

**Location** 129 Friern Barnet Road London N11 3DY

**Reference:** 23/4625/FUL Received: 27th October 2023  
Accepted: 30th October 2023

**Ward:** Friern Barnet Expiry 25th December 2023

**Case Officer:** John Sperling

**Applicant:** Mr. Dilip Dhanak

**Proposal:** Change of use of the property from a single family dwelling (Class C3) to a House in Multiple Occupation (Sui Generis) for 7 people. Erection of a rear outbuilding to provide cycle parking/storage. Associated refuse and recycling store (amended drawings and description).

### **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:

1821 P1 1 Rev 3

1821 P1 2 Rev 9

DD/FBR/P08

Site Location Plan

2303490-R01, Acoustic Assessment, 129 FRIERN BARNET ROAD, N11 3DY, by Ardent Consulting Engineers, dated June 2023

TN01, 23138, Technical Notes, Parking Analysis, by Markide Associates, dated 8 June 2023

Planning Statement, by ND Planning Ltd, March 2024

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 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, before the development hereby permitted is occupied, a minimum of 10 (long stay) and 2 (short stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of bicycles in connection with the approved development.

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

- 4 Prior to commencement of the development details of the refuse storage and 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.

- 5 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the \*\*\*\* as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

- b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (2016), and Policies D13 and D14 of

the London Plan 2021.

- 6 Prior to installation, details of the boilers shall be forwarded to the Local Planning Authority for approval. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%) and shall be installed in full accordance with the details approved.

Reason: To reduce and limit NOx emissions to improve air quality and reduce greenhouse gases in accordance with Policies GG3, SI1 and SI2 of the Mayor's London Plan 2021.

- 7 The House of Multiple Occupation hereby approved shall be occupied by no more than total of 7no persons at any time.

Reason: To protect the amenities of future and neighbouring 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).

- 8 No cooking facilities, including hot plates, shall be installed in the bedrooms of the HMO hereby permitted.

Reason: To ensure the units remain as HMO accommodation and not self-contained flats, and to protect the amenities of the future occupiers.

- 9 Prior to the first occupation or use of the development hereby permitted, information shall be submitted to and approved in writing by the Local Planning Authority detailing how the development would adhere to the principles of Secure by Design. The development shall be carried out and retained in accordance with the agreed details in perpetuity.

Reason: To ensure that the development meets Secure By Design principles as required by the Metropolitan Police, in accordance with Policy CS12 of Barnet's Core Strategy DPD (2012) and Policy DM01 and DM02 of Barnet's Development Management Policies Document DPD (2012).

#### **Informative(s):**

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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).

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](mailto:cil@barnet.gov.uk).

- 3 The proposal requires a HMO license and the team can be contacted at: [www.barnet.gov.uk/housing/private-housing/houses-multiple-occupation](http://www.barnet.gov.uk/housing/private-housing/houses-multiple-occupation)

- 4 In relation to fire safety and other matters to which they apply, the conversion work

will need to accord with the current Building Regulations and an application/building notice to Building Control or an Approved Inspector should be made.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site relates to a mid-terraced property located on the northern side of Friern Barnet Road. This road is predominantly residential in character with parades of local shops to the east. Princess Park Manor, a residential development is located opposite the site on the southern side of the road.

This property has residential accommodation arranged over five floors; basement, ground floor, first floor, second floor and within the roof. It has been extended by way of works to the existing basement, two storey rear extension and roof extensions involving side dormers. Some of these works benefit from planning permission with the remaining works being carried out using permitted development rights (prior to the conversion of this property).

Friern Barnet Road is a well trafficked classified road. There are bus routes in the area and New Southgate Overground Station is some 530m to the east of the site.

The property has already been converted into separate units for supported living accommodation for people with learning difficulties without the benefit of planning permission. Enforcement ref ENF/00103/11/H which required the following:

1. Cease of the use of the property as a care home (Class C2)
2. The permanent removal from the property of all but one set of kitchen facilities and locks from internal separating doors

Following a site visit as part of the current application, the case officer noted that all rooms were entirely vacant with the kitchen facilities retained in most rooms.

### **2. Relevant Site History**

Reference: 23/2510/FUL

Address: 129 Friern Barnet Road, London, N11 3DY

Decision: Refused

Decision Date: 8 August 2023

Description: Change of use of the property from a single family dwelling (Class C3) to a House in Multiple Occupation (Sui Generis) for 10 people. Erection of a rear outbuilding to provide cycle parking/storage. Associated refuse and recycling store.

Reasons for refusal:

1. The conversion of the property into a 10 person HMO would constitute an over-intensive use that is out of keeping with the prevailing character of the locality with which the prevailing character comprises of single family dwellinghouses and flat conversions. Together with the existing 7 person HMO at No.125 Friern Barnet Road, the character of the area would be detrimentally impacted. The applicant has not demonstrated that there is identified need for the proposed use in the area. Furthermore, the site is not able to provide sufficient front amenity space to provide sufficient refuse and recycling and cycle

parking facilities which can be contained within an appropriately sized and lockable unit that would not harmfully clutter and dominate the character and appearance of the site, streetscene and wider area. The proposal is contrary to Policies D3 and D14 of the London Plan (2021), Policies CS1 and CS5 of the Local Plan Core Strategy DPD (adopted September 2012), Policies DM01 and DM04 of the Local Plan Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted 2016) and the Sustainable Design and Construction SPD (adopted 2016).

2. The proposed use of the property into a 10 person HMO will harmfully increase noise, disturbance, congestion and disruption to neighbouring residents through associated general activity and will result in an over-intensive use that will have an adverse effect on residential amenity, contribute towards change in the function and character of the street and be out of character with the established settled residential pattern. Together with the existing 7 person HMO at No.125 Friern Barnet Road, the neighbouring residents at the flat conversion at No.127 Friern Barnet Road would be deleteriously impacted as a result of the HMO usage of both properties. Also, the neighbouring residents at No.131 Friern Barnet Road would also be harmfully impacted by the proposed use. The proposal would therefore be contrary to Policies CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM02, DM04 and DM09 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted 2016) and the Sustainable Design and Construction SPD (adopted 2016).

3. The proposal fails to comply with the Councils relevant housing standards for HMO by lack of internal space in Rooms 1, 2, 3, 5 and 8 and insufficient space for washing, cleaning and cooking facilities in Rooms 2, 4 and 7 and provide an unrealistic form of communal facilities in the basement floor level. Thus, the proposal would provide substandard accommodation detrimental to the residential amenity of future occupiers, contrary to the requirements of Policy CS5 of the Barnet's Local Plan (Core Strategy) DPD and Policy DM09 of Barnet's Local Plan (Development Management Policies) DPD (both adopted September 2012) and The Mayors Housing Supplementary Planning Guidance (Adopted March 2016).

4. Insufficient information has been provided, including supporting information, lack of crime prevention measures and existing issues, such as anti-social behaviour, theft and violent offences, to properly assess the impact of the proposal within this specific area. In the absence of detailed information the proposal cannot be supported by the Metropolitan Police Service. The application is contrary to Policy D8 and D11 of The London Plan (2021), Policy CS12 of the Barnet Adopted Core Strategy (2012) and Policies DM01 of the Adopted Development Management Policies DPD (2012).

Reference: 23/0209/FUL

Address: 129 Friern Barnet Road, London, N11 3DY

Decision: Withdrawn

Decision Date: 27 March 2023

Description: Change of use of the property from a single family dwelling (Class C3) to a House in Multiple Occupation (Sui Generis) for 10 people

Reference: B/03359/11

Address: 129 Friern Barnet Road, London, N11 3DY

Decision: Refused

Decision Date: 21 May 2012

Description: Change of use of residential property to class C2 (Supported Housing for

adults with Learning Difficulties) and retention of outbuilding to be used as a recreation building in conjunction with the C2 use of the main property.

Reasons for refusal:

1. The continued use of the property as supported housing for adults with learning difficulties is not considered to meet an identified need for such housing in this locality and as such results in the over provision of such housing as well as the loss of general needs accommodation contrary to policy H12 of the adopted London Borough of Barnet Unitary Development Plan 2006, policy CS4 of the Core Strategy Examination in Public Version May 2012 and policy DM09 of the Development Management Policies DPD examination draft May 2012.

2. The development as a result of the number of occupants, the comings and goings associated with such accommodation and the internal room layout will result in increased noise and disturbance, detrimental to the residential amenities of the adjoining occupiers, contrary to policies ENV12, H12, H23 and H26 of the adopted London Borough of Barnet Unitary Development Plan 2006.

3. The residential unit within the basement, as a result of its siting, design and limited number of windows is a poor form of accommodation with limited light and outlook to and from the unit, detrimental to the residential amenities of the future and existing occupiers of this unit, contrary to policies D5 and H16 of the adopted London Borough of Barnet Unitary Development Plan 2006.

Reference: B/04733/08

Address: 129 Friern Barnet Road, London, N11 3DY

Decision: Withdrawn

Decision Date: 23 January 2009

Description: Conversion of existing dwelling into 3 flats.

Reference: B/02082/10

Address: 129 Friern Barnet Road, London, N11 3DY

Decision: Approved subject to conditions

Decision Date: 13 September 2010

Description: First and second floor rear extension.

Reference: B/00326/09

Address: 129 Friern Barnet Road, London, N11 3DY

Decision: Withdrawn

Decision Date: 13 March 2009

Description: Extensions to roof including side dormers and erection of external staircase to 3 floors.

Reference: B/01415/09

Address: 129 Friern Barnet Road, London, N11 3DY

Decision: Lawful

Decision Date: 18 June 2009

Description: Extensions to roof including dormer windows to both sides to facilitate a loft conversion. Basement extension (AMENDED DESCRIPTION)

### **3. Proposal**

This application seeks planning permission for 'Change of use of the property from a single family dwelling (Class C3) to a House in Multiple Occupation (Sui Generis) for 7 people. Erection of a rear outbuilding to provide cycle parking/storage. Associated refuse and recycling store (amended drawings and description).'

Amendments were sought in the lifetime of the application to resolve the concerns identified 23/2510/FUL. This principally involved reducing the number of occupiers to 7 people. As such, a 14 day reconsultation took place to inform the local residents of the changes to the application.

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

Consultation letters were sent to 126no. neighbouring properties.

5no responses were received. These comments may be summarised as follows:

- Intensification of the site
- Parking concerns
- Works taking place despite previous application being refused
- Noise and disturbance
- Combined disruption from proposed HMO and existing HMO at No.125 Friern Barnet Road
- Anti-social behaviour
- No additional parking
- Lack of cycle parking space

A site notice was placed on 9th November 2023.

Due to the changes to the application, a 14 day reconsultation was arranged. No comments were received.

##### **4.1 Internal Consultation**

Highways - no objection, subject to conditions.

Environmental Health - no objection, subject to conditions.

HMO Environmental Health - no objection.

Policy - the Policy Manager confirmed the submitted evidence for the proposed HMO is acceptable.

#### **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 in December 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.



The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

### The Mayor's London Plan 2021

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

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

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.

Policy H9.

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM09, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity.

Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

### Barnet's Local Plan (2012)

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.

Policy HOU04 Specialist Housing states:

Proposals for new HMOs must:

- (a) Demonstrate that they meet the requirements of the Additional Licensing Scheme and complies with any relevant standards for Houses in Multiple Occupation;
- (b) Meet an identified need and demonstrate that they do not create a harmful concentration of such a use in the local area;
- (c) Demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area; and
- (d) Be easily accessible by public transport, cycling and walking

#### 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 the 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:

- Principle of development
- Character and appearance of the existing building, the street scene and the wider locality;
- Whether the proposed HMO accommodation meets relevant housing standards;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Highways issues.

## 5.3 Assessment of proposals

### Principle of development

On 26 May 2016 the Council implemented an Article 4 Direction across the borough requiring planning permission for any change of use from buildings used as dwelling houses (Use Class C3) to buildings used as small-scale houses in multiple occupation (Use Class C4).

Core strategy policy CS4 aims to maximise housing choice by providing a range of sizes and types of accommodation that can meet aspirations and increase access to affordable and decent new homes. Barnet's growing and increasingly diverse population has a range of needs that requires a variety of sizes of accommodation. HMO's are recognised as an important source of low cost, private sector housing for students, those on low incomes and those seeking temporary accommodation.

Policy H9(D) of The London Plan (2021) states that Boroughs should take account of the role of houses in multiple occupation (HMOs) in meeting local and strategic housing needs. Where they are of a reasonable standard they should generally be protected.

HMOs are an important source of low cost, private sector housing for students, those on low incomes and those seeking temporary accommodation.

Policy DM09 addresses the creation of HMOs within the London Borough of Barnet and the requirements expected if they are to receive planning permission. The policy states that proposals for new HMO will be encouraged provided that they meet:

- 1) An identified need;
- 2) Can demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area;
- 3) Are easily accessible by public transport, cycling and walking;
- 4) Meet the relevant housing standards for HMO.

Policy HOU04 Specialist Housing states:

Proposals for new HMOs must:

- (a) Demonstrate that they meet the requirements of the Additional Licensing Scheme and complies with any relevant standards for Houses in Multiple Occupation;
- (b) Meet an identified need and demonstrate that they do not create a harmful concentration of such a use in the local area;
- (c) Demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area; and
- (d) Be easily accessible by public transport, cycling and walking

A small House in Multiple Occupation (HMO) is a dwelling in which three to six unrelated

people (constituting separate households; unrelated to each other) share communal facilities such as bathrooms, kitchens and living rooms.

With regards to the criteria contained within Policy DM09, it is noted that supporting evidence was received from Treewood, Connect Property and Mark Anthony Property Services all confirming there is a high demand for HMO units in the area. The Council's Policy department confirmed that this submitted information is acceptable and thus satisfies the requirements of section (a). With regards to section (c), the application site benefits from good accessibility by public transport and local amenities. No objections have been raised historically to this public transport accessibility.

In terms of section (b) of Policy HOU04, given the identified need has been established the remaining element requires addressing. Having reviewed the planning history in the nearby surrounding area, the only nearby HMO is at No.125 Friern Barnet Road. As such, the proposal is not envisaged to result in a harmful over-concentration of HMOs in the area.

Therefore, the introduction of an HMO use in this location would not be incongruous or out of keeping. Additionally, there are no external changes proposed that would impact the character or appearance of the existing building.

Therefore, the proposed change of use to an HMO is considered unacceptable in principle.

### Character and Appearance

HMOs can involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of additional refuse facilities and more people movements and more deliveries, that can have an unacceptable impact on the established character of an area. The use of the property by a large number of separate households is likely, on the basis of the criteria identified above, to change the character of the street due to the level of intensification above and beyond properties which are in single family occupation or have been converted into flats.

The introduction of an Article 4 across the borough is recognition that HMOs need to be controlled and their proliferation can be harmful to more permanent residential character. The use of the property by a large number of separate households is likely, on the basis of the criteria identified above, to change the character of the street and to undermine the more permanent residential nature afforded by single dwelling houses and flats.

Having reviewed the delegated report under planning reference B/03359/11 states that this section of Friern Barnet Road and the nearby roads are characterised by a 'mixture of single family dwellings and flat conversions.' After conducting a review of the planning history of the surrounding area and site visit this perspective is still fundamentally accurate.

The case officer does note that formal approval for a 7 person HMO has been granted at 3B The Broadway, Friern Barnet Road, N11 3DT. This approval was granted on the basis that the Council's Private Sector Housing HMO Team have had record of its existence since 2005 (18/3361/FUL, approved 31 July 2018) so the use of the site as an HMO has been established following 10 year lawful use - see Town and Country Planning Act Part VII 171B (3). In addition, No.125 Friern Barnet Road is currently a 7-bed HMO which is closer to the site. As such, it is clear that 7-bed HMOs are existing in the nearby vicinity and thus forms part of the character of the area.

It is widely established that the character and appearance of an area does not merely account for physical changes but also include comings and goings and the number of people within a dwelling which play a crucial role in contributing to the character of an area. With no external changes being proposed and the scheme being amended from a 10-person HMO to a 7-person HMO, the proposed development is more appropriate and consistent with the prevailing character. The proposed future occupiers, alongside the existing 7 person HMO at No.125, would result in an uplift of 14 people which is considered appropriate in this context.

### Impact on neighbouring amenity

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan) in respect of the protection of the amenities of neighbouring occupiers.

Again, it is noted that no external alterations are taking place to the property.

Prior to the current works at the site, it is noted that the site has capacity for a large family dwelling. It is acknowledged that unlike a single family dwelling house, an HMO consisting of seven households would operate independently from one another, thereby increasing the number of comings and goings and levels of activity. Given the surrounding area is characterised by family dwellings, flat conversions and some HMOS, the proposed use is not considered to give rise to demonstrable harm to neighbouring occupiers and amenities.

Again, the LPA acknowledges that HMO are different pattern movements and activities which would likely be more frequent than that associated with a single family unit. Occupants are more likely to be transient in nature than a more settled status of a family unit and each 'bedsit' would operate independently of one another. Notwithstanding this, with the site being positioned on Friern Barnet Road, which exhibits a more commercial and heightened level of activity and transport, it is more suited to an HMO property of this kind.

Addressing the harm to No.127 Friern Barnet Road (which includes three self-contained flats), it is considered that the reduced capacity of the site to 7 people would, when accounting for No.129, not harmfully overwhelm the neighbouring residents by reason of noise and disturbance.

The neighbouring property of No.131 Friern Barnet Road is, according to Council records, a single-family dwelling and has recently received permission for a demolition and rebuild under planning reference number 22/5635/FUL. The proposal involves 4 bedsits adjoining No.131 which is not viewed to result in a detrimental impact the neighbouring residents by reason of a harmful increase of noise and disturbance.

As such, the proposal is considered unacceptable in this regard.

### HMO standards

The adopted HMO standards for rooms with cooking facilities stipulates a minimum of 13m<sup>2</sup> and for two persons, 17m<sup>2</sup>. Note that the minimum room space requirement is net of any compartment containing w.c. and shower/bathroom facilities and any other areas to be excluded. For clarity, the following measurements exclude toilet and shower rooms and

cooking facilities.

The proposal consists of the following:

- Room 1 - 13.0m<sup>2</sup> proposed - 1 person (ground level) - compliant
- Room 2 - 14.53m<sup>2</sup> proposed - 1 person (ground level) - compliant
- Room 3 - 14.6m<sup>2</sup> proposed - 1 person (first level) - compliant
- Room 4 - 13.0m<sup>2</sup> proposed - 1 person (first floor level) - compliant
- Room 5 - 15.7m<sup>2</sup> proposed - 1 person (second floor level) - compliant
- Room 6 - 13.0m<sup>2</sup> proposed - 1 person (second floor level) - compliant
- Room 7 - 22.6m<sup>2</sup> proposed - 1 person (third floor level) - compliant

All the proposed rooms would meet the internal floor space standards.

In the lifetime of the application, the cooking facilities were removed and placed only in the communal area. Communal spaces are proposed at basement, ground, first and second floor levels. The occupiers of Room 7 would utilise the closest communal facilities at second floor level which was viewed to be acceptable by the Council's EH EHO department. As such, the rooms would be in proximity to communal spaces with shared facilities would validate the sites function as a HMO.

The Environmental Health department has reviewed the Acoustic Assessment (2303490-R01) June 2023 and views that the internal noise criteria would be met, subject to implementation of the mitigation measures taking place.

Overall, the proposed change of use is considered to provide a substandard form of development.

### Highways

The site fronts directly onto Friern Barnet Road. The site is not in a CPZ and there are no parking restrictions near the site. The site lies in an area with a PTAL score of 3 (average). There are 4 bus routes (221, 382, 43, 232) that can be accessed from stops within 1-6 minutes walking distance of the site. Also, New Southgate rail station is about 7 minutes walking distance from the site.

The change of use from the existing family dwelling to an up to 10 bed (HMO) will attract a maximum parking provision of between 0-10 spaces. Given the site's good PTAL score of 3, Highways would accept the provision of 5 spaces. No off-street parking is proposed and so the scheme could potentially displace up to 10 spaces on-street. A parking survey has been undertaken by the applicant and the results indicate that there were 51 parking spaces within a 200m distance of the site and a parking stress level 80%. This demonstrates that there are on-street spaces to accommodate any parking displaced by the development.

A minimum of 10 long-stay and 2 short-stay cycle parking spaces are requested. 15 cycle parking spaces are proposed at the rear of the property. However, it is not clear how cyclists will access the store without going through the building. There should be direct access to the cycle store from the street. If cyclists have to go through the property to reach the cycle store at the rear of the property then the route should provide level/ramps access, remote doors, and a direct route to the rear. Short and long-stay cycle parking should be provided in separate compartments. The type of stands used must allow both wheels and the frame of the bicycles to be locked. Revised cycle parking details are

therefore requested.

Refuse storage is proposed at the front of the building and this is acceptable. However, elevations of the refuse store are requested and this can be secured by way of a planning condition.

#### Recommendation

The application is recommended for approval on highway grounds subject to the following conditions and informatives.

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

Consultation letters were sent to 126no. neighbouring properties.

5no responses were received. These comments may be summarised as follows:

- Intensification of the site

Amendments to the application resolves this concern.

- Works taking place despite previous application being refused

This is acknowledged in the current application. The applicant undertook works with planning permission at their own risk. Amendments were requested and received and must be implemented to establish a lawful position.

- Noise and disturbance

Combined disruption from proposed HMO and existing HMO at No.125 Friern Barnet Road

The amendments to the scheme acceptably mitigated the level of noise and disturbance that would be generated at the site.

- Anti-social behaviour

The Design Out Crime Officer has reviewed the submitted information and raises no objection to the scheme, subject to additional information being secured by condition. Information required includes but is not limited to the following:

- the security rated front door to rating PAS24
- details of the secure cycle parking facility
- internal doors which will contain a self-closing device and thumb-turn locks and each room will have two points of locking - a night-latch certified to BS 8621 and a BS 8621 thumb-turn mortice deadlock.
- the main front door will have an audio and visual call panel with the ability of residents to remotely release the door from their safety of their room.
- individual external mailboxes will be provided which are security rated to DHF TS 009
- a Management Plan

- No additional parking

- Parking concerns

No additional parking is proposed. However, evidence has been submitted and shows that the overspill of cars and existing public transportation connection would not result in a harmful impact.

- Lack of cycle parking space

Sufficient cycle parking spaces is proposed to the rear of the site.

A site notice was placed on 9th November 2023.

Due to the changes to the application, a 14 day reconsultation was arranged. No comments were received.

## **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, the application is therefore APPROVED.





APPLICATION SITE

