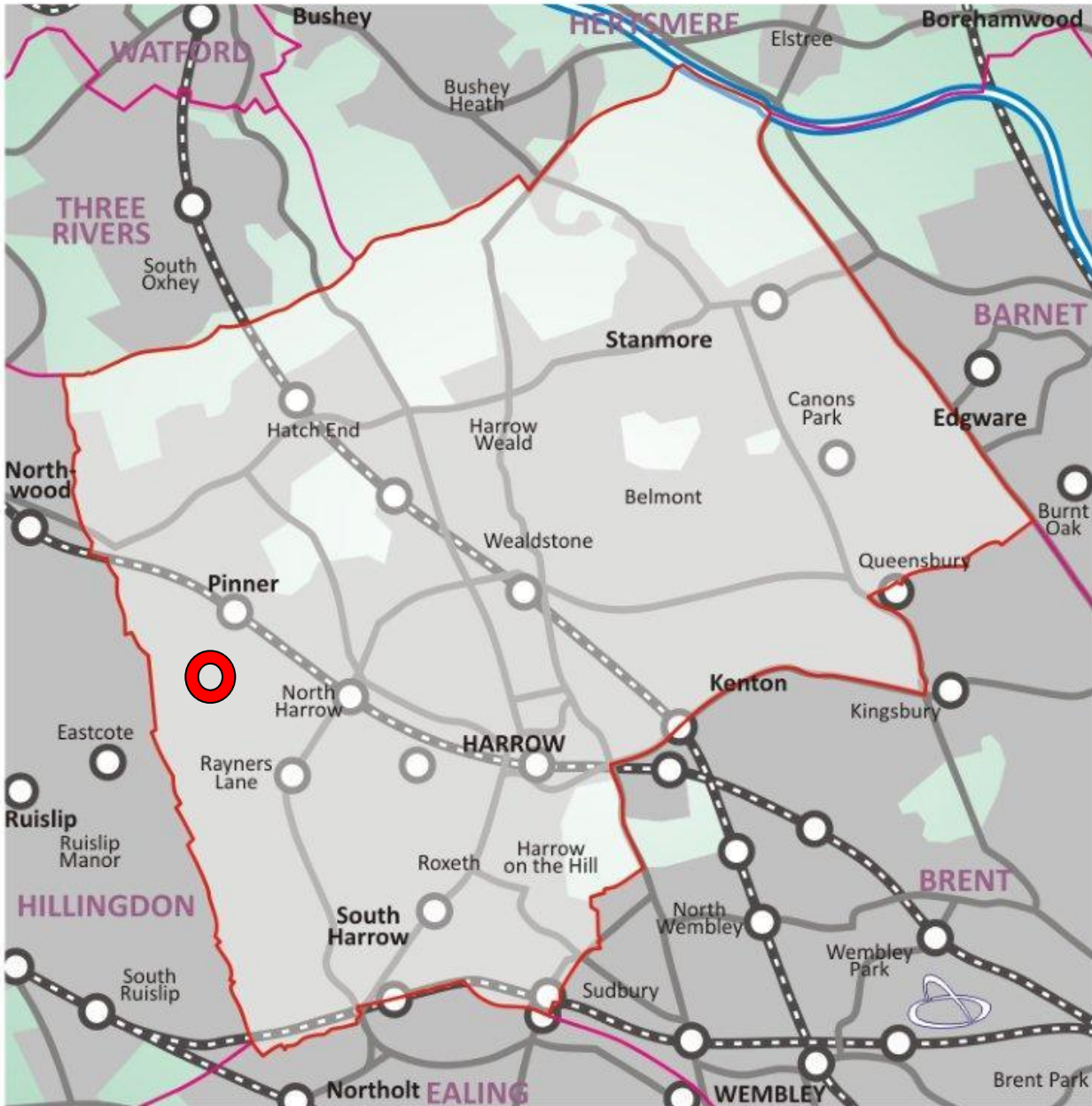


 = application site



3 LYNCROFT AVENUE, PINNER, HA5 1JU

P/2173/20

3 LYNCROFT AVENUE



LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

9th December 2020

APPLICATION NUMBER: P/2173/20
VALIDATION DATE: 24th AUGUST 2020
LOCATION: 3 LYNCROFT AVENUE, PINNER
WARD: PINNER SOUTH
POSTCODE: HA5 1JU
APPLICANT: MR MURTUZA HASNAINI
AGENT: OPS CHARTERED SURVEYORS
CASE OFFICER: KIMRY SCHLACTER
EXTENDED EXPIRY DATE: 31st OCTOBER 2020

PROPOSAL

Conversion of dwelling (use class C3) to House of Multiple Occupancy (HMO) for up to 8 people (Use class sui generis)

The Planning Committee is asked to consider the following recommendation:

RECOMMENDATION

Had this application not been appealed for non-determination, the Local Planning Authority would have recommended that this application be GRANTED. The planning committee is asked to:-

- 1) Agree the reasons for approval as set out in this report.

REASON FOR THE RECOMMENDATIONS

The proposal would contribute towards flexible smaller housing stock within the Borough and the quality of accommodation for the future occupiers of the units would be in accordance with the development plan and policies. Furthermore, it is considered that the proposal would not have an unduly harmful impact on the character of the property and surrounding area, or the residential amenities of the neighbouring or future occupiers, whilst the location is considered to be reasonably sustainable.

INFORMATION

This application is reported to Committee as in the opinion of the Interim Chief Planning Officer, the proposals are likely to be of significant public interest. The proposal therefore does not fall within any of the provisions set out at Paragraphs 1 (a) to 1 (g) of the Scheme of delegation dated 12th December 2018.

Statutory Return Type:	Minor Development
Council Interest:	None
Net additional Floorspace:	0sqm
GLA Community Infrastructure Levy (CIL) Contribution (provisional):	N/A
Local CIL requirement:	N/A

HUMAN RIGHTS ACT

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

EQUALITIES

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

For the purposes of this application there are no adverse equalities issues.

S17 CRIME & DISORDER ACT

Policies 7.3.B and 7.13.B of The London Plan and Policy DM1 of the Development Management Policies Local Plan require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. It is considered that the development does not adversely affect crime risk.

1.0 SITE DESCRIPTION

- 1.1 The application site comprises of a two-storey semi-detached dwelling house located on the southern side of Lyncroft Avenue.
- 1.2 The property has benefitted from a single and two storey side and rear extension.
- 1.3 The site is located within surface flood zone 3a & 3b and within fluvial flood zones 2 and 3 according to Environment Agency flood maps.
- 1.4 The site is not a listed building nor is it located within a conservation area.
- 1.5 The site has a Public Transport Accessibility Level (PTAL) of 2.

2.0 PROPOSAL

- 2.1 The application proposes to convert the dwelling house to a house of multiple occupancy for up to 8 people.
- 2.2 Bike storage is proposed within the rear garden (8 spaces as shown on plan, 12 spaces stated in the DAS).
- 2.3 Bin storage proposed in the front curtilage (4 bins, with enclosures).
- 2.4 One (1) blue badge size parking space in the forecourt (net decrease of 2 spaces).
- 2.5 The previously refused application reference P/1031/20 has been amended as follows:
- The stated number of occupiers has been reduced from 10 to 8 people. The size and layout of bedrooms has remained the same.
 - Layout of the shared communal areas and forecourt has been revised and primary kitchen/diner area has been increased in size from 22.6sqm to 29.5sqm.
 - Revised Flood Risk information has been submitted.
 - The number of retained parking spaces has been reduced.

3.0 RELEVANT PLANNING HISTORY

- 3.1 A summary of the relevant planning application history is set out in the table below:

Ref no.	Description	Status and date of decision
P/2868/08	Single and two storey side extension	Granted 16/10/2008
P/0847/09	Certificate of lawful existing development: Retention of detached garage	Granted 14/8/2009

P/1713/12	Single and two storey side to rear extension and single storey rear extension	Granted 18/10/2012
P/1031/20	Conversion of dwelling (use class C3) to house of multiple occupancy (HMO) for up to 10 people (use class SG)	Refused 12/05/2020
<p>Reasons for Refusal:</p> <ol style="list-style-type: none"> 1. The development, by reason of the excessive number of occupiers that it accommodates, represents an overly intensive use of the site and in the absence of satisfactory communal living space, results in a cramped and poor standard of living accommodation, to the detriment of the living conditions of the occupiers and the amenities of the adjoining occupiers. The development is therefore contrary to the National Planning Policy Framework (2019), policies 3.5 and 7.6B of The London Plan (2016), policy D6 of The 'Intended to publish' Draft London Plan (2019), policies DM1 and DM30 of the Harrow Development Management Policies Local Plan (2013). 2. The proposal, by reason of the excessive number of parking spaces their unsatisfactory layout within the forecourt, would give rise to an unsustainable development and would fail to contribute towards the effectiveness of sustainable transport, contrary to National Planning Policy Framework (2019), Policies, 6.3, 6.9 and 6.13 of The London Plan (2016), Policies T5 and T6 of the 'Intended to publish' Draft London Plan (2019) - Intend to Publish Version and Policy DM42 of the Harrow Development Management Policies Local Plan (2013). 3. In the absence of adequate Emergency Planning information, based on an accurate Flood Risk Assessment, and given the location of the site is within flood zones 3a and 3b and fluvial zone 2, insufficient information exists for the local planning authority to make a determination as to whether the proposal would result in unacceptable risks in terms of safety of future occupiers in the event of flooding and whether appropriate mitigation measures can and would be implemented. The proposal cannot therefore be determined to be in compliance with policy DM9 of the Harrow Development Management Policies (2013). 		
<p>Appeal: PINS Ref: App/M5450/W/20/3256326 Harrow Ref: P/1031/20/5776 Dismissed – 15/10/2020</p> <p><i>Note this appeal is attached as Appendix 5 to this report</i></p>		

4.0 CONSULTATION

- 4.1 A total of 29 consultation letters were sent to neighbouring properties regarding this application. The overall public consultation period expired on 10th August 2020.
- 4.2 A total of 33 responses were received.

A summary of the responses received along with the Officer comments are set out below:

Character and Appearance and Residential Amenity Impact

- Proposal is out of character with the area; loss to housing mix
- Overcrowding; strain on local services
- Increased noise and disturbance
- Poor quality of accommodation

Officer response:

These comments have been addressed within section 6.3 and 6.4 of the officer's report.

It is noted the area is predominantly occupied by single family dwellinghouses, however the property would remain in use as a single residential unit (albeit of a different type to single family use) and would retain the appearance of such externally. The proposal would result in diversification of the local housing stock. With regard to overcrowding, the proposal would result in a small increase in the number of occupiers above the existing development, but this would not be a large enough increase to be considered to significantly impact local services. The potential for noise and disturbance is considered to be not significantly above that of the existing development; and the quality of accommodation would be subject to HMO licensing (and would appear to meet the relevant requirements).

Traffic, Parking and Servicing

- Parking issues would arise; already congested / problems with parking in local area.
- Insufficient refuse space; waste attracting pests

Officer response:

These comments have been addressed within section 6.5 of the officer's report. Sufficient refuse has been provided and will be subject to a condition for details of an enclosure to protect character and appearance and reduce pests. Traffic and parking impacts are not considered to be significantly greater than those associated with a 6-person HMO under Class C4 and there would be some capacity to accommodate overspill parking in the local area.

Drainage and Utilities

- Flooding issues; increase strain on water utilities

Officer response:

Flooding issues have been addressed within section 6.6 of the officer's report. With regard to utilities/services, these are outside the purview of planning.

Other:

- Existing enforcement/non-compliance issues on site

Officer response:

An existing enforcement complaint is under investigation for a separate matter (unauthorised conversion to flats). However, this would need to be dealt with separately; and should not prejudice the decision of this application with regard to its planning merits. In addition, should this permission be granted and implemented, this would resolve the matter.

4.4 Statutory and Non-Statutory Consultation

4.5 The following consultations have been undertaken, together with the responses received and officer comments:

<p><u>LBH Drainage</u></p> <p>We can confirm that the Flood Risk Assessment with flood data and emergency planning information submitted are satisfactory. We do not have any further drainage comments to be made.</p>
<p><u>LBH Highways</u></p> <p>While this development alone may not result in a severe impact for the surrounding highway network, it does have the potential to result in some overspill car parking.</p> <p>Proposed 1 on-site parking space is accepted as the space can be used by disabled residents and will help to reduce the demand for on-street parking.</p>
<p><u>Environmental Health Officer</u></p> <p>The proposal is improved compared to the previous scheme. We would assess for fire safety during inspections/visit.</p>
<p><u>The Pinner Association</u></p> <p>Objects to the proposal based on housing mix of the area, impacts on neighbouring amenities, poor quality of accommodation, poor amenity space, lack of satisfactory bin storage, lack of soft landscaping in the forecourt.</p>

5.0 **POLICIES**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

5.2 The Government has issued the National Planning Policy Framework [NPPF 2019] sets out the Government's planning policies for England and how these should be applied and is a material consideration in the determination of this application.

5.3 In this instance, the Development Plan comprises The London Plan 2016 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].

- 5.4 While this application has been principally considered against the adopted London Plan (2016) policies, some regard has also been given to relevant policies in the Draft London Plan (2017), as this will eventually replace the current London Plan (2016) when adopted and forms part of the development plan for the Borough.
- 5.5 The document was originally published in draft form in December 2017 and subject to Examination in Public (EiP) with the Panel's report published in October 2019. The Mayor of London has considered these recommendations, and has either accepted them or where not, provided justification as to why accepting them would not be appropriate. The Mayor has now submitted to the Secretary of State an 'Intend to Publish' version of The Plan. It is for the Secretary of State to determine whether he agrees with the revised Plan and it ought to be published in that form.
- 5.6 The Draft London Plan is a material planning consideration that holds significant weight in determining planning applications, with relevant polices referenced within the report below and a summary within Informative 1.

6.0 ASSESSMENT

6.1 The main issues are:

- Principle of the Development
- Character of the Area
- Residential Amenity
- Traffic, Parking and Servicing
- Development and Flood Risk

6.2 Principle of Development

6.2.1 The relevant policies are:

- The National Planning Policy Framework (2019)
- The London Plan (2016): 3.3, 3.4, 3.8
- The Intend to Publish London Plan (2019): H9
- Harrow Development Management Policies (2013): DM30
- Harrow's Core Strategy (2012): CS1

6.2.2 Paragraph 3.55 of the London Plan (2016), attached to Policy 3.8, identifies that shared accommodation or houses in multiple occupation are a strategically important part of London's housing offer, which meets distinct needs and reducing pressure on other elements of the housing stock. Policy H9 of the Draft London Plan notes that the role of HMOs in meeting local and strategic housing needs should be taken into account, where these are of a reasonable standard.

6.2.3 Policy DM30 of the DMP (2013) supports the provision of large houses in multiple occupation (HMO's), residential hostels and secure accommodation subject to compliance with the following criteria a) there is good accessibility to local amenities and public transport; b) they accord with Accessible Homes Standards

and provide satisfactory living conditions for the intended occupiers; and c) there will be no adverse impact on the amenity of the occupiers of neighbouring properties of the character of the area.

- 6.2.4 The current lawful use of the site is as a C3 dwelling; enforcement matters are considered separately from this application. It is noted that the presence of an additional kitchen in the house does not determine whether the property as existing is a C3 dwelling or not and does not disqualify the property from conversion to an HMO. It is further noted that as HMO rooms are not self-contained individual dwellings, some policies relating to housing development may be applied differently than to self-contained flats.
- 6.2.5 The proposal is for a conversion from Use Class C3 to an HMO residential property (*Sui Generis* use class). This would not result in any net loss of housing stock and would afford for a variety of housing stock in the area. The quality of accommodation is acceptable (addressed in detail under Section 6.4 below). Although the site is not located within a town centre area, it is considered to have reasonable access to services and public transportation (addressed in further detail below in Section 6.6).
- 6.2.6 For these reasons, it is considered that the principle of this proposal meets the above policy requirements with regard to the overarching goal of housing choice and provision, the detailed criteria are more appropriately considered within other sections of this report. The principle of the development is therefore considered acceptable.

6.3 Character of the Area

6.3.1 The relevant policies are:

- The National Planning Policy Framework (2019)
- The London Plan (2016): 7.4, 7.6
- The Intend to Publish London Plan (2019): D1, D3
- Harrow Development Management Policies (2013): DM1, DM2, DM23
- Harrow's Core Strategy (2012): CS1
- Mayor of London Housing Supplementary Planning Guidance (2016)
- Supplementary Planning Document Residential Design Guide (2010)

External Alterations

6.3.2 There are no external alterations proposed to the fabric of the building. The property will retain one main front door, with internal access to the various bedrooms. This is considered to have an acceptable impact on the character and appearance of the application site and surrounding locality.

Forecourt and Landscaping

- 6.3.3 The proposal does not include any changes to the existing forecourt (which is fully hard surfaced). Increasing the greenery within forecourts is encouraged, or in some cases required, for developments of this type in order to ensure a good level of amenity for future occupiers and improve the character and appearance of the dwelling in the context of a verdant suburban area. As raised below with regard to residential amenity, the lack of defensible space to ground floor windows, as shown on the originally submitted plans, is not considered acceptable. Amended plans showing the introduction of a small amount of landscaping for defensible planting have been submitted by the applicant, and area considered to result in an improvement to the forecourt in this regard.
- 6.3.4 At present the bins are stored at the front driveway as is the case with many of the properties along this street. As the proposal is for an HMO (a form of shared household) rather than self-contained flats, it is not necessary to provide individual bins per room. The proposed bin enclosures would help protect the character and appearance of the area, as well as helping ensure better management of waste and control of pests. The proposed bin storage with enclosures would therefore be acceptable.
- 6.3.5 With regard to the rear garden, the existing landscaping, which contains both a hard-surfaced patio and green soft landscaping, would be considered appropriate to an HMO use.

Cycle storage

- 6.3.6 Cycle storage is provided at the rear of the property within the rear garden and would not be visible from the street and as such would not be detrimental to the character and appearance of the dwellinghouse and nearby area.
- 6.3.7 In summary, subject to the above detailed conditions, the development would accord with the relevant policies of the development plan as set out above.

6.4 Residential Amenity

6.4.1 The relevant policies are:

- The National Planning Policy Framework (2019)
- The London Plan (2016): 7.2, 7.3, 7.6
- The Intend to Publish London Plan (2019): D5, D6, D11
- Harrow Development Management Policies (2013): DM1, DM2, DM30, DM27
- Harrow's Core Strategy (2012): CS1
- Mayor of London Housing Supplementary Planning Guidance (2016)
- Supplementary Planning Document Residential Design Guide (2010)
- Technical housing standards - nationally described space standard (2016);
- Harrow Council - Houses in Multiple Occupation: Amenity Standards. October (2018).

Impact of Development on Neighbouring Amenity

- 6.4.2 As there are no external alterations proposed to the existing building, there are no concerns raised with regard to increased overlooking, overshadowing, or visual impacts.
- 6.4.3 The site is in a residential area, and thus near to a number of other neighbouring residential properties. The subject site was purpose built to be a two-storey single dwelling family house; and has been extended to form a large family dwelling containing 5/6 bedrooms. The use of the site for as many as 8 people who do not form a single family is not considered to be a significant departure of the intended use of the property, given the available occupancy level for the existing house. It is noted that the in the appeal for the previously refused scheme (attached as Appendix 5), the Inspector stated that the appeal scheme would, in his opinion be significantly larger than the 6-person HMO which could be implemented using permitted development rights. However, the reduction in numbers down to 8 occupants as proposed in this scheme is considered to result in a material difference compared to the appeal scheme and would not be considered to represent a significantly larger development than a 6-person HMO, on balance. On-going management would be subject to HMO licencing and would be outside the purview of planning. For this reason, it is not considered that the proposal would be likely create levels of disturbance caused by comings and goings and the use of the house and garden at unacceptable levels, in comparison to a 5/6-bedroom single family dwelling. It is further considered that the proposal would overcome the objections to the previous appeal scheme for 10 occupants.
- 6.4.4 In addition, the proposed number of occupiers would not represent an increase over and above the existing use that would be considered likely to result in undue strain on local services.

Future Occupiers – Internal Configuration and Quality of Accommodation

- 6.4.5 The proposed development provides an HMO comprising of 8 rooms, 1 Kitchen/Dining Room, 1 additional kitchen.
- 6.4.6 Minimum floorspace standards for HMO accommodation are set out in Harrow's Houses in Multiple Occupation Amenity Standards October 2018 however this is guidance for acquiring an HMO license and there is more pertinent policy from a planning perspective for determining the appropriate residential standards in the case.
- 6.4.7 Policy 3.5C of The London Plan specifies that Boroughs should ensure that, amongst other things, "new dwellings have adequately sized rooms and convenient and efficient room layouts". Policy D6 of the Draft London Plan sets out these standards again, with additional detail. The use of these residential unit GIA's as minima is also reiterated in Appendix 1 of the Residential Design Guide SPD. Policy DM26 of the DMP specifies that "proposals will be required to comply with the London Plan minimum space standards. The National Technical Housing Standards provide additional detail.

6.4.8 The proposed development includes the following:

Room size (based on current occupancy)	Bedroom size	Minimum
Bedroom 1 – 1 p	10 sqm	7.5 sqm
Bedroom 2 – 1 p	13.40 sqm	11.5 sqm (double size)
Bedroom 3 – 1 p	10.60 sqm	7.5 sqm
Bedroom 4 – 1 p	9.70 sqm	7.5 sqm
Bedroom 5 – 1 p	9.90 sqm	7.5 sqm
Bedroom 6 – 1 p	8.30 sqm	7.5 sqm
Bedroom 7 – 1 p	19.30 sqm	11.5 sqm (double size)
Bedroom 8 – 1 p	10.10 sqm	7.5 sqm
Kitchen/Diner	29.5sqm	Kitchen/Diner: 10m2 (minimum for 3 sharing), plus 1m2 for additional people sharing. For 8 occupants = 15sqm
Kitchen	9.9sqm Combined kitchen and living = 39.4 sqm	

6.4.9 All of the bedrooms meet the minimum GIA requirement for single occupancy, two of the bedrooms meet the minimum size for double occupancy but have been specified as single occupancy. Although these would normally be considered as double rooms based on the bedroom size and regardless of annotation were the proposal for self-contained flats, in the case of HMOs the occupancy of bedrooms can be controlled through licencing, which can specify 1 occupant per each of the larger bedrooms regardless of the physical size. This would be in conjunction with the planning permission which would cap the total number of occupants at 8 people, in this case. Thus, although the number of occupants per room cannot be controlled through planning, the total number of occupants in the house can be so controlled; while licencing can work in tandem to specify room occupancy. Given this, the local planning authority would have to accept the stated occupancy as set out above.

6.4.10 In terms of the layout, the ground floor is laid out so that there is a separation between the bedrooms and the kitchen area, with the exception of one shared wall between Bedroom 3 and the dining area. Although it is expected that due to the nature of a HMO there would be some noise transfer between the sleeping areas and common areas, Bedroom 3 has a lobby space to help mitigate disturbance, and the soundproofing on the shared wall would be subject to building control regulations to mitigate noise transfer.

6.4.11 The bedrooms all feature windows which allow sufficient levels of light and outlook. However, the ground floor windows serving Bedrooms 1 and 2 would be in close proximity to the existing car parking and directly adjacent the shared forecourt area; while Bedroom 3's only means of outlook is sited in close proximity to the outdoor communal garden; and consists of French doors opening onto a hard surfaced patio. This could result in loss of privacy, noise and disturbance that could occur to the occupier of these bedrooms from the movement of existing occupiers when frequenting the outdoor space or existing/entering. Given the nature of an HMO use that that the bedrooms represent the primary living space for occupiers, this would be an unacceptable level of intrusiveness and loss of

privacy. However, amended plans have been submitted showing a suitable arrangement for defensive in the forecourt and rear garden, to address this, in order to protect the privacy and amenity of the future occupiers. The reduced level of car parking means that there is more space between the windows for Bedroom 1 and 2, which, together with defensive planting, would allow sufficient space to allow occupiers to have a reasonable level of privacy and amenity and allow windows to be opened for ventilation.

- 6.4.12 In addition, a condition has been attached to require Secure by Design accreditation, to ensure that satisfactory security measures, including secure doors (in particular for Bedroom 3) would be installed on site.
- 6.4.13 The ground floor provides two kitchens for the occupants of the property. The size of the kitchen areas are in line with the “Harrow’s Houses in Multiple Occupation Amenity Standards May 2020” and is considered to be sufficient in this regard. The kitchens would provide satisfactory facilities for all the bedrooms in terms of grills, counter space, etc. Of the 8 bedrooms, 7 are equipped with en-suite bathrooms while Bedroom 6 has a separate bathroom located at the first floor which is considered to be acceptable. Although the kitchen/diner layout only provides one window, this has been reconfigured from the previous application and sites the communal dining area near this window, with the cooking facilities in the internal area. This arrangement would provide a better level of natural light and outlook for the communal habitable space. The main kitchen/dining area is sufficiently large for a table and chairs and would not result in conflict with the internal doorways. In these respects, the proposal would be considered to provide a good quality of communal space with natural light and meaningful outlook. The changes in the layout in comparison to the previous refused scheme are considered to have overcome the previous reasons for refusal with regard to quality of accommodation for future occupiers. In addition, given the revised layout of the car parking and defensible space provided for ground floor bedroom windows, the concerns raised by the Inspector in the previous appeal have also been addressed.
- 6.4.14 The applicant’s Design & Access Statement makes reference to other larger Sui Generis HMO developments, and in particular P/0027/20 at 127 Byron Road. A list of other properties licenced as HMOs has been provided, however this is of little to no weight for the purposes of considering this planning application, nor does this set a precedent for this application. Licencing is a separate matter from planning matters and is not controlled by the Local Planning Authority. Nevertheless, in planning terms, taking into account the site-specific circumstances, the conversion is considered acceptable.
- 6.4.15 In conclusion, it is considered that the proposal would not result in any undue impacts on residential amenity, and would provide a satisfactory level of future accommodation which would be capable of meeting licencing requirements; and thus would comply with the relevant policies with regard to residential amenity.

6.5 Traffic, Parking and Servicing

6.5.1 The relevant policies are:

- The National Planning Policy Framework (2019)
- The London Plan (2016): 6.3, 6.9, 6.13
- The Intend to Publish London Plan (2019): T4, T5, T6
- Harrow Development Management Policies (2013): DM42, DM45
- Harrow's Core Strategy (2012): CS1

6.5.2 The application site is located within an area with a PTAL (Public Transport Accessibility Level) of 2. The PTAL rating takes into account reliability of services in addition to distance and should be considered in context. The nearest bus stops are 200-300 metres from the site and Pinner town centre is approximately 1km away.

6.5.3 As set out by the Highways officer, car ownership is fairly high at 85.1% of households having access to at least one car or van (Census 2011). Due to this and the proximity to Pinner Underground station, on-street parking demand can be high. In addition, it is noted that the local area does not benefit from a Controlled Parking Zone (CPZ) designation.

6.5.4 The Draft London Plan requires large Sui Generis residential uses to be car free (policy T6.1 E). The proposal set out here has reduced the number of car parking spaces from 3 to 1, in comparison to the previously refused proposal ref: P/1031/20. The retained space would allow for a sufficient space for a blue badge bay. The Highways officer is satisfied that the parking arrangements proposed here would be in compliance with London Plan and Draft London Plan policies. The previous reason for refusal with regard to over provision of parking has therefore been overcome.

6.5.5 The number of occupiers has been reduced, and, as noted above, the occupancy can be controlled through HMO licensing. Although the reduction from 10 people to 8 people is not large, it does bring the number of occupiers down to a level that is more reasonably close to what would be allowed under permitted development for C4 Use Class accommodation. As noted by the Highways officer, although the distance to the nearest town centre is not convenient for some users with limited mobility, for more able-bodied individuals, the walking distance to shops and services, as well as local bus stops, is not unreasonable. Whilst the previous reason for refusal relating to intensification of the site was considered justified on the basis of 10 proposed occupiers, the reduction to 8 occupiers is considered more reasonable. The difference in scale and impact between a C4 Use Class HMO and the proposed 8-person Sui Generis development is not great enough, on balance, to justify refusal.

6.5.6 However, the proposed development does have the potential to generate overspill car parking, as noted by the Highways officer. It is considered that there is sufficient capacity for some additional car parking in the surrounding area if not immediately within the vicinity of the property. In addition, given the number of occupants, it is noted that the development would not be considered to result in a severe impact for the surrounding highway network, in particular taking into account the impact of a C4 6-person HMO. Taking all factors into consideration,

on balance, it is considered that the proposal would not result in impacts which would justify a refusal and would be acceptable.

- 6.5.7 Therefore, on balance, it is considered that the previous reason for refusal with regard to intensification of the site has been overcome.
- 6.5.8 Cycle parking must be provided in line with Table 10.2 (dLP) which amounts to a minimum of 8 spaces; these must be sheltered, secure and accessible (5% can be used by non-standard cycles). The proposal aims to provide cycle stores located at the rear of the property, which is an appropriate and secure location. Although there is a bit of a pinch point along the access way to the side, this should nevertheless accommodate smaller cycles, and so would not justify refusal. The number of cycle spaces shown on the submitted plans (8-10 independently accessible spaces within a secure communal locker) is sufficient, and the type of storage is secure and sheltered and would not lead to conflicts between users. The submitted cycle storage details are considered satisfactory.
- 6.5.9 In terms of servicing, the waste will be stored in a location in the front, which would be suitable and accessible for servicing, and a sufficient number of bins is provided. The use of an enclosure would reduce inappropriate refuse storage and pests. Waste and servicing arrangements are therefore considered to be acceptable.
- 6.5.10 In summary, although the proposal is not sited in a high PTAL area, given the reduced number of occupiers and not unreasonable access to public transport and shops and services, it is considered that the proposal would accord with the relevant development plan policies as set out above.

6.6 Development and Flood Risk

6.6.1 The relevant policies are:

- The National Planning Policy Framework (2019)
- The London Plan (2016): 5.12, 5.13
- The Intend to Publish London Plan (2019): SI 12 SI 13
- Harrow Development Management Policies (2013): DM9, DM10
- Harrow's Core Strategy (2012): CS1

6.6.2 The site is identified within surface water flood zone 3a & 3b according to Harrow's surface water flood maps and also within fluvial flood zones 2 and 3 according to Environment Agency flood maps. Therefore, the development should be protected against flooding. The Council's Drainage Authority have therefore stated that the proposed development should have the emergency planning information and a safe evacuation route, which the future occupiers must be made aware of. Hence, Emergency Planning Information is required, including details of safe dry access/egress arrangements and a plan indicating a safe route for the occupants and users away from the source of flooding.

6.6.3 The applicant has submitted updated information, which has been reviewed by the Council's Drainage Authority, and has been deemed acceptable. Thus, this previous reason for refusal has been overcome.

7.0 CONCLUSION AND REASONS FOR APPROVAL

- 7.1 The proposed scheme would contribute to the variety of housing stock in the borough; and would provide a suitable quality of accommodation for future occupiers. Although the site location has a low PTAL, it would not be considered unsustainably located for the reduced number of occupiers proposed, to a degree that would be significantly different from the existing development, and thus would justify refusal. Furthermore, the proposed development has overcome the previous reasons for refusal with regard to over-provision of parking and flood risks.
- 7.2 For these reasons, weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above, this application is recommended for grant.

Checked

Head of Development Management	Orla Murphy 26.11.2020
Corporate Director	Paul Walker 26.11.2020

APPENDIX 1: Conditions and Informatives

Conditions

1. Time Limit 3 years - Full Permission

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

REASON: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. Approved Drawing and Documents

Unless otherwise agreed in writing by the local planning authority, the development shall be carried out, retained and completed in accordance with the following approved drawings and documents:

Design & Access Statement [dated 26 June 2020 Rev.1.0B; HMO Management Supervision Plan [dated 27 May 2020]; Flood Risk Assessment and Flood maps [dated 27 May 2020, Rev 1.0A]; 2020-3LA-HMO-FP-1; 2020-3LA-HMO-FP-2; 2020-3LA-HMO-FP-3; 2020-3LA-HMO-FP-5 Rev1.0E; 2020-3LA-CON-2 Rev 1.0A; 10-Space Amazon Eco Cycle shelter information sheet

REASON: For the avoidance of doubt and in the interests of proper planning.

3. Cycle Parking and Waste Storage Facilities

The proposed cycle storage facilities and waste bin storage enclosures shall be completed in accordance with the approved details herein before first occupation of the development and shall thereafter be retained.

REASON: To protect the privacy and amenities of future occupiers, and to ensure the satisfactory provision of safe and satisfactory cycle storage facilities for all the users of the site and in the interests of highway safety and sustainable transport.

4. Planting

The proposed defensive planting to the front and rear gardens shall be completed in accordance with the approved details herein before first occupation of the development and shall thereafter be retained.

Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: To protect the privacy and amenities of future occupiers, and to safeguard the appearance and character of the area, and to enhance the appearance of the development.

5. Refuse Storage

The refuse and waste bins shall be stored at all times, other than on collection days, within the designated refuse storage areas as shown on the approved plans.

REASON: To enhance the appearance of the development and safeguard the character and appearance of the area.

6 Secure by Design Accreditation

Prior to the first occupation of the development, evidence of Secured by Design Certification shall be submitted to the Local Planning Authority in writing to be agreed, or justification shall be submitted where the accreditation requirements cannot be met. Secure by design measures shall be implemented and the development shall be retained in accordance with the approved details.

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime. the Local Plan (2013), and Section 17 of the Crime & Disorder Act 1998.

Informatives

1. Policies

The following policies and guidance are relevant to this decision:
National Planning Policy and Guidance:
National Planning Policy Framework (2019)

The London Plan (2016):
3.3, 3.4, 3.5, 3.8, 5.12, 5.13, 6.3, 6.9, 6.13, 7.2, 7.3, 7.4, 7.6

Draft London Plan (Intend to Publish Version 2019):
D3, D5, D6, D11, H9, T4; T5; T6.1 SI12, SI 13

Harrow Core Strategy (2012):
CS1

Development Management Policies Local Plan (2013):
DM1; DM2; DM9; DM10; DM23; DM27; DM30; DM42, DM45

2. Pre-application engagement

Statement under Article 35(2) of The Town and Country Planning (Development Management Procedures) (England) Order 2015. This decision has been taken in accordance with paragraphs 39-42 of The National Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

3. Considerate Contractor Code of Practice

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

4. Party Wall Act

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

1. work on an existing wall shared with another property;
 2. building on the boundary with a neighbouring property;
 3. excavating near a neighbouring building,
- and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

“The Party Wall etc. Act 1996: Explanatory booklet” is available free of charge from:

Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB

Please quote Product code: 02 BR 00862 when ordering

Also available for download from the CLG website:

[http://www.communities.gov.uk/documents/planningandbuilding/pdf/](http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf)

133214.pdf

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

5. Liability for Damage to Highway

The applicant is advised to ensure that the highway is not interfered with or obstructed at any time during the execution of any works on land adjacent to a highway. The applicant is liable for any damage caused to any footway, footpath, grass verge, vehicle crossing, carriageway or highway asset. Please report any damage to nrswa@harrow.gov.uk or telephone 020 8424 1884 where assistance with the repair of the damage is available, at the applicants expense. Failure to report any damage could result in a charge being levied against the property.

6. Surface and foul water connections

The applicant is advised that the Drainage Authority in Harrow recommends the submission of a drainage plan, for their approval, indicating all surface and foul water connections and their outfall details. Please also note that separate systems are used in Harrow for surface water and foul water discharge. Please email infrastructure@harrow.gov.uk with your plans.

7. HMO Licensing

The applicant is advised to contact the Council's community safety team regarding required licensing: <https://www.harrow.gov.uk/licences/licences-houses-multiple-occupation-hmos?documentId=12837&categoryId=210278>

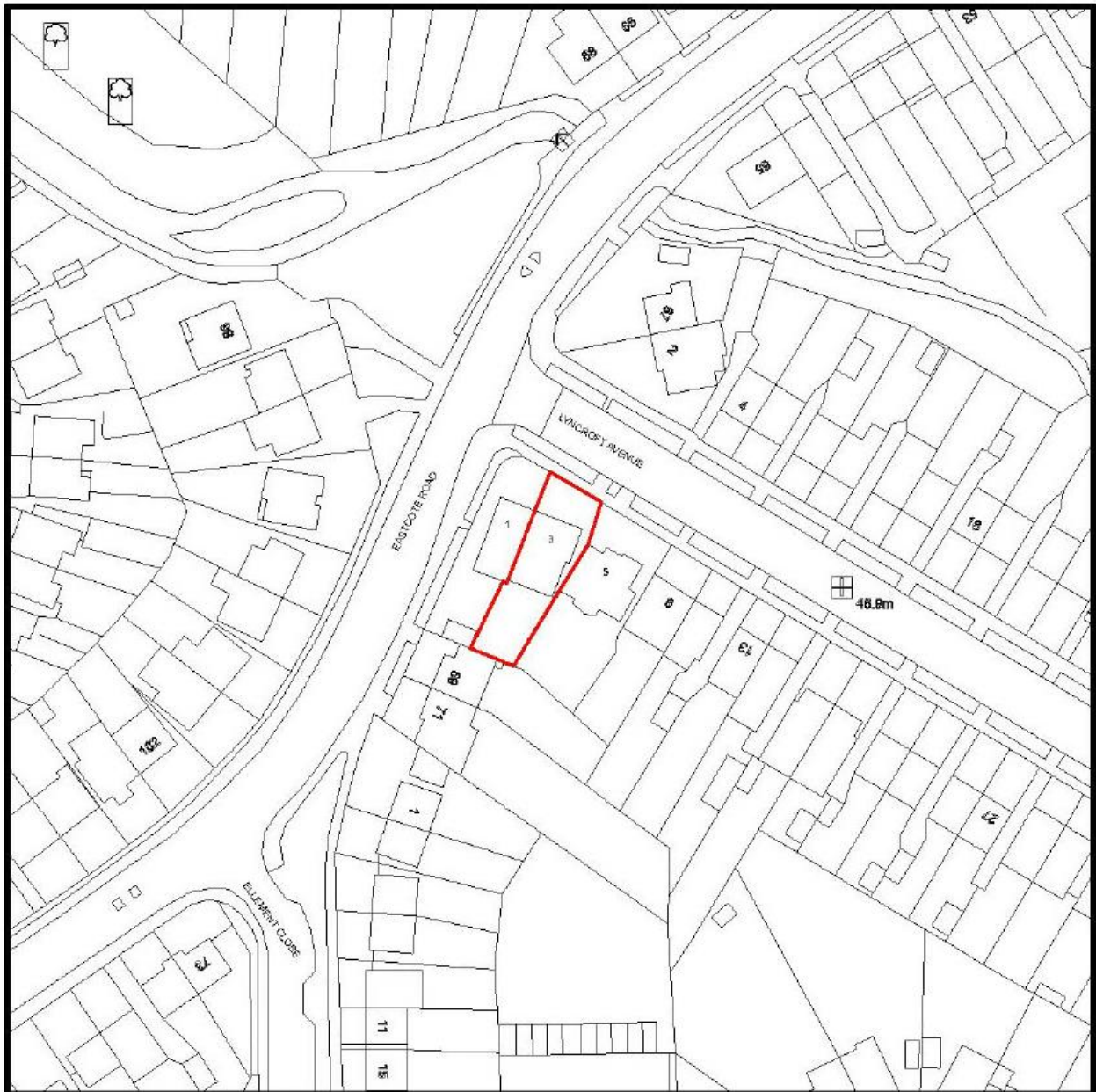
8. Designing Out Crime

For further information regarding Secure By Design, the applicant can contact the North West London Designing Out Crime Group on the following: DOCOMailbox.NW@met.police.uk

CHECKED

Head of Development Management	Orla Murphy 26.11.2020
Corporate Director	Paul Walker 26.11.2020

APPENDIX 2: SITE PLAN

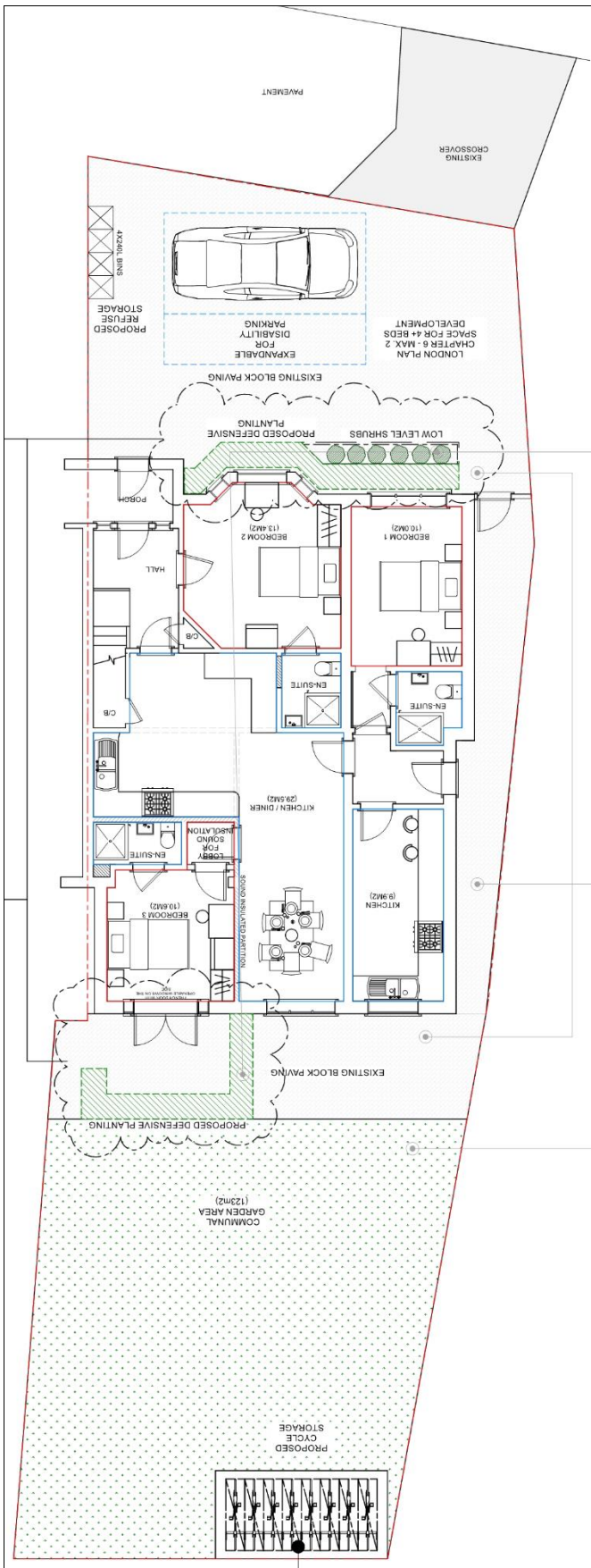


APPENDIX 3: SITE PHOTOGRAPHS

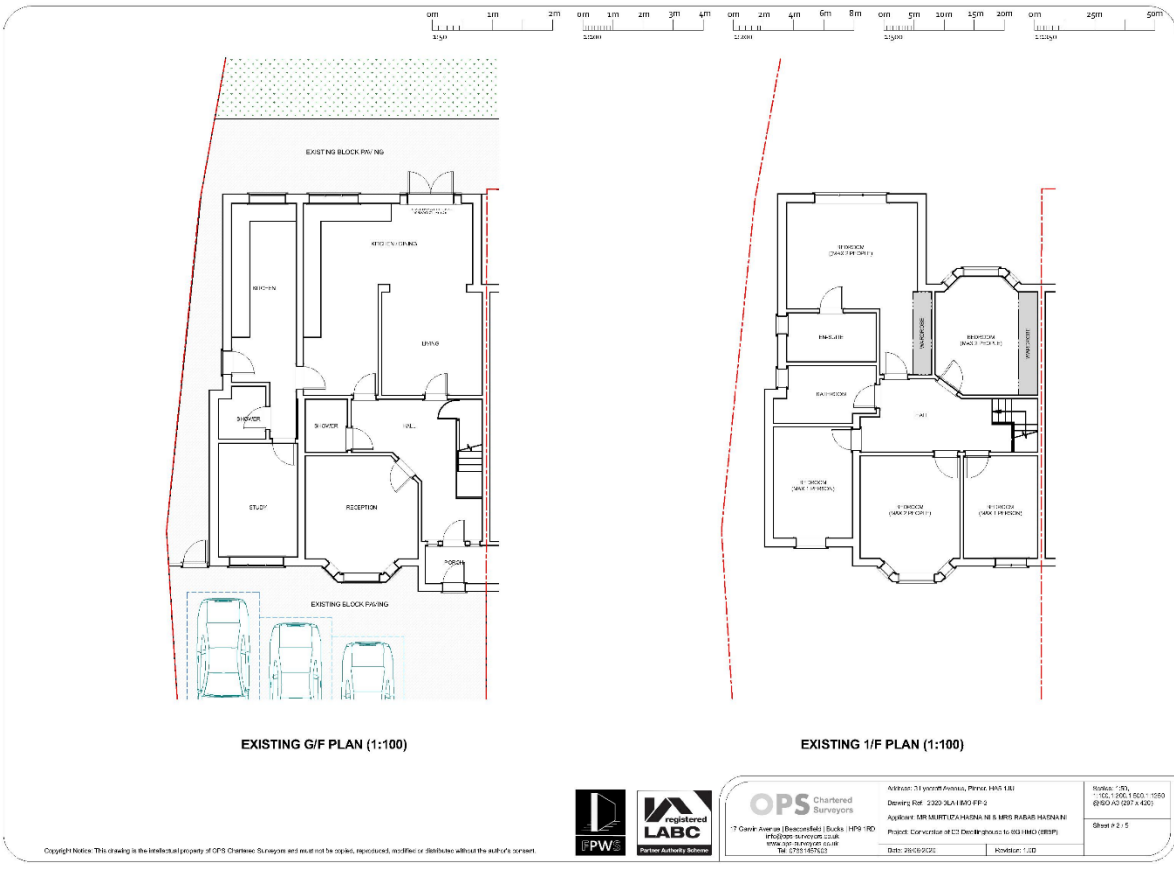




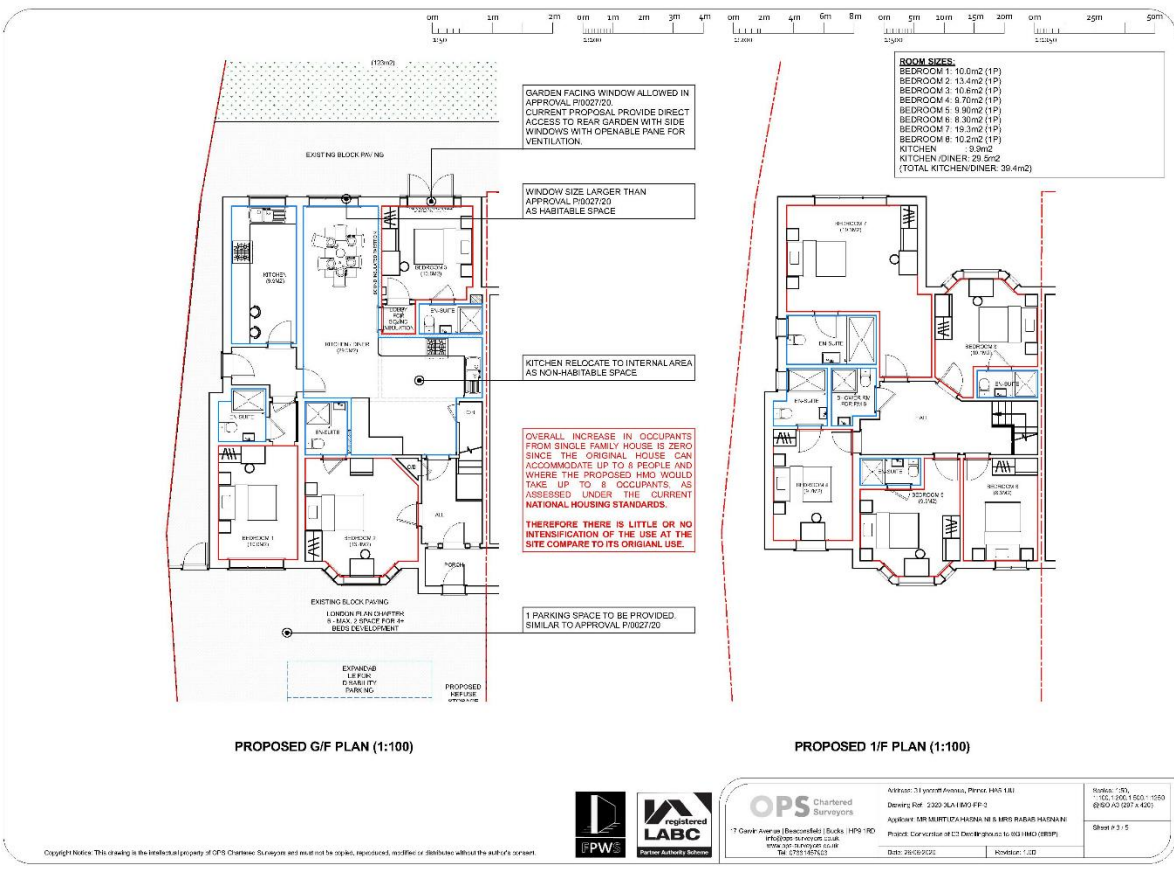
APPENDIX 4: PLANS AND ELEVATIONS



Proposed Site Plan



Existing Ground Floor Plan



Proposed Ground Floor Plan



Appeal Decision

Site visit made on 29 September 2020

by **S Dean MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 October 2020

Appeal Ref: APP/M5450/W/20/3256326

3 Lyncroft Avenue, Pinner HA5 1JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Murtuza Hasnaini against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1031/20, dated 16 March 2020, was refused by notice dated 12 May 2020.
 - The development proposed is the change of use from use class C3 dwellinghouse to sui generis house in multiple occupations (up to 8 bedrooms and 10 people).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the decision of the Council, the appellant has submitted amended drawings to address the reasons for refusal by amending the parking provision and reconfiguring the internal communal space. The fundamental proposal would not be altered by the proposed amendments.
3. The Procedural Guide to Planning appeals – England states that the appeal process should not be used to evolve proposals and is clear that revisions intended to overcome reasons for refusal should normally be tested through a fresh application. I have had regard to the submissions of the appellant regarding the Wheatcroft Principles, as well as the degree of engagement of all parties with the issues, natural justice and fairness. I have therefore determined the appeal on the basis of the plans that were before the Council when it made its decision, on which parties were consulted, and on which many representations were made. I am not persuaded otherwise by the example cited by the appellant.
4. It appears from submissions that there is an ongoing dispute between the appellant and the Council as to the status of the appeal site. For the purposes of the application which led to this appeal, the appeal site was treated as a dwellinghouse, and I have done the same. I do not consider that the argument between the parties on this point or their various submissions on it are relevant to my decision and I have therefore not taken them into account.

Main Issues

5. The main issues are;
 - whether or not the proposal would provide acceptable living conditions for future occupiers having regard to privacy and the quality of the internal space
 - the effect of the proposal on the living conditions of occupiers of adjoining properties with regard to the intensity of the proposed use
 - the effect of the proposed parking provision on transport sustainability in the area, and
 - whether or not the proposal would expose the occupiers to unacceptable risk from flooding.

Reasons

6. The appeal site is a previously-extended, semi-detached, dwellinghouse, with a paved parking area to the front and garden to the rear. Its character and appearance is consistent with the rest of Lyncroft Avenue. I note that the broad principle of the proposal is considered acceptable by the Council in light of Policy DM30 of the Harrow Development Management Policies Local Plan 2013 (the Local Plan). I also acknowledge the representations on this point. The acceptability of the principle in Policy DM30 is however conditional and the Main Issues in this decision essentially relate to those conditions.

Living conditions for future occupiers

7. The windows of bedrooms 1 and 2, the ground-floor front-facing rooms, face directly onto the block-paved area to the front of the house which is to be used for parking. There is no planting, screening or other feature proposed to buffer those windows from that area, or any users of it.
8. The proposed layout shows cars parked slightly away from these windows, but this layout would encourage anyone accessing the communal garden, where the cycle store is located, to walk immediately past these windows. In addition, the step up to the front door would give an elevated view into bedroom 2. As such, I do not consider that those bedrooms would provide satisfactory living conditions for their occupiers with regards to their sense of privacy, disturbance from cars being parked, people passing the windows or the general overarching requirement for high quality internal space.
9. Bedroom 3, also on the ground floor but to the rear, is to have a patio door to the communal garden. The communal garden has block-paving to the rear of the house and steps to the grassed area are in line with this patio door. No screening or separation is proposed between bedroom 3 and the communal garden area. As a result, I do not consider that bedroom 3 would provide a future occupier with a suitable degree of privacy or screening from the communal garden, and in particular, the part of it most likely to be used. Bedroom 3 would not therefore meet the requirements for high quality internal space.
10. I note that no new rear door is proposed to access the communal garden from either kitchen area. As a result, access to the garden would either be through a side door or the front door. This arrangement could, in my view, further harm

the living conditions of future occupiers of bedrooms 1 and 2 as a result of residents walking past their windows and could even result in pressure to use bedroom 3 to access the communal garden.

11. I note that the bedrooms provide, and the proposal overall provides sufficient internal space with regard to its quantity. However, for the reasons set out above, the ground-floor bedrooms would not provide acceptable living conditions for future occupiers having regard to the quality of the internal space, and privacy in particular. As a result, the proposal would be contrary to the requirements of Policy 3.5 of the London Plan 2016, Policy D6 of the Draft London Plan 2019, and Policies DM1 and DM30 of the Local Plan. These seek, amongst other things, to ensure that development is of the highest quality internally and externally, that internal spaces are fit for purpose, functional, meet the needs of occupiers, including for privacy, and provide overall satisfactory living conditions.

Living conditions for occupiers of neighbouring properties

12. Notwithstanding the level of activity, in terms of comings and goings from the site as a relatively large dwellinghouse, the proposal would intensify the use of the site. It would lead to an increased level of occupation of the property, and this would inevitably lead to an increased level of activity with regard to use of the communal spaces, including the garden, as well as comings and goings to and from the property. This, at the scale proposed, would be significantly greater than the level of such activity which would normally or reasonably be expected from a dwellinghouse, even one as large as the appeal site.
13. I note, but do not agree with the argument of the appellant that the proposal is not significantly larger than the 6-person HMO which could be implemented using permitted development rights. To my mind, it is a substantial and significant increase, and would have a materially different, increased, effect over both the current use as a dwellinghouse, or any other scale of use which may not require planning permission.
14. I therefore consider that the proposal would, as a result of the increased intensity of use and associated activity, use of the garden, communal spaces and increased comings and goings, cause harm to the living conditions of occupiers of adjoining properties.
15. The proposal would therefore be contrary to Policy 3.5 of the London Plan 2016, Policy D6 of the Draft London Plan 2019, and Policies DM1 and DM30 of the Local Plan. These policies seek, amongst other things, to ensure that development is of the highest quality, and that proposals of this nature in particular have no adverse impact on the amenity of neighbouring properties.

Parking

16. Although the PTAL rating for the appeal site is moderate to poor, Policy 6.13 of the London Plan 2016, Policy T6 of the Draft London Plan and Policy DM42 of the Local Plan seek to limit the amount of car parking for new development, in order to encourage the use of more sustainable modes of transport. The car parking proposed exceeds those requirements.
17. Policy DM42 goes further, noting that parking layouts should be fit for purpose and not create wider highway problems. I do not consider that the proposed layout would be particularly convenient or easy to use, as access to it is

constrained both by the neighbouring boundary wall and a cabinet within the verge to the front. As a result, attempts to park the number of cars shown would be awkward and likely instead to lead to increased parking on Lyncroft Avenue itself, potentially increasing the effect of the proposal on the wider highway network.

18. Notwithstanding my concerns over how it is accessed, and the effects of that on living conditions, as set out above, I note that the cycle parking proposed meets policy requirements set out in Policy 6.9 of the London Plan 2016, Policy T5 of the Draft London Plan 2019, and Policy DM42 of the Local Plan. However, with regard to car parking, the proposal would not meet the requirements of Policy 6.13 of the London Plan 2016, Policy T6 of the Draft London Plan 2019 or Policy DM42 of the Local Plan, which seek to limit the use of the private car, reduce parking, and encourage more sustainable means of transport.

Flood risk

19. Following the decision of the Council, the appellant has carried out the assessment required by Policy DM9 of the Local Plan and demonstrated to the satisfaction of the Council that the proposal would be resistant and resilient to all relevant sources of flooding. I agree with that assessment. As such, the proposal would comply with that policy and would not expose future occupiers to unacceptable risk from flooding.
20. I am satisfied that it was appropriate and consistent for me to consider this information in determining the appeal. Unlike the amended plans discussed in the Procedural Matter above, the flooding information did not change the proposal or otherwise evolve it from that which the Council considered and upon which parties were consulted.

Conclusion

21. Although the proposal would not now expose future occupiers to unacceptable risk from flooding, I consider that it would not provide acceptable living conditions for future occupiers having regard to privacy and the quality of the internal space, and that it would cause harm to the living conditions of occupiers of adjoining properties with regard to the intensity of the proposed use. In addition, the level of parking proposed is excessive and contrary to the development plan.
22. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

S Dean

INSPECTOR