

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P1474.24

WARD: Heaton **Date Received:** 5th November 2024

ADDRESS: 4 Camborne Terrace, Camborne Avenue
Romford

PROPOSAL: Retrospective application for change of use from 4-bed residential dwelling (Use Class C3) to 5-bed HMO (Use Class C4)

DRAWING NO(S): 2420.10.101
2420.20.001
2420.20.101
2420.20.102
2420.10.001 Revision A
2420.20.301

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 mid-terraced property at 4 Camborne Terrace, Camborne Avenue, Romford. The surrounding environment can be described as an established residential neighbourhood. The site is located opposite the Camborne Avenue, Harold Hill Minor Local Centre.

DESCRIPTION OF PROPOSAL

Planning permission is sought for retrospective change of use from a 4-bed residential dwelling (Use Class C3) to a 5-bed HMO (Use Class C4).

The application form states that the change of use was completed on 1st September 2019. The agent has confirmed via email that the HMO is for five people.

During the course of the application, the Case Officer requested internal photographs of the HMO and a scaled cross section drawing of the property showing the internal floor to ceiling heights.

It is noted that there is a discrepancy on Drawing No. 2420.20.101, as the bedrooms on the first and second floor of the property are all labelled Bedrooms 2 and 3, although this has not affected the determination of this application.

RELEVANT HISTORY

P1606.19	Retrospective change of use from single family dwellinghouse (Class C3) to House in Multiple Occupation (HMO - Use Class C4) to accommodate up to 5 people.	Refuse	27-07-2020
P1741.16	Garage Conversion to form Living Room	Apprv with cons	22-12-2016

CONSULTATIONS/REPRESENTATIONS

19 neighbouring properties were consulted. No letters of representation were received.

Public Protection Department - No objections on land contamination or air quality grounds. Regarding noise concerns, the only concern I have relates to the sound insulation between the bedrooms, and ensuring that it is adequate from a "normal" house to an HMO, and protecting the amenity of those residents within the HMO. Recommend a condition regarding sound insulation to protect the residential amenity of occupiers if minded to grant planning permission.

StreetCare Department - Waste and recycling sacks will need to be presented by 7am on the boundary of the property facing Camborne Avenue on the scheduled collection day.

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.

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 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.

MAYORAL CIL IMPLICATIONS

The application is not liable for Mayoral or Havering CIL.

STAFF COMMENTS

This application is a resubmission of an earlier application, P1606.19, for a retrospective change of use from single family dwellinghouse (Class C3) to House in Multiple Occupation (HMO - Use Class C4) to accommodate up to 5 people, which was refused planning permission for the following reason:

1)The use of the property as an HMO, by reason of the intensification of the site, causes significant harm to residential amenity from noise, disturbance and activity contrary to Policies DC4, DC5 and DC61 of the London Borough of Havering Local Development Framework Core Strategy and Development Control Policies Development Plan Document 2008 and Policy 8 of the emerging Havering Local Plan 2016-2031.

The issue in this case is whether the revised proposal overcomes previously stated concerns. In this respect, the current application differs from the refused scheme in the following key areas:

-According to the proposed ground floor plan, the internal layout of the ground floor has changed, as it shows a kitchen and a utility room.

It should be noted that there has been a change in policy, including the Council's adopted planning policies since the previous refusal.

There is an enforcement case, reference ENF/310/20 for an alleged unauthorised change of use of C3 dwelling to HMO (retrospective application P1606.19 received), 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.

The supporting statement states that "The internal area of the property is approximately 173sqm". However, according to Staff calculations, the property has a gross internal floor area of approximately 136 square metres, which meets the standard of 120 square metres as per Policy 8 of the emerging Havering Local Plan.

According to the Council's list of registered HMOs, there are 4 HMO's in Camborne Terrace and Camborne Avenue (excluding the application site), which would not result in more than 10% of properties in one street becoming HMOs.

The supporting statement refers to other residential conversions, including the properties at 2 Camborne Terrace, 9 Camborne Terrace and 111 Camborne Avenue. There is no planning history for No.'s 2 and 9 Camborne Terrace, Camborne Avenue, although it is noted that both properties have HMO licences (which is not a material planning consideration and does not therefore necessarily render the use of these lawful in planning terms).

Planning permission was granted at 111 Camborne Avenue under planning application P0161.18, for retrospective permission for the use of the property as a House of Multiple Occupation (Use Class C4) for five occupants and the creation of a vehicle crossover and hard landscaping to the front of the property in order to facilitate the creation of 2 x off street car parking spaces on 27th April 2018. However, it is noted that the policies used to determine application P0161.18 pre-date current planning policy.

The supporting statement refers to planning application P0117.19 at 1 Ethelburga Road, Romford. It is considered that the proposal and the characteristics of the application site are materially different to application P0117.19, as this retrospective application seeks consent for a change of use from 4-bed residential dwelling (Use Class C3) to 5-bed HMO (Use Class C4), whereas planning application P0117.19 sought consent for a proposed conversion of a nine bedroom care home into a H.M.O (House of Multiple Occupancy) consisting of nine bedsits sharing a kitchen, including a new central drop kerb to the front of the property. In addition, application P0117.19 related to a materially larger two storey detached dwelling in a larger site compared with a mid-terraced dwelling

for this application, which occupies a smaller site.

The supporting statement refers to planning application P0416.23 at 325 Hilldene Avenue, Romford. It is considered that the proposal is materially different to application P0416.23, as this retrospective application seeks consent for a change of use from 4-bed residential dwelling (Use Class C3) to 5-bed HMO (Use Class C4), whereas planning application P0416.23 sought consent for an internal alteration to change from 5 bedroom HMO to 6 bedroom HMO (which has a planning and enforcement history). In addition, each planning application is determined on its individual planning merits.

DESIGN/IMPACT ON STREET/GARDEN SCENE

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

IMPACT ON AMENITY

The site is reasonably well served by local shops and services, as it's located opposite the Camborne Avenue, Harold Hill Minor Local Centre. Also, the nearest supermarket is at Tesco Extra, Bryant Avenue, Harold Wood, which is approximately 0.8 miles away.

The site is not well served by public transport and has a low PTAL rating of 1b (poor).

It is considered that the rear garden (of approximately 67 square metres) provides sufficient communal amenity space for occupiers of the HMO.

The HMO East London Guidance states that "Kitchen facilities should not be 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 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. Kitchen facilities should be no more than 1 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, and close to, the kitchen.

In comparison with planning application P1606.19, according to the proposed ground floor plan for this application, the internal layout of the ground floor has changed, as it shows a kitchen and a utility room. The supporting statement states that "The property currently has 5 bedrooms...as well as a communal kitchen/dining area of 12sqm".

The kitchen has seating at a worktop counter for five people with an internal floor area of

approximately 11.8 square metres. The property fails to provide communal living space in the form of a living area or dining area, and the provision solely of a kitchen area of 11.8 square metres is inadequate and 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 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 bedrooms do not have any kitchen facilities and have floor areas of between 14 to 17 square metres, which is sufficient.

The HMO East London Guidance states that a bathroom and W.C. should be within one floor of all lettings. In licensable HMOs, wash hand basins in each bedsit sleeping room are required where practicable in houses with five or more occupiers, unless the room contains a functioning sink/drain. Bedroom 1 has access to the W.C on the ground floor, but would need to access the bathroom on the second floor. Bedroom 2 on the first floor has an en-suite. In addition to bedroom 1, bedroom 3 (on the first floor) and both bedrooms on the second floor would use the bathroom on the second floor.

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". The cross section drawing shows an internal floor to ceiling height of 2.4m on the ground floor, 2.3m on the first floor and between 2.1 and 2.6m in the roof space, which is 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 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 operates differently from a family terraced house. It is considered that five letting rooms in a mid-terraced property in multiple occupation greatly intensifies the use of the building. The site is situated in a residential area. Staff consider that the five room HMO generates a significant amount of vehicle and pedestrian movement throughout the day and night given the nature of the use. This is more intensive than the existing use, as a four bedroom family house. Given also the lack of communal internal space, there is increased likelihood that residents or their visitors may congregate in the garden area, creating further potential for excessive noise and disturbance to neighbouring residential occupiers.

It is considered that the five 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, 8 and 34 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 1b (poor). 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 plans show off street parking for two cars in the front garden, which is sufficient.

The plans show proposed refuse storage for residential waste and recycling in the front garden and a proposed cycle store for 6 bicycles in the rear garden (1 space per bedroom and 1 additional guest space) and these can be secured by condition if minded to grant planning permission.

KEY ISSUES/CONCLUSIONS

The kitchen has a dining area for five people with an internal floor area of approximately 11.8 square metres, and fails to provide adequate communal space for occupiers 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, the HMO East London Guidance and the National Planning Policy Framework.

It is considered that the HMO for five 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, 8 and 34 of the Havering Local Plan and 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 kitchen has a dining area for five people of just 11.8 square metres. There is no separate dining room or living area and the property fails to provide adequate communal living space for the occupiers 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, the HMO East London Guidance and the National Planning Policy Framework.

2 Refusal non standard

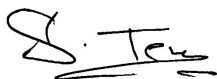
The HMO for five occupants results in an intensification of the site and results in significant harm to residential amenity from noise, disturbance and activity, contrary to Policies 7, 8 and 34 of the Havering Local Plan and the National Planning Policy Framework.

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 True Blue Architecture Ltd via email on 30th January 2025.

Authorising Officer:

A handwritten signature in black ink, appearing to read 'S. Terry', with a horizontal line underneath.

Suzanne Terry

30th January 2025