

Committee date	Wednesday, 5 February 2020
Application reference	19/01232/COU
Site address	4 Park Avenue, Watford WD18 7HR
Proposal	Change of use of an existing building in use as a C2 Care Home into a 13 bedroom HMO Sui Generis, hip to gable roof structure with side and rear dormers.
Applicant	Mr Anthony Jenkins
Agent	Mr James Croke
Type of Application	Householder
Reason for committee Item	Number of objections
Target decision date (Agreed Extension)	7 th February 2020
Statutory publicity	Press Advert and Site Notice published 26 th July 2019. Neighbouring properties consulted 14 th November 2019
Case officer	Obafemi Okusipe, obafemi.okusipe@watford.gov.uk
Ward	Park

1. Recommendation

The application seeks permission for change of use of an existing building in use as a C2 Care Home into a 13 bedroom HMO Sui Generis and hip to gable roof structure with side and rear dormers. The roof extensions were granted permission under 18/00607/FUL and building control records show that these works were completed in October 2019. It is recommended that the application be granted planning permission as set out in Section 8 of this report.

2. Site and surroundings

- 2.1 The proposal relates to an existing building in use as a C2 Care Home. The application property comprises a two storey detached 13 bedroom residential care home located on the east side of Park Avenue, on the corner of Lynbury Court. Park Avenue is located between Rickmansworth Road and Whippendell Road. The property has existing single and two storey outrigger at the rear.
- 2.2 The application site is not in a designated conservation area or other Article 2(3) land and is not subject to an Article 4 direction but is within Controlled Parking Zone A. The application site is within Character Area 17E. This residential character area is located to the west of the town centre and to the south of Cassiobury Park. The piecemeal development of houses by a variety of architects and builders has resulted in a high degree of variety in terms of architectural detailing of individual properties. Development to the south of

Rickmansworth Road is of a higher density than that to the north and can be seen as a transitional typography of residential development between the Victorian terrace and the inter-war streets of semi-detached houses.

- 2.3 The application property sits within a predominantly residential area. There is a main entrance to the side and exit to the rear through the kitchen on ground floor and another exit on first floor. There are 5 en-suite bedrooms, dining room, kitchen and storage on ground floor while there are 6 en-suite bedrooms, utility room, office and kitchen on first floor and 2 en-suite bedrooms in the loft. The quality of the accommodation is reasonably satisfactory for its present use. There are 2 existing car parking spaces at the front.
- 2.4 The surrounding area is generally, residential in character with some non-residential uses within the vicinity of the site, including the West Herts Sports Club to the east of the site. There are other HMOs and care homes nearby. The site is in a sustainable location, within walking distance of Watford town centre where there is good access to a range of shops, services, entertainment uses, and public transport. Cassiobury Park is also within walking distance of the site.
- 2.5 The application site benefits from an existing planning consent (18/00607/FULH) to allow for use as an old peoples home, care home or supported living unit for adults with mental health and or mild learning disabilities. This permission includes a single storey rear and side extension, first floor rear and part side extension and roof alterations including new gable end and front side and rear dormers, which was completed in October 2018.

3 Summary of the proposal

3.1 Proposal

- 3.2 The proposal involves the change of use of an existing building in use as a C2 Care Home into a 13 bedroom HMO Sui Generis, hip to gable roof structure with side and rear dormers. The proposal would utilise the existing footprint to retain a 13 bedrooms on three floors with an office, kitchen, storage, bin and bike storage but no additional on-site car parking spaces are provided. The proposal will maintain most internal layout and external features while incorporating front, side and rear dormers and hip to gable roof design to the side.

- 3.3 The application was submitted with a supporting statement explaining that

the building will continue to house vulnerable people but the level of care or support would not be the same as required under Class C2 Care Home. The plans submitted are the same as those granted planning permission under 18/00607/FUL, therefore little will change from the previously granted use.

3.4 Conclusion

3.5 The change of use and alterations accords with Policies HS1 and HS2 and considered acceptable in principle. The conversion of an existing care home to HMO is also considered acceptable within a residential area in line with Policy H13 and the siting of the building will ensure that they will have no significant adverse impacts on surrounding residential properties. The proposed development would provide good quality accommodation and a high level of amenity for future occupiers.

3.6 The proposed development would enhance optimum viable use and contribute to housing need. In addition, the proposed development would be in keeping with the character and appearance of an existing dwelling and the street scene. As such, the proposal will accord with the Policy UD2 of the Watford's Local Plan Core Strategy 2006-31. Taking the above into account, it is recommended that the application be approved.

4. Relevant policies

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

5. Relevant site history/background information

5.1 The property was first converted into flats in the 1950s and planning permission was granted in 1974 for the erection of single and two storey rear extensions and conversion of property into seven old people's flatlets with housekeeper's room.

5.2 The following recent planning history is relevant to this application:

App Number	Proposal	Status	Decision Date
18/00607/FULH	Variation of condition 1 of planning permission ref. 10/00271/VAR to allow for use as an old peoples	CPP	26.07.2018

	home/care home/supported living unit for adults with mental health and or mild learning disabilities including single storey rear and side extension., first floor rear and part side extension and roof alterations including new gable end and front side and rear dormers.		
10/00271/VAR	Variation of condition 3 of planning permission 9/0310/74 to allow use of building as an old peoples home/a care home for adults with mental health and/or mild learning disabilities.		

6. Main considerations

6.1 The main issues to be considered in the determination of these applications are:

- a) Principle of Development
- b) Scale and Design
- c) Impact on character and appearance of host property and area
- d) Impact upon the amenities of the adjoining residential properties
- e) Quality of the accommodation provided
- f) Parking
- g) Other Matters
- h) Community Infrastructure Levy (CIL)
- i) s.106 planning obligation

6.2 (a) Principle of development

6.2.1 The site is not within a conservation area and the building is not locally listed or listed.

6.2.2 Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development and planning permission should be granted unless there is a policy reason for refusal or the adverse impacts would significantly and demonstrably outweigh the benefits.

6.2.3 The presumption in favour of sustainable development is supported by Watford Borough Council's Core Strategy Policy WBC 1. The proposal is a very minor change to the planning permission already granted and the level of care

provided for the occupants is lower and therefore the use does not completely sit within the C2 use class. The office on the first floor is an indication that there will be a level of care for the residents but identifying the use as an HMO will allow greater flexibility. The principle of change of use on the site is considered acceptable.

6.3 (b) Scale and Design

6.3.1 Policy UD1 of the Watford Local Plan Core Strategy 2006-31 seeks high quality design in all new development. Para. 9.1 of the Residential Design Guide (RDG) states that conversion must respect the scale and design of the host building and must not detract from the existing character of the site and the surrounding area. The proposed conversion would utilise existing footprint and maintain the existing scale and design is considered acceptable.

6.4 (c) Impact on character and appearance of host property and area

6.4.1 Policy UD1 of the Core Strategy states, amongst other things, that new development should respect and enhance the local character of the area in which it is located. The proposed change of use would be sited within the existing footprint of the building with the roof alterations already approved and completed. The scale, design and siting of the proposal would not be considered as overdevelopment, visually dominant, cramped or overbearing in the street scene and would protect the character of the wider context.

6.5 (d) Impact on residential amenity of future occupiers and surrounding properties

6.5.1 The proposal is not considered to impact on neighbouring occupiers as it essentially has the same characteristics as the existing use and has limited alterations at roof level, which have already been completed under planning permission 18/00607/FUL.

6.5.2 The proposal side dormer would be allow natural light to the stairwell and prevent loss of privacy and overlooking and the sense of enclosure towards No. 12 Park Avenue. The proposal would not incorporate any external alterations or windows that would create a loss of daylight, privacy or outlook at Nos. 2A and 6 Park Avenue.

6.5.3 The concerns raised by neighbours relating to potential noise and disturbance from the proposed change of use to a 13 bedroom HMO is noted. The HMO would be required to have a licence issued by Environmental Health and they have not raised any objections in this regard. For this reason, the proposed change of use is not likely to substantially harm the amenities of neighbouring

occupiers to justify recommending refusal.

6.6 (e) Quality of the accommodation

6.6.1 The proposed change of use would provide 13 en-suite bedrooms with bedroom sizes ranging from 11.3m² to 15.62m² floor area. The existing footprint would be maintained. The remaining amenity space would not change from existing but would provide 8 cycle stores, 8 bin storage with no additional off-street car parking spaces provided on site.

6.6.2 The proposed bedroom floor area, ceiling heights, amenity space, cycle store and bin storage would be in line with the Residential Design Guide, 2016 and would be acceptable for future occupiers.

6.7 (f) Parking

6.7.1 The proposed change of use would not have additional off-site car parking but would retain the two car parking spaces at the front and would also provide a bike store for 8 bicycles. Given the sustainable location within a short walking distance of the town centre and access to public transport, a car-light development is acceptable in principle.

6.7.2 It is considered that the proposed change of use from a care home to an HMO would not result in substantial increase in traffic generation and parking demand that would exacerbate the parking situation in this section of Park Avenue. However, the application site is within a Controlled Parking Zone A. Therefore, future occupiers of the HMO would be excluded from permit entitlement in accordance with saved Policy T26 of the Watford District Plan 2000. This can be secured by means of a s.106 planning obligation subject to the application being approved.

6.8 Other Matters

6.8.1 The proposed change of use would not result in the loss of single family housing unit to other residential types. Therefore, there is no significant change in the provision of family housing unit or housing mix and it is therefore considered to be acceptable in principle.

6.8.2 The application property benefits from existing planning consents (9/0310/74, 10/00271/VAR and 18/00607/FULH). Within this street block, there are 32 properties, which include 3 HMOs, 2 care homes, 1 nursery school, 1 surgery, 8 flatted accommodation and 17 residential dwellings.

6.8.3 With regard to Policy H13 of Watford District Plan 2000, the application property is among the 13 of the 32 properties that have been converted from dwellings, amounting to approximately 40.6% (conversion rate) of properties. The proposed change of use will not result in any increase in this percentage. In view of the above, the proposed change of use from existing care home to an HMO, is considered in line with local plan policies and is considered acceptable.

6.9 s.106 planning obligation

6.9.1 The proposed change of use from a care home to an HMO is not CIL liable.

6.9.2 The development proposed in this application is one where, in accordance with saved Policy T26 of the Watford District Plan 2000 and Policy INF1 of the Watford Local Plan Part 1 Core Strategy 2006-2031, the Council would normally require the applicant to enter into a planning obligation which provides for a financial contribution towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to exclude future residents of the development from entitlement to resident parking permits for the controlled parking zones in the vicinity of the application site. It is necessary to amend the traffic order so as to exclude the occupiers of the development from any entitlement to claim permits for the local Controlled Parking Zone because otherwise the proposed development would be likely to give rise to additional vehicles parking on local streets, thus worsening traffic congestion which would be a reason to refuse planning permission. The contribution sought to amend the Traffic Regulation Order is £2000.

6.9.3 The proposed development is also one where Hertfordshire County Council, in pursuance of its duty as the statutory Fire Authority to ensure firefighting facilities are provided on new developments and that all dwellings are adequately served by fire hydrants in the event of fire, seeks the provision of hydrants required to serve the proposed buildings by means of a planning obligation. The requirements for fire hydrant provision are set out within the County Council's *Planning Obligations Toolkit* document (2008) at paragraphs 12.33 and 12.34 (page 22). In practice, the need for hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

6.9.4 The contribution that would be sought by the Council towards the amendment of the Controlled Parking Zones Traffic Regulation Order and the

County Council's requirement for fire hydrants meet the tests in Regulation 122 of the Community Infrastructure Regulations 2010, and, consequently, these planning obligations can be taken into account as material planning considerations in the determination of the application. Both the Council's approach to seeking the provision of fire hydrants by means of planning obligations are also fully in accordance with the advice set out in paragraphs 203 to 205 of the National Planning Policy Framework.

7. Consultation responses received

7.1 Statutory consultees and other organisations

No statutory consultees

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
None	None	None

7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection to the conversion from care home to HMO, it will require a licence to operate as such. I think the 2 rooms in the roof will be at risk of overheating and should be subject to an assessment to see what mitigation would be suitable.	HMO licence would be required. All bedrooms are self-contained. Fire safety information is limited. Increased occupation could affect car parking.
Waste and Recycling	The bins requirement would be: 1 x 1100 litre for residential 1 x 1100 litre for recycling 1 x 240 for food waste	This is considered in para. 6.6.1 of the report.

7.3 Interested parties

Letters were sent to 17 properties in the surrounding area. 3 letters of objection and a petition with 9 signatures objecting to the application have been received. The main comments are summarised below, the full letters are available to view online:

Comments	Officer response
Overdevelopment	This is addressed in the impact on surrounding properties section of the report above.
Noise	This is addressed in the impact on surrounding properties section of the report above.
No car parking	This is addressed in the transportation, access and parking section of the report below. There are 2 existing car parking spaces and the application site is in a highly accessible location where car free development is appropriate and acceptable in principle.
Too many existing HMOs	This is addressed in other matters section of the report.

8 Recommendation

That planning permission be approved subject to a s.106 to vary the traffic regulation order and provide fire hydrants and 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: Drawing Nos. 001, 002, 001 (1/11/2019), 002 (1/11/2019) and Location Map.

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

3. All the external surfaces of the development shall be finished in materials to match the colour, texture and style of the existing building.

Reason: In the interests of the visual appearance of the site, pursuant to Policy UD1 of the Watford Local Plan: Core Strategy 2006 - 31.

Informatives

IN907 Consideration of proposal in a positive and proactive manner

IN910 Building Regulations

IN912 Hours of Construction

IN911 Party Wall Act