

18/00599/FUL- 32 Desford Way Ashford TW15 3AT.
Scale 1:1,250

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Planning Committee

27 June 2018



Application Nos.	18/00599/FUL		
Site Address	32 Desford Way Ashford TW15 3AT		
Proposal	Retrospective application for the use of the property as a HMO for seven residents.		
Applicant	Mr Andrew Lees/ c/o Mr Jorge Nash		
Ward	Ashford North And Stanwell South		
Call in details	<p>This application has been called in by Cllr Mooney on the grounds that:</p> <ul style="list-style-type: none">• the scheme proposes insufficient internal communal space for 7 occupants• it would cause an adverse impact on the traffic flow and parking provision• The proposal is a significant walking distance from the train station, social and community facilities• The property would not retain the character and appearance of a single family dwelling house		
Case Officer	Vanya Popova		
Application Dates	Valid: 23.04.2018	Expiry: 18.06.2018	Target: Extension of time agreed.
Executive Summary	<p>This is a retrospective planning application which seeks permission for the use of the property as a House of Multiple Occupation (HMO) to allow accommodation for seven people.</p> <p>According to Schedule 2, Part 3, Class L of the General Permitted Development Order (2015), the property could be used as an HMO for six residents without planning permission and the current proposal requires planning permission as there is one additional resident.</p> <p>It is considered that the proposal would not change the appearance of the area. The hard standing to the front exists and neighbouring front curtilages also have driveways and hardstanding.</p> <p>The main question that needs to be addressed is whether the use change from a small HMO of no more than six residents, which does not require planning permission, to an HMO for seven residents is materially different from that for six residents and is unacceptable on planning terms.</p>		

	<p>It is considered that the noise and general disturbance would not lead to material harm to the living conditions of neighbouring and adjoining properties and as such it would respect the Council's Policy EN11. There have been no complaints to the Planning Enforcement Officers for this use which has existed just over two years.</p> <p>In reviewing the parking provision and highway safety, it is considered that the use of the property as an HMO would include appropriate parking provision. There is provision for four parking spaces on site and there is also available off-site parking provision. The Surrey County Highways Authority raises no objections to the change of use in terms of parking provision and highway safety.</p> <p>In terms of the public transport provision, the application site benefits from a close vicinity of a bus stop and Ashford train station is within walking distance of 1.4 miles. Therefore, it is considered that the current proposal would not conflict with Policy CC3 of the Spelthorne Core Strategy and Policies Development Plan Document (2009).</p>
<p>Recommended Decisions</p>	<p>The planning application is recommended for approval.</p>

MAIN REPORT

1. Development Plan

1.1 The following policies in the Council's Core Strategy and Policies DPD 2009 are considered relevant to this proposal:

- EN1 (Design of New Development)
- EN11 (Development and Noise)
- SP6 (Maintaining and Improving the Environment)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)
- HO1 (Providing for New Housing Development)

1.2 Also relevant is the National Planning Policy Framework (NPPF) 2012.

2. Relevant Planning History

15/00937/PDH Prior approval notification for a single storey rear extension measure 6.985 metres beyond the rear wall of the original dwellinghouse measuring a maximum of 3 metres in height and a height of 2.8 metres to the eaves.

Approved 07.08.2015

SPE/FUL/88/558 Alterations to existing roof of bungalow to form a new roof incorporating two bedrooms and two

bathrooms/wicks within the roof space measuring 9.85m (32ft 4ins) by 7.15m (23ft 6ins) overall (as shown on drawing No. BB/05).

Approved 27.07.1988

PLAN W/FUL/82/332 Erection of a single-storey rear extension measuring 12 ft. 8 ins. (3.85 m) varying to 23 ft. (7 m) long by 11 ft. 7 ins. (3.53 m) varying to 23 ft. 5 ins. (7.13 m) wide to form a living room.

Approved 30.06.1982

3. Description of Current Proposal

- 3.1 The application site relates to a detached bungalow situated on the western side of Desford Way in Ashford. This residential road comprises a variety of housing types in terms of building heights, form and architecture, with bungalows and two storey houses and detached, semi-detached and terraced properties with relatively large rear gardens. Many of these properties have previously been altered and extended. Many of the front gardens have been entirely altered and laid to hardstanding to facilitate off-street parking.
- 3.2 The northern and southern boundaries of the site are adjacent to two-storey semi-detached dwellings. The application property has a single storey rear extension which measures almost 7 metres in depth granted in 2015 under the Prior Approval route. In addition, the front garden has been laid to hardstanding in order to provide off-street parking spaces for up to four vehicles.
- 3.3 Retrospective planning permission is sought for the conversion of the property to a seven bedroom house in multiple occupation (HMO). The submitted plan and planning statement indicate that four off-street car-parking spaces can be provided on the frontage of the property. In addition, the scheme provides secure space for bicycles to side of property. Internally the dwelling provides 7 no. single occupancy rooms, of which 5 have their own en-suite facilities (with shower and toilet), and a single shared bathroom is used by 2 no rooms. The property also provides a communal kitchen/living space to the rear which is shared by all occupants. The property contains a large rear garden with an existing patio which can be used as an additional communal space. It is relevant to note that the applicant's submission states that this use commenced in April 2016 and there have not been any planning enforcement complaints.
- 3.4 Copies of the site location plan, existing site layout and elevations are provided as an Appendix 1.

4. Consultations

- 4.1. The following table shows those bodies consulted and their response.

Consultee	Comment
Surrey County Council	No objection.

Environmental Health	No objections to make. Makes detailed comments concerning licencing matters.
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5. **Public Consultation**

5.1 A total of nine letters of notification were sent out to neighbouring and adjoining properties. The Council has received one letter of objection regarding the proposal raising the following concerns:

- The size of the kitchen is insufficient for the use of 7 people (*Note: This is not a planning matter*).
- Adequate provision should be provided for cooking and cleaning (*Note: this is not a planning matter*).
- Tenants are unfamiliar about the rules and regulations regarding Tenants' rights in a HMO of more than 6 people (*Note: This is not a planning consideration*).
- It is questioned how the applicant has received a permission for the widening of his driveway as the neighbouring property has received a refusal by the Surrey County Council for the widening of the driveway to allow parking for 3 vehicles (*Note: This is not a planning matter*).
- Impact on the on-street parking provision.
- The Council's SPD on parking provision does not provide guidance on parking provision for HMO properties, but it states that 4+ bed dwellings should provide 2.5 parking spaces and one cycle parking space. The application site is not a large family dwelling as there are 7 people (adults) who are not related.
- The driveway has been constructed with concrete which has no drainage facility.

The Council has also received a letter of representation by the agent acting on the applicant's behalf stating that:

- The property complies with the Standards set out within Spelthorne's 'Landlords guide to standards for Housings in Multiple Occupation'. These issues are covered by the HMO Management Regulations, and are licensing issues.
- Building works were carried out by approved contractors.
- The vehicle crossover access was approved by the Surrey County Council in late 2015. The application site is within walking distance of Ashford Railway Station and near to two bus stops which provide access to the Greater London Bus Network
- The majority of the properties along Desford Way have off-street parking for up to 2 vehicles and there is still available on-street parking.
- The nationality of the occupants and contractors is not a material planning consideration
- Transport policies may have become more restrictive in terms of dropped kerbs and subsequent area of hardstanding but this has no bearing on the lawfulness of these works

6. **Planning Issues**

- Principle and appearance
- Living conditions- occupants

- Amenity of neighbouring and adjoining properties
- Parking provision and Highway Safety

7. Planning Considerations

Principle and Appearance

- 7.1 Under secondary legislation, the Use Classes Order defines use class C3 as a dwelling house (whether or not as a sole or main residence) (a) by a single person or people leaving together as a family, (b) by not more than six residents living together as a single household (other than a use of within Class C4). Class C4 is classified as a house in multiple occupation that is used by not more than six residents as a HMO). Planning permission is not required to move from use class C3 to C4 and *vice versa*. Therefore the property could be used as an HMO for six residents without requiring planning permission. There is, therefore, no 'in principle' objection to the use as an HMO for six persons. However, the question that needs to be addressed is whether the use change from a small HMO of no more than six residents to an HMO for seven residents is acceptable in planning terms.
- 7.2 Desford Way is a residential road comprising a variety of housing types, generally in close proximity to one another and most of which have extended their driveways. On-street parking on both sides of the street is part of the character and appearance of the area.
- 7.3 There is already parking across the whole frontage of the site. The proposal would not result in any changes to the parking arrangements and neither would any external changes to the dwelling be undertaken. The proposal would not, therefore, change the appearance of the area.

Living conditions- current and future occupants

- 7.4 Policy EN1 of the Spelthorne Development Plan - Core Strategy and Policies Development Plan Document (2009) (CS&P DPD) states that proposals should demonstrate that they will achieve a satisfactory relationship with adjoining properties. Paragraph 17 of the National Planning Policy Framework (NPPF) 2012 indicates that one of the core principles in planning should always seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and building.
- 7.5 The property consists of 5 no bedrooms with ensuite bathrooms (with shower, sink and toilet), 2 no bedrooms sharing 1 no bathroom and a kitchen / living room. Outside there is a large private rear garden with patio, front curtilage providing 4 no off-street parking spaces and a secure storage area for bicycles to the side of the property.
- 7.6 At present there are no requirements for the proposal to obtain a licence from Environmental Health (EH) for this proposal although there will be a need from October when new regulations come into force. The bedrooms meet the size

criteria for EH guidance but there is a shortfall of 5 m² for the kitchen/living room. However, these are not planning regulations but those which govern EH licencing. The property benefits from a substantial and well laid out garden space of approximately 272sqm to the rear which provides additional amenity space. Therefore, it is considered that from a planning perspective, the proposal provides acceptable communal space for the proposed seven occupants.

- 7.7 The outlook from the front windows which would overlook the parking area would be very similar to the neighbouring properties with large driveways along Desford Way and as such it is not considered that the loss of outlook from the bedroom front windows would cause significant harm to the occupants of the HMO.
- 7.8 In reviewing the public transport provision in the vicinity of the application site, it should be noted that the site benefits from a bus stop located approx. 170 metres away which is part of Transport for London Network. In addition, the nearest train station is Ashford Train Station, which is operated by South West Trains and it is approximately 1.4 miles away. In addition, it is noted that there are the provision of local shops and other services within the area are located in an acceptable distance.

Impact on neighbouring properties

- 7.9 Policy EN11 of CS&P DPD states that the Council will seek to minimise the adverse impact of noise by requiring developments that generate unacceptable noise levels to include measures to reduce noise to an acceptable level, particularly where they impact on residential development.
- 7.10 The parking provision currently exists and the applicant has provided evidence that adequate on site drainage has been installed. In addition, there are other examples of hard surfacing providing on-site parking within Desford Way. It is also relevant to note that the existing building has been used as an HMO since April 2016 and no complaints have been received by the Planning Department. Therefore it is considered that the use of the property as an HMO for seven residents would not cause unacceptable noise or general disturbance and would not lead to material harm to the living condition of neighbouring and adjoining properties.

Parking Provision and Highway Matters

- 7.11 Desford Way is a relatively long, wide residential street that provides opportunities for substantial off-street parking. The application road and surrounding streets have unrestricted on street parking. In addition, the application site is located on a close walking distance of public transport links.
- 7.12 Policy CC3 states that the Council will require appropriate provision to make for off-street parking in development proposals in accordance with its maximum parking standards.

- 7.13 Surrey County Council, in its role as highway authority, has undertaken an assessment in terms of net additional traffic generation, access arrangement and parking provision and has been satisfied that proposal would not have a material impact on the safety and operation of the adjoining public highway. The Council does not have parking standards for HMOs but there have been recent appeal decisions where Planning Inspectors have considered that relatively low levels of parking to be acceptable. The proposed scheme makes adequate provision for 4 no off-street parking and is acceptable on highway grounds.
- 7.14 The application site has been used as a house of multiple occupation (HMO) accommodating seven people since April 2016 and the current parking provision along Desford Way would not be changed. Furthermore, it is not considered that the increase from six persons which is permitted under permitted development to seven is likely to result in any significant intensification of the use possible under permitted development.
- 7.15 It is therefore considered that it would not conflict with Policy CC3 of the Spelthorne Core Strategy and Policies Development Plan Document (2009).

Other matters

- 7.16 The letter of objection raised concerns regarding the size of the kitchen for seven residents and would seek reassurance that an adequate provision has been provided for cooking and cleaning. The proposed kitchen and living area combined would have a shortfall of some 5 sq m when compared against the Council's Landlords' guide to standards for Houses in Multiple Occupation (HMO) although the kitchen itself and the bedrooms meet the Council's Landlords' guide. These comments are, however, related to licencing rather than planning matters. However, it is understood that the application would need to apply for a licence as from 1 October 2018 and as such would be reviewed by the Council's Environment Health Licencing team.
- 7.17 The neighbouring letter of objection also questions how the application site has approval for widening the drop kerb when the neighbour was refused consent by Surrey County Council. However, this is a matter for the Highway Authority rather than with the Council as planning permission was not required for this.
- 7.18 A final comment has raised concern that the site's existing driveway constructed with a concrete material and there is no provision for on-site drainage. The agent acting on the applicant's behalf has confirmed that on-site drainage provision has been installed in order to ensure it is permitted development and complies within the Class F of the GPDO, 2015.
- 7.19 The application is considered to be acceptable and approval is recommended.

8. Recommendation

8.1 GRANT subject to the following conditions: -

1. The occupation of the HMO hereby permitted shall be limited to a maximum of 7 residents at any time.

Reason:-.To safeguard the amenity of future residents of the property and neighbouring properties.

2. That the parking spaces indicated on Drawing Number DW/32/11 received on 20.04.2018 shall be kept available at all time for the parking of vehicles.

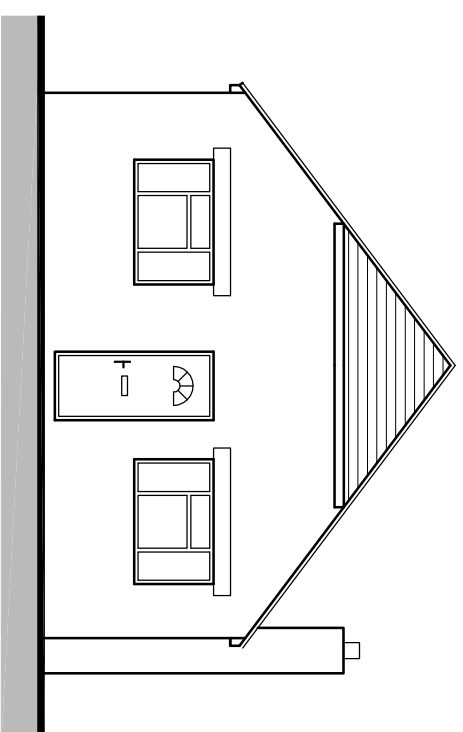
Reason:-. To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the adjoining highway(s) and to ensure that facilities provided are reserved for the benefit of the development for which they are specially required.

INFORMATIVES TO APPLICANT

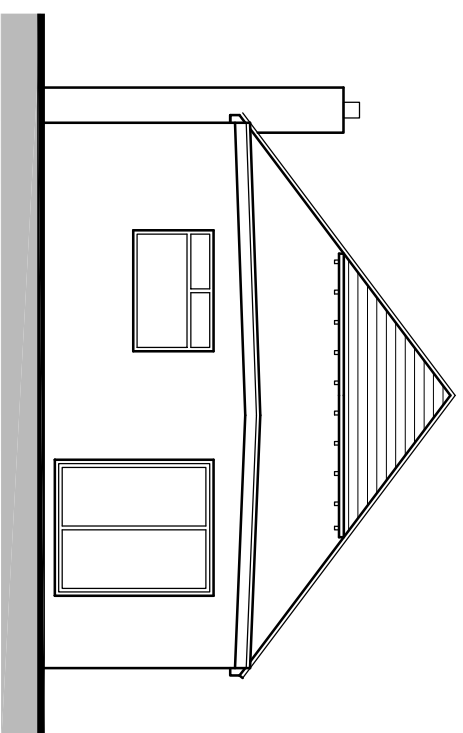
1. In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPFF. This included the following: -

Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.

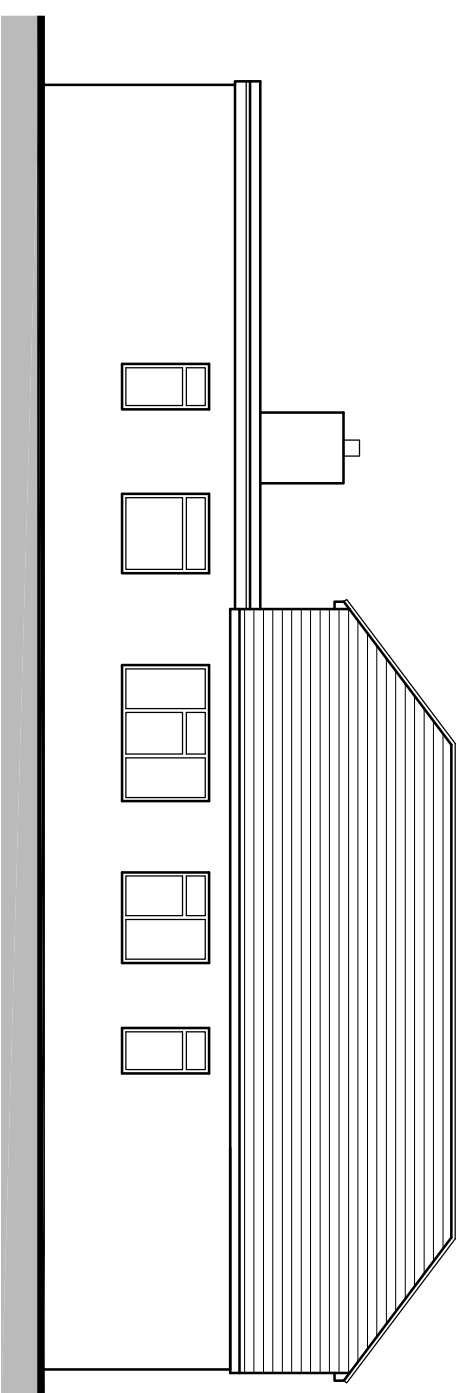
2. The applicant should be aware that the Ministry of Housing, Community and Local Government has announced as from October 2018, the Legislation is changing regarding HMO licensing and it would be an offence for licensable HMO (a HMO that has 5 or more people that form 2 or more households) to operate without a licence. Therefore, the application site would need to apply for a licence as of 01 October 2018.



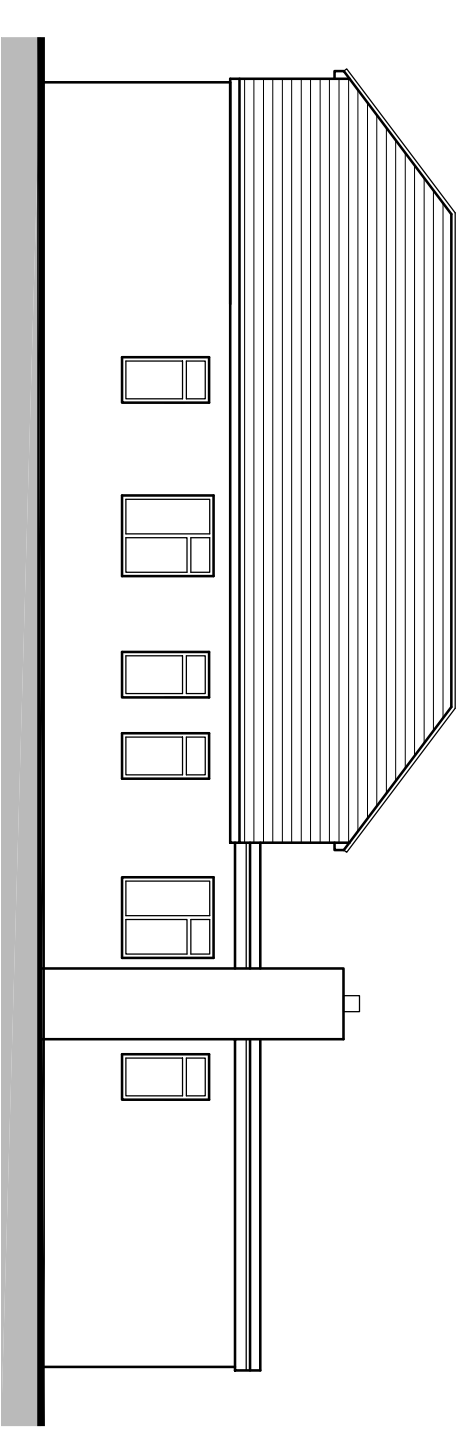
EXISTING FRONT ELEVATION



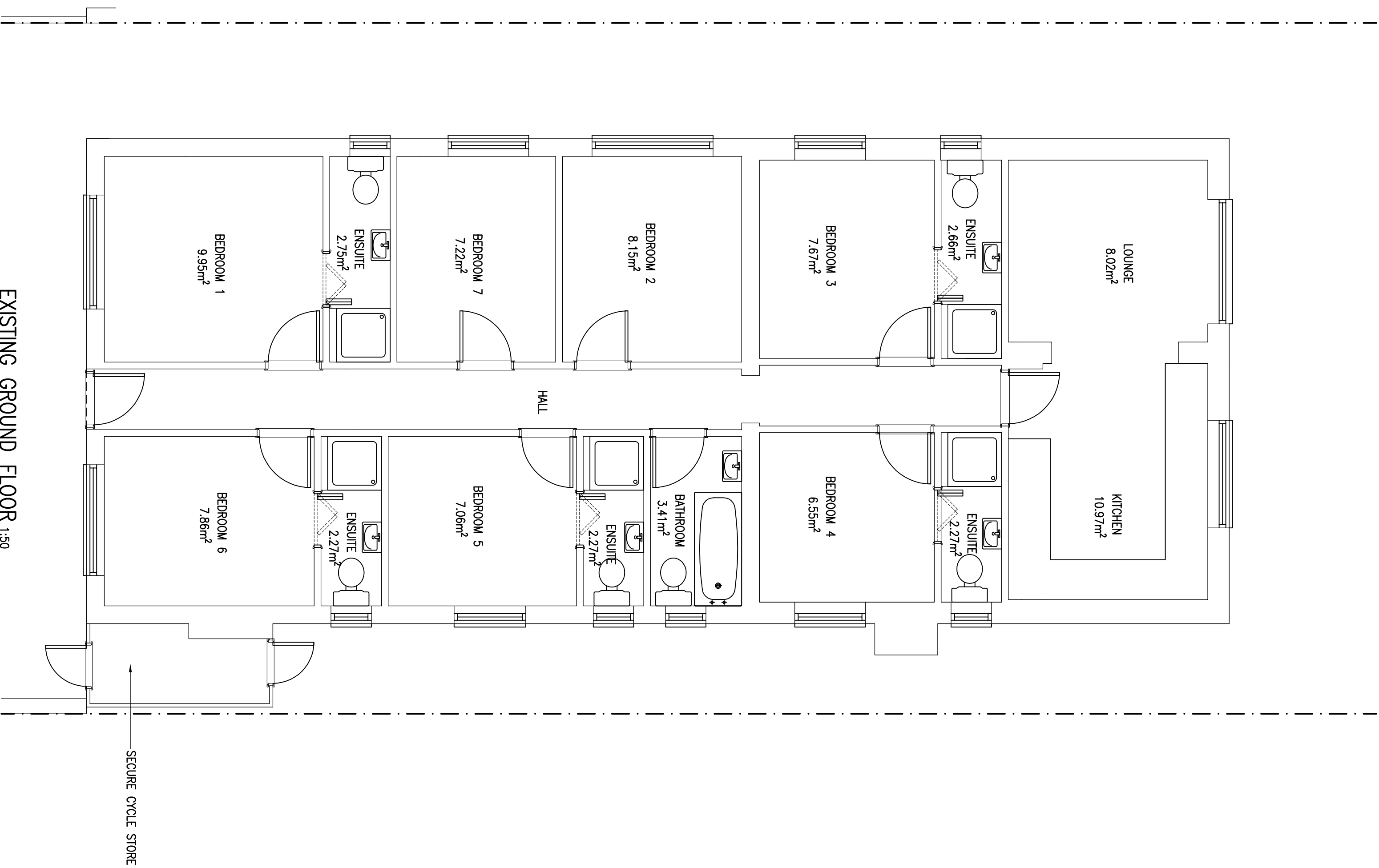
EXISTING REAR ELEVATION



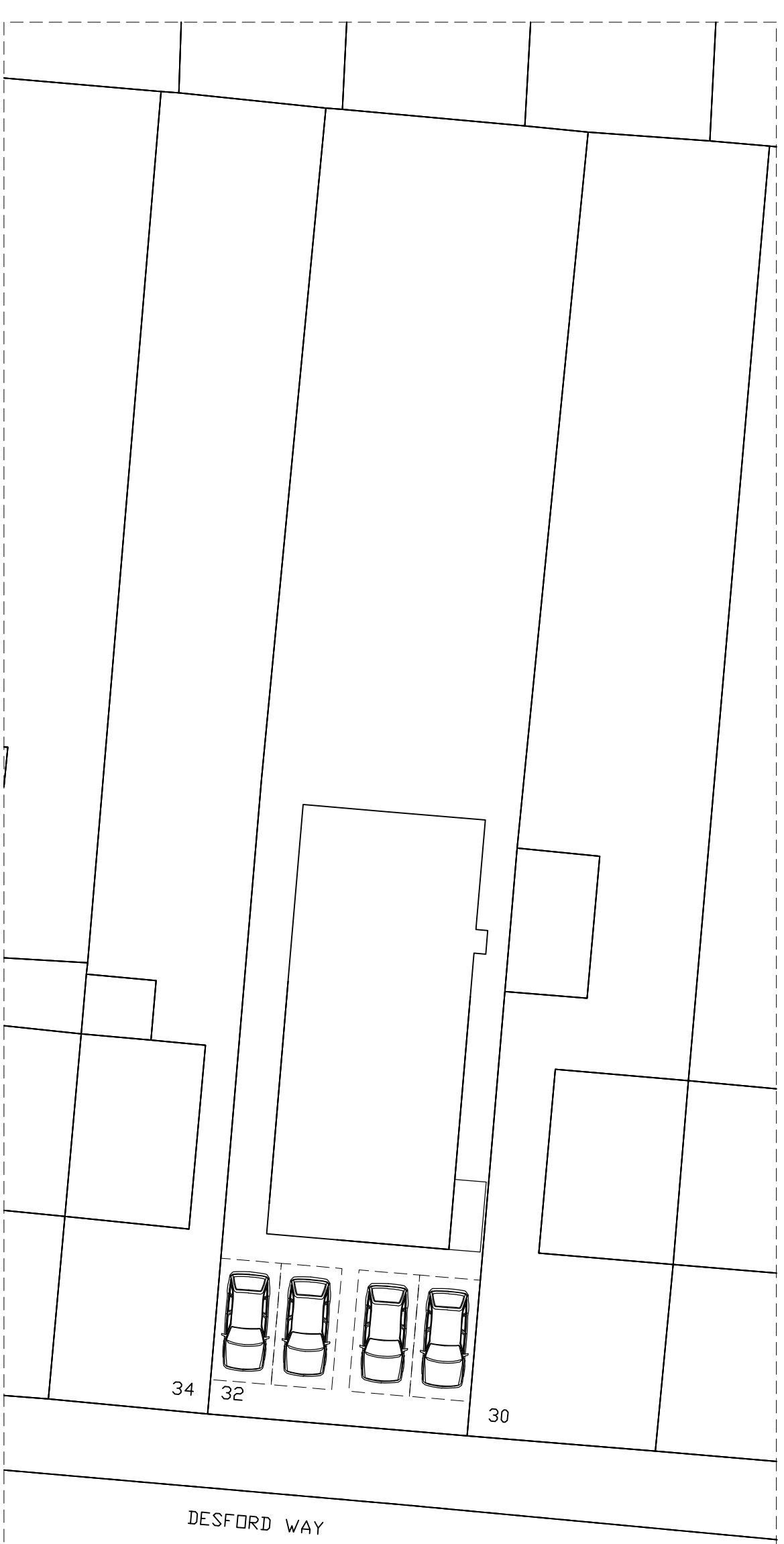
EXISTING SIDE ELEVATION



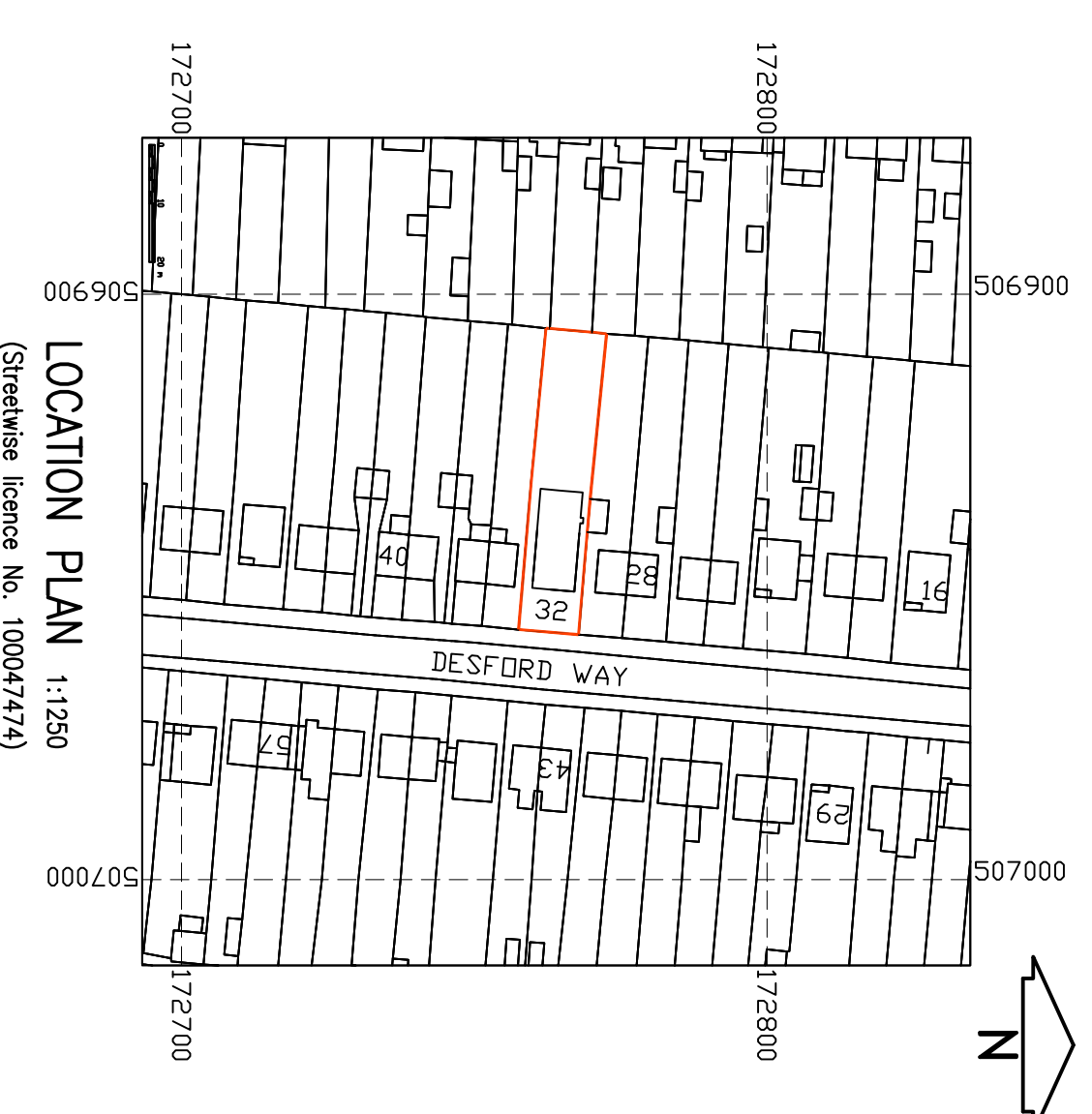
EXISTING SIDE ELEVATION 1:100



EXISTING GROUND FLOOR 1:50



EXISTING SITE PLAN 1:200



LOCATION PLAN 1:1250
(Streetwise licence No. 100047474)

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PLANNING SUBMISSION

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Title
 EXISTING HMO

Dwg. No. DW/32/11	Revision:
Scale : 1:50, 1:100 & 1:1250 @ A1	Date: MAR '18
0m 1m 2m 4m 1:100 6m 8m 10m	
0m 1m 2m 1:50 3m 4m 5m	