

Committee date	5th September 2018
Application reference	18/00684/COU
Site address	56 Kingsfield Road Watford WD19 4TR
Proposal	Change of use from a six person HMO to an 11 person HMO (House of Multiple Occupancy). This involves minor works involving the addition of an internal conversion of a first bedroom to kitchenette area.
Applicant	Mrs Reeta Ram
Target decision date (Agreed Extension)	7th September 2018
Statutory publicity	Adjoining properties consulted on 6th June 2018
Case officer	Chris Osgathorp chris.osgathorp@watford.gov.uk
Ward	Oxhey

1. Recommendation

Approve subject to conditions set out in section 8 of this report.

2. Site and Surroundings

- 2.1 The subject property is a Victorian/Edwardian semi-detached house which is currently used as a House in Multiple Occupation (HMO) within Use Class C4 of the Town and Country Planning (Use Classes) Order 1987 as amended. The house was previously used as a single dwelling house within Use Class C3. Change of use from Use Class C3 to Use Class C4 is permitted by Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and therefore planning permission was not required for the existing Class C4 HMO.
- 2.2 The existing HMO has accommodation within the basement, ground floor, first floor and loft. It also has a relatively large garden. Environmental Health granted a license for the HMO on 21st December 2017 which is for 6 people in 5 lettings.
- 2.3 The property is served by a dropped kerb, which provides access to 1 on-site parking space.
- 2.4 Kingsfield Road consists of semi-detached and detached houses. Most properties have laid out hard-surfacing in the front gardens to provide on-site parking. The street is not located within a controlled parking zone.
- 2.5 The site is within 400m of bus stops in Eastbury Road and within 600m of Bushey train station. The site therefore has good access to passenger

transport services.

- 2.6 The property is not listed or located in a designated conservation area.

Further information, including the site plan and drawings, is available in the appendices to the report and on our website

3. Summary of the proposal

3.1 Proposal

The application proposes change of use from a Class C4 HMO to an HMO for up to 11 people (Sui Generis Class), including minor internal alterations to provide a kitchen at first floor. No external alterations are proposed.

- 3.2 The applicant states that the HMO will be intergeneration housing let to key workers, professionals, young people and older people needing supported housing by wardens and receiving domiciliary care packages. It will also be occupied by the partners of those needing care, where applicable. The applicant has stated in their supporting statement that they receive referrals of older people needing supported housing from social workers at Harrow Council. Assessments are carried out by social workers and the CQC regulated care agency to ensure that the accommodation is appropriate for the older residents.

3.3 Conclusion

The proposed increased occupancy of the existing HMO would not result in the loss of family accommodation. The layout would provide an acceptable standard of amenity for future occupiers of the HMO and there would be no adverse effect on the residential amenities of neighbouring properties. Furthermore, bearing in mind that the proposal would not increase the amount of residential floor space and that the property is in close proximity to passenger transport facilities, it is not considered that the proposal would cause a material increase in demand for on-street parking. Accordingly, it is recommended that the application should be approved.

4. Policies

Members should refer to the background papers attached to the agenda. These highlight the Policy Framework under which this application was determined. Specific policy considerations with regard to this particular application are detailed in section 6 below.

5. Relevant site history/background information

There is no planning history of relevance to the current application. Environmental Health granted a licence for the existing HMO on 21st December 2017.

6. Main considerations

6.1 The main issues to be considered in the determination of this application are:

- (a) Principle of land use
- (b) Impact on the character and appearance of the area
- (c) Quality of the new accommodation provided
- (d) Impact on amenity of adjoining residential properties
- (e) Transportation and parking

6.2 (a) Principle of land use

'Saved' policy H13 of the Watford District Plan 2000 sets out that no more than 10% of a street block should be converted from single family dwellings to flats, HMOs or guest houses. This seeks to preserve family sized houses as part of the housing stock and prevent a full change of character of a road from houses to converted accommodation.

6.3 The dwelling is currently used as a House in Multiple Occupation (HMO) within Use Class C4 of the Town and Country Planning (Use Classes) Order 1987 as amended. The house was previously used as a single dwelling house within Use Class C3. Change of use from Use Class C3 to Use Class C4 is permitted by Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and therefore planning permission was not required for the existing Class C4 HMO. Environmental Health granted a licence for the HMO on 21st December 2017 which is for 6 people in 5 lettings.

6.4 The current application proposes to increase the occupancy of the existing HMO to up to 11 people (Sui Generis Use Class). "Saved" Policy H13 (Conversions) of the Watford District Plan 2000 is not applicable in this case because the property is already in use as an HMO and would not result in the loss of a family dwelling. The proposal is therefore acceptable in principle.

6.5 (b) Impact on the character and appearance of the area

The existing property is already in use as an HMO, therefore the proposal would not have a material impact on the character of the area. There would be no external alterations to the building, therefore the character and appearance of the existing building would be maintained.

- 6.6 (c) Quality of the new accommodation provided
The nationally described space standards which are set out in the Watford Residential Design Guide are not applicable to HMO units. The internal space standards for HMOs are governed by the standards set by the Council's Environmental Health Department '*Houses in Multiple Occupation Guidance to Landlords Amenities and Room Sizes*'. The Environmental Health Department has been consulted and has raised no objection to the internal floor areas, amenities or proposed layout.
- 6.7 It is noted that the HMO would provide independent accommodation for some older people receiving domiciliary care packages, as well as younger people not requiring care. It is a matter for social services and the CQC regulated care agency to assess whether the accommodation is appropriate for the prospective older residents requiring care.
- 6.8 The applicant has set out the benefits of intergeneration housing to the health and wellbeing of older people in their Supporting Statement. However, in terms of the planning merits of the application, it is the proposed use as an HMO that is to be considered rather than the merits of the applicant's intergeneration housing model.
- 6.9 (d) Impact on amenity of adjoining residential properties
The proposal does not include any external alterations, therefore there would be no loss of light, outlook or privacy to neighbouring properties. Furthermore, the building would remain in residential use and would not cause a material increase in noise and disturbance to neighbouring properties.
- 6.10 (e) Transportation and parking
"Saved" Policy T22 of the WDP2000 states that on-site parking will not be permitted in excess of the maximum appropriate for the zone in which the site is located. "Saved" Policy T24 states that planning permission will only be granted for residential use where the full parking needs generated can be met on site, and off the public highway unless the site is in a suitable Town Centre site or other location with good access to passenger transport. The supporting text for Policy T24 states that development will be deemed to have good access to transport if they are within walking distance of existing passenger transport services i.e. within 400 metres of a bus stop or within 800m of a train station.
- 6.11 Appendix 2 of the WDP2000 states that the Maximum Parking Standard for an HMO is 0.5 spaces per tenancy unit. The proposal includes 6 bedrooms and therefore the maximum standard is 3 parking spaces. It is important to note

that the parking standards are maximum standards rather than minimum standards. The maximum parking standard seeks to restrain the amount of on-site parking to encourage users of developments to travel to and from the site by means other than private car. "Saved" Policy T22 sets out that on-site parking provision in excess of the Maximum Parking Standard will not be permitted.

- 6.12 The application site is within 400m of bus stops in Eastbury Road (which provides frequent bus services to Watford Town Centre, among other destinations) and within 600m of Bushey train station (which connects to Watford High Street and Watford Junction). As such, in accordance with the criteria in Policy T24, the application site has good access to passenger transport services.
- 6.13 The application site is served by 1 on-site parking space which is considered to be acceptable given that the site is well served by passenger transport services. It should also be borne in mind that the proposal would not increase the amount of residential floorspace in the property and the maximum parking standard of 3 parking spaces for the HMO (with 6 tenancy units) is the same as the maximum parking standard of 3 spaces for a Class C3 house with 4 or more bedrooms. As such, it is not considered that the proposal would cause a material increase in demand for on-street parking.

7. Consultation responses received

7.1 Statutory consultees and other organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Hertfordshire County Council (Highway Authority)	No objection.	Noted.

7.2 Statutory consultees and other organisations

Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	I have had experience of this property and owner due to licensing	Noted.

	<p>the existing HMO and supporting the change from a family home. The applicant is very credible. The house itself is capable of being used as an 11 person HMO with minor alterations to provide additional kitchen facilities, within the existing envelope. If this change were to go ahead, the property would need to be relicensed.</p>	
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7.3 Representations received from interested parties

13 letters of objection were received

Objection comment	Officer comments
<p>There have been some conversions to multiple occupancy, including another care home that have been absorbed within the road. However, further conversions to multiple occupancy threaten the traditional character of the road and its sense of community. The proposal for changes to 56 Kingsfield Road to allow 11 people is simply out of step with the nature of the road.</p>	<p>This is considered in paragraphs 6.2 – 6.5 of the report.</p>
<p>Parking in Kingsfield Road has been in discussion for a long time and there have been votes and debates on introducing yellow lines and permits for residents. While the application states that the elderly patients do not have cars and others will be encouraged not to bring cars, this is not enforceable, subject to change with each tenant and has the potential to cause friction with the</p>	<p>Parking is considered in paragraphs 6.10 – 6.13 of the report.</p>

<p>current residents (this is already the case with commuters from Bushey Station using the road for free parking). In addition to the residents at no. 56, there will be the constant visits from support staff, cleaners, maintenance, gardeners etc. - who will likely need to park.</p>	
<p>Increase in noise and disturbance.</p>	<p>The building would remain in residential use and would not cause a material increase in noise and disturbance to neighbouring properties.</p>
<p>Loss of privacy.</p>	<p>The proposal includes no external alterations therefore there would be no additional windows overlooking neighbouring properties. The increased occupancy of the HMO would not cause a significant loss of privacy to neighbouring properties.</p>
<p>The application highlights concerns regarding the type of residents that it looks to house. Initially this was a support home for dementia patients and then assisted living and now planning for quote, 'The house will be let to key workers, professionals, young people and older people needing supported housing by wardens and receiving domiciliary care packages. This would directly address the need to provide housing to these groups' clearly the intention is to open up the open up the property to almost anyone.</p>	<p>The proposed use of the property as an HMO (Sui Generis) is the matter for consideration in this application.</p> <p>The 'type of residents' is not a material planning consideration.</p>
<p>Through the information provided, and further research, it appears the scheme is akin to a C2 care home use, rather than a HMO or supported living. Yet as the level of care provided and operation is not entirely clear through the supporting information provided with the application, it is considered the Council cannot make an accurate assessment on what Use Class the proposal falls within.</p>	<p>The applicant states that the HMO will be intergeneration housing let to key workers, professionals, young people and older people needing supported housing by wardens and receiving domiciliary care packages.</p> <p>The proposed use is not a care home within Class C2 because people who do not require care would be living</p>

<p>The information provided in support of the application suggests that the proposal would not constitute a sui generis HMO.</p>	<p>at the house and using communal facilities. Therefore, the property would form a single household where the occupants are capable of running a household.</p>
<p>The application reports that 6 adults and 2 children (8 people) were living at the property until June 2018, which exceeded that permitted. If a tenant did indeed move in in June as expected, then there are currently 7 adults and 2 children (9 people) living in the property - still further exceeding that which is currently permitted. Children under the age of 18 are "residents" for planning purposes. Therefore, the existing use is not lawful.</p>	<p>Children are counted as residents for the purposes of planning. As such, based on the information provided by the applicant it appears that the HMO is currently occupied by more than 6 people, however this does not necessarily make the HMO unlawful in planning terms.</p> <p>In order for there to be a breach of planning control there would need to be a 'material change of use'. Increasing the number of occupants above 6 may not constitute a material change of use. It all depends on the circumstances and especially the resulting impact on the amenities of the neighbourhood.</p> <p>In this case, given that two of the occupants are children and three are older residents who do not drive cars, it is not considered that the number of residents in the existing HMO has caused a material change of use by reason of increased parking, noise generation or any other impact on the neighbourhood.</p>
<p>The property does not have capacity to house 11-persons and provide adequate space and amenities.</p>	<p>This is considered in paragraphs 6.6 – 6.7 of the report.</p>
<p>Impact on foul sewage system.</p>	<p>The proposal would not have a significant impact on the foul sewerage system.</p>
<p>Appreciating there is a residents - to - building size - to - facilities ratio and calculation which I am sure you will be enforcing, however I feel that the</p>	<p>The proposed HMO accords with the size and amenity standards set by Environmental Health.</p>

<p>proposal to bring together 11 people who likely do not know each other will be more disruptive than a social integration exercise. The range of potential tenants will be young, old, professional and more importantly some of the tenants may need trained support. The property may fit 11 people but I do not feel it can sustain a mutually respected living and social arrangement.</p>	
<p>The application states that the property provides supported housing for 'older people' who have been referred by Harrow Council and that it currently provides supported housing to two older persons with a third scheduled to have moved in on 1st June 2018. Dementia Partners Ltd, which the applicant is director of, also promotes 56, Kingsfield Road as a home for supported living. In my experience as a medical professional for over 20 years, it is unusual for two vulnerable adults to share a single room. Even in the situation where an older person with dementia has a full-time live-in carer, they would not occupy the same bedroom but would have separate ones.</p> <p>However, the application also states that <i>"those with special needs are residing in our supported housing too"</i>. Whilst the term 'special needs' in this context may refer to older persons with dementia, the term usually refers to persons with learning difficulties. This, as well as the fact that the application states that <i>"all three tenants were unable to maintain living in a self-contained flat but did not wish to live in a care home. This shared housing meets the demand for vulnerable people with mental health problems and complex health needs who are still able to have some independence in the</i></p>	<p>The applicant has stated that older people with care needs would only share a room with their spouse or partner (if applicable). It is a matter for social services to assess whether the accommodation is appropriate for a potential tenant with care needs.</p> <p>It is possible that people with learning difficulties or mental health problems could reside at the premises, however this does need mean that the occupants would not be capable of running a household. It is a matter for social services to assess whether the accommodation is appropriate for their needs.</p>

<p><i>community with carers and warden support</i>”, would suggest that the applicants may wish to let to other vulnerable adults with learning difficulties and mental health problems live there too.</p>	
<p>There is a lack of evidence of health or social care professionals delivering the care to the vulnerable residents.</p>	<p>Care agencies carrying out regulated activities listed in Schedule 1 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 must be registered with the CQC.</p> <p>The applicant receives referrals for older people with care needs from social workers at Harrow Council who carry out assessments to ensure that the accommodation is appropriate for their needs.</p>
<p>There is suspected regular misuse of substances at the property.</p>	<p>There is no evidence of the misuse of substances at the property.</p>
<p>We have never been consulted about this application nor the previous one granted in December 2017.</p>	<p>The Council has notified adjoining properties of the application in accordance with the requirements of the Town and Country Planning (Development Management Procedure) Order 2015.</p> <p>The change of use from a single dwelling (Use Class C3) to a Class C4 HMO was carried out under permitted development rights in December 2017 where no planning application was required.</p>
<p>There are many young children in the immediate vicinity and their well-being and safety is of paramount importance. Your duty of care will apply if there is any increased risk to these children and you must be able to satisfy yourselves that this is a “no risk” planning approval.</p>	<p>There is no evidence that the proposed HMO would cause any risk to children.</p>
<p>How are the residents going to be able to get to the local shops which are some</p>	<p>The site has good access to passenger transport facilities, as</p>

distance away?	discussed in paragraphs 6.10 – 6.13 of the report.
Will the building regulations and fire regulations be checked for compliancy for the existing building and made public before any further permission is granted?	Building regulations and fire regulations is a matter for Building Control and Environmental Health.
The full impact on refuse collection of the development has not been fully assessed nor how this will be managed.	It is not considered that the increased occupancy of the HMO would have a significant impact on existing arrangements for refuse collection.

8. Recommendation

That planning permission be granted subject to the following conditions:

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be carried out in accordance with the following drawings, unless otherwise approved in writing by the Local Planning Authority. The following drawings are hereby approved: 18/002/56KF and 18/201/56KF Rev C.

Reason: For the avoidance of doubt as to what has been permitted and in the interests of proper planning.

3. Within 3 calendar months of the date of this permission details of refuse and recycling storage and secure and weatherproof cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority and the storage facilities shall be installed in accordance with the approved details. The storage facilities shall be retained at all times thereafter.

Reason: To ensure adequate facilities are provided for the future occupiers of the development.

Informatives

1. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended.
2. This permission does not remove the need to obtain any separate consent, which may be required under the Buildings Act 1984 or other building control legislation. Nor does it override any private rights which any person may have relating to the land affected by this decision.

To find out more information and for advice as to whether a Building Regulations application will be required please visit www.watfordbuildingcontrol.com.

3. This planning permission does not remove the need to obtain any separate consent of the owner of the adjoining property prior to commencing building works on, under, above or immediately adjacent to their property (e.g. foundations or guttering). The Party Wall Etc Act 1996 contains requirements to serve notice on adjoining owners of property under certain circumstances, and a procedure exists for resolving disputes. This is a matter of civil law between the two parties, and the Local Planning Authority are not involved in such matters. A free guide called "The Party Wall Etc Act 1996: Explanatory Booklet" is available on the website of the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/393927/Party_Wall_etc_Act_1996_-_Explanatory_Booklet.pdf
4. You are advised of the need to comply with the provisions of The Control of Pollution Act 1974, The Health and Safety at Work Act 1974, The Clean Air Act 1993 and The Environmental Protection Act 1990.

In order to minimise impact of noise, any works associated with the development which are audible at the site boundary should be restricted to the following hours:

Monday to Friday 8am to 6pm

Saturdays 8am to 1pm

Noisy work is prohibited on Sundays and bank holidays

Instructions should be given to ensure that vehicles and plant entering and leaving the site comply with the stated hours of work.

Further details for both the applicant and those potentially affected by construction noise can be found on the Council's website at:

https://www.watford.gov.uk/info/20010/your_environment/188/neighbor_complaints_%E2%80%93_construction_noise

5. The planning officer's full report gives more detail than is to be found in the Decision Notice. The full report can be obtained from the Council's website www.watford.gov.uk/planning, or on request from the Place Shaping and Corporate Performance service