

<b>Reference:</b>	20/01520/FUL	
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Westborough	
<b>Proposal:</b>	Convert existing 6 Bed HMO (Class C4) and existing ancillary building at the rear to a 7 Bed HMO (Sui Generis) and erect single storey linked rear extension	
<b>Address:</b>	266 Westborough Road, Westcliff-On-Sea, Essex	
<b>Applicant:</b>	Mr Saunders	
<b>Agent:</b>	Mr Wilton Nodoro of Krystal Architecture Ltd.	
<b>Consultation Expiry:</b>	28th October 2020	
<b>Expiry Date:</b>	11 January 2021	
<b>Case Officer:</b>	Kara Elliott	
<b>Plan Nos:</b>	<b>620-200/1, 620-201/3, 620-203/2, 620/204/03</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>	



## **1 Site and Surroundings**

- 1.1 The site is located to the south of Westborough Road on its corner with Tintern Avenue. The application relates to a former two storey, three bedroom dwelling and a detached two storey workshop building located within the rear garden. The main dwelling and annexe has since been converted to a 6 bedroom HMO (under permitted development).
- 1.2 The applicant has provided information to evidence the occupation of the site as detailed above.
- 1.3 The surrounding area is made up of predominately residential dwellings. However, a car garage/MOT test centre is located immediately to the west of the application site which fronts Westborough Road and a financial planning company occupies a building immediately to the south, within Tintern Avenue.
- 1.4 The site has no specific allocation within the Development Management Document Proposals Map and does not relate to a listed building.

## **2 The Proposal**

- 2.1 Planning permission is sought for a linking extension from the existing single storey rear projection at the rear of the main property connecting to the annexe building. The extension would have a flat roof with a height of 2.95m matching the existing single storey extension and would be 3m wide (also to match) and 3.47m deep. The addition would have no openings to its western flank and would contain two vertical windows to its eastern flank, matching two existing openings within the existing single storey rear extension. No new openings are proposed to the existing buildings.
- 2.2 The proposed linking extension would enable a change of use of the two buildings from a six-room HMO, falling within the definition of Use Class C4, to a seven-room HMO which is a Sui Generis use. Currently the main building has 5 bedrooms and there is one bedroom and a communal lounge at first floor level in the annexe building. The proposal involves the change of the communal lounge to a seventh bedroom. The applicant has confirmed that the change of use from a family dwelling to HMO was undertaken under permitted development and the property is currently occupied by 6 persons.
- 2.3 The proposed development would consist of the following internal accommodation across the main building, the linking extension and annexe building;

### Ground Floor

1 x 11.7m<sup>2</sup> bedroom (en-suite)  
1 x 8.7m<sup>2</sup> bedroom (en-suite)  
1 x 10.7m<sup>2</sup> bedroom (en-suite)  
Galley kitchen/diner (21.2m<sup>2</sup>)  
Hall (8.3m<sup>2</sup>)  
Shower Room (2m<sup>2</sup>)

### First Floor

1 x 8.6m<sup>2</sup> bedroom

1 x 9.8m<sup>2</sup> bedroom (en-suite)

1 x 10.9m<sup>2</sup> bedroom (en-suite)

1 x 10.5m<sup>2</sup> bedroom (en-suite)

Shower Room (2.1m<sup>2</sup>)

- 2.4 Each of the rooms except the communal kitchen/diner area created through the linking extension are existing.
- 2.5 The applicant has confirmed that they have applied for a HMO licence for a maximum of 7 persons. The applicant confirms that they have a strict policy of no cooking facilities in the rooms, fridges and breakfast bars are provided in rooms for the comfort of tenants only. All cooking facilities at the property are in the form of a shared kitchen.

### **3 Relevant Planning History**

- 3.1 03/00533/FUL - Erect two storey store/workshop to rear of premises – Granted.
- 3.2 18/00995/PA3COU - Change of use of rear workshop (Class B1(c)) to dwellinghouse (Class C3) (Prior Approval) – Refused.
- 3.3 18/01804/FUL - Convert existing dwellinghouse and existing ancillary workshop/store (Class C3) to a seven bedroom HMO (Sui Generis) and erect single storey link extension to rear – Refused.
- 3.4 19/00518/AMDT - Application to remove condition 04 premises shall only be used as workshop/store ancillary to residential property (Minor material amendment of planning permission SOS/03/00533/FUL dated 25/06/2003) – Refused.
- 3.5 19/01219/AMDT - Application to remove condition 04 premises shall only be used as workshop/store ancillary to residential property (Minor material amendment of planning permission 03/00533/FUL dated 25/06/2003) (Amended Proposal) – Granted.
- 3.6 20/01511/FUL - Erect linked single storey rear extension – Pending Consideration.

### **4 Representation Summary**

#### **Highways & Parking**

- 4.1 No objection. Comments: Consideration has been given to the existing 6 bedroom and the impact on the highway should a 7 bedroom be approved. There are no current parking policies for HMO's. We have to assess the sustainable location of the site. In this case, the site does benefit from being in a sustainable location with cycle, bus and train provision in close proximity. Secure cycle parking should be provided as part of the development. It should also be noted that future occupier will not be eligible for a residential parking permit. It is not considered that the proposal will have a detrimental impact upon the public highway.

## **Public Consultation**

- 4.2 Twelve (12) neighbouring properties were consulted and a site notice was displayed. Seven (7) letters of representation have been received which make the following objections;
- Loss of family dwelling;
  - Loss of neighbour amenity from loss of light;
  - On-street parking stress;
  - Stress on local services i.e. doctors surgeries, shops etc.
  - Overdevelopment;
  - HMO out of keeping with locality;
  - Increase in rubbish;
  - Fear of crime;
  - Poor design;
  - Out of keeping with character and appearance of locality;
  - Noise pollution;
  - Stress of facilities i.e. water and waste;
  - Disruption from building works;
  - Lack of garden space;
  - No consent granted for HMPO (6 bed);
  - Right of way in title deeds compromised by existing fencing;
- 4.3 Officer comment: The comments in the representation have been taken into consideration in the assessment of the application but not found to be justifiable reasons for refusing planning permission in the circumstances of this case.
- 4.4 The application falls to be decided by members of the Development Control Committee at the request of Cllr Anne Jones.

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2019)
- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP8 (Dwelling Provision).
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM15 (Sustainable Transport Management).
- 5.5 Design & Townscape Guide (2009)
- 5.6 National Housing Standards (2015)

- 5.7 Technical Housing Standards Policy Transition Statement (2015)
- 5.8 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.9 Community Infrastructure Levy (CIL) Charging Schedule (2015)

## **6 Planning Considerations**

- 6.1 The main considerations in relation to this application are the principle of the development, its impact upon the character and appearance of the site and the wider area, the standard of accommodation for future occupiers, the impact on residential amenity of neighbouring occupiers, any traffic and transportation issues, refuse and recycling storage and whether the development would be liable for CIL.

## **7 Appraisal**

### **Principle of Development**

- 7.1 Paragraph 117 of the NPPF states: *“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding and improving the environment and ensuring safe and healthy living conditions.” Furthermore, the NPPF requires development to boost the supply of housing by delivering a wide choice of high-quality homes.”*
- 7.2 Policy DM8 states that non self-contained accommodation should be directed toward the central area of Southend or where such type of accommodation is needed by certain institutions, such as Southend Hospital or University of Essex. Southend-on-Sea Borough Council’s development framework does not currently contain any policies that specifically relate to HMOs. The NPPF states that where the development plan is silent the general presumption in favour of sustainable development should apply, meaning that planning permission should be granted unless, *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
- 7.3 Planning permission was refused in 2018 (ref 18/01804/FUL - Convert existing dwellinghouse and existing ancillary workshop/store (Class C3) to a seven bedroom HMO (Sui Generis) and erect single storey link extension to rear). This application was refused for two reasons, 1. Loss of a family dwelling and 2. Parking stress. Since then, the application site has been converted to a HMO under permitted development and it is stated that there are currently 6 individuals residing at the property. Therefore, the reason for refusal regarding loss of a family dwelling is no longer relevant. Parking issues are discussed further within this report.
- 7.4 The NPPF encourages the effective use of land and seeks to create sustainable, inclusive and mixed communities. There is no objection to the principle of the increase of a 6 bedroom HMO to a 7 bed HMO in this location as it is considered that materially, an increase in the occupation at the property by one more person in an additional bedroom would not be dissimilar to the existing situation, subject to other material considerations.

- 7.5 In terms of the proposed extension, there is no objection in principle to the addition or alteration of the buildings. Other material planning considerations are discussed in the following sections of the report.

### **Design and Impact on the Character of the Area**

- 7.6 The National Planning Policy Framework requires new development to respond positively to its surroundings. Paragraph 124 of the NPPF states that; “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”
- 7.7 Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 and the Design and Townscape Guide advocate the need for any new development to respect the character of the area and complement local character.
- 7.8 No external changes are proposed to the existing property and the annexe building. A single storey linking extension is proposed between the two buildings, located within the rear garden. The extension would have a flat roof with a height of 2.95m matching the existing single storey extension and would be 3m wide (also to match) and would be sited near the western side boundary shared with Westcliff Service Centre MOT garage which neighbours the site. The flat roof extension would be finished in materials to match the existing buildings on site and would feature a symmetrical arrangement of two windows to its eastern flank with an existing door being made into a window on the same elevation.
- 7.9 The proposed development would be partially visible from public vantage points within Tintern Avenue and Westborough Road.
- 7.10 It is considered that in terms of its size, scale, bulk and height, the proposed extension would be visually acceptable and would not result in demonstrable harm to the character and appearance of the host buildings or the wider area. Whilst the extension would create one continuous building form, it is considered that due to its single storey nature and the context of its addition between the existing two, two storey buildings, the resulting development is visually acceptable and would not result in demonstrable harm to the character and appearance of the dwelling, the streetscene or the wider surrounding area.
- 7.11 It is therefore considered that the proposed link extension would not result in a detrimental impact on the character and visual amenity and is acceptable and policy compliant in this regard.

### **Standard of Accommodation and Living Conditions for Future Occupiers**

- 7.12 Delivering high quality homes is a key objective of the NPPF. Policy DM3 of the Development Management Document states that proposals should be resisted where they create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents.

7.13 In relation to residential standards for non-self-contained accommodation, policy DM8 of the Development Management Document, states that all proposals of this nature will be required to meet the internal space standards set out in Policy Table 6 which states that a minimum bedroom size should be 6.5m<sup>2</sup> for single and 10.2m<sup>2</sup> for double bedrooms and that the accommodation shall have some communal areas, such as a living room, kitchen, diner.

7.14 The Council has adopted the Essex Approved Code of Practice with respect to HMOs and this document represents a material planning consideration when read along with the above policy table, although it is noted that the Code of Practice is not a planning policy document. This document sets out the following standards for HMOs:

**Table 1: Minimum room size requirements**

Room size requirements are given in sq.m. For clarity, a room size of 12sqm is equivalent to a room measuring 4m by 3m and also a room measuring 6m by 2m.

Room use	Number of occupants	HMO with shared facilities (kitchen/ dining/living)	HMO with shared kitchen facilities (no shared living room)	HMO without shared facilities (i.e. bedsits or studios)
Bedroom or Letting	1	6.51sqm	8.5sqm	11sqm
	2	10.22sqm	12sqm	15sqm
Shared Kitchen	Up to 5	7sqm	7sqm	
	6	8.5sqm	8.5sqm	
	7	10sqm	10sqm	
	8 -10	14sqm (or 2 rooms each 7sqm)	14sqm (or 2 rooms each 7sqm)	
Shared Living/Dining Room	up to 5	11sqm	*5sqm	
	6	12sqm	*6.5sqm	
	7	13sqm	*8sqm	
	8	14sqm	*10sqm (or 2 rooms each 5sqm)	
	9	15sqm	*10sqm (or 2 rooms each 5sqm)	
	10	16.5sqm	*10sqm (or 2 rooms each 5sqm)	

**Table 2: Minimum requirements for kitchen facilities**

Occupants	Kitchen area (sqm)	Work surface (m) (600mm standard depth)	Power sockets above worktop	Hob rings	Ovens	Grills	Sinks/ drainers with hot and cold water	Dry food storage cupboard	Fresh and Frozen food storage	Fire Blanket
<b>All Shared Kitchens</b>										
Up to and including 5	7	2	3 double	4	1	1	1	1 x 500mm base unit or 1 x 1000 wall unit per occupant	1 good sized refrigerator shelf per occupant  1 good sized freezer shelf per occupant	One suitably located fire blanket in accordance with the current BS EN or equivalent standard at the time of application or renewal
6	8.5	2.4	4 double	4	2*	2*	2 <sup>#</sup>			
7	10	2.8	4 double	6	2*	2*	2 <sup>#</sup>			
8	14 (7 x 2)	4	5 double	8	2	2	2			
9	14 (7 x 2)	4	5 double	8	2	2	2			
10	14 (7 x 2)	4	5 double	8	2	2	2			
<b>Kitchens in individual lettings (Bedsits and Studios)</b>										
1 or 2	4.5	1	2 double	2	1	1	1	1 x 500mm base unit or 1 x 1000 wall unit per occupant	1 good sized refrigerator shelf per occupant 1 good sized freezer shelf per occupant	One suitably located fire blanket in accordance with BS 6575
					or a safely located combination microwave/oven/ grill					

Table 3: Minimum requirements for bathrooms/shower rooms and WC compartments

Occupants sharing	Bathrooms Comprising 1 Bath/Shower Unit (With Hot and Cold Water) and may contain a WC (but see * below)	Separate WC compartment with wash hand basin with H & C	Ventilation (suitable and adequate)	Adequate size and layout: Minimum floor area for safe use of bathroom
Less than 5	1	0	Mechanical ventilation is required in all bathrooms and WC compartments which lack natural ventilation via an openable window. It will also be required, in addition to any natural ventilation, where necessary, to mitigate problems of damp and mould. <i>It is always recommended that where possible, in addition to any natural ventilation, mechanical ventilation is provided in all bathrooms and WC compartments.</i>	Bath only 2.3sqm Bath & WHB 2.5sqm Bath,WC&WHB 2.8sqm Shower only 1.7sqm Shower&WHB 2.0sqm Shower,WC&WHB 2.2sqm WC & WHB 1.2sqm
	1	1		
6	2*	1		
7	2*	1		
8	2*	1		
9	2*	1		
10	2	2		
Ensuite for 1 or 2	1	0	Comments as above	

- 7.15 The premises provides some 21m<sup>2</sup> of shared floorspace for kitchen and dining/sitting areas. 2 shared bathrooms are also provided. The communal areas are considered to be sufficient to accommodate needs for the number of occupants on site. All bedrooms on the premises exceed the minimum floorspace standard of 6.5m<sup>2</sup>. All rooms would benefit from acceptable outlook and natural light. The communal amenity space is considered to be sufficient for the number of rooms and maximum number of potential occupiers within the property.
- 7.16 The existing levels of accommodation are considered to be materially similar to those proposed and the increase in one unit (from 6 to 7 in total) with the addition of a communal kitchen/diner would provide an improved and greater level of communal living accommodation within the site. The development as a whole is considered to offer acceptable living standards for its current and future occupiers in planning terms.

### Impact on Residential Amenity

- 7.17 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities and also: *“having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.*
- 7.18 The application site is neighboured by a car MOT garage to the east and a financial services business to the north. Due to the corner position of the plot, there are no immediate neighbours to the north and east. The proposed single storey linking extension would be sited against the western side boundary shared with the car MOT garage. Due to its single storey nature, the absence of direct residential neighbouring occupiers and its modest nature, it is not considered that the extension would result in a loss of amenity through overshadowing, loss of light, loss of privacy or an unacceptable level of perceived and actual dominance.



7.19 It is not considered that the proposed development consisting of an increase from 6 to 7 bedrooms and the resulting increase of one occupant would result in materially increased levels of activity associated with existing levels of occupation of the site. The proposal is not considered to result in material harm to the amenities of the nearest neighbouring residents and there are no reported noise complaints registered at the property. HMOs are generally compatible with a residential setting. The development is acceptable and policy compliant in these regards.

### **Traffic and Transportation Issues**

7.20 Policy DM15 of the Development Management Document states: *“Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner”*. The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards.

7.21 The parking standards do not include any requirements for HMOs. The proposal would provide one parking space to the front, this is also part of the existing layout. Although there is no parking standard associated with HMOs, it is accepted that the lawful use of the site as a dwelling or as a six-bed HMO has the potential to attract some parking need.

7.22 The site is located approximately a 20 minute walk to Westcliff train station and a couple of minutes' walk to London Road for main bus routes. London Road is host to many local services and Hamlet Court Road District Centre is a 15 minute walk away. It is therefore considered that the site is within a relatively sustainable location whereby occupants would not need to rely on the use of a private motor car for their day to day needs.

7.23 Safe and secure parking for sustainable transport options is provided on site in the form of cycle racks within the rear garden for 7 bikes; one cycle parking space per room.

7.24 The parking requirements for a 6 bed HMO and a 7 bed HMO are materially similar and would not result in a significantly higher parking demand. Subject to conditions the development is, on balance, acceptable and policy compliant in the above regards.

### **Refuse and Recycling Storage**

7.25 The submitted plans show an area of waste storage within the site behind a gate which can be accessed from the front or the rear garden and contains a lockable store for two bins. This would be adequate to serve the level of accommodation proposed. The proposal is acceptable and policy compliant in this regard.

### **Community Infrastructure Levy (CIL)**

7.26 As the development does not create in new floorspace above 100m<sup>2</sup>, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that the development would be acceptable and in line with the objectives of the relevant local and national policies and guidance. The development, on balance and subject to conditions, is considered to offer acceptable living conditions for its current and future occupiers and on balance to have an acceptable impact on highway safety and parking. The development would also result in acceptable impacts to neighbouring residential amenity and the character and appearance of the area and provides adequate refuse and recycling storage. This application is, therefore, recommended for approval subject to conditions.

## **9 Recommendation**

**GRANT PLANNING PERMISSION subject to the following conditions:**

- 01 The development hereby permitted shall begin no later than three years from the date of this decision.**

**Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.**

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: 620-200/1, 620-201/3, 620-203/2, 620/204/3.**

**Reason: To ensure the development is carried out in accordance with the development plan.**

- 03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.**

**Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1, and the Design and Townscape Guide (2009).**

- 04 Prior to the occupation of the development hereby granted, at least seven secured and covered cycle parking spaces shall be provided on site in accordance with the details shown on drawing no. 620-203/2 and shall be made available for use for the benefit of the current and future occupiers of the approved development and shall be retained in perpetuity for the lifetime of the development.**

**Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).**

- 05** Prior to the occupation of the development hereby granted, secure bin storage shall be provided on site in accordance with the details shown on drawing no. 620-203/2 and shall be made available for use for the benefit of the current and future occupiers of the approved development and shall be retained in perpetuity for the lifetime of the development.

**Reason:** To ensure the provision of adequate bin storage and to ensure the development does not result in material harm to the character and appearance of the area and in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3, Development Management Document (2015) Policies DM1, DM3 and, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

- 06** The development hereby approved shall not at any time be adapted to enable formation of more than seven (7) bedrooms and shall not be occupied by more than seven (7) people at any one time.

**Reason:** To ensure the use hereby approved would offer acceptable living conditions for its occupiers in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM8.

- 07** The bedrooms within the building shall not at any time contain cooking facilities.

**Reason:** To ensure the use hereby approved would offer acceptable living conditions for its occupiers in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM8.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

## **INFORMATIVES**

- 1** You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)) for further details about CIL.

- 2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.**