

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0809.24

WARD: Heaton **Date Received:** 6th June 2024

ADDRESS: 211 Bell Avenue
Romford

PROPOSAL: Change of use from an existing single dwelling home to HMO housing multiple occupants (Retrospective)

DRAWING NO(S): Location Plan
202410039/1 Revision 1
202410039/2 Revision 1
202410039/3 Revision 2

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

SITE DESCRIPTION

The subject site is a two storey semi-detached property at No. 211 Bell Avenue, Romford.

DESCRIPTION OF PROPOSAL

Planning permission is sought for retrospective change of use from an existing single dwelling home to HMO housing multiple occupants.

The agent has confirmed via email that there are seven occupants in the HMO property.

The application form states that the change of use was completed on 28th February 2024.

It is noted that there are numerous discrepancies regarding the fenestration of the dwelling on the plans. The siting and size of the roof lights on the front elevation of the dwelling are shown incorrectly on the Proposed Front Elevation. The rear dormer window has a single pane window and a two pane window, whereas the Proposed Rear Elevation drawing shows a three pane window. These discrepancies have not affected the determination of this application.

RELEVANT HISTORY

P0815.24 Construction of a rear dormer finished in render (Retrospective)
Awaiting Decision

Q0126.24	Application for rear dormer to have rendered finish D0121.23 Conditions(s) 4	Withdrawn - Invalid	06-06-2024
Y0084.23	Single Storey rear extension with an overall depth of 6m, a maximum height of 2.83m, and an eaves height of 2.83m. (PRIOR APPROVAL)	Pr App Not Req'd	25-04-2023
D0121.23	Certificate of Lawfulness for conversion of roof space to habitable use to include a rear dormer, front roof lights, and conversion of roof from hip to gable end	PP not required	15-05-2023

CONSULTATIONS/REPRESENTATIONS

8 neighbouring properties were consulted. One letter of representation was received with the following comments:

- Parking issues due to many different individuals living in one property.
- Neighbouring driveways have been blocked, resulting in access issues.
- An incident of domestic violence has occurred, resulting in damage to a vehicle.
- Anti-social behaviour.
- Nuisance and impact on neighbouring amenity.
- Safety issues.
- Concerns regarding so many occupants coming and going.

The above issues will be addressed in the following sections of this report.

Designing Out Crime Officer - No objection subject to the specific concerns stated in Section 3 being addressed and a Secured by Design planning condition and informative being attached to the permission.

StreetCare Department -The business should have a suitable waste collection/contract to meet the requirements of the business. Please ensure there is sufficient numbers of refuse and recycling bins at this site, suitable storage areas, and that the collection crew access requirements are adhered to in particular with the distance to the bin store. Bins are not provided by Havering Council, nor is Havering Council liable for them. Bins need to be purchased and maintained privately.

The Public Protection Department was consulted, but no response was received.

The Highway Authority was consulted, but no response was received.

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 and the Residential Extensions and Alterations Supplementary Planning Document are 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.

MAYORAL CIL IMPLICATIONS

The proposal is not liable for Mayoral or Havering CIL.

STAFF COMMENTS

There is an enforcement case, reference ENF/184/24 for 1. Without planning permission, the material change of use of a dwelling (C3) to an HMO (C4 or Sui Generis) and 2. Rendering of rear dormer not permitted development, which is under investigation.

In accordance with the current protocol for site visits, an in-person site visit was not considered to be necessary. Site photos were provided by the applicant/agent in support of the application. In determining this planning 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 three bedroom 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 family housing, properties must be at least 120sq m in order for a conversion to an HMO to be considered acceptable.

In this instance, Prior Approval was not required for a single storey rear extension with an overall depth of 6m, a maximum height of 2.83m, and an eaves height of 2.83m under application Y0084.23 and this has been implemented.

A Certificate of Lawfulness, D0121.23, was issued for the conversion of roof space to habitable use to include a rear dormer, front roof lights, and conversion of roof from hip to gable end, which has been implemented. (There is a planning application, P0815.23, for the construction of a rear dormer finished in render (Retrospective), which has yet to be determined).

Excluding the single storey rear extension, hip to gable end and rear dormer window, the original dwelling has a gross internal floor space of approximately 79 square metres, which fails to meet the standard of 120 square metres contrary to Policy 8 of the Havering Local Plan. The proposal would therefore have an adverse impact on the supply of family housing within the Borough, the loss of which is not adequately justified and which could set an undesirable precedent for similar development in the locality.

According to the Council's list of registered HMOs, there are no HMO's in Bell Avenue.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The application does not involve any external changes to the property.

IMPACT ON AMENITY

The site is located approximately 1.7 miles from the Tesco Extra, Bryant Avenue, Romford.

The site has a PTAL rating of 1a.

It is noted that there is a discrepancy on the Location Plan, as it doesn't show the 6m deep single storey rear extension, although this has not affected the determination of this application.

Occupiers of the HMO have access to the communal rear garden with an area of approximately 132 square metres and a depth of approximately 17 metres from the rear elevation of the proposed single storey rear extension. The communal amenity space is deemed to be acceptable.

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 17sqm of living space for a 7 person HMO or 18sqm if dining facilities are included and 9.5sqm of kitchen space, which equates to a total of 27.5 square metres. Kitchen facilities should be no more than 1 floor away from the letting.

The agent has confirmed via email that there are seven occupants in the HMO property.

The site photographs show that there is a fitted kitchen with two fridge freezers, but there are no dining facilities e.g. table and chairs for the seven occupiers of the HMO. The kitchen/communal area of approximately 16sqm on the ground floor fails to meet the area of 18 square metres of communal space, which provides a poor quality living environment harmful to the amenity of existing occupiers contrary to Policy 8 of the Havering Local Plan and the HMO East London Guidance.

In terms of the space standards for sleeping accommodation, the HMO East London Guidance states that "a bedsit is defined as a room used for sleeping within a building where some of the basic facilities for food preparation and hygiene are provided within the room. The remaining facilities are either provided in separate rooms and are shared with other people living in the HMO, or are provided in separate rooms but for the exclusive use by the occupiers of the bedsit". The HMO East London Guidance also states that "a bedroom is a room within a building used for sleeping and which does not contain any of the basic facilities. The facilities are either provided in separate rooms and are shared with other people living in the HMO, or are provided in separate rooms but for the exclusive use by the occupiers of the bedroom".

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 front bedroom on the ground floor has a gross internal area of 12.5 square metres, which meets the gross internal floor space of 8.5 square metres for one occupier in the HMO East London Guidance.

The two rear bedrooms on the ground floor each have a gross internal area of 10.5 and 12.7 square

metres, which meet the gross internal floor space of 8.5 square metres for one occupier in the HMO East London Guidance.

The front bedroom on the first floor has a gross internal area of 8 square metres, which fails to meet the gross internal floor space of 8.5 square metres for one occupier, which provides a poor quality living environment harmful to the amenity of existing occupiers contrary to Policy 8 of the Havering Local Plan and the HMO East London Guidance.

The rear bedroom on the first floor has a gross internal area of approximately 9.6 square metres, which meets the gross internal floor space of 8.5 square metres for one occupier in the HMO East London Guidance.

The bedroom on the second floor has a gross internal area of approximately 23 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". As the application was recommended for refusal on other grounds, a cross section drawing showing the internal floor to ceiling height of the HMO was not requested from the agent during the course of this application.

There are concerns that there is no defensible space adjacent to the two ground floor bedroom windows on the rear elevation of the property, which abuts the communal amenity area, which provides a poor quality living environment harmful to the amenity of existing occupiers of the HMO.

The HMO East London Guidance states that a bathroom and W.C. should be within one floor of all lettings, and where shared, must be accessible from a common area.

All six bedrooms have an en-suite, which complies with the East London HMO Guidance.

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.

A representation has been received with concerns regarding so many occupants coming and going, the impact of the HMO on neighbouring amenity, anti-social behaviour and safety issues.

Staff consider that the HMO operates differently from a family semi-detached house. It is considered that seven individual occupants in a semi-detached property in multiple occupation greatly intensifies the use of the building. The site is situated in a residential area. Staff consider that a seven person HMO generates a significant amount of vehicle and pedestrian movement throughout the day and night given the nature of the use.

It is considered that the seven person HMO results in an intensification of the site and results 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 level of car parking provision relates to the accessibility of the site. The site has a PTAL rating of 1a. According to Policy 24 of the Havering Local Plan, there is a minimum residential parking standard of 1.5 spaces per 3+ bedroom dwelling in PTAL 0-1. The application form states that there are two car parking spaces, but these are not shown on the plans.

An HMO is a different circumstance to a usual house and therefore is likely to have more drivers residing there, subsequently meaning more vehicles at the property, which can lead to additional vehicles on the highway.

It is considered that two car parking spaces for seven occupants of the HMO results in increased parking congestion in surrounding streets, contrary to Policies 8 and 24 of the Havering Local Plan and the guidance contained in the National Planning Policy Framework.

The application form states that the HMO will implement a comprehensive waste separation strategy. Each occupant will have access to clearly labelled bins for general waste, recycling and food waste placed in communal areas and the kitchen. Regular waste collection schedules will be established and occupants will be informed of proper waste disposal practices. Additional external waste storage facilities will be provided to accommodate increased waste. Details of refuse/recycling and cycle stores can be secured by condition if minded to grant planning permission.

KEY ISSUES/CONCLUSIONS

In this instance, the original dwelling has a gross internal floor space of 79 square metres, which fails to meet the standard of 120 square metres contrary to Policy 8 of the Havering Local Plan. The proposal would therefore have an adverse impact on the supply of family housing within the Borough, the loss of which is not adequately justified and which could set an undesirable precedent for similar development in the locality.

The kitchen/communal area of approximately 16sqm on the ground floor fails to meet the area of 18 square metres of communal space, which provides a poor quality living environment harmful to the amenity of existing occupiers contrary to Policies 7 and 8 of the Havering Local Plan, the HMO East London Guidance and the guidance contained in the National Planning Policy Framework.

The front bedroom on the first floor has a gross internal area of 8 square metres, which fails to meet the gross internal floor space of 8.5 square metres for one occupier, which provides a poor quality living environment harmful to the amenity of existing occupiers contrary to Policies 7 and 8 of the

Havering Local Plan, the HMO East London Guidance and the guidance contained in the National Planning Policy Framework.

The poor layout of the communal amenity space creates conditions that result in undue overlooking and loss of privacy to the two ground floor rear bedrooms of the HMO, which provides a poor quality living environment harmful to the amenity of existing occupiers contrary to Policies 7 and 8 of the Havering Local Plan and the guidance contained in the National Planning Policy Framework.

It is considered that the HMO for seven occupants results in an intensification of the site and results in significant harm to residential amenity from noise, disturbance and activity, contrary to Policies 7 and 8 of the Havering Local Plan and the guidance contained in the National Planning Policy Framework.

It is considered that two car parking spaces for seven occupants of the HMO results in increased parking congestion in surrounding streets, contrary to Policies 8 and 24 of the Havering Local Plan and the guidance contained in the National Planning Policy Framework.

The application is therefore considered to be contrary to policy and it is recommended that planning permission is 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 79 square metres, which fails to meet the standard of 120 square metres contrary to Policy 8 of the Havering Local Plan. The proposal would therefore have an adverse impact on the supply of family housing within the Borough, the loss of which is not adequately justified and which could set an undesirable precedent for similar development in the locality.

2 Refusal non standard

The kitchen/communal area of approximately 16sqm on the ground floor fails to meet the area of 18 square metres of communal space, which provides a poor quality living environment harmful to the amenity of existing occupiers contrary to Policies 7 and 8 of the Havering Local Plan, the HMO East London Guidance and the guidance contained in the National Planning Policy Framework.

3 Refusal non standard

The front bedroom on the first floor has a gross internal area of 8 square metres, which fails to meet the gross internal floor space of 8.5 square metres for one occupier, which provides a poor quality living environment harmful to the amenity of existing occupiers contrary to Policies 7 and 8 of the Havering Local Plan, the HMO East London Guidance and the guidance contained in the National Planning Policy Framework.

4 Refusal non standard

The poor layout of the communal amenity space creates conditions that result in undue overlooking and loss of privacy to the two ground floor rear bedrooms of the HMO, which provides a poor quality living environment harmful to the amenity of existing occupiers contrary

to Policies 7 and 8 of the Havering Local Plan and the guidance contained in the National Planning Policy Framework.

5 Refusal non standard

The HMO for seven occupants results in an intensification of the site and results in significant harm to residential amenity from noise, disturbance and activity, contrary to Policies 7 and 8 of the Havering Local Plan and the guidance contained in the National Planning Policy Framework.

6 Refusal non standard

Two car parking spaces for seven occupants of the HMO results in increased parking congestion in surrounding streets, contrary to Policies 8 and 24 of the Havering Local Plan and the guidance contained in the National Planning Policy Framework.

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 A Designs LTD via email on 7th August 2024.

Authorising Officer:



Raphael Adenegan 7th August 2024