

Location **279 Golders Green Road London NW11 9JJ**

Reference: **16/5589/FUL** Received: 23rd August 2016
Accepted: 30th August 2016
Ward: Golders Green Expiry 25th October 2016

Applicant: Mr George Adamopoulos

Proposal: Use of the site as a 10 bedroom House in Multiple Occupancy (HMO) with en- suite bathrooms and shared kitchen facility at first floor.

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

3610/P001 Rev.A (Ordnance Survey Map)
3610 P002 Rev.A (Block Plan)
3610/P003 Rev.A (Existing Ground & First Floor Plans)
3610/P004 Rev.A (Existing Floor & Roof)
3610/P005 Rev.A (Existing Elevations)
3610/P006 Rev.A (Existing Section)
3610/P007 Rev.B (Proposed Ground & First Floor Plans)
3610/P008 Rev.B (Proposed Second Floor)
3610/P009 Rev.A (Proposed Elevations - as existing)
3610/P010 Rev.A (Proposed Section - as existing)

Design and Access Statement (dated 23/08/16)

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

4 a) Before the development hereby permitted is first occupied, details of the subdivision of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

5 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

6 The maximum number of occupants permitted within the property is 10.

Reason: To ensure that the proposed development does not prejudice the character and residential amenity of the surrounding area in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

2 The applicant is advised that an HMO licence is likely to be required under the Housing Act 2004, either under mandatory or additional licensing requirements.

Further information on HMOs and the Council's HMO Standards 2016 can be found on the Council's website:
<https://www.barnet.gov.uk/citizen-home/housing-and-community/private-housing/landlords/houses-multiple-occupation.html>

- 3 The Enforcement Notice (ENF/00020/14/F) served on the property by London Borough of Barnet dated 03 November 2014 requires the cease of use of the house as multiple units of self-contained residential accommodation, removal of all but one set of kitchen units, food preparation areas, sinks and cookers and removal of all but one of the bathrooms including any toilets, showers, bathtubs and basins. This application would resolve actions nos. 1-2 of the notice and would override action no.3 by permitting each room to have an en-suite bathroom. The applicant is advised that the Enforcement Notice is still in force and the applicant is advised to carry out of the proposed works as soon as possible in order to resolve the notice.

Officer's Assessment

1. Site Description

The application site consists of a two-storey detached building located towards the north-western end of Golders Green Road.

The site is situated within a predominately residential area, with the adjacent No.281 in use as a synagogue and a number of commercial units located to the south-east.

2. Site History

Reference: F/02462/14

Address: 279 Golders Green Road, London, NW11 9JJ

Decision: Refused

Decision Date: 24 July 2014

Description: Single storey rear outbuilding to facilitate a Mikveh (Ritual Bath).

Reference: F/00993/14

Address: 279 Golders Green Road, London, NW11 9JJ

Decision: Unlawful

Decision Date: 2 May 2014

Description: Retention of HMO (13 Units).

Reference: F/05346/13

Address: 279 Golders Green Road, London, NW11 9JJ

Decision: Unlawful

Decision Date: 7 January 2014

Description: Retention of 13 cluster flats with shared facilities.

Reference: C01995M/05

Address: 279 Golders Green Road, London, NW11 9JJ

Decision: Refused

Decision Date: 7 October 2005

Description: Two storey rear extension. New mansard roof to facilitate a loft conversion for use as home for 13 students.

Reference: C16503B/06

Address: 279 Golders Green Road, London, NW11 9JJ

Decision: Refused

Decision Date: 18 January 2007

Description: Erection of ritual bath to rear of garden.

Reference: C16503/05

Address: 279 Golders Green Road, London, NW11 9JJ

Decision: Approved subject to conditions

Decision Date: 2 February 2006

Description: Part single, part two-storey rear extension. Alteration to roof including mansard style roof to facilitate a loft conversion for use as a home for thirteen students.

Reference: C01995L/04

Address: 279 Golders Green Road, London, NW11 9JJ

Decision: Refused

Decision Date: 15 April 2004

Description: Alterations to rear wing including insertion of garage door and partial new roof to provide off-street parking spaces served by a turning table.

Reference: C16503A/06

Address: 279 Golders Green Road, London, NW11 9JJ

Decision: Withdrawn

Decision Date: 17 October 2006

Description: Erection of a ritual bath house.

Reference: C01995H/02

Address: 279 Golders Green Road, London, NW11 9JJ

Decision: Refused

Decision Date: 12 February 2003

Description: Ground floor rear extension at 281 Golders Green Road and provision of off street car parking spaces at the front of 279 Golders Green Road.

3. Proposal

The application seeks consent for the use of the building as a 10 bedroom House in Multiple Occupancy (HMO) with en-suite bathrooms and shared kitchen facility at first floor.

The proposal has been amended during the course of the application to reduce the proposed number of rooms from 11 to 10 in order to comply with Barnet's HMO Standards 2016.

4. Public Consultation

Consultation letters were sent to 106 neighbouring properties.
5 responses have been received, comprising 5 letters of objection

The objections received can be summarised as follows:

- Intensification of the site;
- Insufficient parking;
- Noise impact/disturbance from existing use.

Internal Consultation

Environmental Health HMO - Commented on the proposal's compliance with Barnet's HMO Standards 2016.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material

considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM09.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (October 2016)

A small House in Multiple Occupation (HMO) is a dwelling in which three to six unrelated people (separate householders; unrelated to each other) share communal facilities such as bathrooms, kitchens and living rooms. From 29 May 2016 an Article 4 Direction was introduced to remove the permitted development rights to convert a dwelling house (Use Class C4) into a small HMO (Use Class C4). Larger HMO are properties occupied by more than 6 unrelated individuals who share basic amenities such as a kitchen or bathroom facilities. They are classified as 'sui generis' (a use like no other) and always require planning permission. Policy DM09 of the Local Plan explains Barnet's policy on Houses in

Multiple Occupation. HMO's may require licensing under the Housing Act and Environmental Health Act.

Sustainable Design and Construction SPD (October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

The site has a long planning history of various types of approved and refused applications. In 2006 the site received permission for the conversion of the dwelling into thirteen rooms for students. However, within the last couple of years, the property was converted into 12 individual studio flats without consent and was subsequently served with an enforcement notice by the Council. The notice required the applicant to cease the use of the rooms as self-contained units and the removal of individual kitchens and bathrooms and a communal kitchen installed. This application seeks to remedy the breach of planning and resolve the enforcement notice.

In assessing the principle of HMOs, Policy DM09 states that the Council will seek to retain existing HMO provided they meet an identified housing need. Proposals for new HMO will be encouraged provided that they meet an identified need, can demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area, are easily accessible by public transport, cycling and walking and meet the relevant housing standards for HMO.

As already mentioned, the site gained permission in 2006 for alterations and extensions to accommodate thirteen students, with shared bathrooms but no kitchen. The students were to eat in the adjacent synagogue. As this application was implemented, the Planning Authority therefore considers that the lawful use of the site was as a 13 bed HMO prior to the current breach. As the application seeks to retain the HMO, it is not considered to conflict with Policy DM09.

In terms of accessibility, the site is located within a PTAL of 3 which is considered of medium accessibility. However, there are higher areas of accessibility in close proximity to the site. The town centres of Brent Cross and Golders Green are approximately 1km from the application site. It is noted that there are a number of bus stop on both sides of the road and there are good opportunities for cycling and walking. The site is therefore considered to be easily accessible.

In terms of amenity for future occupiers, the Council has produced HMO Standards 2016 which requires the following room standards when the kitchen is in a separate room:

- 1 person household: 10sqm
- 2 person household: 14sqm

The standards require that a shared kitchen may be provided for a maximum of five persons. Depending upon the circumstances it may be possible to have two sets of kitchen facilities in the same kitchen. In such an instance, no more than two sets of facilities (each provided for a maximum of five persons) shall be provided in any one shared kitchen and in such an instance the kitchen must have a floor area of not less than 12sqm.

The HMO team of the Council's Environmental Health service have assessed the proposal and following amended plans being submitted, it appears that the proposals have followed the Council's guidance on HMO requirements.

Overall, it is considered that the proposed development would meet the requirements of policy DM09 and would satisfactorily resolve the breach of planning and enforcement notice. The Planning Authority considered that it was appropriate that each of the rooms would have an en-suite bathroom and the permission would override that action of the enforcement notice. There are no external alterations proposed to the existing building.

5.4 Response to Public Consultation

It should be noted that the existing arrangement of the property is unlawful. However, prior to this, the lawful use of the site was as a 13 bed HMO for students and therefore the principle has already been established. As a result of this application, the number of rooms would be reduced to 10 and would be less of an impact compared to the current arrangement.

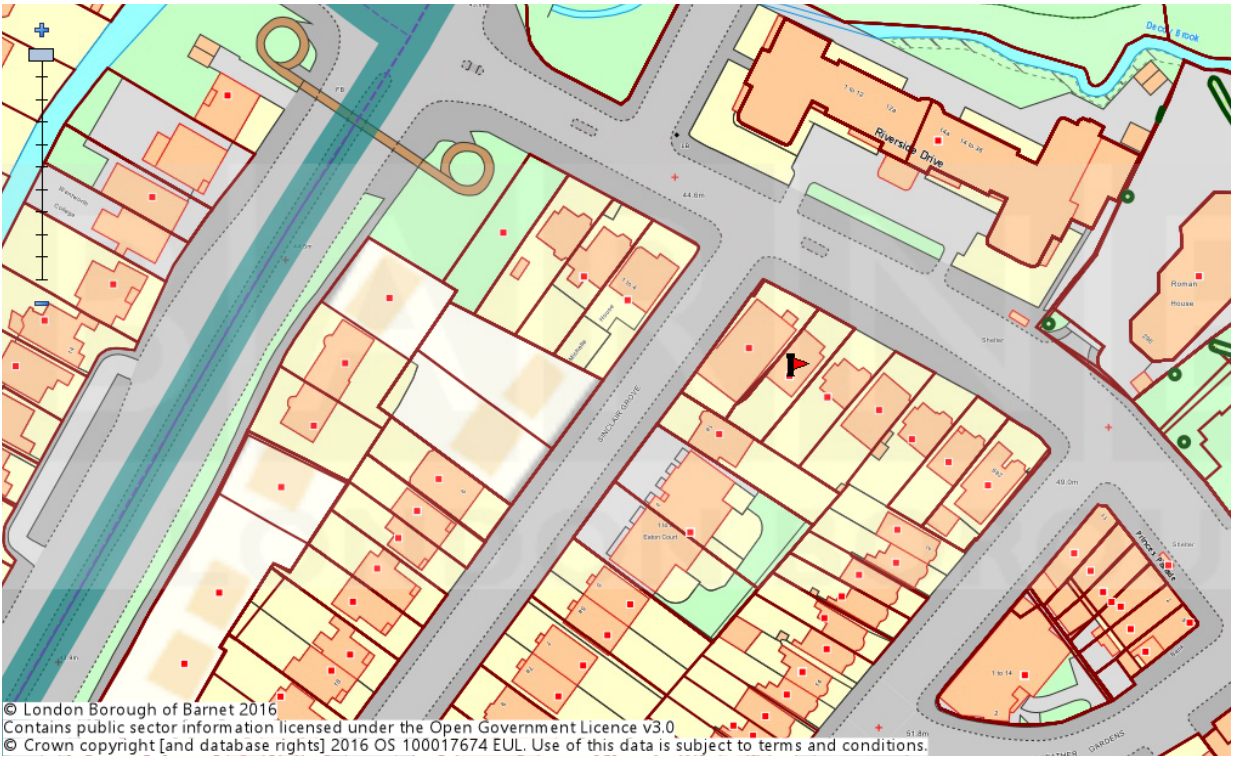
In response to concerns about parking, it is advised that the 2006 application was approved with no provision of parking with no permit restrictions. It is anticipated that being in close proximity to public transport, future occupiers would utilise these options. Again as there are now being less rooms proposed, it is considered that the overall impact will be reduced.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would not have a detrimental impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



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