

**Location**                      **16 Sevington Road London NW4 3SB**

**Reference:**                      **18/5641/FUL**

Received: 19th September 2018

Accepted: 19th September 2018

Ward:                              West Hendon

Expiry 14th November 2018

Applicant:                      Hussaini

Proposal:                      Conversion of existing dwelling into 7 bed HMO (House in multiple occupancy)

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

- P01, P02 A, P03 C, P04, P05, Design and Access Statement

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 development shall be implemented in accordance with the approved layout and proposed occupancy of max no.13 persons and maintained as such thereafter.

Reason: To safeguard the amenities of neighbouring occupiers and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 4 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 5 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

b) The details approved by 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 enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2015.

- 6 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

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

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

with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

## **Officer's Assessment**

### **1. Site Description**

The application site is a two-storey semi-detached single-family dwelling on the southern side of Sevington Road within the ward of West Hendon. The property has been extended under planning ref H/03266/12 by way of roof extension involving hip to gable, rear dormer window, 2no. rooflight to front to facilitate a loft conversion, conversion of the garage to a habitable room and extension to rear of property under planning application ref H/03268/12.

The site is predominantly surrounded by residential uses with two-storey semi-detached dwellings either used as single-family units or as self-contained flats, with houses of multiple occupancy also located along Sevington Road. Sturges Park is located east of the application site. Middlesex University London is located approximately 0.8 miles north of the application site.

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

### **2. Site History**

Reference: H/03268/12

Address: 16 Sevington Road, London, NW4 3SB

Decision: Approved subject to conditions

Decision Date: 31 October 2012

Description: Conversion of garage into habitable space including alterations to roof and fenestration. Alterations to rear conservatory including internal alterations, alterations to roof and fenestration.

Reference: H/03266/12

Address: 16 Sevington Road, London, NW4 3SB

Decision: Lawful

Decision Date: 21 September 2012

Description: Roof extension including hip to gable end with a rear dormer window and 2no. roof lights to front roofslope to facilitate a loft conversion.

### **3. Proposal**

This application seeks planning permission for the conversion of existing 6no. bed 10no. person single family dwelling into 7no. bed 13no. person HMO (House in multiple occupancy).

In respect of HMO's, the minimum standard for a one room letting where the kitchen is a separate room for 1no. person is 8. 5sq.m and 12.5sq.m 2no. persons. Kitchens for communal use should not be less than 6.0sq.m. According to these standards, the 7no.bed HMO would accommodate 9no. persons at its max. capacity therefore provide an uplift of 2no. persons across the site above the original capacity.

No external changes are proposed.

## **4. Consultation**

### Neighbour Notification

Consultation letters were sent to 74 neighbouring properties. 6no. objections have been received regarding the proposed development, and the comments have been summarised below:

- Concerns regarding proposal resulting in 5 self-contained flats below minimum policy requirements and subsequently substandard level of accommodation.
- Concern regarding lack of information on refuse, particularly the location of such refuse and potential impact on off street parking.
- Concerns regarding the increase comings and goings.
- Concerns regarding potential impact on parking stress caused by proposal.
- Concerns regarding potential of 7 gas and electric metres installed along the side of the property, harming the character of the surrounding area.
- Concerns regarding stacking and potential noise and disturbance to future and neighbouring occupiers with lack of sound insulation.

Two member of the public have shown their support on the applciaiton however have not left any comments to be addressed.

### HMO Officer

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

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits. The relevant Policies are as follows:

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

#### The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

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

#### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5 and CS14.
- Relevant Development Management Policies: DM01, DM02, DM09, DM17.

#### Supplementary Planning Documents

##### **Residential Design Guidance SPD (2016)**

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

##### **Sustainable Design and Construction SPD (adopted 2016)**

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

## **5.2 Main issues for consideration**

Officers consider that the main planning considerations are as follows:

- o The principle of HMO in this location
- o Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;

- o Whether harm would be caused to the living conditions of neighbouring residents.
- o Whether the proposal provides satisfactory living accommodation for future occupiers;
- o Parking and highways
- o Refuse and Recycling

### **5.3 Assessment of proposals**

#### The principle of HMO in this location

Policy DM09 of Barnet's Development Management Policies states that 'Proposals for new HMO will be encouraged provided that they meet an identified need, can demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area, are easily accessible by public transport, cycling and walking and meet the relevant housing standards for HMO'.

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

- Letter from two Estate Agent highlighting the current demand for HMOs in the area surrounding the application site.
- A Design and Access Statement highlighting the need for an Intensive HMO in this locaiton.

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

Therefore, while it is important to demonstrate need which the applicant has to a degree, it is not sufficient alone to substantiate the suitability of the application site for a HMO. Significant weight has been given to the location of the application site which is deemed in addition to the identified need, to be suitable for a HMO. It is noted that the application site has a PTAL rating of 3 which is good notwithstanding this it is noted that the application site is located on a main road in proximity to the following:

- Brent Cross Tube Station (1 mile)
- Hendon Central Station (0.5mile)
- Hendon Thameslink Railway Station (0.4mile)
- Several bus stops along Hendon Way within a 10 minute walk.

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

Therefore, while the application site is not located within a town centre location, it is considered that accessibility is acceptable in broader terms and the character of the area

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

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

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

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

Residential development may be acceptable:

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

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

Given the PTAL rating and the application site's proximity to bus and tube stations, it is considered that 2.no parking spaces within the front forecourt area would be adequate for the site's proposed use.

In summary, it is considered that the principle of a HMO at the application site is acceptable given the mixed character of this section of Sevington Road and its proximity to key transit routes and modes. The information provided to evidence an identified need has been given less weight than the above, but is sufficient to demonstrate there is a need for low cost accommodation in this location.

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

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

No external changes are proposed. In summary, it is not considered that significant harm would be caused to the appearance and character of the application site or the wider streetscene as a result of the proposed HMO use, or the single storey rear extension. It is therefore deemed acceptable on character grounds.

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



The development would result in an increase of overall capacity from 5no. bed 9no. person single family dwelling to a 7no. bed 13no. person HMO therefore an uplift of 4no. persons across the site above the existing/ original occupancy level. Although the HMO meets the relevant housing standards for a HMO, the level of activity over and above the existing occupancy level resulting from groups of unconnected people, as would be the case with HMOs, would be likely to result in differing patterns of usage and behaviour as compared with residents living as single households who could be expected to share a lifestyle. In particular, there is likely to be more frequent comings and goings of residents and visitors and greater potential for increased noise and disturbance to local residents, the use of the garden and parking on the surrounding road network. However, an uplift of 4no. persons across the site is not expected to demonstrably impact neighbouring residential amenity over and above existing circumstances. Nonetheless, a condition has been attached as a mitigation measure to ensure that sound insulation between units is incorporated in compliance with Requirement E of the Building Regulations 2010.

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

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

##### Space Standards:

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

The minimum standard for a one room letting where the kitchen is a separate room for 1no. person is 8. 50sq.m and 12. 50sq.m 2no. persons. Kitchens for communal use should not be less than 6.0sq.m. The 7no.bed HMO would therefore accommodate 13no. persons at its max. capacity. According to these standards, the 7no.bed HMO would accommodate 13no. persons at its max. capacity therefore provide an uplift of 4no. persons across the site above the original capacity.

The floor layout and room sizes are acceptable and would comply with the relevant HMO licensing standards. Nevertheless, a condition will be attached to limit the number of occupants to 13.no persons as outlined within this application, in order to ensure the space standards remain suitable for the number of occupants proposed.

##### Light/outlook:

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

##### Room stacking:

The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. There is only a minor overlap between the second floor kitchen and HMO 05, however considering that it is only a partial overlap and the size of HMO 05 the stacking would be considered acceptable in this instance Sound

insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels; this will be enforced by condition.

#### Amenity Space:

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

#### Cycle Parking

The London Plan 2016 states the need for 1no. cycle space per studio and 1no. bedroom unit and 2no. spaces per all other dwellings. A need of 7no. cycle spaces and associated storage would therefore be required. The rear of the property would be able to provide 7no. cycle spaces. A condition will be attached to ensure that the applicant can provide the required car parking and cycling provision in accordance with Policy DM17 and section 6.9 of the London Plan (2016).

#### Refuse and Recycling

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

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

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

Consultation letters were sent to 74 neighbouring properties. 6no. objections have been received regarding the proposed development, and the comments have been summarised below:

- Concerns regarding proposal resulting in 5 self-contained flats below minimum policy requirements and subsequently substandard level of accommodation; the application proposed 7 HMO flats that will share kitchen facilities and the application has been assessed as such. In this instance the proposed HMOs all meet the minimum space requirements for houses of multiple occupancy.
- Concern regarding lack of information on refuse, particularly the location of such refuse and potential impact on off street parking; a condition will be attached requiring

information to be provided on the number and location of refuse prior to occupation for the development to ensure that the proposed location is acceptable on highway and planning grounds.

- Concerns regarding the increase comings and goings; this has been assessed within the main section of the report.
- Concerns regarding potential impact on parking stress caused by proposal; this has been assessed within the main section of the report.
- Concerns regarding potential of 7 gas and electric metres installed along the side of the property, harming the character of the surrounding area; this is not a planning consideration, however considering that the proposal is for a shared house of multiple occupancy, it is unlikely that such a situation would arise with most tenancies of this kind sharing the same utility services.
- Concerns regarding stacking and potential noise and disturbance to future and neighbouring occupiers with lack of sound insulation; stacking has been addressed within the main section of the report. A condition will be attached to ensure that the proposed development meets the sound and insulation required by building control.

Two member of the public have shown their support on the applciaiton however have not left any comments to be addressed.

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

The existing development does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

## **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.

