

Location **81 Quinta Drive Barnet EN5 3DA**

Reference: **18/2183/RCU**

Received: 10th April 2018

Accepted: 4th June 2018

Ward: Underhill

Expiry: 30th July 2018

Applicant: Ravi Pattni

Proposal: Change of use of the property from a single family dwelling (Class C3) to a House in Multiple Occupation (HMO) (Sui Generis) (RETROSPECTIVE APPLICATION)

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal 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:
 - Sheet 07 (02/04/2018)
 - Sheet 05 Rev A (10/09/2018)
 - Sheet 06 Rev A (10/09/2018)

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 internal layout of the proposed 11 bedroom HMO shall remain as shown on the hereby approved plans and must not be changed unless previously agreed in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of future occupiers of the development hereby approved in accordance with policy DM01 and DM02 of the Development Management Policies DPD (adopted September 2012).

- 4 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 6 Within 6 months of date of this decision notice, the proposed parking spaces and the access to the parking area from public highway shall be implemented in accordance with the approved plans. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 7 a) Within 3 months of date of this decision notice cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

b) Within 3 months of approval of part (a) of this condition the development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The Mayors London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 8 The maximum number of occupants permitted within the property is 12.

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).

- 9 a) Within 3 months of the date of this decision, 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) Within 3 months of the approval of part (a) of this condition the approved details shall be implemented in full accordance under this condition 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).

Informative(s):

- 1 In accordance with paragraphs 38-57 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.

Officer's Assessment

1. Site Description

The application site relates to a large two-storey detached dwelling located (north east) on the corner junction of Raebarn Gardens and Quinta Drive.

Site history indicates that this property has previously been utilised as a residential care home. Quinta Drive and the surrounding roads are predominantly characterised by single family dwellings, that have not been converted into flats. Some flats do exist within the surrounding area, however it is noted that these are predominantly purpose-built flatted developments (Valuation Office Agency identifies: Flats at Debenham Court, Quinta Drive, Barnet, Herts, EN5 3AB; Flats at Elvaston Court, Quinta Drive, Barnet, Herts, EN5 3AS; Flats at Weardale Court, Quinta Drive, Barnet, Herts, EN5 3AU) and not house conversions.

The property is not listed and is not located within a designated conservation area.

2. Site History

Development:

N04211A - Two, two-storey side extensions. - Approved: 13.07.1988

N04211B - Two storey side and front extension and change of use from dwelling house providing care for 4 people (Class C3) to residential accommodation for care and for two staff (Class C2). - Lawful: 24.08.1995

N04211C - Two storey side and front extension and change of use from dwellinghouse providing care for 4 people (Class C3) to residential accommodation for care of 6 people in need of care and for two staff (Class C2). - Approved: 10.01.1996

N04211D - Two storey side and front extension and change of use from dwellinghouse to residential care home for six people. (Variation of planning permission N04211C to provide a single storey rear extension). - Approved: 01.07.1996

N04211E/00 - Change of use of premises to a guest house. - Refused: 06.02.2001

(i) The use of the premises as a guest house is not appropriate in this out of centre residential location and would result in noise and activity which would be detrimental to the amenities of residential occupiers in the locality and would be contrary to policies E6.1 of the Unitary Development (1991) and policies L9 and L10 of the Revised Draft Deposit Unitary Development Plan (2001).

N04211F/01 - Change of use from residential care home (Use Class C2) to single family dwelling (Use Class C3). - Approved: 17.01.2002

16/6808/FUL - Conversion of existing property into 4no. self-contained flats. Associated parking, cycle storage, amenity space, refuse and recycling store - Refused: 28.12.2016

i) *The proposed conversion of this property into self-contained flats would be out-of-character within an area characterised predominantly by single family dwellings, would result in an over-intensification of the site and would be detrimental to the character and*

appearance of the surrounding area. The proposal would therefore be contrary to Policy 7.4 of the London Plan (March 2015), Policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (adopted 2016).

ii) The proposed hardstanding, to facilitate the parking to the rear of the application site, by reason of its size, siting, access and use, would detract from the character and appearance of this part of Raebarn Gardens, as well as resulting in levels of noise and disturbance detrimental to the neighbouring occupiers at No. 1 Raebarn Gardens contrary to contrary to policies 3.5 and 7.6 of the London Plan (2015), policy CS5 of the Barnet Core Strategy (Adopted September 2012), Policy DM01 of the Barnet Development Management Policies Document (Adopted September 2012) and the advice contained in the Barnet Sustainable Design and Construction Supplementary Planning Document (Adopted 2016), and the Adopted Residential Design Guidance SPD (2016).

iii) The proposed hardstanding, to facilitate the parking to the rear of the application site, by reason of its size, siting, access and use, would result in a proposed vehicular access of excessive width, the use of which, would be prejudicial to pedestrian and highway safety contrary to Policy DM17 of the Barnet Development Management Policies Document (Adopted September 2012) and the advice contained in the Barnet Sustainable Design and Construction Supplementary Planning Document (Adopted 2016), and the Adopted Residential Design Guidance SPD (2016).

Appeal Allowed: APP/N5090/W/17/3168494 (Dated: 01.08.2017)

Enforcement:

ENF/00687/16 - Use of property as House in Multiple Occupation and conversion of outbuilding to separate dwelling - Awaiting Outcome of Current Application.

3. Proposal

This application proposes the retention of the dwelling as an 11 bedroom, 12 person House in Multiple Occupancy (HMO) (Sui Generis) having changed from a single family dwelling (Class C3).

Refuse and parking arrangements identical to the those allowed by the Appeal Inspector for the previous application for the conversion of the property into 4 self-contained units are proposed - four parking spaces on the front driveway and three spaces to the rear along with refuse storage.

4. Public Consultation

Consultation letters were sent to 58 neighbouring properties and a site notice was displayed on 14 June 2018.

19 responses have been received, comprising of 19 letters of objection:

- The applicant has breached planning controls and should not be allowed permission
- The proposals will not have enough rubbish facilities, causing environmental pollution issues
- The proposals will result in cars blocking pavements, endangering pedestrians
- The proposals will increase parking pressures in the area

- The proposed parking provisions will cause issues for the residents of Raeburn Gardens
- The proposed use is an over-intensification of the property.
- The annotation of the plans are confusing, providing inadequate information
- The number of occupants might exceed the stated number within the Applicants covering statement
- There are no other HMOs in the area and limited number of flats and maisonettes, thus this use is not considered in keeping with the character.
- There are errors/inaccuracies in the covering statement
- There is no evidence that the rooms will meet the minimum space standards for HMOs
- Under section 4.3 of the Cover statement, is it correct to say that the applicant could exercise their Permitted Development rights and hard surface the area to the rear without the benefit of a planning permission? My property is right next to this property and I am very keen to seek the clarity on this.
- The certificate of lawfulness application for the loft conversion would increase the occupancy further - unacceptably
- The cycle storage is inadequate.
- This is not a suitable location for a HMO
- The dormer windows will not be in keeping with the surrounding properties and will overlook neighbouring properties.
- The proposals will result in noise and general disturbance of the neighbouring occupiers.
- The site will become an eyesore and will be poorly managed
- There will be anti-social behaviour
- The property is not near any transport links.
- Introduction of new hospital/residential parking permits into surrounding roads will result in parking pressures from hospital staff/visitors.
- The development will create unsafe road conditions for the residents of Raeburn Gardens
- Contrary to DM08 the development will result in the loss of a large family home
- Contrary to DM09 the HMO will have a demonstrably harmful impact of the character and amenities of the surrounding area.

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 24th July 2018. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is

essential for achieving this'. 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, DM08, DM09, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their 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 (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted 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 the principle of the development is acceptable.
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether the proposals would provide suitable residential amenities for future occupiers of the proposed dwellings.
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the proposals would provide suitable parking arrangements.
- Whether the proposals would provide suitable refuse and recycling provisions.

5.3 Assessment of proposals

Principle of Development

Historically, as noted within the site history section of this report, the building has been used as a residential care home for 6 people with 2 care staff - and more recently - an Appeal Inspector allowed the conversion of the property into 4 self-contained units, consequently dismissing the adopted Local Plan's policy positions on resisting the loss of large family dwellings (Policy DM08) in roads characterised by single family dwellinghouses (Policy DM01 part h).

Policy 3.8 of The Mayor's London Plan (2016) recognises importance of Londoners having a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments. Shared accommodation or houses in multiple occupation are a strategically important part of London's housing offer, meeting distinct needs and reducing pressure on other elements of the housing stock. This is echoed in Policy DM09 of the adopted Local Plan which recognises that HMOs are an important source of low cost, private sector housing for students, those on low incomes and those seeking temporary accommodation; and, that such proposals should be encouraged provided that they 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.

In light of the recent Appeal Inspector's decision from the previous application; the previous use as a residential care home; and, the strategic objectives of the Mayor's London Plan and Council's Local Plan policies for housing choice, it is accepted that the principle of conversion from a single family dwelling house would be acceptable.

Potential impact on character and appearance of the existing building, the street scene and the wider locality

The application proposes no external changes to the existing building. As such, there are no demonstrable impacts on character and appearance of this element of the scheme.

The proposed parking layout and refuse storage location to the rear of the site is identical to the application for the conversion of the property to four residential units which was allowed by the Appeal Inspector. It is therefore considered that the HMO proposal does not materially change the assessment of impact on character from the identical parking and refuse arrangements, particularly with refuse as the number of receptacles for 12 occupiers (as proposed) would not be any greater than that required for 13 occupiers (as approved in the appeal scheme).

The impact on the amenity of future occupants

In terms of amenity for future occupiers of HMOs, the Council's Private Sector Housing HMO Team has produced HMO Standards 2016 for schemes to adhere to. In consultation with the HMO Team concerns were raised with the layout of one of the rooms with regards to functional layout and size, citing: - *bedroom 11 would be unsuitable unless provided with an escape window as it is an inner room i.e. a sleeping risk room where the means of escape in case of fire is via a higher risk area. Also with a floor area of 7.2m² it would be too small to be used as a bedroom under our licensing standards.* Revisions were sought from the applicant and the resultant revised layout were considered to be satisfactory in terms of HMO standards, proposing the following rooms sizes:

Bedroom 1	10sqm	(12.4sqm with en-suite)
Bedroom 2	8.3sqm	(Shared bathroom)
Bedroom 3	10sqm	(13.2sqm with en-suite)
Bedroom 4	12.1sqm	(15.6sqm with en-suite)
Bedroom 5	13.5sqm	(16.5sqm with en-suite)
Bedroom 6	9.2sqm	(Shared bathroom)
Bedroom 7	12.2sqm	(Shared bathroom)
Bedroom 8	8.9sqm	(13.3sqm with en-suite)
Bedroom 9	9.2sqm	(14.7sqm with en-suite)
Bedroom 10	19.3sqm	(34.5sqm with en-suite)
Bedroom 11	13.8sqm	(28.3sqm with en-suite / walk-in closet)

The kitchen facilities (14.5sqm) would be shared between all rooms, and as advised by the HMO team, this is an acceptable arrangement provided there are two sets of cooking facilities provided. This standard has been met. The living room area has 47.1sqm of floor space, being adequate breakout living space for the future occupants. Furthermore, there is access to a communal garden space of 325sqm, providing sufficient outdoor amenity space for the future occupiers. Overall, the scheme is considered to provide sufficient standard of living amenity for future occupiers.

The impact on the amenity of neighbouring occupiers

As previously noted, the application proposes no physical extensions to the property, with the only visible changes being to the rear of the property. Given this is the same as the previously allowed appeal scheme, there are no materially different impacts on the neighbouring residential amenities from this element of the proposals. Furthermore, in respect of disturbance from comings and goings, the Appeal Inspector suggested *that the existing floor plans show that the property currently has 10 bedrooms... As such it has the*

potential for occupation by a large family generating a similar number of people and vehicle movements... Therefore it is likely that there would be a similar number of people coming and going. Thus, given the development proposes one less occupant than that of the previously allowed flat conversion scheme, it is considered that the proposed level of occupation in this scheme would not have any demonstrable impacts on neighbouring occupiers to an extent that would warrant the applications refusal on these grounds.

In order to protect the future amenities of the neighbouring residents, Officers will condition the level of occupancy of the property to ensure that it houses no more than 12 individuals.

Parking and Highway Safety

The proposals make provision for 7 car parking spaces, which was deemed adequate for the scheme of 4 flats housing 13 people. The Appeal Inspector dismissed any concerns raised with regards to highway and pedestrian safety, and parking pressures on the street from this level on occupation.

There are no specific parking standards for HMOs, however parking provisions for these types of schemes are typically assessed against the requirements for single bed / studio flats, in which Policy DM17 requires 1 to 0.5 spaces per unit for development. In this case, the proposals would therefore be required to provide between 5.5 and 11 car parking spaces. The scheme is compliant with this requirement; and reasonably, a scheme of this size dominated by any more parking than 7 spaces would likely to have a detrimental visual impact on the character and appearance of the area. Furthermore, at the top of the road, 3 minutes walk from the property there is a Bus which takes approximately 10mins to get to the High Street and the High Barnet Tube station, approximately 1 mile away - thus the application site, whilst in a low PTAL rating (1b), is within reasonable distance public services and transport.

DM17 of the DMP 2013 and The Mayor's London Plan 2016 states the need for 1no. cycle space per 1no. bedroom unit. There is a need for 12no. cycle spaces and associated storage in this development. The applicant has proposed some cycle storage however this is not enough, but it is recognised that more could be provided within the development which will be required by pre-commencement condition. It is considered that the parking and cycle provisions will comply with Policy DM17 and section 6.9 of the London Plan (2016).

Refuse and Recycling

Details of the refuse storage arrangements have been provided however, further details would be required about the positioning and dimensions of the store by means of a pre-commencement condition. Officers consider that the refuse and recycling arrangements can be arranged to minimise environmental and residential amenity impact through this condition.

5.4 Response to Public Consultation

Officers have considered and addressed a number of concerns raised during the public consultation process - the majority of which related to parking matters; refuse and

recycling provisions; and the principle of conversion of a family house into HMO in a predominantly single family dwellinghouse characterised area.

Other matters raised are addressed as follows:

- Officers acknowledge that the applicant has breached planning controls, however this application seeks the opportunity regularise the breach to become a compliant, regulated House in Multiple Occupation.
- The property will be occupied by 1 less occupant than the previous scheme, and thus, the proposed scheme is not considered to be an over intensification of the application site over and above what has already been allowed.
- The applicant has provided sufficient, scalable plans that enable a full and proper assessment of the scheme.
- The number of occupants of the development will be conditioned to prevent over-occupation of the property.
- The Appeal Inspector identified the existence of other flats within the area, albeit not within the immediate vicinity of the application site, and deemed the conversion into flats to be appropriate.
- Inaccuracies within the supplied statement have not prevented a consideration of the proposed change of use.
- The HMO team are satisfied with the quality of the accommodation for the HMO
- As a Sui Generis HMO the application site is not entitled to Permitted Development rights - these rights only exist for C3 Use Class.
- The certificate of lawfulness application was withdrawn and bears no intrinsic connection to this current application - the recommendation is made independent of this. No extensions are proposed in this application, it solely concerns the change of use.
- Cycle storage is to be further agreed by means of pre-commencement condition.
- Noise and general disturbance of the neighbouring occupiers is not considered to be demonstrably greater than the scheme allowed by the Appeal Inspector previously.
- Site management / operation is outside the consideration of this application and is down to the Landlord / operator of the HMO.

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 the proposed development would have an acceptable 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.

APPENDIX 1 – Site Location Plan

