



6 Stanhope Heath, Stanwell – 14/00175/UNDEV.

Scale 1:1,250

© Crown copyright and database rights 2017 Ordnance Survey 100024284.



Planning Committee

20 September 2017



Enforcement Ref:	14/00175/UNDEV
Site Address	6 Stanhope Heath Stanwell TW19 7PH
Breach	Unauthorised conversion of dwelling to three flats
Ward	Stanwell North
Recommended Decision	That an Enforcement Notice be issued to secure the removal of the three unauthorised flats and the property be reinstated as one family dwelling. Such notice to be complied with within 3 months of it taking effect.

MAIN REPORT

1. Background

- 1.1 The application site is located on the northern side of Stanhope Heath and is an irregular shaped plot occupied by a semi-detached dwelling which has been extended to the side at 2 storey and the rear at single storey. The site is located in the urban area and is characterised by family semi-detached houses.
- 1.2 The breach of planning control relates to the unauthorised conversion of the dwelling into 3 separate residential units.
- 1.3 The conversion has already been carried out and a planning application was submitted on 24 September 2015 at the request of the Council's Enforcement Officers, following the receipt of a complaint. Planning permission has subsequently been refused (Ref 15/01283/FUL) for the conversion of the original dwelling house into 3 flats on 25 July 2017 for the following reason:-

'The conversion of the dwellinghouse into 3 separate flats is considered to be an overdevelopment of the site that would provide a poor standard of accommodation for its occupants by reason of the lack of internal floor space, lack of usable garden area, poor outlook, lack of parking provision and provision of refuse storage facilities. This results in a poor visual appearance and increased noise and disturbance to neighbouring properties contrary to Policies EN1 and CC3 of the Core Strategy and Policies DPD 2009, the Supplementary Planning Document on the Design of Residential Extensions

and New Residential Development 2011, and the Supplementary Planning Guidance on Parking Standards updated September 2011.'

1.4 Enforcement Notices requiring the removal of the unauthorised residential units are required to be agreed by the Planning Committee because of the potential consequences of making someone homeless.

2. Development Plan

- Within the urban area

3. Relevant Planning History

15/01283/FUL	Conversion of existing property into 3 self-contained flats (retrospective)	Refused 30.05.2017
05/00646/FUL	Erection of a part single-storey, part two-storey side and rear extension.	Granted, 13.10.2006
04/01081/FUL	Erection of a part single-storey, part two-storey side extension incorporating a garage.	Refused 21.12.2004
STAINES/FUL/P3783/2	Erection of a conservatory.	Granted 23.07.1963

4. **Details of complaint and unauthorised development:**

4.1 In 2014 complaints were made about the dwelling being used as residential flats. The applicants were requested to submit a planning application. After some time an application was submitted and eventually sufficient information was provided to make the application valid.

4.2 This building currently has 1 no. 3 bedroomed flat on the first floor and the ground floor is split into 2 flats - one 2 bedroomed flat on the left hand side of the dwelling incorporating the rear extension and one 1 bedroom flat on the right hand side. Each flat is accessed via the main front entrance porch. Each has its own garden area. The area to the side of the dwelling is assigned to the upstairs flat accessed via the gate to the side. The area to the rear of each of the downstairs flats is used by each flat and is separated by a 2m high fencing. There is no provision for refuse storage.

5. Planning considerations

- 5.1 The main planning considerations relate to the impact of the development on the amenity of the occupants living in them and also on the neighbouring area,
- 5.2 The proposal to create 3 flats from one extended family dwelling results in an increase of 2 residential units at the site.
- 5.3 The provision of hard standing to the front of the site for parking, would result in the entire frontage of the dwelling being laid to hardstanding which would be visually poor. There is no provision for the storage of bins. The 3 flats would require more storage than required by one family dwelling and would also need somewhere to store the bins. It is likely they would be stored to the front of the site which would create a poor visual impact, contrary to Policy EN1.
- 5.4 The use of the property as 3 units of accommodation, providing 1 x three bed, 1 x two bed and 1 x one bed is likely to result in more people living at the site and coming and going to the property compared to one family dwelling. As such there is concern about the noise and disturbance caused.
- 5.5 Off street parking is only provided for 1 car at present. The applicants note on their planning application form that they are looking to create another drop kerb for an additional car parking space to the front of the dwelling. However, this would result in a substandard parking space given the small depth of the front of the site between the footpath on the highway and the front of the bay window. There is also a lamp post located in front of the house on the footpath. As such there is not enough space for a car to pull off the highway. In addition this would result in a car being parked directly outside the front bedroom window of the 2 bed flat on the ground floor, creating a poor outlook which adds to the poor level of amenity to the occupiers of the 2 bed roomed flat, which is discussed further below.
- 5.6 The Council's Supplementary Planning Document on parking requires a minimum of 5 spaces for the proposal. (1 bed requires 1.25 spaces, 2 bed requires 1.5 spaces and 3 bed 2 spaces which totals 4.75 rounded up to 5 spaces). In comparison a four bed house would require 2.5 spaces. This proposal falls substantially below this, providing only 1 space. This site is not within a particularly sustainable location and as such there is no reason why parking provision should be below standard. This is a further indication of the overdevelopment of the site.
- 5.7 The units themselves provide 3 flats, a 3 bed unit on first floor with front and rear facing windows with good outlook. However the ground floor flats do not have a good level of outlook with the front windows looking out onto a car parking space directly in front of the bedroom window and fencing located within close proximity to the rear doors out onto a small garden. The 1 bed flat has a very small floor area of some 28 sq. m which falls significantly below the National Technical Standards and the Council's minimum requirement for internal floor space as set out in the Supplementary Planning Document

(SPD) on design of (50 sq. m for a 1 bed flat). It also has a very small garden area.

- 5.8 The 2 bedroomed flat would also have a poor level of outlook. If an additional parking space is created to the front, it would be directly in front of the ground floor front window. In addition the rear facing window, the only other one to the flat, is in close proximity to the rear boundary of the site and as such it again provides a poor level of outlook. This flat is only approx. 50 sq. in internal area and it too fails to meet the National Technical Standards and the Council's minimum size requirement of 61 sq. m. The garden is also very small and of limited use. Three bedroom flats should have a minimum floor area of 74 sq. m, however the proposed one has only approx. 60 sq. m.
- 5.9 The Councils SPD also sets out minimum garden size requirements of 35 sq. m per flat. The spaces provided are very limited in size, have 2m fences surrounding them which results in the space having limited use. Shading by the fences, limited size (all are less than the 35 sq. m required for flats) and the irregular shape means that they only have limited use. While a garden is often a bonus to a flat, in this instance the area contains family dwellings and as such the small gardens are out of character. The proposal is considered to provide substandard level of living accommodation with poor outlook, small internal floor space, limited parking areas and lack of parking. Therefore the proposal provides a poor level of amenity to its occupants and is considered to be an overdevelopment of the site contrary to Policy EN1 of the Core strategy and Policies DPD.
- 5.10 The provisions of the European Convention on Human Rights such as Article 1 of the First Protocol, Article 8 and Article 14 are relevant when considering enforcement action. There is a clear public interest in enforcing planning law and planning regulation in a proportionate way. In deciding whether enforcement action is taken, local planning authorities should, where relevant, have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control. In view of the need to enforce planning law for the public good it is not considered that this would contravene the Human Rights Act. Given the harm caused to the amenity of surrounding neighbours due to the unacceptable noise and disturbance, it is considered to be expedient to take enforcement action against this use.
- 5.11 It is therefore recommended that enforcement action be taken to :-
- a) Secure the removal of these unauthorized residential units and conversion back into one dwelling house. However, regard must also be had to the need to give sufficient time for compliance and for existing occupants to find alternative accommodation. A six month period is considered reasonable.

6. Recommendation

That an Enforcement Notice be issued requiring the following steps: -

- Cease the unauthorised use of the building as three separate units and for the building to be converted back to one family dwelling.

Such Notice to be complied with within 6 months of it taking effect.

Reasons for Serving of Notice

1. The current development of the dwellinghouse into 3 separate flats is considered to be an overdevelopment of the site that would provide a poor standard of accommodation for its occupants by reason of the lack of internal floor space, lack of usable garden area, poor outlook, lack of parking provision and provision of refuse storage facilities. This results in a poor visual appearance and increased noise and disturbance to neighbouring properties contrary to Policies EN1 and CC3 of the Core Strategy and Policies DPD 2009, the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011, and the Supplementary Planning Guidance on Parking Standards updated September 2011.).

