the HMO would have access to the communal rear garden with an area of approximately 50 square metres.

Policy 8 of the Havering Local Plan states that the Council will support applications for HMO's where it can be demonstrated that 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.

Staff consider that the HMO would operate differently from a family semi-detached house. It is considered that 3 letting rooms which could accommodate 6 people in multiple occupation would greatly intensify the use of the building. The site is situated in a residential area with mainly family houses and the existing property is a 2b3p dwelling according to the submitted plans, therefore the increase to 5 persons dwelling, given the typology of the house, is likely to contribute unacceptably to noise and disturbance to adjoining and surrounding neighbouring occupiers, more than a family house, therefore unacceptable.

Staff consider that the HMO would generate a significant amount of vehicle and pedestrian movement throughout the day and night given the nature of the use.

It is considered that the proposal would result in an intensification of the site and result in significant harm to residential amenity from noise, disturbance and activity, contrary to Policies 7 and 8 of the Havering Local Plan.

HIGHWAY/PARKING

The London Plan has no specified car parking standard for HMOs.

Policy 8 of the Havering Plan states that the Council will support applications for HMOs where it can be demonstrated that:

iv. The proposal meets Havering's parking requirements and will not have an unacceptable impact on parking conditions and traffic congestion in the area;

The location has a PTAL rating of 1b, which translates to poor access to public transport. The road has numerous dropped kerbs and very limited on-street parking availability.

Cycle and bin storage have not been shown on the plans, however, can be located within the garden area.

KEY ISSUES/CONCLUSIONS

Upon full assessment of the submitted material supporting the application, taking into account all material considerations, it is considered the objectives of the development plan have not been met, and planning permission should be refused.

RECOMMENDATION:

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

1 Refusal non standard

The original dwelling has a gross internal floor space of approximately 71 square metres, which fails to meet the standard of 120 square metres, thereby resulting in the unacceptable loss of a much needed family homes within the Borough, contrary to Policy 8(i) of the Havering Local Plan 2021.

2 Refusal non standard

The intensification of the site would generate high levels of activity and result in an unacceptable impact on neighbouring residential occupiers in terms of noise and general disturbance associated with the proposed HMO use contrary to Policies 7 and 8 of the Havering Local Plan 2021.

3 Refusal non standard

The size of the kitchen/dining and living area is insufficient and would be harmful to the amenity of the future occupiers of the HMO, failing to meet with the requirements of the East London HMO guidance and would therefore fail to provide an adequate living environment for all occupants, contrary to Policies 7 and 8 of the Local Plan 2021 and Policy D6 of the London Plan 2021 and the London Housing Design Guide 2023.

4 Refusal non-standard

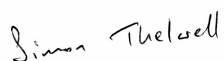
The proposal fails to provide adequate levels of off-street parking for the level of occupation proposed, resulting in increased pressure on on-street parking to the detriment of the safe and efficient operation of the highway and convenience of occupiers of neighbouring properties. In this respect, the proposal would be contrary to Policies 8 and 24 of the Local Plan.

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 via email and phone on 2nd May 2024.

Authorising Officer:



Simon Thelwell

3rd May 2024