

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0957.24

WARD: St Albans **Date Received:** 8th July 2024

ADDRESS: Durham Arms, Brentwood Road
Romford

PROPOSAL: Conversion of first floor 3-bedroom flat (Use Class C3) into 5-person small HMO (Use Class C4) - Retrospective.

DRAWING NO(S): 19/498/007
19/498/008
19/498/009 Revision A

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

CALL-IN

This application has been called in by Councillor Keane (should it be recommended for approval) on the grounds of the following planning matters:

- The application falls short of policy and objects on community safety grounds.
- Concerns regarding such a facility being used above a licensed premises. This would make for very poor accommodation for the occupiers of those flats due to noise late at night from the business (music, people leaving the premises, vehicles, servicing, ASB) being operated below.
- There would be no parking for residents if the ground floor parking is being used by customers.

SITE DESCRIPTION

The application relates to the Durham Arms Public House, Brentwood Road, Romford. This is a late nineteenth century public house which is included within Havering's Local Heritage List for its architectural and historic interest. The premises comprise an associated garden to the rear and forecourt hardstanding to the front. The property is positioned in a prominent location on the cross road junction of Brentwood Road and Albert Road. The existing first floor plan for this application shows two flats.

The Durham Arms Public House is a non-designated site, although it has close relationship with the Brentwood Road Minor Local Centre. As such the properties on the opposite sides of the junction are characterised by terraces of small commercial premises with residential accommodation at first floor level. Semi-detached houses are located immediately to the west. The site is located in an Archaeological Priority Zone.

DESCRIPTION OF PROPOSAL

The original description of the proposal was "Conversion of first floor 3-bedroom flat (Use Class C3) into a 3-person small HMO (Use Class C4)".

During the course of the application and following a site visit, it was noted that there was some conflicting information for this application. Following negotiations with the agent, the description of the proposal was subsequently changed to: "Conversion of a first floor 3-bedroom flat (Use Class C3) into 5-person small HMO (Use Class C4)" and a revised plan was received. Neighbours and consultees were re-consulted for 21 days.

The supporting statement states that this application only relates to the three bedroom first floor flat and will not affect the existing one bedroom first floor flat or the ground floor.

It is noted that the Planning, Design and Access Statement has not been updated to reflect the amended description of the application or the plans, although this has not affected the determination of this application.

RELEVANT HISTORY

p1072.24	Installation of new flue and extractor system Apprv with cons 17-04-2025
P0189.24	Change of use from a Public House (Sui Generis) to a restaurant (Use Class E(b)) on ground floor and installation of an extractor system with an associated flue to the rear of the building. Removal of existing vehicle crossover and creation of new vehicle crossover. Refuse 28-06-2024
W0273.23	Re-use of ground floor as community pub/restaurant Re-use of first floor as affordable residential Awaiting Decision
M0007.22	Proposed telecommunications installation of 15.0m phase 9 slimline monopole, 3 no. cabinets and associated ancillary works Pr App Given 12-10-2022
P0188.22	Full planning application for a change of use from use class C3 (dwellinghouse) to use class C4 (HMO) dwelling, including the provision of amenity space, a cycle store, boundary wall and timber fencing and an infill extension on the first floor west elevation with partial internal layout changes. Withdrawn 12-10-2023
P1959.20	Single storey rear extension with internal alterations. Refuse 04-03-2021
P1331.20	Change of use of ground floor from a drinking establishment (Sui Generis use class) to a supermarket (use Class E), and the erection of a single

	storey rear extension	
	Refuse	02-12-2020
P1758.18	Change of Use of ground floor from A4 to A3, erection of two store rear and side extension to create 1 x 1 bed and 2 x 2 bed residential units with associated amenity spaces. The development involves partial demolition of the existing building.	
	Refuse	21-06-2019
P1728.17	Partial demolition/ conversion of existing building and erection of new side, rear and roof extensions to create 5no. flats in first and second floors. Change of use of ground floor from drinking establishment (use class A4) to restaurant and cafe (use class A3).	
	Refuse	12-07-2018

CONSULTATIONS/REPRESENTATIONS

Approximately 73 neighbouring properties were consulted. Seven letters of representation were received with the following comments, which have been summarised as follows:

- Lack of infrastructure to accommodate more people.
- There is a need for three bedroom flats for families.
- Do not need more HMOs.
- Insufficient car parking.
- Concerns regarding crime.
- The pub has good architecture.
- Would impact on the local area.
- Anti-social behaviour.
- Durham Arms is a listed building.
- There are other HMOs in the locality of the site, which result in disturbance.
- If the first floor of the building is turned into a HMO, this would make it harder for the building to return to its original use as a public house, as it would provide accommodation for the pub landlord/landlady and family.

Romford Civic Society - Objects to this application on the following grounds: too many HMO rooms and over concentration of HMOs in the area.

In response to the above comments, each planning application is determined on its individual merits. The remaining issues will be addressed in the following sections of this report.

StreetCare Department - Waste and recycling sacks will need to be presented by 7am on the boundary of the property facing Brentwood Road 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.

Public Protection Department - No noise concerns subject to conditions regarding sound insulation and ceiling/party floor insulation between the commercial and residential properties in order to protect the amenity of occupiers and the amenity of residents above the commercial units

respectively if minded to grant planning 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), 13 (Town centre development), 16 (Social infrastructure), 23 (Transport connections), 24 (Parking provision and design), 26 (Urban Design), 28 (Heritage assets), 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 London Borough of Havering Heritage Asset Register Buildings of Local Heritage Interest.

Policies D1 (London's form, character and capacity for growth), D6 (Housing quality and standards), D11 (Safety, security and resilience to emergency), D13 (Agent of change), D14 (Noise), HC1 (Heritage conservation and growth), HC6 (Supporting the night-time economy), HC7 (Protecting public houses), H9 (Ensuring the best use of stock), S1 (Developing London's social infrastructure), SD 6 (Town centres and high streets), T4 (Assessing and mitigating transport impacts), 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/139/21 that is under investigation for:

1. Untidy land and Graffiti
2. Without planning permission, the material change of use of a public house (sui generis) to an HMO (C4) added 22/5/2024
3. Without planning permission, the material change of use of a public house (sui generis) to a restaurant (class E) added 23rd April 2025.

The Case Officer has carried out a site visit. 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

Section C of Policy HC7 of the London Plan states that: "Development proposals for redevelopment of associated accommodation, facilities or development within the curtilage of the public house that would compromise the operation or viability of the public house use should be resisted".

Paragraph 7.7.8 for Policy HC7 states that: "Many pubs built on more than one floor include ancillary uses such as function rooms and staff accommodation. Potential profit from development makes the conversion of upper pub floors to residential use extremely attractive to owners. Beer gardens and other outside space are also at risk of loss to residential development. The change to residential use of these areas can limit the operational flexibility of the pub, make it less attractive to customers, and prevent ancillary spaces being used by the local community. It can also threaten the viability of a pub through increased complaints about noise and other issues from new residents. Boroughs should resist proposals for redevelopment of associated accommodation, facilities or development within the curtilage of the public house that would compromise the operation or viability of a public house. Where such proposals would not compromise the operation or viability of the public house, developers must put in place measures that would mitigate the impacts of noise for new and subsequent residents.

During the course of the application, the Case Officer contacted the agent and requested evidence to demonstrate that Flats 1 & 2 have been lawfully separated from the Durham Arms public house e.g. electoral registration, separate utility bills, council tax, etc.

The agent has provided the council tax adjustment notice 2025/2026 for Flat 1, Chatga House, 104 Albert Road, Romford, which covers from 21st April to 1st September 2025.

The agent has provided the council tax bill 2025/2026 for Rooms 1-4, Flat 2, Chatga House, 104 Albert Road, Romford, which covers from 15th April to 15th August 2025. It is considered that there is insufficient evidence to clearly and robustly demonstrate that Flats 1 and 2 have been lawfully separated from the Durham Arms public house for a continuous period of at least ten years. In addition, it is considered that there is insufficient justification that the loss of Flat 2 would not compromise the operation or viability of the public house use contrary to Policy 16 of the Havering Local Plan and Policies HC7 and S1 of the London Plan.

No existing or proposed ground floor plans have been provided for this application, so it's not clear if Flats 1 and 2 have access to the ground floor of the public house. The existing ground and first floor plans for planning application P1959.20 appears to show that there is access from Flat 2 to the Durham Arms public house and Flat 1 is separate (and independently accessed) from the public house.

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 application is for the conversion of a first floor, three bedroom flat (Use Class C3) into 5-person small HMO (Use Class C4). In this instance, Flat 2 has a gross internal floor space of approximately 73 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 four HMO's in Brentwood Road (including the application site), which equates to 0.9% of properties in one street becoming HMOs.

DESIGN/IMPACT ON STREET/GARDEN SCENE

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

IMPACT ON AMENITY

The site is located within walking distance of Romford town centre. The site has a PTAL of 4.

The supporting statement states that "Due to site constraints, private external amenity space cannot be provided for the flat". There is no communal amenity space for the occupants of the HMO, which is harmful to their amenity contrary to Policy 7 of the Havering Local Plan.

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 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.

There are five occupants in the HMO property.

The Case Officer has visited the site. It is noted that there are some discrepancies on the proposed first floor plan, as the internal layout is different to that shown. The bedroom 2 person occupancy (12.4m²) with a bay window is being used as a living room and the living/dining room is being used as a bedroom. These discrepancies have not affected the determination of this application. The application has been assessed and determined based upon the submitted plans.

There are no dining facilities e.g. tables and chairs in the living/dining room. There is a small table and two chairs in the kitchen. There are insufficient dining facilities e.g. table and chairs in the living room or kitchen for the five occupiers of the HMO.

The kitchen is 7.2m², which fails to meet the minimum standard of 7.5m² contrary to the HMO guidance. The kitchen and living/dining room (shown on the proposed first floor plan) have a cumulative floor area of 16.7sqm on the first floor, which fails to meet the area of 23.5 square metres of communal space and 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 bedroom one person occupancy has a gross internal area of 9.8 square metres, which meets

the gross internal floor space of 8.5 square metres for one occupier in the HMO East London Guidance. (During the site visit, it was noted that this bedroom contains a double bed, but it has been assessed based upon the plans).

The 2 person occupancy bedrooms each have a gross internal area of 12.4 square metres, which fails to meet the gross internal floor space of 13 square metres for two occupiers, which results in 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.

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.

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. There is a bathroom and separate W.C on the first floor, 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.

It is considered that a five person HMO does not result in a significant loss of amenity to neighbouring properties from noise, disturbance and activity given that the property is detached. In addition, the Public Protection Department was consulted and has no noise concerns subject to conditions regarding sound insulation and ceiling/party floor insulation between the commercial and residential properties, which would be imposed if minded to grant planning permission in order to protect the amenity of occupiers and the amenity of residents above the commercial units respectively.

An HMO Management Plan has been submitted, which states that: "Tenants will be made aware of their responsibility to conduct themselves appropriately during their occupancy and not engage in excessively noise or anti-social behaviour that will adversely impact their fellow occupants and/or neighbours. Their attention will be drawn to the relevant clause in the tenancy agreement relating to this matter". A condition can be imposed stating that: "The HMO shall be operated in accordance with the approved HMO Management Plan, 101 Brentwood Road, Romford, RM1 2EH. Reason: To protect neighbouring amenity and to ensure that the application complies with Policies 6 and 7 of the Havering Local Plan" if minded to grant planning permission. The supporting statement states that "Management procedures will include requiring occupants to accept and sign a code of conduct booklet detailing the rules that they have to follow while residing at the property; failing to adhere to these rules will have negative consequences upon their length of stay".

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 4. Policy T6.1 of the London Plan has a maximum residential parking standard of up to 0.5-0.75 spaces per 3+ bedroom dwelling in Outer London PTAL 4.

The supporting statement states that: "No car and cycle parking spaces have been offered due to the site's location within an area that has the relatively high PTAL rating of 4. The PTAL rating indicates that the site benefits from existing good access to nearby public transport. Accordingly, Albert Road Romford (Stop G) is located opposite the application site and therefore will encourage the occupants of the small HMO to use the local bus network".

It is considered that no car parking provision for the five person small HMO is acceptable in this instance, as the site has a PTAL rating of 4 and is located within walking distance of Romford town centre.

It is considered that two long-stay cycle spaces per all other dwellings should be provided in accordance with Policy T5 of the London Plan and there is scope to provide these within the site. The following condition will be imposed if minded to grant planning permission: "Within three months of the date of this decision, details of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be carried out in accordance with the agreed details and permanently retained thereafter. Reason: Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail within three months of the date of this decision is in the interests of providing a wide range of facilities for non-motor car residents and sustainability".

The supporting statement states that "The first floor residential flats benefit from existing bin storage and refuse collection arrangements. This will serve and be sufficient for the HMO. Strong management of the HMO will ensure that no waste includes the following: large bulky items, clinical items and hazardous items. Fly tipping will be strictly forbidden".

There are no details of the refuse and recycling storage on the plans. The following condition will be imposed if minded to grant planning permission:

"Within three months of the date of this decision, details of refuse and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be carried out in accordance with the agreed details and permanently retained thereafter. Reason: Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail within three months of the date of this decision will protect the amenity of occupiers of the development and also the locality generally".

KEY ISSUES/CONCLUSIONS

In this instance, the original dwelling entitled Flat 2 has a gross internal floor space of approximately 73 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.

It is considered that there is insufficient evidence to clearly and robustly demonstrate that Flats 1 and 2 above the public house have been lawfully separated from the Durham Arms public house for a continuous period of at least ten years. In addition, it is considered that there is insufficient justification that the loss of Flat 2 would not compromise the operation or viability of the public house use contrary to Policy 16 of the Havering Local Plan and Policies HC7 and S1 of the London Plan.

The lack of communal amenity space is harmful to the amenity of the occupants of the HMO contrary to Policy 7 of the Havering Local Plan.

There are insufficient dining facilities for the five occupiers of the HMO. The kitchen and living/dining room have a cumulative floor area of 16.7sqm on the first floor, which fails to provide adequate communal living/dining space for the occupiers of the HMO 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, the East London HMO Guidance and the guidance contained in the National Planning Policy Framework.

The 2 person occupancy bedrooms each have a gross internal area of 12.4 square metres, which fails to meet the gross internal floor space of 13 square metres for two occupiers, which results in 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.

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 entitled Flat 2 has a gross internal floor space of approximately 73 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

There is insufficient evidence to clearly and robustly demonstrate that Flats 1 and 2 above the public house have been lawfully separated from the Durham Arms public house for a continuous period of at least ten years. In addition, there is insufficient justification that the loss of Flat 2 would not compromise the operation or viability of the public house use contrary to Policy 16 of the Havering Local Plan and Policies HC7 and S1 of the London Plan.

3 Refusal non standard

The lack of communal amenity space is harmful to the amenity of the occupants of the HMO contrary to Policy 7 of the Havering Local Plan.

4 Refusal non standard

There are insufficient dining facilities for the five occupiers of the HMO. The kitchen and living/dining room have a cumulative floor area of 16.7sqm on the first floor, which fails to provide adequate communal living/dining space for the occupiers of the HMO 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, the East London HMO Guidance and the guidance contained in the National Planning Policy Framework.

5 Refusal non standard

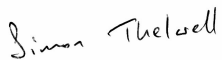
The two person occupancy bedrooms each have a gross internal area of 12.4 square metres, which fails to meet the gross internal floor space of 13 square metres for two occupiers, which results in a poor quality living environment harmful to the amenity of existing occupiers contrary to Policies 7 and 8 of the Havering Local Plan and the HMO East London Guidance.

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 Cityscape PA via email on 1st May 2025.

Authorising Officer:



Simon Thelwell

2nd May 2025