

# Planning Committee

19<sup>th</sup> October 2022



<b>Application No.</b>	22/01017/FUL
<b>Site Address</b>	31 Worple Road, Staines-upon-Thames, TW18 1EF
<b>Applicant</b>	Mr Gurvinder Bahra
<b>Proposal</b>	Erection of a single storey rear infill extension and change of use of existing dwelling (C3) to 7 bedroom House of Multiple Occupancy (HMO) (Sui Generis) with shared kitchen and dining room, associated parking and amenity space
<b>Case Officer</b>	Kiran Boparai
<b>Ward</b>	Staines South
<b>Called-in</b>	<p>This application has been called in by Councillor Bateson for the following reasons:</p> <ul style="list-style-type: none"><li>• Proposed conversion and additions involves the provision of 3 double bedrooms which would facilitate considerably more living accommodation than that for 7 persons.</li><li>• Easy for the granting of a 7 person licence to be exceeded unless regular checks were made.</li><li>• Parking provision at this locality is extremely limited.</li></ul>

<b>Application Dates</b>	Valid: 16.07.2022	Expiry: 10.09.2022	Target: Extension of time agreed to 21.10.2022
<b>Executive Summary</b>	<p>This application relates to 31 Worple Road in Staines-upon-Thames which is a two-storey semi-detached dwelling house situated on the eastern side of the road, backing onto properties on Hurstdene Avenue and Beechwood Avenue. The dwellinghouse is set-back from the street and is separated by a pedestrian footpath and an amenity grass strip. There are no relevant planning constraints.</p> <p>This site has previously been subject to several planning applications and this application is for the erection of a single storey rear infill extension and change of use of existing dwelling (C3) to 7 bedroom House of Multiple Occupancy (HMO) (Sui Generis) with shared kitchen and dining room, associated parking and amenity space.</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. The current proposal requires planning permission as it is proposed to add one additional resident from what can be done without the need for planning permission.</p>		

	<p>Therefore, 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 proposal would not adversely change the appearance of the existing dwelling or the character of the area. The accommodation is of a sufficient size and configuration to provide an adequate level of amenity to future occupiers and the proposal would not lead to material harm to the amenity of neighbouring properties. In terms of parking provision, Surrey County Highways Authority raises no objection to the proposal and the level of parking is acceptable.</p> <p>The proposal is therefore considered to be acceptable.</p>
<b>Recommended Decision</b>	Approve the application subject to conditions as set out at paragraph 7 of this report.

## 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:

- Policy EN1 (Design of new development)
- Policy CC3 (Parking Provision)
- Policy HO1 (Providing for New Housing Development)

1.2 It is also considered that the following Supplementary Planning Document (SPD) is relevant:

- Design of Residential Extensions and New Residential Development Supplementary Planning Document (SPD) 2011

1.3 On 19 May 2022, Council agreed that the draft Local Plan be published for public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The public consultation for the Pre-Submission Publication version of the Local Plan ended on 19<sup>th</sup> September.

1.4 The following policy of the draft Spelthorne Local Plan 2022-2037 is of relevance:

- Policy DS1 (Place shaping)
- Policy ID2 (Sustainable Transport for New Developments)
- Policy H1 (Homes for All)

1.5 At this stage, the policies carry very limited weight in the decision-making process of this current planning application.

1.6 National Planning Policy Framework (NPPF) 2021

### 2. Relevant Planning History

2.1 The site has the following planning history:

21/01568/CPD	Certificate of Lawfulness for the proposed development of a single storey outbuilding with 2 no rooflight following the demolition of existing outbuilding	Grant Certificate 09.11.2021
21/00781/CPD	Certificate of Lawfulness for the proposed development of an outbuilding following demolition of the existing shed with 2 no rooflights	Refuse Certificate 10.06.2021

21/00789/FUL	Conversion of the existing single dwelling into 2 no. units, together with associated parking and amenity space, the erection of a single storey rear extension and a hip to gable extension with front and rear facing dormers.	Withdrawn 05.07.2021
21/00015/FUL	Conversion of the existing house into 2 no. two-bed flats, together with associated parking and amenity space, and the erection of a single storey rear extension.	Grant Conditional 02.03.2021
20/01318/HOU	Widening of the existing vehicular crossover	Grant Conditional 21.12.2020
20/00179/HOU	Erection of a single storey rear extension	Grant Conditional 08.04.2020

### 3. Description of Current Proposal

- 3.1 This application relates to 31 Worple Road in Staines-upon-Thames which is a two-storey semi-detached dwelling house situated on the eastern side of the road, backing onto properties on Hurstdene Avenue and Beechwood Avenue. The dwellinghouse is set-back from the street and is separated by a pedestrian footpath and an amenity grass strip. There are no relevant planning constraints.
- 3.2 This application is for the erection of a single storey rear infill extension and change of use of existing dwelling (C3) to 7 bedroom House of Multiple Occupancy (HMO) (Sui Generis) with shared kitchen and dining room, associated parking and amenity space.

### 4. Consultations

The following table shows those bodies consulted and their response.

Consultee	Comment
Environment Health	No Objection
County Highway Authority	No Objection

### 5. Public Consultation

- 5.1 The Council has received 8 letters of objection and 1 letter of representation in relation to:
- Overdevelopment
  - Out of keeping with the character of the area
  - Loss of family housing
  - Parking provision
  - Noise and disturbance

- Overlooking
- Loss of privacy
- Size of living/dining area (*Officers note: This area complies with Environmental Health's 'Landlord guide to Standards for HMO' which states that for 6-10 persons the combined kitchen/dining should be 24m<sup>2</sup>*).
- Water and drainage strain (*Officers note: This is not a material planning consideration*)
- De-value property (*Officers note: This is not a material planning consideration*)
- No site notice displayed (*Officers note: This is not a requirement for this type of application*)

## **6. Planning Issues**

- 6.1 The main planning consideration for the application is the impact of the proposed development on the character of the area, parking provision, the impact on the amenity of neighbouring properties and future occupants.

### **Planning Considerations**

#### Principle/Character of the area

- 6.2 Policy EN1 of the Core Strategy and Policies Development Plan Document states that the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings.
- 6.3 The Council's Design of Residential Extensions and New Residential Development Supplementary Planning Document (SPD) states that one of the most important considerations for a well-designed scheme is to ensure that it is in keeping with and makes a positive contribution to the character of the area.
- 6.4 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 living 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). Under the Government's Uses Classes Order, 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' planning objection to the use as an HMO for six persons. Therefore, 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.
- 6.5 The site is situated in a predominantly residential area characterised by two-storey dwellinghouses. The existing property is a 4 bedroom, two-storey semi-detached dwellinghouse with off-white render material and a hipped roof design. The internal layout of the property would be altered to include 3 ensuite bedrooms on the ground floor and 4 ensuite bedrooms on the first

floor. Each bedroom would be of a sufficient size to accommodate one bedspace (7 people) ensuring that it has a floor area of at least 7.5m<sup>2</sup> and will be at least 2.55m<sup>2</sup> wide as per the Government's nationally described Technical Housing Standards (March 2015). Several letters of objections have referred to the bedrooms potentially accommodating double occupancy, however, all of the rooms will fall short of the Government's space standards which states that in order to provide two bed spaces, a double bedroom should have an area of at least 11.5m<sup>2</sup>. Furthermore, a condition would be attached to the decision notice to limit the number of residents to seven. The shared kitchen and dining area would be located on the ground floor at the rear of the property which is considered to be sufficient in size and orientation. Future residents would also have access to a shared amenity space to the rear of the site which would be over 100m<sup>2</sup> in size.

- 6.6 In light of above, it is considered that the principle of the development would be acceptable as it would result in an appropriate standard of living and there is a permitted development 'fall-back' position of a 6 persons HMO.
- 6.7 The conversion would result in the installation of a new window on the first floor front elevation and three new windows on the first floor southern flank elevation. As all of these windows would serve w/c's, these windows would be obscure glazed and fixed shut below 1.7 metres which would be secured by condition on the decision notice if approved. As the proposal would not result in any significant changes to the frontage of the property, it is considered that the design and appearance of the proposed development would not cause any adverse harm to the character of the area or street scene.
- 6.8 The proposed single storey rear extension would infill the existing ground floor rear area, incorporating a flat roof measuring 2.9 metres in depth, 2.7 metres in width and 2.8 metres in height. The Council's Design of Residential Extensions and New Residential Development Supplementary Planning Document April 2011 (SPD) recommends that single storey rear extensions measure 4 metres in depth on semi-detached properties and that the height of the extension nearest the property boundary should not exceed 3 metres. The existing rear extension at the neighbouring property, No. 29 Worples Road and the flank wall between the two properties, constructed as part of this would mitigate the impact of the proposed rear extension. The existing two storey element would shield the impact of the extension on the properties to the south on Hurstdene Avenue and an appropriate separation distance will be maintained with the properties to the rear on Beechwood Avenue.
- 6.9 As the extension would be to the rear of the site and would not be readily visible on the street scene, it is considered that there would not be any adverse impact on the character of the area. Furthermore, the extension would comply with the guidance in the SPD and it is to be noted that planning permission for the rear extension has already been granted in April 2020 (Ref: 20/00179/HOU) which, it was noted on a site visit had not yet been constructed.
- 6.10 It is also relevant to note that the site has already obtained planning permission for the conversion of the existing house into 2 no. two-bed flats and permission to widen the existing vehicular crossover.
- 6.11 As there would be minimal changes to the front of the property and the applicant could potentially convert the property into a 6 bed HMO without planning permission, it is considered that one additional resident would not

result in a significant intensification of the use possible under permitted development.

#### Amenity of neighbouring properties

- 6.12 In regard to the impact on the amenity of neighbouring properties, Policy EN1 states that proposals for new development should demonstrate that they will achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity of outlook.
- 6.13 It is considered that the existing rear extension at the neighbouring property, No. 29 Worple Road and the flank wall between the two properties, constructed as part of this would mitigate the impact of the proposed rear extension at the application site. Therefore this would be acceptable.
- 6.14 In regard to the letters of objection received, it is considered that the development would not result in an adverse overlooking or loss of privacy as all of the proposed new windows would be obscure glazed and the position of the rooms would be appropriately positioned to avoid noise impact on adjoining properties. Therefore, the development would not result in any further overlooking or loss of privacy, than what is already on site.
- 6.15 When considering that an HMO for 6 people can be created under permitted development, the impact of one additional resident is not considered to have any significant impact on neighbouring properties that would justify refusal on these grounds.

#### Parking Provision

- 6.16 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. In considering the level of provision the Council will have regard to the anticipated demand for parking arising from the use proposed, or other uses to which the development may be put without needing planning permission.
- 6.17 Third party representations have raised concerns on parking provision. Surrey Highways Authority has been consulted on this application and has advised that the development is unlikely to generate significantly greater parking demand than the existing use of a 4-bedroom residential dwelling or the existing extant permission (Ref: 21/00015/FUL) for two x 2-bedroom dwellings. In addition, there is a permitted development fall back of a 6 bed HMO, whereby parking provisions cannot be considered.
- 6.18 There are opportunities for future occupiers to make journeys by foot or by cycle. The application site is located within reasonable walking distance of Staines Rail Station, bus stops on Worple Road, and a range of local services including retail, education and leisure. As such, Surrey Highways Authority considers that this location is sufficiently accessible to the extent that it would not be a necessity for future occupiers to own their own private cars. Furthermore, sustainable travel should be encouraged when considering that a cycle store will be provided at the rear of the site.
- 6.19 The National Planning Policy Framework states that development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impact on the road network would be severe. For any objection to be valid, the authority must

demonstrate the harm that the development would result in. Surrey County Highway Authority does not consider the development is likely to result in material harm in respect of highway safety or capacity.

- 6.20 It is therefore considered that the proposed parking provision would not conflict with Policy CC3 of the Spelthorne Core Strategy and Policies Development Plan Document (2009) and is acceptable.

#### Conclusion

- 6.21 Overall, it is considered that the proposed development respects the character of the area and amenities of the neighbouring properties. The proposed addition of one further resident from the permitted development requirement is not considered materially harmful to justify refusal. The bedrooms are of a sufficient size for future occupants and it is considered that the parking provision is acceptable.

#### Equality Act 2010

- 6.22 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

#### Human Rights Act 1998

- 6.23 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 6.24 Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.
- 6.25 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e. peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.
- 6.26 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, officers have concluded on balance that the rights conferred upon the applicant/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.



## 7. Recommendation

### 7.1 To GRANT planning permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** This condition is required by Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The extensions hereby permitted shall be carried out in facing materials to match those of the existing building in colour and texture.

**Reason:** To ensure a satisfactory external appearance in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

2647-RDJWL-XX-XX-DR-A-0015 REV C1, 2647-RDJWL-01-ZZ-DR-A-0052 REV C1 received 18.07.2022. 2647-RDJWL-XX-XX-DR-A-0040 REV C2, 2647-RDJWL-01-ZZ-DR-A-0037 REV C3, 2647-RDJWL-01-ZZ-DR-A-0051 REV C2, 2647-RDJWL-01-ZZ-DR-A-0041 REV C3, 2647-RDJWL-ZZ-ZZ-DR-A-0035 REV C3 received 01.09.2022. 2647-RDJWL-XX-XX-DR-A-0036 REV C2 received 04.10.2022.

**Reason:** For the avoidance of doubt and to ensure the development is completed as approved.

4. The occupation of the House of Multiple Occupation (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.

5. Prior to the occupation of the development hereby permitted the first floor windows on the front and southern side elevation shall be obscure glazed and be non-opening to a minimum height of 1.7 metres above internal floor level in accordance with details/samples of the type of glazing pattern to be submitted to and approved in writing by the Local Planning Authority. The(se) window(s) shall thereafter be permanently retained as installed.

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

6. Prior to the occupation of the development, details of a scheme of the means of enclosure shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s)/use is/are occupied. Development shall

be carried out in accordance with the approved details and maintained as approved.

**Reason:** To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and the appearance of the locality in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

7. Prior to the occupation of the development the refuse and recycling facilities hereby approved shall be submitted to and approved in writing by the Local Planning Authority and retained thereafter.

**Reason:** To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and the appearance of the locality in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

8. The shed/cycle storage area must be used for the for the approved purpose for cycle parking of 7 bicycles only and not as a separate unit of accommodation.

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

### **Informatives**

1. In accordance with Approved Document S of the Building Regulations, you will be required to install electric vehicle charging facilities.