

**Location**                    **366 Watford Way London NW4 4XA**

**Reference:**                **18/2226/FUL**

Received: 11th April 2018

Accepted: 16th April 2018

Ward:                        Hendon

Expiry 11th June 2018

Applicant:                Mr Stephen Harris

Proposal:                 Conversion of existing single dwelling into 7no. bed HMO (House in Multiple Occupancy); single storey rear extension

**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:

Site Location Plan

Existing and proposed ground floor plan drwg no. 01

Existing and proposed first floor plan drwg no. 02

Existing and proposed loft floor plan drwg no. 03

Existing and proposed roof plan drwg no. 04

Existing and proposed front elevation drwg no. 05

Existing and proposed side elevation drwg no. 06

Existing and proposed rear elevation drwg no. 07

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 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).

- 5 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 6 Prior to the first occupation of the new unit(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 7 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

8 a) Notwithstanding the details shown on the approved plans, before the development hereby permitted is first occupied 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) 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 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.

9 a) Notwithstanding the details on the approved plans, 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).

10 a) Prior to the relevant phase of the development, a landscaping plan comprising details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, has be submitted to and agreed in writing by the Local Planning Authority.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

## **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. 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 Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

#### Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)

Please visit

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 HMO standards include means of escape, structural fire protection, automatic fire detection, emergency lighting and firefighting equipment and in the usual course of events we would expect that the Building Regulations will be satisfied with respect to these matters. Please note that our standards refer to the LACORS 'Guidance on fire safety provisions for certain types of existing housing' which we apply in relation to licensing and other Housing Act functions usually after consultation with the London Fire Brigade where necessary. A copy of this document can be obtained as follows:

ISBN 978-1-84049-638-3

Printed by: Newman Thomson Ltd,  
1 Jubilee Road, Burgess Hill, West Sussex,  
RH15 9TL  
Or on line at

[http://www.cieh.org/library/Knowledge/Housing/National\\_fire\\_safety\\_guidance\\_08.pdf](http://www.cieh.org/library/Knowledge/Housing/National_fire_safety_guidance_08.pdf)

- 4 For the avoidance of any doubt, if more than seven individuals occupy the site as a HMO then a material change of use requiring express planning permission may occur.

## **Officer's Assessment**

### **1. Site Description**

The application site is a two-storey semi-detached single-family dwelling on the east side of Watford Way within the ward of Hendon. The property has been extended under planning ref 17/7009/192 by way of roof extension involving hip to gable, rear dormer window, 1no. rooflight to front and new gable window to side elevation to facilitate a loft conversion and benefits from a bay window with double doors and an extension to facilitating a utility room with a roof terrace above. The depth of the extension is 1.71m, with a width of 2.62m and a height of 2.98m.

The site is predominantly surrounded by residential uses with two-storey semi-detached dwellings either used as single-family units or as self-contained flats, with houses of multiple occupancy also located within Watford Way. Sunny Hill Park is located east of the application site. Middlesex University London is located approximately 1 mile south of the application site.

The application site is located within the Hendon Ward. It is not located within a conservation area, nor is it located within close proximity to listed buildings or site of archaeological importance.

### **2. Site History**

Reference: 17/0762/192

Address: 366 Watford Way, London, NW4 4XA

Decision: Unlawful

Decision Date: 4 April 2017

Description: Two storey rear extension. Roof extension involving hip to gable, rear dormer window with Juliette balcony, 2no. rooflights to front elevation to facilitate a loft conversion

Reference: 17/6957/PNH

Address: 366 Watford Way, London, NW4 4XA

Decision: Prior Approval Required and Refused

Decision Date: 8 November 2017

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.85 metres and maximum height of 3 metres

Reference: 17/7009/192

Address: 366 Watford Way, London, NW4 4XA

Decision: Lawful

Decision Date: 14 November 2017

Description: Roof extension involving hip to gable, rear dormer window, 1no. rooflight to front and new gable window to side elevation to facilitate a loft conversion

Reference: 17/7379/PNH

Address: 366 Watford Way, London, NW4 4XA

Decision: Prior Approval Required and Refused

Decision Date: 20 December 2017

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.85 metres and maximum height of 3 metres

Reference: 18/0152/PNH

Address: 366 Watford Way, London, NW4 4XA

Decision: Prior Approval Required and Refused

Decision Date: 25 January 2018

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.85 metres and maximum height of 3 metres.

Reference: 18/0289/HSE

Address: 366 Watford Way, London, NW4 4XA

Decision: Pending Decision

Decision Date: No Decision Made.

Description: Single storey rear extension

Reference: 18/4210/191

Address: 366 Watford Way, London, NW4 4XA

Decision: Unlawful

Decision Date: 04.09.2018

Description: Conversion of existing dwelling into 5 bed HMO (House in multiple occupancy)

### **3. Proposal**

This application seeks planning permission for the conversion of existing 4no. bed 7no. person single family dwelling into 7no. bed 9no. person HMO (House in multiple occupancy) and the erection of a single storey rear extension at No. 366 Watford Way, London.

In respect of HMO's, the minimum standard for a one room letting where the kitchen is a separate room for 1no. person is 8.5sq.m and 12.5sq.m 2no. persons. Kitchens for communal use should not be less than 6.0sq.m. According to these standards, the 7no.bed HMO would accommodate 9no. persons at its max. capacity therefore provide an uplift of 2no. persons across the site above the original capacity.

The proposed single storey rear extension with flat roof form roof would have a maximum depth of 3.80m, a width of 6.65m and a height of 3.0m. Two windows are proposed to the rear elevation. The plans demonstrate that the existing first floor balcony would be removed.

### **4. Consultation**

#### Neighbour Notification

Consultation letters were sent to 54 neighbouring properties. 3no. objections have been received regarding the proposed development, and the comments have been summarised below:

- This application is closely linked to an extension of ref 18/0289/HSE.
- Unacceptable, very high level of noise:
- The plans show there to be 8 rooms yet application mentions only 7 bedrooms i.e potentially 14 tenants.
- The Bathroom nor the Kitchen on the downstairs floor appear to comply with the minimum requirements for the number of occupants.
- Based on the submitted plans it looks like the downstairs bathroom would not fit in the cupboard under the stairs.
- Block natural light
- The proposed extension assumes a flat roof which is extremely likely to be used as a balcony/terrace for drying laundry, sunbathing
- Use of the flat roof means total loss of privacy both downstairs and upstairs.
- The flat roof can provide easy unauthorised access to my property.



- There is a rights of way issue that arises because of the numerous tenants proposed in this HMO.
- There does not seem to be any direct access to the garden other than through one of the bedrooms unless the proposal is for the tenants to walk straight out of the front door and round the house.
- No provision has been made for cars.
- Refuse provision has not been provided.
- A new hall of residence should be proposed for Middlesex University.

#### HMO Officer

The HMO Officer was consulted in regard to the proposed development stating that the applicants will have to satisfy themselves that our space standards will be met although for licensing purposes. They have attached guidance for the applicant to refer to.

#### Councillor Nizza Fluss

Officers have received a call-in request from Council Nizza Fluss in regard to the proposed development. It is noted that the Councillor has expressed concerns regarding the change of use in a residential area and what is perceived as being insufficient consultation.

## **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 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, 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 relevant Policies are as follows:

- 4. Promoting sustainable transport
- 6. Delivering a wide choice of High quality homes;
- 7. Requiring good design
- 10. Meeting The Challenge Of Climate Change, Flooding And Coastal Change.

#### 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 2031. 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. Relevant Policies are as follows:

- Policy 6.3 Assessing effects of development on transport capacity
- Policy 6.9 Cycling
- Policy 6.13 Parking
- Policy 7.1 Lifetime neighbourhoods
- Policy 7.4 Local character
- Policy 7.5 Public realm
- Policy 7.6 Architecture
- Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

### 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, CS4, CS5 and CS14.
- Relevant Development Management Policies: DM01, DM02, DM09, DM17.

### Supplementary Planning Documents

#### Residential Design Guidance SPD (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. 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 developments 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 it states that developments 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 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**

Officers consider that the main planning considerations are as follows:

- o The principle of HMO in this location
- o Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- o Whether harm would be caused to the living conditions of neighbouring residents.
- o Whether the proposal provides satisfactory living accommodation for future occupiers;
- o Parking and highways
- o Refuse and Recycling

### **5.3 Assessment of proposals**

The principle of HMO in this location

Policy DM09 of Barnet's Development Management Policies states that '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'.

Officers note that the applicant has previously sought pre-application advice under 18/8064/ENQ involving the conversion of the property into 2 no. flats and the use of one of the flats as a House of Multiple Occupation (HMO). The officer note that based on the plans and documents submitted that the applicant failed to identify a need for the property to be used as a HMO. The recommendation officer stated that the general principle of conversion into two units (with no HMO element) can be agreed.

Lawful use of the property as a 5no. bed HMO was later refused in August 2018 under ref: 18/4210/191 due to insufficient evidence submitted to demonstrate that the property was in use as C4 (HMO) for 4no. or more years.

The applicant has provided a range of supporting evidence to demonstrate that the proposed HMO meets an identified need and is suitably located despite its location outside of a town centre. The supporting evidence submitted includes:

- Letter from two Estate Agent highlighting the current demand for HMOs in the area surrounding the application site.
- An email demonstrating the need for an intensive HMO

The applicant notes within the statement provided that a number of properties on Watford Way serve HMO, however the applicant has failed to provide any evidence of this. From conducting a site history of the application site, officers have noted that planning permission was allowed at No. 398 Watford Way, where an appeal for non-determination was allowed against reference 17/0862/FUL for the 'Use of single dwelling house for 4 people as HMO'. Officer also note that a number of properties within Watford Way have had properties converted into self-contained flats including No.627 Watford Way (18/2238/FUL) and No.219 Watford Way (17/7047/FUL).

Indeed, the presence of other HMOs in the area does not necessarily demonstrate an identified need for HMO type accommodation in this location particularly, given HMOs were allowed under permitted development prior to the implementation of an Article 4 in May 2016 and therefore are present across the borough. It is acknowledged that there are institutions which would attract a demand for low cost accommodation within proximal distance to the application site. However, it is considered that the examples provided such as Middlesex University in Hendon could be used as a justification for the suitability of any number of HMO applications within the Hendon Ward.

Therefore, while it is important to demonstrate need which the applicant has to a degree, it is not sufficient alone to substantiate the suitability of the application site for a HMO. Significant weight has been given to the location of the application site which is deemed in addition to the identified need, to be suitable for a HMO. It is noted that the application site has a PTAL rating of 1b which is poor, notwithstanding this it is noted that the application site is located on a main road in proximity to the following:

- Two bus stops (one opposite and one north of the application site)
- Colindale Tube Station (1.1mile)
- Hendon Central Station (1.2mile)
- Hendon Thameslink Railway Station (1.5mile)

- Mill Hill Broadway Railway Station (1.6mile)
- Mill Hill East (1.8mile)

Weight has also been given to the mixed character of the application site and the proximity to the university on foot and the fact that these accessibility parameters were also common to the application at 398 Watford Way. As aforementioned, the application site is surrounded on Watford Way by single family dwellings, self-contained flats, HMOs, guest houses and educational and retail uses. Based on the mixed character of the area surrounding the application site, it is not deemed that the introduction of a HMO would harmfully alter the character of this section of Watford Road.

Therefore, while the application site is not located within a town centre location, it is considered that accessibility is acceptable in broader terms and the character of the area is suitably mixed to justify a HMO at the application site. It is this that has been given the most weight in determining the suitability of the application site for a HMO, with the identified need a collaborating factor. Indeed, the identified need element of the application would not be strong enough alone to justify a HMO had the character of area around the application site not been as mixed and had not been located on a main road in an area where there are a range of passenger transport options. Therefore, limited weight is given to the information.

From the plans submitted the applicant has failed to show off-street parking spaces, and cycling spaces. However, notwithstanding this, during the site visit conducted, officer noted that the front of the property benefits from a paved driveway which could accommodate two cars, while there is sufficient space to the rear to meet the cycling parking spaces.

DM17 states that the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi-detached houses and flats (4 or more bedrooms)
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom)

Residential development may be acceptable:

- i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity.
- ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits.

For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

Given the PTAL rating and the application site's proximity to bus and tube stations, it is considered that 2.no parking spaces within the front forecourt area would be adequate for the site's proposed use. Furthermore, the inclusion of 2.no parking spaces as opposed to 3.no better enables the front of the site to include and accommodate soft landscaping; something much needed along this stretch of Watford Way.

In summary, it is considered that the principle of a HMO at the application site is acceptable given the mixed character of this section of Watford Way and its proximity to key transit routes and modes. The information provided to evidence an identified need has been given less weight than the above, but is sufficient to demonstrate there is a need for low cost accommodation in this location. Furthermore, it is not considered that harm would be caused

to the character of this section of Watford Way and given there is sufficient space for off-street parking, and local amenities and transit stops are within walking distance, it is not expected that the amenity of neighbouring occupiers will be harmed as a result of the proposed HMO use.

Whether harm would be caused to the character and appearance of the existing building, the streetscene and the wider locality

The application also proposes a single storey rear extension to replace the existing part single storey rear extension. The proposed dimensions are included in the proposal section above, but nonetheless the applicant has proposed a depth of 3.80m for the proposed extension and would therefore fail to comply with Section 14 of the Residential Design Guidance SPD (2016) in terms of the recommended depth of 3.50m. However, notwithstanding this, officers are of the opinion that the proposed extension is subordinate in scale when compared to the main dwelling, and would appear and prominent or obtrusive element. It is also noted that the proposal would remove the existing roof terrace to the rear, which would be compliant with council policy. Regarding the design and materials officers have raised no concerns as the design would complement the main dwelling with materials to match the existing.

While No.364 does not have any extensions approved to the rear of their property, officers note that No.368 Watford Way benefits from planning permission for a 'Single storey rear extension. Roof extension involving hip to gable, rear dormer window and 2no rooflights to front elevation to facilitate a loft conversion' (16/4510/HSE). Therefore, it is considered that the proposed single storey rear extension to No.366 would be in keeping with the character of development within the immediate area.

The use of the application site as a HMO and its consequential impacts on the character of the application site and the surrounding area has been addressed in the section above and therefore will not be repeated in this section.

In summary, it is not considered that significant harm would be caused to the appearance and character of the application site or the wider streetscene as a result of the proposed HMO use, or the single storey rear extension. It is therefore deemed acceptable on character grounds.

Whether harm would be caused to the living conditions of neighbouring residents

The development would result in an increase of overall capacity from 4no. bed 7no. person single family dwelling to a 7no. bed 9no. person HMO therefore an uplift of 2no. persons across the site above the existing/ original occupancy level. Although the HMO meets the relevant housing standards for a HMO, the level of activity over and above the existing occupancy level resulting from groups of unconnected people, as would be the case with HMOs, would be likely to result in differing patterns of usage and behaviour as compared with residents living as single households who could be expected to share a lifestyle. In particular, there is likely to be more frequent comings and goings of residents and visitors and greater potential for increased noise and disturbance to local residents, the use of the garden and parking on the surrounding road network. However, an uplift of 2no. persons across the site is not expected to demonstrably impact neighbouring residential amenity over and above existing circumstances. Nonetheless, a condition has been attached as a mitigation measure to ensure that sound insulation between units is incorporated in compliance with Requirement E of the Building Regulations 2010.

In regard to the single storey rear extension, it will extend 3.80m along the shared boundary (1.80m high wooden fence). As previously stated, the depth of the extension would be 0.30m more than the recommended guidance for semi-detached properties, however due to the design, and scale of the proposal, along with the existing boundary treatment, it would not appear as the visually obtrusive element to the No.364 no No.368. Due to the location of the application site and the orientation of the sun, officers are content that no loss of light or overshadowing would occur. No loss of outlook from the habitable windows located to the ground floor wall of No.364 nor No.368 would occur. The window opening proposed to the ground floor rear elevation would look upon the private amenity space of No.366.

Officers note that there is an existing first floor balcony at the application site. While it appears that a number of properties including No.368 have balconies to the rear of their properties, the first-floor balcony has been removed as part of the proposal. A condition has been added to ensure that the flat roof of the ground floor rear addition is not used for the purposes of a balcony. This is considered to limit the potential for direct overlooking into the amenity of adjacent nos 364 and 368.

For the reasons above, it is found the proposals will not have a detrimental impact on the residential amenities of neighbouring occupiers.

#### Whether the proposal provides satisfactory living accommodation for future occupiers

##### Space Standards:

The Council's HMO Licensing Officer reviewed the plans provided and confirmed that the letting units and rooms are 'ample for a single person let with reference to our standards'.

The minimum standard for a one room letting where the kitchen is a separate room for 1no. person is 8.50sq.m and 12.50sq.m 2no. persons. Kitchens for communal use should not be less than 6.0sq.m. The 7no.bed HMO would therefore accommodate 9no. persons at its max. capacity. According to these standards, the 7no.bed HMO would accommodate 9no. persons at its max. capacity therefore provide an uplift of 2no. persons across the site above the original capacity.

The floor layout and room sizes are acceptable and would comply with the relevant HMO licensing standards. Nevertheless, a condition will be attached to limit the number of occupants to 9.no persons as outlined within this application, in order to ensure the space standards remain suitable for the number of occupants proposed.

##### Light/outlook:

Barnet's Sustainable Design SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and bedrooms and living rooms /kitchens should have a reasonable outlook. It is considered that all of the proposed habitable rooms benefit from sufficient clear glazing and outlook and thereby provide an acceptable standard of amenity for future occupiers.

##### Room stacking:

The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. There is no overlap between rooms and therefore the stacking would be considered acceptable in this instance Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally

and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels; this will be enforced by condition.

#### Amenity Space:

Section 2.3 of the Sustainable Design and Construction SPD (2016) states that 'Outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents as well as contribute to maintaining and enhancing the wider character of the borough'. While there are no minimum amenity space standards for HMOs, the application site provides a private rear amenity area of approx. 260sq.m and on the basis of the min. garden space standard of 40m<sup>2</sup> for up to four habitable rooms for houses, the intended amenity space provision is deemed acceptable. Officers are content that space provided is sufficient to accommodate future residents.

#### Parking and Highways

As previously noted, the applicant has failed to annotated parking provision on the plans submitted, however, the front forecourt area of the property would be able to accommodate two relatively small cars. DM17 of the DMP 2013 and The London Plan 2016 states the need for 1no. cycle space per studio and 1no. bedroom unit and 2no. spaces per all other dwellings. A need of 7no. cycle spaces and associated storage would therefore be required. The rear of the property would be able to provide 7.no cycles spaces. A condition will be attached to ensure that the applicant can provide the required car parking and cycling provision. As aforementioned, it is considered that the parking and cycle provision complies with Policy DM17 and section 6.9 of the London Plan (2016).

#### Refuse and Recycling

Under Policy CS14 it is required that new developments ensure that waste is managed in the most environmentally friendly way that is future proof in order to protect human health and the environment from pests and other environmentally damaging effects. Waste and recycling provisions should therefore be clearly stated at the initial submission stage.

The applicant has failed to demonstrate where refuse and recycling would be stored within the application site. However, it is acknowledged there is scope to the rear and side of the property to store refuse and recycling in an acceptable manner in compliance with the council's policy and guidance. A condition will be attached ensuring that the applicant can provide the necessary refuse and recycling storage.

### **5.4 Responses to public consultation**

Consultation letters were sent to 54 neighbouring properties. Three objections have been received regarding the proposed development, and the comments have been summarised below:

- o Worth noting that this application is closely linked, in fact an extension of ref 18/0289/HSE.

Officers have noted the above planning application, which forms part of the site history of the application site.

- o Unacceptable, very high level of noise:
- o Block my natural light
- o Use of the flat roof means total loss of my privacy both downstairs and upstairs.

Officers have assessed the impact the proposed development would have on residential amenity within the main section of the report.

- o The plans show there to be 8 rooms yet application mentions only 7 bedrooms i.e. potentially 14 tenants.
- o The Bathroom nor the Kitchen on the downstairs floor appear to comply with the minimum requirements for the number of occupants.
- o Based on the submitted plans it looks like the downstairs bathroom would not fit in the cupboard under the stairs.

Revised drawings have been submitted to overcome the above issues. Officers have no concerns regarding revised submitted plans.

- o The proposed extension assumes a flat roof which is extremely likely to be used as a balcony/terrace for drying laundry, sunbathing
- o The flat roof can provide easy unauthorised access to my property.

This has been addressed within the main body of the report. A condition has been attached to ensure that the flat roof of the ground floor rear extension is not used for the purpose of a balcony to safeguard residential amenity of adjacent neighbouring occupiers.

- o There does not seem to be any direct access to the garden other than through one of the bedrooms unless the proposal is for the tenants to walk straight out of the front door and round the house.

The applicant has annotated clearly on the plans, that the tenants of the property, will be able to access the rear garden by using the side access. Officers have no concerns regarding this.

- o No provision has been made for cars.

This has been addressed within the relevant section of the report requiring highways and parking.

- o Refuse provision has not been provided.

Refuse collection has not been annotated on the plans, but this could be dealt with via condition.

- o A new hall of residence should be proposed for Middlesex University.

Officers have assessed the proposed development against the description of development. Each application has to be assessed based on its own merits.

## **6. Equality and Diversity Issues**

The existing development 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 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.

