

Location **58 Sevington Road London NW4 3RX**

Reference: **24/0040/FUL** Received: 4th January 2024
Accepted: 4th January 2024

Ward: West Hendon Expiry: 29th February 2024

Case Officer: **Emily Bell**

Applicant: Mr D Fahiman

Proposal: Demolition of existing garage. Part single, part two storey side and rear extension. Roof extension including hip to gable, side and rear dormer windows and rooflights to front and rear roof slopes. Raised patio and associated steps to garden. Conversion of property from a 6-bedroom, 6 person Class C4 HMO to three self-contained dwellings. Provision two car parking spaces and refuse/recycling and cycle storage.

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 Chair (or in their absence the Vice-Chair) 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:
22721-HCD-ZZ-01-DR-A 1002 C01
22721-HCD-ZZ-XX-DR-A 2001 C01
22721-HCD-ZZ-GF-DR-A 1001 C01
22721-HCD-ZZ-RF-DR-A 1003 C01
22721-HCD-ZZ-XX-DR-A 3001 C01
22721-HCD-ZZ-XX-DR-A 2002 C01
22721-HCD-ZZ-XX-DR-A 2101 C01
22721-HCD-ZZ-GF-DR-A 1101 C02
22721-HCD-ZZ-RF-DR-A 1104 C01
22721-HCD-ZZ-GF-DR-A 1103 C01
22721-HCD-ZZ-XX-DR-A 3101 C01
22721-HCD-ZZ-XX-DR-A 3102 C01
22721-HCD-ZZ-ZZ-DR-A 0002 C01
22721-HCD-ZZ-ZZ-DR-A 0001 C01 SITE LOCATION PLAN
22721-HCD-ZZ-GF-DR-A 1102 C01

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 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).

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

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

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

- 6 Prior to occupation of the development, 6 Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason: 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.

- 7 Prior to commencement of the development details of the refuse collection arrangements shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety 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 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

- b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

- 9 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).

- 10 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the wholesome 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. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

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), Policy SI 5 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

- 11 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 XX% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 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), Policy SI 2 of the London Plan 2021.

- 12 Before the building hereby permitted is first occupied the proposed window(s) in the flank elevation facing no. 56 Sevington Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

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.

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 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 first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

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.

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 4500.

- 4 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the

works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 5 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 6 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licences please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licences or email highwayscorrespondence@barnet.gov.uk.

OFFICER'S ASSESSMENT

1. Site Description

The application site is located at 58 Sevington Road, within the West Hendon ward. It contains a two-storey semi-detached dwellinghouse currently in use as a C4 6-bed House in Multiple Occupation (HMO). The area is residential in character consisting of a mix of two storey semi-detached and detached properties. The site does not lie within a Conservation Area, and it is neither a listed or locally-listed building, nor is it located adjacent to a listed or locally-listed building.

2. Site History

Reference: 22/3497/192

Address: 58 Sevington Road, London, NW4 3RX

Decision: Lawful

Decision Date: 1 September 2022

Description: Roof extension involving hip to gable and rear dormer

Reference: 22/5667/FUL

Address: 58 Sevington Road, London, NW4 3RX

Decision: Refused

Decision Date: 2 February 2023

Description: Demolition of existing garage. Part single, part two storey side and rear extension. Roof extension including hip to gable, side and rear dormer windows and rooflights to front and rear roof slopes. Raised patio and associated steps to garden. Conversion of property from a 6-bedroom, 6 person Class C4 HMO to a 3-bedroom flat at ground floor level and a 5-bedroom, 5 person Class C4 HMO at upper floor levels. Provision of refuse and cycle storage

Appeal Decision: Dismissed

Appeal Decision Date: 5 September 2023

3. Proposal

The application seeks approval for the demolition of the existing garage and a part single, part two storey side and rear extension.

Roof extension including hip to gable, side and rear dormer windows and rooflights to front and rear roofslopes.

Raised patio and associated steps to garden.

Conversion of property from a 6-bedroom, 6 person Class C4 HMO to three self-contained dwellings. The three self-contained dwellings would be as follows:

Flat 1: 3 bed, 6 person unit over 1 storey with GIA of 119sqm

Flat 2: 2 bed, 4 person unit over 1 storey with GIA of 99sqm

Flat 3: 2 bed, 3 person unit over 1 storey with GIA of 68sqm

Provision two car parking spaces and refuse/recycling and cycle storage.

4. Public Consultation

Consultation letters were sent to 59 neighbouring properties. 37 objections have been received, summarised below:

- o Noise and disturbance from building works
- o House too small for 3 flats
- o Traffic accidents are common in the area and more traffic will add to this
- o Impacts on infrastructure
- o Change in character of the area
- o Double number of people living in the house
- o Overdevelopment
- o Overlooking from side dormer into 56A
- o If dormer is obscure glazed this will affect outlook for new occupiers
- o The flats could be a HMO in the future
- o The appeal inspector noted that the fall back position of a 6 person HMO would have a lesser impact than the proposed development
- o Loss of family accommodation
- o Sevington Road is primarily a road with family housing
- o The side and rear extension would bring the house very close to no. 56A and the roof extension will be dominant and impact on light and privacy
- o The fallback development of a lawfully permitted loft extension will be less harmful
- o Some residents have not received a notification letter regarding the application
- o UK Census 2021 indicated 30% of housing along Sevington Road is flats so the prevailing character is family homes
- o Large family homes (4 bedrooms) are a priority in Barnet
- o Flat 3 at 68sqm does not meet requirements for 2 bed 3 person dwelling London Plan 2021
- o Inappropriate stacking
- o Bulk and design of extensions
- o No certainty that the flats will not be modified to HMO rooms
- o Precedent of flat conversions
- o Increased bins and waste
- o Raised patio overlooks neighbouring properties

A site notice was erected 18.01.2024

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 revised National Planning Policy Framework (NPPF) was published in December 2023. 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 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

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

Barnet's New Local Plan (Reg 24)

Barnet's Draft Local Plan - Reg 24: The Reg 22 version of the draft new Local Plan was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan underwent an Examination in Public (Reg 24). The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites.

As part of this stage (Reg 24), the Inspector in his Interim Findings and Next Steps letter of August 17th has set out how the Council can through making Main Modifications to the Local Plan address issues of legal compliance and deficiencies in soundness. These interim findings are a clear indication of what the Local Plan and the policies and site proposals within will look like at adoption, subject to making the Inspector's suggested

Main Modifications. Whilst the Council moves forward to formal consultation on the Main Modifications (expected to commence in January 2024) the Interim Findings and Next Steps letter of August 17th shall be considered, in the interim, a relevant material consideration in the Council's decision making on planning applications.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

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 proposed development is acceptable
- Whether harm would be caused to the character and appearance of the surrounding area
- Whether harm would be caused to the amenities of neighbouring occupiers
- Whether the proposal provides satisfactory living accommodation for future occupiers
- Whether harm would be caused to highways and parking

5.3 Assessment of proposals

The principle of flats in this location

The Borough has an attractive and high-quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

Within Paragraph 2.8.1 of the Development Management Document which is a material consideration in the determination of this application, the Council state the following: "The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flat accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate.

Policy DM01 of Barnet's Local Plan Development Management Policies DPD 2012 (LP) states that proposals should be based on an understanding of local characteristics. Criterion h of the same policy states that the conversion of dwellings into flats in roads "characterised by houses" will not normally be appropriate.

However, policy DM08 advises that a variety of sizes of new homes to meet housing need and that development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough. Family sized accommodation, including 3-bedroom units are a priority within the borough.

Following the Examination in Public (EIP) Hearing of the Local Plan (Regulation 19) (2021) and in response to the subsequent comments from the Planning Inspector, these policies have been further modified.

The Inspector in his Interim Findings and Next Steps letter of August 17th has set out how the Council can through making Main Modifications to the Local Plan address issues of legal compliance and deficiencies in soundness. These interim findings are a clear indication of what the Local Plan and the policies and site proposals within will look like at adoption, subject to making the Inspector's suggested Main Modifications. Whilst the

Council moves forward to formal consultation on the Main Modifications (expected to commence in January 2024) the Interim Findings and Next Steps letter of August 17th shall be considered, in the interim, a relevant material consideration in the Council's decision making on planning applications.

In regard to flat conversions the emerging local plan policy HOU03 provides the following criteria for acceptable proposals:

- a) Site have existing or planned public transport access levels (PTALs) 3-6 or are located within 800m walking distance of a station or town centre boundary
- b) Proposal provides at least one family sized home with 3 bedrooms that is capable of providing 4 bedspaces with access to a dedicated rear garden
- c) Gross internal floor area of the property (at time of application) should not be less than 135m², where 2 self-contained residential units are proposed. At least 61m² of gross internal floorspace is required for each additional dwelling proposed;
- d) Proposals will be supported, relative to the surrounding character of the area and where there is no unacceptable impact on the amenity of occupiers of neighbouring properties of the area;
- e) A good standard of living conditions and amenity for future occupiers in terms of privacy, daylight and outlook is provided;
- f) Minimum Car and cycle parking provision in accordance with requirements of Policy TRC03; and
- g) Proposals meet London Plan residential space standards (Policy D6 - Housing Quality and Standards) and the criteria set out in Policy CDH01 - Promoting High Quality Design.

The preamble to HOU03 states that the policy seeks to manage the existing stock of homes and to restrict the conversion of family accommodation into smaller self-contained dwellings. In this case, the proposed development would meet the requirements of the policy. Further, it is noted that the proposal would result in the increase of family sized accommodation given that the existing use of the site is an HMO. Whilst Policy DM09 seeks to retain existing HMO provided that they meet an identified need, it is acknowledged that the change of use from the existing Class C4 HMO to a house is permitted development. Therefore, the loss of the HMO can be justified.

Subject to other material considerations which will be discussed below, the principle of the conversion is considered to be acceptable.

Impact of the proposal on the character and appearance of the building, the street scene and the wider area

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plan), D1, D3 and D6 (of the London Plan).

Part single, part two storey side and rear extension:

With regards to the single storey element the proposal involves demolishing the existing garage to the side with a new single storey side extension that wraps around to the rear, with the new built single storey rear extension. The Residential Design Guidance states that side extensions should not be more than half the width of the original house. The side element would measure 3.7 metres and would therefore comply with this guidance.

The Residential Design Guidance further stipulates that first-floor side extensions should normally be set back 1 metre from the front main wall of the existing house. Pitched roofs will normally be needed for two storey extensions and be set down at least 0.5 metres from the ridge of the main roof. At first floor level the proposed extension has been set back 1 metre from the front building line and will be set adequately down from the ridge level of the main roof, therefore ensuring a level of subordination.

The side extension at first floor would wrap around to the rear to create a first-floor rear extension. The Residential Design Guidance states that two storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable as they can be too bulky and dominant. The proposed first floor rear extension would measure 4.3 metres in depth and would retain a gap of 3.8 metres from the neighbouring boundary of no.60 Sevington Road, and a distance of 1 metres from the neighbouring boundary of no. 56. The distance between boundaries with no.56 would be considered acceptable given the separation distance between the unattached properties. As well as this it is noted that no.56 also benefits from a first-floor side and rear extension and as such, the first floor element would be in-keeping with the surrounding area.

It is noted that a previous application for extensions of the same dimensions and design as well as the conversion of the property into a 3-bedroom flat at ground floor level and a 5-bedroom, 5 person HMO (ref: 22/5667/FUL) was refused for the following reason:

"The proposed development, by reason of the size, siting and design of the rear dormer window in conjunction with the cumulative impact of all extensions proposed, would result in a bulky, disproportionate addition to the existing dwellinghouse and would be detrimental to the character and appearance of the dwelling house and the locality, contrary to policies CS1 and CS5 of the Adopted Local Plan Core Strategy 2012, policy DM01 of the Adopted Development Management Policies DPD 2012 and the Adopted Residential Design Guidance 2016."

The decision was appealed and dismissed however, the Inspector found the extensions to be acceptable and stated:

"In respect of the proposed extensions, there is no dispute between the parties that the proposed part single part two storey side extension would comply with the Council's Residential Design Guidance Supplementary Planning Document 2016, being less than half the width of the original dwelling and set back at first floor. I also note the Council have no concern regarding the proposed single and first floor rear extensions or raised patio. The proposed hip to gable roof alteration would also reflect other similar roof alterations to semi-detached properties in the street that I observed at my site visit and the extant fallback permission. Both the proposed rear and side dormers would be set down from the ridge up from the eaves and similarly reflect the scale and design of many other dormers in the area, including those at the adjacent property, no. 56A. Cumulatively, whilst the proposed extensions would be substantial and clearly visible from Sevington Road and Graham Road at the rear, they would not appear out of scale, design or appearance with the host building nor incongruous or overly dominant in the context of the surrounding character and appearance of the area."

Given the inspectors comments in relation to the extensions and there are no changes proposed between the schemes, the extensions are therefore considered to be acceptable.

The proposal dismissed at appeal would have provided 6 households in totality with each having their own associated comings and goings and visitors.

Based on VOA information, the road has 18 properties converted into 2 bed flats, 1 property converted into 3 flats (no. 100), 1 property converted into 4 flats (98) and 1 property converted into 6 flats (59). Based on HMO licensing information the road has 8 properties (including the host site) converted to HMO.

The proposal would increase the potential number of occupants (to 13) but reduce households from 6 to 3. The reduction in the number of households and evidence of how mixed the road is in terms of the number of conversions to flats and HMOs demonstrates that the proposed conversion would not result in detrimental levels of harm from any comings and goings.

On balance, although it is acknowledged that the proposal would result in different activities and comings and goings than the existing HMO use, there is not considered to be significantly more of an impact to a degree that any uplift in noise and disturbance from comings and goings and general activity in the site is negligible.

Impact of the proposal on the amenities of neighbouring occupiers

Policy DM01 notes that any proposed development must protect the amenity of neighbouring properties.

The ground and first floor side extensions will be set off from the common boundary with no. 56 by 1 metre. This neighbouring property has been altered by way of a two storey side and rear extension and the proposed extensions to the host property would not detrimentally impact the amenities of these neighbouring occupiers.

At ground floor level there is an existing single storey rear addition adjacent to the common boundary with no. 60 Sevington Road. This would be demolished and replaced by the new extension which would project past the neighbouring rear building line by approximately 1.5 metres. Given this minimal depth, this is not considered to result in harm. The first floor extension would be set off the common boundary with this neighbouring property by approximately 3.6 metres.

Whilst the size of the roof extensions are not considered to result in harm to neighbouring occupiers, it is noted that the inspector found in relation to the roof extension that direct overlooking would be caused from the side dormer window to no. 56 Sevington Road. It was not found to be appropriate to obscure glaze this window in the appeal scheme, as it would have served as the main form of outlook for a HMO room. In a HMO, the bedroom would form its occupiers principal private space for study and home working. In the current proposal, this dormer window would serve a bedroom within the upper floor flat. The rooflights serving this bedroom are positioned at a low level on the roofslope and as such occupiers would be provided with adequate outlook, light and ventilation. As such, in this case, it is considered acceptable to require the side dormer window to be obscure glazed in order to protect privacy of future and existing neighbouring occupiers whilst retaining an acceptable level of accommodation for future occupiers.

With regards to comings and goings from the site in associated with the use as 3 self-contained flats, this has been discussed in the report above.

Whether the proposal provides a satisfactory living environment for future occupiers

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough.

Floorspace standards:

The London Plan sets a minimum Gross Internal Floor Area for flats based on a standard set for the number of bedrooms (b) and persons-bedspaces (p). A 3 bed, 6 person unit over 1 storey requires 95sqm, a 2 bed, 4 person unit over 1 storey requires 70sqm and a 2 bed, 3 person unit over 1 storey requires 61sqm.

Table 3.3: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

The proposed units are as follows:

Flat 1: 3 bed, 6 person unit over 1 storey with GIA of 119sqm

Flat 2: 2 bed, 4 person unit over 1 storey with GIA of 99sqm

Flat 3: 2 bed, 3 person unit over 1 storey with GIA of 68sqm

All flats are shown to meet the relevant minimum standards for internal floorspace.

The London Plan (2021) requires that the minimum floor to ceiling height must be 2.5m for at least 75% of the Gross Internal Area of each dwelling. The proposed flats would meet this requirement.

Outlook, light and privacy:

Policy DM01 states that 'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'.

It is noted that the inspector found in relation to the roof extension that direct overlooking would be caused from the side dormer window to no. 56 Sevington Road. It was not found to be appropriate to obscure glaze this window in the appeal scheme, as it would have served as the main form of outlook for a HMO room. In a HMO, the bedroom would form its occupiers principal private space for study and home working. In the current proposal, this dormer window would serve a bedroom within the upper floor flat. The rooflights serving this bedroom are positioned at a low level on the roofslope and as such occupiers would be provided with adequate outlook, light and ventilation. Given the siting of the rooflights on the roofslope and the provision of a living space with window to the rear elsewhere within the flat, the proposal is considered to result in acceptable light and outlook for future occupiers.

Stacking:

Policy DM04 of the Development Management Document (2012) part d. states that proposals will be refused if they lead to an unacceptable level of noise and disturbance

unless the scheme can demonstrate any mitigation measures.

In the event of an approval, a condition should be attached for Pre-Completion Sound Insulation Test Certificates to be submitted to the LPA.

Outdoor amenity space:

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room.

The family sized unit on the ground floor (Flat 1) has been provided with direct access to a private rear garden measuring 61sqm. Flats 2 and 3 are provided with a communal garden measuring 51sqm. This is considered to provide sufficient amenity space for future occupiers.

Highways and parking

The applicant is proposing to demolish the existing garage and convert the existing house from a Class C4 HMO into a 1x 3bed & 2x2bed self-contained unit with the provision of 2x off-street car parking space.

The site lies within a PTAL 4 zone, which means that there is above average public transport accessibility to and from the site. Comments from the Council's highways officer have been received which found that in line with requirements set out on Policy DM17 of the Barnet Local Plan, the required off-street car parking provision is 3 spaces. Therefore, the provision of 2 spaces is an under-provision of 1 space. The highways officer therefore recommended that the proposal would be acceptable subject to a modification of the traffic order to exempt the occupiers of the proposed units from the schedule of addresses eligible for parking permits in the CPZ by way of a Section 106 or Unilateral Undertaking Agreement.

However, section 38(5) of the Planning and Compulsory Purchase Act 2004, states that if a policy contained within a development plan conflicts with another policy, the conflict must be resolved in favour of the policy which is contained in the last document i.e. the most recent policy. The London Plan 2021 is the most recent policy and therefore takes precedent. Table 10.3 of the London Plan requires a total demand for this development of between 0-2.25 spaces. The London Plan Policy T6.1 states that new residential development should not exceed the maximum parking standards as set out in this table. Given the proximity of the site to a range of local amenities and shops and its close proximity to transport links such as Hendon Central tube station, this suggests that parking spaces below the maximum requirement as stipulated by the London Plan would be acceptable in this case. The proposed development includes the provision of 2no off-street parking spaces and therefore given this is towards the top end of the total demand as indicated by Table 10.3, on balance the provision is considered acceptable in this case.

Cycle parking needs to be provided in accordance with the requirement of the London Plan cycle parking standards. For the proposed development, a minimum of 6x cycle parking spaces are needed. Cycle parking should be provided in a secure, covered, lockable and enclosed compound. Details of cycle parking can be secured by way of a condition, in the event of approval.

5.4 Response to Public Consultation

- o Noise and disturbance from building works

The impacts of building works is not a material planning consideration.

- o House too small for 3 flats

The Residential Design Guidance states, amongst other things, that where a conversion of a single-family home into a small HMO or subdivision into flats is proposed the property should be large enough to be converted without the need for substantial additional extensions. However, even though proposed extensions would be likely to be necessary to facilitate the additional 3 flats within the building, the appeal property is already a HMO, therefore the guidance is not wholly applicable in this regard. Further, it is noted that the inspector found that the form and scale of the extensions would be acceptable.

- o Traffic accidents are common in the area and more traffic will add to this

Highways officers have reviewed the application and find the provision of 2no parking spaces acceptable, subject to a legal agreement to amend the traffic order to exempt the proposed units from being eligible for parking permits. The highways officer raised no issues with regards to increased traffic having a detrimental impact on the flow and safety of traffic.

- o Impacts on infrastructure

Given the existing use of the host site being made up of 6 different households, it is not considered that the conversion to flats would have an impact on surrounding infrastructure and services which would warrant refusal of the application.

- o Change in character of the area
- o Overdevelopment
- o Bulk and design of extensions
- o Sevington Road is primarily a road with family housing
- o UK Census 2021 indicated 30% of housing along Sevington Road is flats so the prevailing character is family homes
- o The fallback development of a lawfully permitted loft extension will be less harmful

The impacts of the proposal on the character of the area has been discussed in the main body of the report. It is noted that the extensions to the property were found to be acceptable under appeal by the Inspector.

- o Double number of people living in the house

The impacts of the proposal on the comings/goings and activity associated with the development has been discussed in the main body of the report.

- o Overlooking from side dormer into 56A
- o The side and rear extension would bring the house very close to no .56A and the roof extension will be dominant and impact on light and privacy

This has been addressed within the main body of the report and a condition will be added

to ensure that this is obscure glazed.

- o If dormer is obscure glazed this will affect outlook for new occupiers

This has been addressed within the main body of the report.

- o The flats could be a HMO in the future
- o No certainty that the flats will not be modified to HMO rooms

Each application is assessed on its own merits. The conversion into a HMO would require planning permission.

- o The appeal inspector noted that the fallback position of a 6 person HMO would have a lesser impact than the proposed development

Each application is assessed on its own merits. The appeal application proposed a combined development including both HMO and flat use on the site which is materially different to the proposed development under this application.

- o Loss of family accommodation
- o Large family homes (4 bedrooms) are a priority in Barnet

The existing use of the property is as a HMO and as such there will be no loss of family accommodation. The proposed development will provide a family sized unit.

- o Some residents have not received a notification letter regarding the application

Notification of the proposed development has been sent to the appropriate neighbouring properties. Further, a site notice was erected on 18.01.2024.

- o Flat 3 at 68sqm does not meet requirements for 2 bed 3 person dwelling London Plan 2021

A 2 bed, 3 person dwelling over 1 storey requires a Gross Internal Area of 61sqm. The proposed development would meet this requirement.

- o Inappropriate stacking

This is not considered sufficient to warrant refusal of the application. A condition will be added in the event of approval to ensure that Pre-Completion Sound Insulation Test Certificates are submitted to the LPA.

- o Precedent of flat conversions

Each application is determined on its own merits. The principle of flats in this location has been discussed within the main body of the report.

- o Increased bins and waste

The inspector found within the previous application that there are no current bin stores and the proposal to include this would improve the appearance of the site's frontage.

- o Raised patio overlooks neighbouring properties

The raised patio was found to be acceptable under the previous application and subsequent appeal. Further the subdivision of the amenity space will prohibit overlooking. Details of this will be secured by way of a condition.

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 application is acceptable and recommended for APPROVAL.

