

**Location**                                **78 Crewys Road London NW2 2AD**

**Reference:**                            **17/2300/FUL**                                Received: 7th April 2017  
Accepted: 7th April 2017

Ward:                                        Childs Hill                                        Expiry 2nd June 2017

Applicant:                                Tango Properties Limited

Proposal:                                    Conversion of existing 6no bedroom HMO to provide 7no bedroom HMO following extension to roof including 1no rear dormer window, 3no. rooflights to front elevation

**Recommendation:** Approve subject to conditions and that for the Committee to grant delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions and obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

PL-000 Rev A (received 07/04/2017)  
PL-001 Rev A (received 07/04/2017)  
PL-002 Rev B (received 07/04/2017)  
PL-003 Rev B (received 07/04/2017)  
Site Location Plan (received 07/04/2017)

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 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

4 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).

5 The maximum number of occupants within the property shall at no point exceed 7.

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. A pre-application advice service is also offered. 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>

## **Officer's Assessment**

### **1. Site Description**

The application site consists of a two storey terraced dwelling located at No.78 Crewys Road. The property shares a party wall with the neighbouring premises at No.76 and No.80 Crewys Road.

The site is situated within a predominately residential area.

It is noted that the property is currently a 6 unit HMO and benefits from a Certificate of Lawfulness with reference 15/05217/192.

The property does not fall within a conservation area and is not a listed building.

### **2. Site History**

Reference: 15/05217/192

Address: 78 Crewys Road, London, NW2 2AD

Decision: Lawful

Decision Date: 9 October 2015

Description: Change of use from single family dwelling to HMO

Reference: 15/05218/FUL

Address: 78 Crewys Road, London, NW2 2AD

Decision: Withdrawn

Decision Date: 13 October 2015

Description: Rear dormer and 1no. rooflight to front to facilitate change of use from single family dwelling to 7 unit HMO

Reference: 16/7563/FUL

Address: 78 Crewys Road, London, NW2 2AD

Decision: Withdrawn

Decision Date: 17 February 2017

Description: Extension to existing 6no bedroom HMO to 7no Bedroom HMO. Roof extension involving rear dormer window, 3no. rooflights to front elevation to facilitate a loft conversion

Reference: 17/1275/FUL

Address: 78 Crewys Road, London, NW2 2AD

Decision: Approved subject to conditions

Decision Date: 6 April 2017

Description: Demolition of single storey rear extensions and erection of single storey rear extension for existing HMO (retrospective application).

### **3. Proposal**

The application seeks to convert the existing HMO from a 6 bedroom unit to a 7 bedroom unit. The additional room would be provided following a loft conversion. The loft conversion would in turn consist of 1no rear dormer and 3no roof lights to the front elevation.

The dormer window would measure 1.5 metres in height, 2.9 metres in width, and 2.2 metres in depth.

#### **4. Public Consultation**

Consultation letters were sent to 71 neighbouring properties.  
24 responses have been received, comprising 24 letters of objection

The objections received can be summarised as follows:

- Increase from 6 to 7 bed HMO.
- Impact on neighbouring amenity.
- Noise.
- Impact on traffic and stress on parking.
- Overdevelopment / Density.
- Impact on waste and recycling.
- Antisocial behaviour.
- Condition of the building.

#### Internal Consultation

Environmental Health HMO - No comments have been received.

#### **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 Governments 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, DM17.

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:

- Principle of development.
- 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.
- Whether harm would be caused to the living conditions of future occupiers with regards to HMO Standards.
- Impact on Highways.

## 5.3 Assessment of proposals

### Principle of development

It is noted that the property has been previously converted into a HMO of 6 units. Three en-suite bedrooms and the kitchen are located at ground floor whilst two en-suite bedrooms and one single bedroom are located at first floor. All 6 units benefit from bathrooms.

The proposal seeks planning permission for an additional unit in order to convert the property from 6 to 7 bedrooms. In order to enable the additional room, a rear dormer extension has been proposed.

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 property benefits from a Certificate of Lawfulness dated 2015, for the change of use from a single family dwelling to HMO. The VOA council tax bands confirm that the property benefits from 6 units. As this application was implemented, the Planning Authority therefore considers that site to be in lawful use. The application seeks to deliver an additional unit for the HMO, it is therefore not considered to conflict with Policy DM09.

It should be noted that a change from 6 to 7 HMO units would not necessarily be a material change of use requiring planning permission. In the view of officers, given the additional kitchen accommodation and the fact that the area is predominantly characterised by single family dwellings, the change would be material and require planning permission.

### Impact on character following loft conversion

Paragraph 14.33 of the Council's Residential Design Guidance (SPD) states that dormer extensions should appear as subordinate features towards the original property. The extensions should generally not exceed half the width or half the depth of the original roof slope. In this instance it is considered that the proposed dormer would comply with the Council's Design Guidance and would not impact on the character of the property.

It is noted that a considerable number of properties along Crewys Road, including the neighbouring property at No.76 Crewys Road, benefit from larger rear dormer extensions. As such, it is considered that this element of the proposal would be in keeping with the character and appearance of the local area. Furthermore, a moderate dormer such as the one proposed, is not considered to harmfully impact on the visual or residential amenities of neighbouring occupiers as it would not appear overbearing and obtrusive.

It should be noted that there would be an argument that a dormer would be permitted development, as use class C4 benefits from permitted development rights. However, in the view of the LPA, the use would fall outside C4 and therefore require planning permission.

### Impact on neighbouring residents and future occupiers

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 centre of Golders Green is approximately 1km from the application site. It is noted that there are a number of bus stops to the south of Crewys Road on Cricklewood Lane and Finchley Road with direct connections to central London. There are also 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

It is considered that the proposed additional room within the loft would comply with the above standards as it would measure 12.0 square metres in area. The room would benefit from 2no roof lights to the front elevation and 1no window to the rear elevation serving the bathroom. The bathroom would in turn measure 3.0 square metres in area. Overall, it is considered that the proposed unit would benefit from adequate outlook and ventilation. The proposed room would also be the largest accommodation within the HMO. As such, it is not considered that the proposal would harmfully impact on the living amenities of future occupiers.

The proposed room would not benefit from direct access to outdoor amenity spaces to the rear of the property. As such, it is considered that the future occupiers would not substantially increase noise levels and would not harmfully impact on the living standards of the neighbouring occupiers at No.76 and No.80 Crewys Road.

A smaller shared kitchen has also been provided within the loft. The kitchen unit would measure 7.5 square metres in area and benefit from one set of kitchen facilities. Paragraph 4.2.1 of the Adopted Standards for HMO (2016) states that where kitchen units are proposed for communal use the floor area should not be less than 6 square metres. It is therefore considered that the proposed kitchen would meet the required standards. The additional kitchen is also considered to positively contribute to the internal living amenities of the existing HMO as it will alleviate the use of the main kitchen at ground floor.

The existing property benefits from 6 bedroom units. On balance, the increase to 7 units is not considered to harmfully impact on the amenities of existing and future occupiers as well as neighbouring occupiers. The proposal meets the standards requirements for HMO's and the additional kitchen would positively provide further internal amenity space. It is therefore considered that, on balance, the proposal would not be an overdevelopment of the property.

Concerns have been directed towards the potential increase in waste due to the additional unit. Whilst it is acknowledged that an additional room would automatically increase waste to a certain degree, it is not considered that this would be excessive and to the detriment of the HMO occupiers or neighbouring occupiers. Nevertheless, a condition has been attached to the application in order to ensure that details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins would be provided.

Impact on Highways

Further concerns have also been raised with regards to the impact on traffic and stress on parking spaces. The proposed increase in bedroom units is not considered to be so great as to harmfully impact on the traffic and on-street parking. Whilst it is acknowledged that the Crewys Road is already a fairly stressed road, it is not considered that a materially higher demand for parking would result from the proposed development. As per above, the property is located within close proximity to a town centre, and thus benefitting from numerous transportation links. It is therefore considered on this basis that the application is acceptable on highway grounds.

Overall, it is considered that the proposed development would meet the requirements of policy DM01 and DM09. The additional bedroom is not considered to harmfully impact on the existing, future, and neighbouring occupiers.

With regards to the proposed loft conversion, it is considered that the proposed dormer extension, due to the size and siting, would be in keeping with the character of the local area and would not appear obtrusive or overbearing, to the detriment of the visual and residential amenities of neighbouring occupiers.

The application is therefore recommended for approval subject to conditions.

#### **5.4 Response to Public Consultation**

Concerns raised throughout the public consultation have been addressed in the report. Given the compliance with HMO Standards, and the provision of one additional kitchen unit, on balance, it is not considered that the proposal would be an intensification of the use of the property, to the detriment of the neighbouring occupiers.

In terms of increase in noise, as per the above assessment, it is not considered that the additional room would not substantially increase noise levels to the detriment of neighbouring occupiers. The proposed room would not benefit from access to the rear of the property.

With regards to an increase in waste, a condition has been attached to ensure that details of enclosures and for the storage of recycling containers and wheeled refuse bins would be provided. This will ensure a satisfactory appearance for the development and satisfactory accessibility to the property as well as to protect the amenities of the area.

Concerns relating to antisocial behaviour and untidy land should be direct to the Police and Planning Enforcement Departments respectively.

#### **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.

