

4/02361/18/FUL	CHANGE OF USE FROM 6 PERSON HMO (C4 USE) TO A 7 PERSON HMO (SUI GENERIS)
Site Address	86 ALEXANDRA ROAD, HEMEL HEMPSTEAD, HP2 4AQ
Applicant	Mr Akram, 23-25 Marlowes
Case Officer	Briony Curtain
Referral to Committee	Called in by Cllr Fisher

1. Recommendation

1.1 That planning permission be **GRANTED**

2. Summary

2.1 This application seeks permission for the use of the existing building as a House in Multiple Occupancy (HMO) for up to eight individuals. The application property is currently licensed as a six person HMO which does not require formal planning permission. There would be no alterations or extension to the building to facilitate the use, the existing larger rooms would simply be occupied by couples rather than individuals as per the existing arrangements.

Given the town centre, residential location the principle of the development is acceptable in accordance with Policy CS4 and Policy Cs18 which encourages a range of dwelling sizes and types. The addition of two more people to this existing HMO would not result in a significant intensification in the use of the site and thus would not give rise to any significant concerns in relation to parking or residential amenity of adjoining properties. The proposal involves no physical alteration to the building or site and as such there would be no impact on the character or appearance of the area.

3. Site Description

3.1 The application site is located to the western side of Alexandra Road in Hemel Hempstead and comprises one half of a semi-detached pair of dwellings. Two parking spaces are provided to the front of the building with communal gardens to the rear.

4. Proposal

4.1 CHANGE OF USE FROM 6 PERSON HMO (C4 USE) TO AN UPTO 8 PERSON HMO (SUI GENERIS). Permission is sought for the use of the building as a House of Multiple Occupancy for up to 8 individuals. There would be no internal or external changes to the building.

5. Relevant Planning History

4/00272/14/FUL SINGLE-STOREY SIDE EXTENSION, FIRST FLOOR SIDE/REAR EXTENSION AND CONVERSION OF SINGLE DWELLINGHOUSE INTO FOUR SELF-CONTAINED FLATS

Withdrawn

03/04/2014

4/00988/13/LDP LOFT CONVERSION WITH REAR DORMER

Granted

26/06/2013

4/00710/14/FUL CONVERSION OF SINGLE DWELLING INTO TWO SELF-CONTAINED FLATS

6. Policies

6.1 National Policy Guidance

National Planning Policy Framework (NPPF)

6.2 Adopted Core Strategy –

NP1, CS1, CS2, CS4, CS11, CS12, CS18.

6.3 Saved Policies of the Dacorum Borough Local Plan

Policies 13, 19, and 58.

6.4 Supplementary Planning Guidance / Documents

- Environmental Guidelines (May 2004)
- Area Based Policies (May 2004) - Residential Character Area BCA 3:Bank Mill
- Accessibility Zones for the Application of car Parking Standards (July 2002)

7. Constraints

- 45.7M AIR DIR LIMIT
- TOWN CENTRE/LOCAL CENTRE
- CIL3

8. Representations

Consultation responses

8.1 These are reproduced in full at Appendix X

Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix Y

9. Considerations

Main issues

9.1 The main issues to consider are:

- Policy and principle
- Impact on Building / Street scene
- Impact on adjoining properties
- Impact on Parking / Highway Safety
- Other

Policy and Principle

9.2 Policy CS1 states that Hemel Hempstead will be the focus for homes, whilst Policy CS4

states that development will be guided to appropriate areas within settlements and that residential development within residential areas will be encouraged.

9.2.1 Policy CS18 requires new housing development to provide a choice of homes with a range of housing types, sizes and tenures.

9.2.2 Policy 18 of the DBLP states that the development of a range of dwellings in size and type will be encouraged and regard will be paid to the need to provide accommodation for new, small households, and the density and character of development which is suitable in the area.

9.2.3 The application property is already in use as a 6 person HMO (confirmed by housing who licence it) which does not require formal planning permission. The current proposal seeks to increase this to up to 8 people. Given it is an existing residential property in residential use the proposal is acceptable in principle subject to a detailed assessment of its impact.

9.2.4 HMOs generate similar issues to converting houses to flats and therefore saved Policy 19 is helpful in this respect. Basic concerns would be:

- The extent of conversions/HMOs in the immediate area and whether there would be an over-concentration of such housing in the locality leading to an adverse change in local character. (Points a - d)
- The standard of the “conversion” and the extent it provides for a reasonable level of amenities for the residents e.g. parking, amenity space, drying areas, bin stores, etc. (Points i - vi); and
- Its impact on neighbours (Policy CS12c).

These will be assessed below along with other considerations.

Effects on Appearance of Building and Street Scene / Impact on surrounding area.

9.3 The proposal does not involve any physical alteration to the property just the use of the existing larger rooms for couples rather than individuals. Given the proposal involves no changes at all there would be no impact on the overall character or appearance of the property or wider street scene.

9.3.1 The site falls within a residential area. A search of other licensed HMOs in the locality has revealed several other properties within the wider area (Mayflower Avenue / Marlowes). Some properties in the locality have also been converted into flats. There is not however considered to be concentration of such housing. Whilst there are clearly other flats and HMOs, bearing in mind the use of the property for 6 persons is lawful and does not require formal consent, increasing the occupancy level slightly would not alter the overall concentration of this type of housing in the locality. The proposal does not amount to the creation of a new HMO. The dwelling is already a HMO and there would be no changes to the area as a result of the proposal, as such the first bullet point above is satisfied.

9.3.2 With regard to the second bullet point, the existing dwelling is of reasonable size for a HMO, being three storey, with reasonable area of private amenity space available to the rear which can be used for drying purposes and sitting out. The site is in easy walking distance of the main town centre, and other local facilities and is well served by public transport. There are other amenities such as public open space available in the immediate area (Gadebridge Park). The site includes an existing bin store and this would not alter as part of the proposals. No objection is raised. Housing would make their own assessment of the available amenities in issuing / amending the licence.

9.3.3 The building is already in use as a small HMO and the layout of the building would not change. Density would not change given the occupants are effectively one household sharing

facilities, and there would still only be one address. Despite concerns being raised by neighbours, the housing department who license the existing HMO have confirmed they have not received any noise or disturbance complaints. It is not considered that there would be any material increase in noise, either internally transmitted, or externally from the amenity area given the existing use. Bullet point 3 would therefore also be met.

Impact on adjoining properties

9.4 A number of objections have been received from neighbours with regard to noise and disturbance and anti-social behaviour associated with the existing HMO and concern that this would only increase as a result of the proposals. However, Environmental Health and Housing have confirmed that no noise or anti social behaviour complaints have been received to date. The applicant suggest that there were issues but the tenants involved are no longer at the property.

9.4.1 Notwithstanding the above, in terms of scale, intensity of use, noise and disturbance, it is considered that the addition of two more individuals would not be materially different to the current lawful use as a six person HMO and as such a refusal could not be sustained. There is no evidence to suggest noise levels would exceed those currently generated or that these would be of concern. Environmental Health and Housing are satisfied with the proposal. It is important to note that should noise or general disturbance become a problem there are Housing policies and regulations in place to resolve / enforce matters and if necessary revoke the HMO licence.

The proposal does not involve any external alterations to the building and there would be no significant adverse impacts in terms of privacy, overlooking or visual intrusion.

The proposal therefore accords with CS12 of the Core Strategy.

Impact on Parking and Highway Safety

9.5 Whilst the plans attempt to demonstrate three parking spaces to the front of the building, given their dimensions (less than 2.4m wide) the property is actually only served by two off-street parking spaces. The proposal have been assessed on this basis.

9.5.1 Appendix 5 of the DBLP sets out the maximum demand based standards and requires 0.5 space per bedroom for HMO's. The existing and proposed HMO comprises 5 bedrooms which would generate a maximum parking requirement of 2.5 spaces.

9.5.2 It is not proposed to alter the parking or access arrangements in any way as part of the proposal. There is thus an existing shortfall of 0.5 space and and this would remain with the current proposals. On-street parking in the area is controlled and by permit only. It is understood that residents of the HMO would be eligible to apply for residents permits and as such if available could park on Alexander Road.

9.5.3 Whilst there is a shortfall of parking spaces, given the existing lawful use of the site (can lawfully, and moreover is, currently in use as a 6 person HMO), and the fact there is no net increase in bedrooms, the increased occupancy to 8 persons is not considered to result in a significant increase in parking demand in the area. The site is considered accessible, being located within easy walking distance of the main town centre which has good public transport links. It is therefore concluded that the proposal would not result in an unacceptable degree of parking stress and the proposal would not adversely affect the safety or operation of adjoining highways. A refusal could not be sustained.

Other Material Planning Considerations

9.6 The existing bin storage facilities would not be altered as a result of the proposals.

CIL

9.7 There is no net increase in floor area and as such the proposal would not be CIL liable.

10. RECOMMENDATION – That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

Conditions

No	Condition
1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>ARHH-201P02 ARHH-202P02 ARHH-203P02 ARHH-204P01 LOCATION PLAN</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> <p>Article 35;</p> <p>Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p>

Appendix X

Consultation responses

Hertfordshire County Council Highways:

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

HIGHWAY INFORMATIVE: Hertfordshire County Council (HCC) recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

AN) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the

public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

COMMENTS / ANALYSIS: The application comprises of a conversion of an existing dwelling into a multiple occupancy house for more than six people at 86 Alexandra Road, Hemel Hempstead. Alexandra Road is designated as an unclassified local distributor road, subject to a speed limit of 30mph and is highway maintainable at public expense.

ACCESS & PARKING: The property is located approximately 200m from the centre of Hemel Hempstead and has an existing vehicle crossover leading three parking spaces on a driveway directly fronting the property. The existing parking and access arrangements are to remain unaltered. The property is within a controlled parking zone (CPZ) where parking permits are required to be able to park on the surrounding on-street parking areas.

HCC as Highway Authority's main concern would be any negative effect the proposal would have on the free and safe flow of traffic in the town centre due to the lack of any additional on-site car parking. However it is unlikely that any effects would be significant enough to recommend refusal from a highway point of view, particularly when taking into consideration the relatively sustainable location near to the town centre, the potential for promoting alternative sustainable forms of travel and the property being located within a CPZ. The applicant is reminded that Dacorum Borough Council (DBC) is the parking authority for the district and therefore ultimately should be satisfied with the level of parking for the proposed use of the dwelling.

WASTE COLLECTION: Provision would need to be made for an on-site bin/refuse store within 30m of the dwelling and within 25m of the kerbside/bin collection point, which is acceptable. The collection method must be confirmed as acceptable by DBC waste management.

CONCLUSION: HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the nearest highway. Therefore HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative.

Strategic Housing:

No Objection. Amendment to HMO licence would be required.

After searching our systems I couldn't find any noise complaints or any complaints at all regarding the above address.

We have had a few applications for HMO's in the surrounding area these are on Mayflower Avenue there is also a suspected HMO on The Marlowe's but this hasn't been confirmed yet.

Appendix Y

Neighbour notification/site notice responses

Objections

57 Crescent Road

Concerned over parking as it is already a problem in Alexander Road. There is only room for 3 parking places in front of No. 86 at present.

Was planning permission obtained for the already completed alterations.

88 ALEXANDRA ROAD, HEMEL HEMPSTEAD, HP2 4AQ (Objects)

Comment submitted date: Mon 29 Oct 2018

86 Alexandra Road (the subject of the planning proposal) and my house (number 88) form a pair of semi-detached properties built in the 1930s. As is typical of such properties, the acoustic coupling between the two is high. In the past, 86 has been rented to families, and noise was never a problem; since being let for multiple occupancy, we have been astounded by just how much noise it is possible for neighbours to generate, at all hours of the day and night.

My bedroom is part of an extension, as far from the neighbours as it is possible to be in the building; when I first began to be woken at 5 a.m. by repeated low-frequency thumps that shook the computer monitor on my desk in the room, I found it difficult to fathom what the cause could be; my best guess is that the cause is the heavy fire doors, fitted so as to comply with multiple-occupancy regulations - and that the structure of the building really does transmit noise that effectively. The ability of the building to transmit vibration also became apparent when the people in the top flat got into the habit of using their washing machine in the small hours of morning, people in bedrooms on my side of the party wall found their heads shaking along with the neighbour's washing machine.

When I was first kept awake all through the night until daybreak by people shouting at a level you might expect from a group of fans watching a cup final on the television, I thought perhaps the neighbours were having a party. It wasn't a party; it was my neighbours arguing. This turned out to their normal nightly behaviour rather than an exception. My life was made thoroughly miserable by lack of sleep, and my son's school attendance suffered because he was so often kept awake.

When I asked the landlords to take some action about their noisy tents, they stated that they are not prepared to do anything unless their own tenants complain or the disturbance is such that the Police attend, as they did when a fight broke out in the house.

Parking space is already in short supply in Alexandra Road. 86 only have three parking spaces, and due to the lack of parking visitors have parked in front of my drive. There already has been an accident caused by a car reversing from the drive of number 86: Alexandra Road is used as a cut-through by vehicles coming to and from the hospital and the ASDA supermarket, often travelling injudiciously quickly.

86 shares a sewage pipe with four other properties upstream of them. Since the properties are on the down-hill side of the road, the gradient of the pipe that runs to the main sewer under the road is not steep enough. This has been stated by an operative who unblocked the drain after the residents of 86 blocked it by their habit of pouring fat into the kitchen sink.

In summary, multiple-occupancy of 86 Alexandra Road has already become a miserable experience; increasing the number of residents is only likely to exacerbate the problem.

63 ALEXANDRA ROAD, HEMEL HEMPSTEAD, HP2 4AG (Objects)

Comment submitted date: Fri 26 Oct 2018

In February 2014 a planning application was made for this same address, application No. 4/00272/14/FUL.

This applied for the conversion of single dwelling house into four self-contained flats.

This application was refused.

There has now been a further application, as above.

I have looked at the application for this new proposal online, and in many respects it would appear to be the same proposal, in terms of occupation, by a different name.

However, one crucial difference is that on the Application form, page 2, paragraph 5 it is stated that the application for an HMO is for more than 6 people. It does not state how many more.

Further questions from the application form are:

Application form page 3, paragraph 7. Materials. Does the proposal require any materials to be used in the build? Answer 'No'. How is this answer possible in the light of the changes proposed?

Application form, page 3, paragraph 9. Vehicle parking. The existing number and proposed number of onsite parking spaces are listed as 2. In fact there are three shown on the site plan. But of course this largely irrelevant, as with more than six occupants where on earth would they park on a road already struggling with parking for existing residents?

Application form page 5, paragraph 16. Does the proposal include the gain, loss or change of residential units? The answer is 'No'. This seems to be an ingenuous answer, given that there is surely be a change of residential units. Ditto the answer 'No' to question 17.

I therefore wish to strongly object to this application on the following grounds:

Visual intrusion and loss of privacy

The current house is a semi-detached dwelling, of fairly modest dimensions in a residential street. The conversion of this house into a house of multiple occupancy with the possibility of even more than the six tenants it is currently let to, will impact on the immediate neighbours in terms of overlooking and loss of privacy, visual intrusion and noise and disturbance, particularly for the semi-detached neighbour at No 88, and the neighbour at No 84

Adequacy of parking.

Paragraph 9 of the application form states the existing number of spaces to be 2, with the total proposed remaining at 2. In fact the site plan shows three spaces. But of course this is largely irrelevant, as with more than six occupants where on earth would additional vehicles park on a road already struggling with parking for existing residents? The parking here is by Permit parking only, and given that the spaces at this end of the road are quite restricted already, there would be extra pressure put on parking availability. It can already be difficult to find a parking space, particularly later in the day when people return from work, and during the later evening.

Road access and highway safety.

The resulting increase in cars coming and going could thus in turn prove hazardous to the highway safety in the road, and exacerbate easy access to the road. Alexandra Road is already used by many large vehicles, large lorries, waste disposal trucks etc. More cars using the road will increase the risks arising from both these large vehicles driving through and from general passing traffic.

Noise and disturbance

Alexandra Road is close to the town centre, and is becoming increasingly busy during the day, as well as in the evening. The increase in cars and people coming and going to this address will only add to the level of noise and traffic

To summarise:

As I see it, the amenities of neighbours which will be harmed are:

- Adequacy of Parking
- Highway safety through increased traffic
- Road Access - increase in cars, both coming and going and parking
- Potential increase in noise and disturbance
- Visual intrusion and loss of privacy for neighbours overlooked
- Negative impact on appearance of the road
- Impact on existing sewage
- Organisation of waste disposal and re-cycling storage. There have already been problems with tenants occupying this property having no idea at all about when to dispose of waste, and what to dispose of. This has led to extra waste being left in bags on the pavement, and the contents ending up all over the road. On more than one occasion I and other neighbours were left with the task of clearing this up.

I would also point out that the property is currently let out through the letting agents Belvoir in Hemel Hempstead and I wonder if this will be a relevant factor in the process of making a decision on this application.

Mary Thompson

80 ALEXANDRA ROAD, HEMEL HEMPSTEAD, HP2 4AQ (Objects)

Comment submitted date: Mon 22 Oct 2018

I object to the increase in the numbers of people living in this property. We already suffer problems with parking, as nobody seems to use the parking bays and rubbish being left outside.

Bins are rarely put out that leads to an increase of rubbish that usually ends up blowing all around the gardens.

All rooms in the property are full with the existing 6 people allowed and I cannot work out how they will increase the numbers without extending the property or using the large shed at the bottom of the garden.

We have suffered over a year of anti social behaviour from previous tenants which lead to us not being able to allow our children into the garden.

