

## PLANNING APPLICATIONS COMMITTEE 29<sup>th</sup> April 2021

### Item No:

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	19/P1798	10/07/2019
<b>Address/Site</b>	51 Streatham Road, Mitcham, CR4 2AD	
<b>(Ward)</b>	Figges Marsh	
<b>Proposal:</b>	CHANGE OF USE FROM SINGLE DWELLINGHOUSE TO AN HMO TO PROVIDE 7 ROOMS, INCLUDING DEMOLITION OF EXISTING CONSERVATORY.	
<b>Drawing Nos</b>	GM26-016 Rev G, GM26-017 Rev F and GM26-018s Rev A	
<b>Contact Officer:</b>	Tim Lipscomb	

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### RECOMMENDATION

**Grant Planning Permission subject to conditions.**

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### CHECKLIST INFORMATION

- Heads of s.106 Agreement: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: No
- Number of neighbours consulted: 10
- External consultations: Yes
- Conservation area: No
- Listed building: No
- Tree protection orders: No
- Controlled Parking Zone: No
- Flood Zone 1
- PTAL: 4

#### 1. INTRODUCTION

- 1.1 This application is being brought to the Planning Applications Committee for determination due to the nature of the scheme and on the basis of a Councillor call-in (by Councillor Kirby).

## 2. **SITE AND SURROUNDINGS**

- 2.1 The site comprises a two-storey semi-detached dwellinghouse and garden to the south side of the junction of Streatham Road and Sandy Lane. The surrounding area is suburban in character.
- 2.2 The house is in use as a House in Multiple Occupation (HMO) with 11 occupants, albeit this use is not authorised. This application seeks to retain the building and use but with the layout as shown on the submitted plans, with 7 habitable rooms and 8 occupants.
- 2.3 HMOs are dwellings which are shared by three or more tenants who form two or more households and share a kitchen, bathroom or toilet. HMOs for between three and six people are classed as C4 whereas HMOs for more than six people are Sui Generis and do not fall into any class of uses specified under planning legislation.
- 2.4 The existing building has a gabled roof, with quoining details. There is a flat roof dormer window to the rear elevation.
- 2.5 There is a vehicular access to the site, off Sandy Lane, which provides access to a parking area. There is no vehicular access off Streatham Road. The site is not located within a Controlled Parking Zone. The site has a PTAL of 4 (on a scale of 0 to 6, where 6 is the highest).
- 2.6 The north-eastern corner of the site is within Flood Zone 2.
- 2.7 It is noted that in recent months there has been a former tenant encamped on the roadside in a tent. However, that matter is separate to the planning merits of this case and the issue has been handled by the Property Management and Review Team and the unauthorised encampment and occupant are no longer present.

## 3. **PROPOSAL**

- 3.1 Planning permission is sought for the continued use of the dwellinghouse as a larger HMO (Use Class Sui Generis) with a reduced occupancy of 7 bedrooms (8 occupants). The existing use is unauthorised in planning terms with planning permission being required for use of a single dwellinghouse as an HMO with more than 6 occupants.
- 3.2 In terms of built form, the scheme seeks retention of a single storey extension to the rear elevation. The extension is large, with a depth of around 9m. It is of note that this extension was granted under application 17/P2391, however, an additional conservatory has been added without permission. Therefore, this single storey extension is currently unauthorised and unlawful in planning terms. However, the current application seeks to remove the unlawful conservatory as part of the proposals.

- 3.3 All rooms would have kitchenette facilities and each room would also have use of one of the two shared kitchens proposed.
- 3.4 5 of the rooms would have en-suite bathrooms, the remaining 2 rooms would have access to a communal first floor bathroom.
- 3.5 The proposed HMO would provide rooms with a range of 16.4sqm to 24.2sqm.
- 3.6 The layout would provide a living room (11.3sqm) at ground floor level with direct access to the rear garden.
- 3.7 An enclosure in the rear garden is proposed, to accommodate bin and cycle storage (11 cycle parking spaces and space for two 1100L Eurobins and a further 240L wheelie bin).
- 3.8 The retained garden would measure approximately 70sqm.
- 3.9 The application is accompanied by the following supporting documents:
- Letter from the applicant to the Council's Enforcement team - 4th May 2020.
  - HMO Licensing information.

#### **4. PLANNING HISTORY**

- 4.1 Relevant planning history is summarised as follows:
- 4.2 17/P2391 - PRIOR APPROVAL IN RESPECT OF THE PROPOSED ERECTION OF A SINGLE STOREY REAR EXTENSION WITH THE FOLLOWING DIMENSIONS: EXTENDS BEYOND THE REAR WALL OF THE ORIGINAL DWELLINGHOUSE BY 6 METRES THE MAXIMUM HEIGHT OF THE ENLARGED PART OF THE DWELLINGHOUSE WILL BE 3.8 METRES THE HEIGHT OF THE EAVES OF THE ENLARGED PART OF THE DWELLINGHOUSE WILL BE 2.9 METRES.  
Prior Approval Not Required 08-08-2017

#### **5. CONSULTATION**

- 5.1 Site notice posted, neighbouring properties notified. 3 representation letters have been received, objecting on the following grounds:
- Safety concerns cited in this residential/family area.
  - An ex-tenant has been sloughing in a tent outside the property due to an on-going dispute regarding the construction of the single storey extension.
  - Concerns that there have been arguments at the property previously.
  - There is graffiti written over the property, and boards, stating the residence has been used as an illegal

residence and with accusations of illegal evictions and this puts me in doubt about the due diligence and processes that should be taken when placing tenants in the future.

Officer comment:

*The comments above are noted. However, the issue of a tenant sleeping outside the site does not relate to the planning merits of the current proposal and that matter has been resolved through separately in any event. It is noted that no additional representations have been submitted since the proposals have been amended to reduce the number of rooms from 10 to 7.*

5.2 LBM Planning Policy Team:

As the application proposes an increase in the number of HMO rooms the proposed uplift will need particular assessment regarding whether this constitutes an overconcentration detrimental to residential character and amenity.

Merton's recently published (SHMA) Strategic Housing Needs Study (July 2017) sets out the current and future housing needs for the borough. It includes an analysis of HMOs in Merton and identifies that Mitcham contains the highest number of existing and proposed HMOs in the borough as the following excerpts indicates:

Currently, there are a high number of HMOs in Mitcham with 65 registered properties and 39 applications in progress. This is four times as many as those in Raynes Park (SHMA para 8.62).

Table 75: Registered and future HMOs in Merton

Location	Registered	Application in progress	Total
Mitcham	65	39	104
Morden	11	19	30
Raynes Park	10	16	26
SW/CW	41	15	56
Wimbledon	46	22	68
Total	173	111	284

Source: LB Merton, 2019

The term over-concentration suggests the state of having too much of something. While the highest number of HMOs are in Mitcham this does not represent an overconcentration as Mitcham has the highest target client group (i.e. demand) in the borough for HMOs compounded also by the fact that viability and affordability issues make provision of HMOs in any other parts of the borough challenging.

### Identified local need:

Like the majority of London boroughs, Merton's SHMA identifies that affordability continues to be a challenge in Merton and HMOs provide a relatively affordable housing option.

The SHMA identifies a growing pressure on the need for HMOs:

Engagement with local agents has suggested that the rental market in Merton has surged in the last 12 months, with increasing demand for rental properties placing pressure on availabilities in HMOs. They have highlighted that HMOs are appealing to the rental market in Merton as they offer flexibility and particularly with changing household structures and the growth of smaller households (SHMA para 8.63).

Well designed and managed HMOs contribute to providing a choice of homes and the establishment of mixed balanced communities. The SHMA indicates that despite anticipated increases in rental values the demand for HMOs remains unabated:

In anticipation of the tenant fee ban coming into effect in June 2019, local agents forecast an increase in rental values in the short term in Merton. However, agents suggest that the potential increase in rental values will not impact the demand for HMOs (para 8.66).

### Residential character and amenity:

Advice of the Council's Environmental Health and Housing Team recommended to inform analysis and determination on the impact of this proposal on residential character and amenity. Whether an HMO license exists for the site should also be verified and whether or not any identified adverse impacts can be addressed by HMO licensing powers.

### 5.3 LBM Transport Planning:

The site is located in an area with a PTAL of 4 which is very good being well located to all the services and facilities afforded by the Mitcham district centre.

The site is not located within a Controlled Parking Zone and consequently the surrounding streets do not contain parking restrictions.

There is a dropped kerb access off Sandy Lane to the development site but the proposal does not provide parking within the site.

The proposal provides 11 cycle parking spaces within an enclosure in the rear garden. The cycle parking provision satisfies the London Plan Standards.

No objection raised. The proposal is unlikely to have a significant impact on the adjoining highway

5.4 LBM Environmental Health Officer (Noise):

No observations or comments.

5.5 LBM Environmental Health Officer (HMO Licensing)

- No issues or concerns in relation to fire safety, standard of accommodation or facilities provided. The HMO needs to meet the Council's adopted requirements vis a vis, food storage, food preparation, disposal of waste water and that earlier technical shortcomings have been rectified and an HMO licence has been granted for 13 occupants/11 household.
- No complaints have been received by the Environmental Health Team regarding the use of the property as an HMO.

Officer comment:

*A HMO Licence has been granted for the use of the site building as a HMO. However, the planning proposal seeks a reduced occupancy. Fire safety measures have been added to the plans and include smoke and heat detectors, fire blankets, emergency lighting and fire resistant meter boxes.*

5.6 LBM Anti-Social Behaviour Officer (16/09/2020):

Confirm that no complaints have been received in relation to the use of the property as a HMO but complaints had been received relating to the unauthorised encampment to the frontage of the property on highway land.

5.7 Metropolitan Police Designing Out Crime Officer:

Summary of comments:

- There is a current issue of a man sleeping in a tent in the front garden of this address which police and the council are aware of.
- The residential communal entrance should be video access controlled SBD approved entries.
- Mail delivery should be to a facility at the primary entrance point of the building within view of those using the building.
- A zoned encrypted fob controlled system should be installed to control access throughout the building.
- All lighting should be to the required British Standards and local council requirements, avoiding the various forms of light pollution, vertical and horizontal glare. The lighting should be as sustainable as possible with good uniformity. Bollard lights and architectural up lighting are not considered as a good lighting sources. White light aids good CCTV colour rendition and gives a feeling of security to the residents and visitors.

- A CCTV system should be installed with a simple Operational Requirement (OR) detailed to ensure that the equipment fitted meets that standard, without an OR it is hard to assess a system as being effective or proportionate as its targeted purpose has not been defined. The OR will also set out a minimum performance specification for the system. The system should be capable of generating evidential quality images day or night 24/7. For SBD CCTV systems there is a requirement that the system is operated in accordance with the best practice guidelines of the Surveillance and Data Protection Commissioners and the Human Rights Act.

Officer comment:

*Suitably worded conditions are recommended to ensure that details of lighting, mailbox provision and CCTV are provided.*

6. **POLICY CONTEXT**

6.1 NPPF - National Planning Policy Framework (2019):

Part 5 Delivering a sufficient supply of homes  
Part 12 Achieving well-designed places

6.2 London Plan (2021):

D4 Delivering good design  
D5 Inclusive design  
D6 Housing quality and standards  
D11 Safety, security and resilience to emergency  
D12 Fire safety  
D13 Agent of Change  
D14 Noise  
H1 Increasing housing supply  
H9 Ensuring the best use of stock  
T5 Cycling  
T6 Car parking  
T6.1 Residential parking

6.3 Merton adopted Core Strategy (July 2011):

CS2 Mitcham Sub-Area  
CS8 Housing Choice  
CS9 Housing Provision  
CS14 Design  
CS20 Parking, servicing and delivery

6.4 Merton adopted Sites and Policies document (July 2014):

DM H5 Student housing, other housing with shared facilities and bedsits  
DM D2 Design considerations in all developments  
DM D3 Alterations and extensions to existing buildings  
DM EP2 Reducing and mitigating noise  
DM T1 Support for sustainable transport and active travel  
DM T2 Transport impacts of development  
DM T3 Car parking and servicing standards

- 6.5 Other guidance:  
London Housing SPG – 2016  
London Character and Context SPG – 2014  
Accessible London: Achieving an Inclusive Environment – 2014

## 7. **PLANNING CONSIDERATIONS**

### 7.1 Principle of development

- 7.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise.
- 7.1.2 In relation to HMOs, the London Plan states at policy H9 that “(HMOs) are an important part of London’s housing offer, reducing pressure on other elements of the housing stock. Their quality can, however, give rise to concern. Where they are of a reasonable standard they should generally be protected”.
- 7.1.3 Policy CS 8 states that the Council will seek the provision of a mix of housing types, sizes and tenures at a local level to meet the needs of the all sectors of the community. This includes the provision of family sized and smaller housing units, provision for those unable to compete financially in the housing market sector and for those with special needs. Property managed and regulated Houses in Multiple Occupation can offer good quality affordable accommodation to people who cannot afford to buy their own homes and are not eligible for social housing.
- 7.1.4 Policy DM H5 of the Sites and Policies Plan aims to create socially mixed communities, catering for all sectors of the community by providing a choice of housing with respect to dwelling size and type in the borough.
- 7.1.5 The development of student housing, other housing with shared facilities and bedsits is supported provided that the development:
- i. will not involve the loss of permanent housing;
  - ii. will not compromise capacity to meet the supply of land for additional self-contained homes;
  - iii. meets an identified local need;
  - iv. will not result in an overconcentration of similar uses detrimental to residential character and amenity;
  - v. complies with all relevant standards for that use;
  - and,
  - vi. is fully integrated into the residential surroundings.
- 7.1.6 The use of the existing dwellinghouse as a HMO with 7 bedrooms and 8 occupants, is a material change of use and requires planning permission.



- 7.1.7 In addition, the physical alterations require planning permission and should be assessed against the policies of the Development Plan.
- 7.1.8 In terms of the standard of accommodation for the HMO, this is largely addressed under Licensing requirements as opposed to through the planning system. The layout and size of the rooms and shared facilities meets the relevant Licensing requirements. It is noted that the applicant has submitted information relating to the Licensing process and the Environmental Health team has confirmed that a Licence has been granted for the use as a HMO. In addition, it is noted that the Environmental Health service and Anti-Social Behaviour Officer raise no objection to the proposal.
- 7.1.9 The main considerations of the proposal are the impact that the proposed development would have on the character of the area, the impact that it would have on neighbouring residents and highway considerations.
- 7.2 Compliance with Policy DM H5
- 7.2.1 The existing use of the site is as a HMO and therefore the use as a larger HMO would not result in the loss of permanent housing. In any event, the use of the building would provide housing.
- 7.2.2 The building could be used at a later date as self-contained housing, albeit with modifications, and as such the proposal would not compromise the capacity to meet the supply of land for homes.
- 7.2.3 There is an identified local need for HMOs, as identified in the Strategic Housing Market Assessment and confirmed by the Council's Planning Policy Team.
- 7.2.4 In terms of an over-concentration of HMOs, within the borough, Mitcham has the highest overall number of HMOs. However, there is no indication that there is an over-concentration. It is noted that there are four other HMOs on Streatham Road at Nos. 37, 198, 205 and 219A but this is not considered to amount to an over-concentration within the locality. Coupled with the application site, larger HMOs (more than 6 occupants) would comprise no more than 5 out of over 260 dwellings along a 800m+ stretch of Streatham Road (source: Merton HMO Public Register November 2019).
- 7.2.5 The Environmental Health Service and Anti-Social Behaviour Officer have confirmed that no complaints have been received regarding the existing HMO and therefore there is no indication that the enlargement would result in effects that would be detrimental to residential character or amenity.
- 7.2.6 The proposal would comply with the relevant standards for use as a HMO and would be controlled by way of the Councils Licensing team.

- 7.2.7 The proposal has been amended to ensure that the visual impact is acceptable (provision of bin and cycle store) and officers consider that the proposed built form would be fully integrated into its residential surroundings.
- 7.2.8 The applicant has submitted documents relating to the Licensing of the property as an HMO. This documentation demonstrates that the proposed management arrangements for the house are satisfactory (for the purposes of granting a Licence). It is noted that the Licensing requirements include dealing with anti-social behaviour under the Tenancy Agreement, including notifying the Council and Police. The information submitted sets out that information would be made available to occupants so they are aware of contact details for the manager of the building. The applicant also indicates that prospective occupants would be referenced in an attempt to minimise anti-social behaviour. Whilst there is still some potential for anti-social behaviour, it is considered that the applicant has taken reasonable steps to seek to minimise this impact.
- 7.2.9 The proposal is considered to comply with Policy DM H5.
- 7.3 Impact on the character of the area
- 7.3.1 Policies DMD2 and DMD3 seek to ensure a high quality of design in all development, which relates positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area. Core Planning Policy CS14 supports these SPP Policies.
- 7.3.2 No objection is raised in relation to the visual impact of the proposed extension to the rear, as this is not in a visually prominent area and would not adversely affect the character of the area.
- 7.3.3 Officers initially raised concerns regarding the lack of suitable bin and cycle storage. However, the application has been amended to show bin storage and cycle parking to the rear and, subject to condition, the proposal is considered to be acceptable in terms of the impact on the character and appearance of the area.
- 7.3.4 The proposal is considered to comply with Policies DM D2 and DM D3 in regards to visual amenity and design.
- 7.4 Residential Amenity
- 7.4.1 Policies DM D2 and DM D3 seek to ensure that development does not adversely impact on the amenity of nearby residential properties.
- 7.4.2 The proposed single storey extension is not considered to result in material harm to neighbouring occupiers, as it is

separated from the site boundaries and has a limited overall height.

7.4.3 The use of the site is currently for as a single family dwellinghouse. The use as a HMO with 8 occupants has a greater potential for noise disturbance to neighbouring occupiers and the general disturbance caused by occupants and guests accessing and exiting the building and using external communal amenity space. Therefore, there is likely to be an increase in the general level of noise and activity at this site, over and above its lawful use as a single dwellinghouse. Officers note however that the level of occupancy is only two greater than could arise without the need for planning permission.

7.4.4 Officers would further note that the site is a corner plot with only one dwelling attached and not part of a terrace, and where the impact on neighbours would be lessened. The internal layout of the dwelling is such that at ground floor level and part of the first floor the spaces adjoining an internal party wall with the neighbour serve hallways and landings. Access to the bin store, cycle store and rear garden would only have an impact on the directly adjoining neighbours. Subject to suitable on-going management arrangements to minimise anti-social behaviour, officers consider that there would not be reasonable grounds to refuse the application on the basis of harm to residential amenity.

7.4.5 The proposal is considered to comply with Policy DM D2 in terms of residential amenity.

## 7.5 Standard of accommodation

7.5.1 As noted above, the standard of accommodation is addressed through the requirement to Licence an HMO. The requirements relate to the number and size of shared facilities, internal bedroom size etc. This matter would be addressed through Licensing rather than through this planning application. Notwithstanding that, the applicant has made efforts to ensure that the level of detail required for Licensing purposes is included in the planning application drawings, including fire safety precautions, details of useable worktop space, positions of sinks etc.

7.5.2 The proposal includes two shared kitchens, one on the ground floor and one on the first floor along with a communal living room on the ground floor with direct access to the rear garden. A shared garden of approximately 50sqm would be provided. Taken together, the proposal is considered to provide an adequate standard of accommodation and officers raise no objection on this basis.

## 7.6 Safety and Security considerations

7.6.1 Policy DMD2 sets out that all developments must provide layouts that are safe, secure and take account of crime

prevention and are developed in accordance with Secured by Design principles.

7.6.2 The use as a HMO presents some additional challenges to maintaining safety and security over and above a single family dwellinghouse. Whilst not required for Licensing purposes, given the comments of the Designing Out Crime Officer it is considered reasonable and necessary to impose conditions to require details of CCTV, mail boxes and external lighting, in order to ensure that the proposed development minimises the opportunity for anti-social behaviour and crime.

## 7.7 Parking and highway considerations

7.7.1 Policy T6 of the London Plan states that Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport. At a local level Policy CS20 requires developers to demonstrate that their development will not adversely affect on-street parking or traffic management. Policies DMT1-T3 seek to ensure that developments do not result in congestion, have a minimal impact on existing transport infrastructure and provide suitable levels of parking.

7.7.2 The site is not within a CPZ. No off-street car parking is proposed but cycle parking for 11 bicycles would be provided.

7.7.3 In terms of parking standards, the London Plan does not differentiate between single family dwellings and HMOs but it is of note that census data indicates that tenants of HMOs have lower than average car ownership than the general population. The site has a vehicular access onto Streatham Road which appears to have historically provided space for the parking of at least one car. The current scheme would remove access to off-street parking and therefore, there is potential for additional pressure on roadside parking in the locality.

7.7.4 However, given that the site is not within a CPZ and that sufficient cycle parking is provided, which would encourage alternative modes to using a private car, it is considered that the proposal would be acceptable in terms of its impact on the local highway network and parking in the locality.

7.7.5 The proposal is considered to be acceptable in terms of parking and highway considerations.

## 7.8 Response to issues raised by objectors:

7.8.1 In terms of the issues raised by objectors, such as anti-social behaviour, littering, noise etc – there is no direct link that the use as a HMO would result in these adverse effects, if properly managed. The application could not reasonably be refused based on the suspected behaviour of future occupants.

## 8. Conclusion

- 8.1 The proposal would provide for a larger HMO, a type of accommodation for which there is a recognized need in the borough.
- 8.2 As a matter of judgement, the proposal would not result in an overconcentration of HMO's in the locality or a detrimental impact on neighbour amenity which would warrant a refusal of planning permission. The removal of the unauthorised conservatory, originally proposed as part of the HMO accommodation is welcomed and officers recommend that permission be granted.

### **RECOMMENDATION:**

Grant Permission Subject to the following Conditions:

1. A1 Commencement of development (full application)
2. A7 Approved Plans
3. B3 External Materials as Specified
4. B4 Details of surface treatment
5. C07 Refuse & Recycling (Implementation)
6. C08 No Use of Flat Roof
7. H07 Cycle Parking (Implementation)
8. Non-standard condition

Within 3 months of the date of this permission a scheme for:

- the provision of individual mailboxes
- a scheme for the installation, use and on-going maintenance of a CCTV system
- a scheme for the provision of external lighting

within the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be carried out in accordance with the approved details and shall become operational within 3 months of the date of the discharge of this condition. The agreed measures shall be retained in perpetuity. Thereafter, if the works have not been completed the use as an HMO shall cease until the works have been completed.

Reason: In order to achieve a safe and secure layout and to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core Strategy: Design and Strategic Objectives 2(b) and 5(f); and Policy D11 of the London Plan.

9. The House in Multiple Occupation hereby approved shall not accommodate more than 8 occupants at any one time.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton:

Informatives:

1. INF 15 Discharge conditions prior to commencement of work (or similar wording)
2. INFORMATIVE. The applicant is advised that this permission is based on the removal of the currently unauthorised conservatory and reconfiguration of the internal layout to provide accommodation for no more than 8 occupants.

Continued use as an HMO for more than 8 occupants and retention of the conservatory may be liable to enforcement action being taken under the Planning Acts. The current use is unauthorised. This permission does not enable the continued use as currently configured.

3. Note To Applicant - Scheme Amended During Application Lifecycle