

5th November 2020**29 Horsley Close, Epsom, Surrey, KT19 8HB**

Change of use of a residential dwelling (use Class C3) to an 8 bedroom house in Multiple Occupation (HMO). The proposed changes would include the insertion of a side triangular window to the first floor bedroom 6 and 2 rooflights on the side roofslope of the property

Ward:	Ewell Ward;
Contact Officer:	Tom Bagshaw

1 Plans and Representations

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication, and will not be updated.

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q6K3MFGYHBM00>

2 Summary

- 2.1 This item is before committee because the applicant is a close relation of a member of Planning Committee.
- 2.2 This application is required as a change of use from a dwelling house (use class C3) does not have any permitted development rights to change use to a larger HMO requires planning permission.
- 2.3 The property was formerly a single dwellinghouse and has been previously extended, benefiting from a two storey side extension dating back to circa 2010.
- 2.4 The application seeks retrospective permission for the change of use of a residential property (Use Class C3) to a Large HMO (more than 6 people) (Use Class Sui Generis). The current use came to the attention of the Local Planning Authority from an enforcement investigation.
- 2.5 The property has been converted into a House in Multiple Occupation (HMO) providing 8 bedrooms, under a HMO Licence granted in 2017.
- 2.6 The application property is in within a sustainable location, within the urban area subject to an acceptable standard of accommodation and meeting all other local plan policies the larger HMO use may be considered acceptable in principle.

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- 2.7 All bedrooms comply with the Houses of Multiple Occupation Advisory Standards in terms of room size for single occupancy rooms.
- 2.8 Following amendments received in August consisting of the inclusion of a side triangular windows to the first floor bedroom 6 and two side rooflights. The outlook from all bedrooms is considered to provide a satisfactory standard of accommodation.
- 2.9 The triangular window serving bedroom 6 would mitigate any unacceptable overlooking impacts to the neighbouring property at No. 28 Horsley Close and would also provide a satisfactory level of accommodation.
- 2.10 The proposal provides parking for 2 cars within the paved forecourt area. Whilst the Council does not have parking standards for HMO's, there are on-street parking restrictions to require that occupiers obtain a permit to park and the site is within the close proximity to the town centre amenities and public transport links.

3 Site description

- 2.11 The application site is comprised of a semi-detached property located in Horsley Close, Epsom. The premises is presently operating as a HMO and has benefits from substantial extensions.
- 2.12 The ground floor layout consists of two bedrooms and two kitchens, five bedrooms on the first floor and one bedroom on the second floor of the property.
- 2.13 There is parking for two cars at the front of the property within the paved forecourt area.
- 2.14 The property is not listed nor is it considered to be of any architectural merit and the surrounding area is predominately residential. The site is not subject to any specific land designations or allocations within the development plan.
- 2.15 The property is currently in use as an 8 bedroom house in multiple occupancy (HMO) without the benefit of planning permission.

3 Proposal

- 3.1 The application seeks retrospective permission for the change of use of a residential property (Use Class C3) to a Large HMO (more than 6 people) (Use Class Sui Generis).
- 3.2 The proposal includes physical works to install a side triangular window and two rooflights to bedroom 6.

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4 Comments from third parties

We notified 6 neighbouring properties and to date (02.10.2019), 4 objections have been received on the grounds:

- Parking
- Bin storage
- Overlooking
- Annexation of part of the property
- Antisocial behaviour
- Level of consultation
- Family Street. Out of Character

1 neutral comment was received regarding:

- The addresses consulted (all immediately adjoin land owners have been consulted and as such the council has fulfilled its statutory requirements)

5 Consultations

- 5.1 Surrey County Council Highways – No objections, conditions recommended should the application be approved

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6 Relevant planning history

Application number	Decision date	Application detail	Decision
10/00640/NMA		Non-material minor amendment to planning permission 09/01164/FUL (erection of two-storey side and rear extension and single-storey rear extension. Amendments include increase window opening sizes	PERMIT
10/00395/CLP		Lawful Development Certificate for hip-to-gable conversion rear dormer and front roof-light, and extended soil vent pipe to flank wall	PERMIT
09/01164/FUL		Erection of two-storey side and rear extension and single-storey extension	PERMIT

7 Planning Policy

NPPF 2019

- Chapter 5 Delivering a sufficient supply of homes
 - Para 59, 61

Local Development Framework – Core Strategy 2007

- Policy CS5 The Built Environment

Development Management Policies 2015

- Policy DM10 Design Requirements
- Policy DM12 Housing Standards
- Policy DM21 Meeting local housing needs

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Advisory Standards for Houses in Multiple Occupation 2018

8 Planning considerations

Principle of Use

- 8.1 Para 59 of the NPPF states that “To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”
- 8.2 Para 61 states that “Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)”
- 8.3 Policy DM21 states that planning permission will be granted for specialised forms of residential accommodation subject to various requirements being met. These include evidence that there is a need for this accommodation. The applicant submits that the reason for this application “Due to the HMO reforms effective from October 2018, which include mandatory licencing and more stringent accommodation standards, the HMO sector is likely to experience increased demand due to some landlords deciding to cease operation of their HMOs because of costs associated with meeting new compliance and licencing requirements.”
- 8.4 The application property is in a sustainable location and has been operating as an HMO since 2017. The proposed use is therefore acceptable in principle, subject to compliance with other planning policies and material considerations below.

Suitability of the premises for the proposed use.

- 8.5 Policy DM10 requires that development proposals should ensure an appropriate layout and access arrangements and to have regards to the amenities of occupants. Policy DM12 requires adequate internal and external amenity space and for external amenity space to be easily accessible.
- 8.6 The Council’s Advisory Standards for Houses in Multiple Occupation recommends that where a single room is occupied by a co-habiting couple, where there is a shared kitchen provided, (as in this case) the minimum size for a bedroom should be 10m². This standard is a licensing standard which is separate from planning standards. All bedrooms exceed this size with the smallest being approximately 11.1 metres squared.

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- 8.7 In addition, the Nationally Described Space Standards which is a planning consideration and minimum standard, require a double bedroom to have a minimum floor area of 11.5m². Bedroom 3 is the only room that falls under this requirement and is approximately 11.1 m² however this is considered an appropriate for a single occupant for which the minimum standard is 7.5 m².
- 8.8 Therefore all bedrooms comply with the advisory standards in terms of room size for single occupancy rooms and national space standards for accommodation of this type.
- 8.9 Following amendments received in August 2020 a kitchen has been removed from the front of the site. This would provide bedroom 2 with a front facing window and a satisfactory outlook and natural light provision.
- 8.10 The amendments received in August 2020 included the provision of a triangular window and 2 rooflights to bedroom 6. The triangular window would provide sufficient natural light and provide a forward facing outlook. This would be further compensated by natural light provision to from the rooflights. The rear element of the triangular window is marked as obscurely glazed on the planes to limit overlooking of neighbouring gardens and this would be secured by condition.
- 8.11 The proposal includes communal external amenity space to the rear that is approximately 238 metres squared. There is no specific space standards relating to amenity space for HMOs but the proposed amenity space meets and exceeds the minimum amenity space required for a large family home of 70 square metre (3+ bedrooms). All bedroom have access to the rear amenity space through the shared spaces. Therefore, it is considered that the proposed development has sufficient external amenity space.

Impact on visual amenity of the area

- 8.12 The NPPF promotes attractive environments by creating well-designed buildings in terms of appropriate massing, bulk, materials and details, and in doing so, raising the profile of the borough in a positive way.
- 8.13 Paragraph 3.7.5 of the Core Strategy states that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 goes on to state that The Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm and which positively contributes to the townscape.
- 8.14 Policy CS05 also states that the settings of heritage assets such as historic buildings, conservation areas, archaeological remains, ancient monuments, parks and gardens of historic interest will require higher standards of design to protect and enhance these assets.

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- 8.15 DM10 (Design Requirements for New Developments) identifies the most essential elements which contribute toward the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced, and includes the following:
- Prevailing development typology, including house type, sizes, and occupancy;
 - Prevailing density of the surrounding area;
 - Scale, layout, height, form, massing;
 - Plot width and format which includes spaces between buildings;
 - Building line build up, set back, and front boundary; and
 - Typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.
- 8.16 The proposal would include a side triangular window to bedroom 6 and two side facing rooflights to bedroom 6.
- 8.17 The rooflights are minor in scale and on a side roof slope. Their visual presence in the street scene is minimal and as such they would not have any unacceptable impacts upon the character or appearance of the property or streetscene.
- 8.18 The triangular window would be located at first floor level. It is a small additional structure to the property and is set back from the front of the property by approximately 7 metres. The proposed window would be between two properties and its visual significance is very limited. It is noted that oriel windows are not common on domestic dwellinghouses, however, it is in such a location that its visual presence is negligible and as such, it would not be considered to result in any unacceptable impacts upon neighbouring amenity in terms of design or character.

Impact on Neighbour Amenity

- 8.19 Concerns have been raised by neighbours regarding anti-social behaviour which have been documented between the dates of 23/06/2019 and 06/09/2019. This is considered to be of an environmental health nuisance issue and reports of antisocial behaviour have abated since a new agent took over the property. Any ordinary noise/disturbance arising from HMO's would not be of such a scale to have any adverse impact on residential amenity.

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- 8.20 The proposed development would not have any windows that face towards No. 30 Horsley Close and therefore the proposal present no unacceptable overlooking to this neighbouring property.
- 8.21 The bedroom 6 was original intended to be a bathroom in planning permission 09/01164/FUL. This room has been occupied for an extended period of time but it is considered to be a risk of overlooking in its current use. The proposal includes a triangular window to mitigate the overlooking whilst providing outlook. The window would be obscurely glazed at the rear and clear to the front. The presence of this window would mitigate any overlooking impacts that may result from the proposal.
- 8.22 The physical presence of the triangular window is a minor change to the property. It would be located to the side of the property and would not be adjacent to any useable private amenity space. As such, it is considered that the proposal would not result in any unacceptable physical impacts upon neighbouring amenity such as overbearing, loss of daylighting/sunlighting or overshadowing.

Parking

- 8.23 Paragraph 108 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.24 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.25 Parking for 2 cars are provided within the paved forecourt area. Whilst the Council does not have parking standards for HMO's, there are sufficient on-street parking restrictions within the vicinity of the proposed development, and the site is in close proximity to the town centre amenities and public transport links.

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- 8.26 As such, it is considered that there would not be an unacceptable overspill on to the street that would result in any risk to highways safety or capacity. The proposals would therefore be in accordance with paragraph 109 of the NPPF.
- 8.27 The County Highway Authority has raised no objection to the proposed development and recommended conditions should the application be approved.

Refuse and recycling

- 8.28 A refuse area has been proposed to be stored to the rear of the property. This would be an acceptable location. One resident has raised the issue that refuse bins are regularly left on the street. Planning can ensure that proper storage is provided, but cannot control the operation of the facilities. Such matters would need to be investigated by the Environmental Health team. The proposal would thereby comply with Policy DM37.

Community Infrastructure Levy

- 8.29 The proposed development is not CIL liable

9 Conclusion

- 9.1 The property is already in use as a House of Multiple occupation for up to 8 number of persons and has been granted a licence by the Environmental Health Department to operate as such.
- 9.2 The proposal provides an adequate level of parking given its location and Surrey County Council Highways have raised no objections.
- 9.3 The proposal has adequate internal amenity standards for all of the rooms and every room has access to the shared private amenity space to the rear.
- 9.4 The proposal includes a side triangular window to room 6 with front and rear looking glass. The rear window would be obscurely glazed to mitigate overlooking impacts and the front window would be clear to allow for outlook. This window is set well back from the streetscene and I not considered to have any unacceptable impacts upon the character or appearance of the property.
- 9.5 Overall the proposal provides adequate standard of accommodation without harming the amenity of any neighbouring properties. It is therefore recommended for approval.

10 Recommendation: APP

- 10.1 Planning permission Permitted subject to the following condition(s):

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

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans:

1546 Drg. No. 01 [dated August 2020] - Existing and Proposed Drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the Core Strategy (2007).

- (3) The development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials on the planning application form.

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

- (4) The physical works hereby granted planning permission to bedrooms 2 and 6 as shown on the approved plans shall be completed prior to the occupation of those bedrooms.

If bedrooms 2 and 6 are occupied the all physical works shall be completed within 3 months of the date of this approval.

All of the proposed physical works relating to this application shall be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities and privacy of the occupiers of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015.

- (5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no windows or other openings (other than those hereby approved) shall be formed in the side walls of the extensions hereby approved without the prior written consent of the Local Planning Authority.

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Reason: To protect the amenities and privacy of the occupiers of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015.

- (6) Before any occupation of the development hereby permitted, any windows above ground floor level on the roof slope of the north elevation and the rear facing **triangular** window on the north elevation shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing of a patterned type only which shall thereafter be retained as such. Obscure glazed windows should be obscured to minimum of level 3 of the Pilkington Scale. The use of any type of film or material affixed to clear glass is not acceptable for the purposes of this Condition.

Reason: To protect the amenities and privacy of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015.

- (7) The development hereby approved shall not be first occupied unless and until facilities have been provided for the secure parking of a minimum of 8 bicycles in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: The above condition is required in recognition of Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework 2019.

Informative(s):

- 1 In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

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- 2 Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.
- 3 You have been granted planning permission to build a residential extension. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.
- 4 The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
 - carry out work to an existing party wall;
 - build on the boundary with a neighbouring property;
 - in some circumstances, carry out groundwork's within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "The Party Walls etc. Act 1996 - Explanatory Booklet".