

Location	61 Albert Road London NW4 2SH	
Reference:	18/5637/RCU	Received: 19th September 2018 Accepted: 19th September 2018
Ward:	Hendon	Expiry 14th November 2018
Applicant:	Mr G Doherty	
Proposal:	Conversion of house into ground floor 1 bedroom flat and upper floors as a 4 person HMO (retrospective application)	

Recommendation: Approve subject to conditions

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

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

Site Location Plan (received 19/09/2018)
 Drawing No.01 (received 19/09/2018)
 099-02 Rev A (received 19/09/2018)
 099-03-Rev A (received 19/09/2018)

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 The maximum number of occupants permitted within the HMO hereby approved is 4.

Reason: To ensure that the proposed development does not prejudice the character and residential amenity of the surrounding area in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 3 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).

- 4 The proposed room labelled "Study" serving the ground floor flat hereby approved shall be used for this, or other ancillary purposes, and shall not be used as bedroom or primary living accommodation.

Reason:- In the interests of providing suitable living accommodation for occupants of the unit.

- 5 The premises shall be used for Class C4 (HMO) and for no other purpose (including any other purpose in Class C of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

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.
- 2 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.

Officer's Assessment

1. Site Description

The application site relates to a property known as 61 Albert Road, in the Hendon ward of the borough. The site contains a terraced dwelling, on the southern side of Albert Road, close to the junction with Alexandra Road. The immediate area consists largely of terraced properties. The property is served by a small garden area to the front with a largely garden to the rear.

The dwelling is currently in use as a ground floor flat with an HMO use on the upper floors. This use is unlawful as detailed within the report below. Prior to the subdivision, the property was in use as a single dwelling house.

2. Site History

Site address: 61 Albert Road, London, NW4 2SH

Application Number: 15/02596/FUL

Decision: Refused

Decision Date: 27/03/2015

Proposal: Retention of conversion of a house into 2no self-contained flats.

Site address: 61 Albert Road, London, NW4 2SH

Application Number: ENF/00924/14/H

Decision: Notice Issued

Decision Date: 11.05.2015.

Proposal: Without planning permission the conversion of the property into two self-contained flats.

Appeal Dismissed: 01/12/2015

Site address: 61 Albert Road, London, NW4 2SH

Application Number: ENF/01054/14/H

Decision: No Further Action (lawful)

Decision Date: 10.10.2014

Proposal: HMO.

Site address: 61 Albert Road, London, NW4 2SH

Application Number: 18/3296/FUL

Decision: No decision made.

Decision Date: N/A.

Proposal: Conversion of house into 1 x 1-bedroom flat and 1 x 2-bedroom maisonette at upper floor levels (part retrospective)

3. Proposal

The applicant seeks retrospective consent to retain the ground floor as a 1 bedroom flat. The first floor would be used as a House of Multiple Occupation (HMO) for 4 persons. The HMO bedrooms are located on the first and second floor. The ground floor flat would be served by the rear garden area. No parking spaces are provided.

4. Public Consultation

Consultation letters were sent to 81 properties, 3 replies were received. The comments received can be summarised as follows;

- Concern about parking and the strain on public disturbance;
- Concern about the potential for additional noise disturbance and the transient nature of such uses;
- There seems a high percentage of HMO's in the area;
- HMO uses are solely about maximising profit at the expense of the provision of medium sized units;
- The units do not appear to meet minimum space standards and will result in excessive over crowding along the road.

It is noted that the application has been called in to the Hendon Area Planning Committee by Councillor Fluss, for the reasons being over-development of the site, over-crowding and lack of parking.

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The National Planning Policy Framework (NPPF) was published on 27 March 2012. 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.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The revised National Planning Policy Framework (NPPF) was published on 24th July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth. It is a material consideration in planning decisions. Similar material considerations are the Government's planning policy for traveller sites, and its planning policy for waste as well as Written Ministerial Statements where relevant to planning decisions.

Existing policies in Barnet's Local Plan (2012) and the London Plan (2016) should not be considered out-of-date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF.

The Mayor's London Plan 2016

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

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

Draft London Plan

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London 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, DM09.

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of redevelopment;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Provision of adequate accommodation for future occupiers;
- Highways issues;
- Any other material considerations, third party representations.

Principle of redevelopment

As detailed above there is recent history at the site. The property was originally converted unlawfully into flats. An enforcement notice was issued to convert the property back to its previous state as a single dwelling and this was upheld at appeal. The appeal however concluded that the principle of flats was acceptable. Notwithstanding this, the provision of private (external) amenity space for the first floor flat was not considered acceptable.

An undecided application has been submitted to convert the property to 1 x 1-bedroom flat and 1 x 2-bedroom maisonette at upper floor levels (18/3296/FUL).

The current proposal seeks permission to use the ground floor as a 1 bedroom flat and convert the upper flat into a HMO. As discussed above the Inspector at appeal accepted the general principle of flats at this location and this followed no objection from the council on this aspect of the appeal scheme. Previous applications on the road support the general principle of conversion and the development would not result in the loss of a dwellinghouse on a road characterised by single family dwellings.

The retention of the HMO at the upper floors is therefore the new aspect of the scheme which requires consideration.

Policy DM09 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016) sets out that proposals for new HMOs will be encouraged provided that they meet an identified need, are easily accessible by public transport, cycling and walking and meet the relevant housing standards for HMO.

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.

As of 29th May 2016, the London Borough of Barnet's Planning Authority executed a borough-wide Article 4 Direction making it a mandatory requirement to obtain planning permission anywhere within Barnet to convert a dwelling house (Use Class C3) to a small HMO (Use Class C4) where between 3 and 6 unrelated people share basic amenities (e.g. such as a kitchen or bathroom).

As discussed above the council are content that the upper floor has operated for a period in excess of 4 years and before the article 4 direction was put in place. Notwithstanding this, the applicant has provided a letter from a local Estate Agent (Jayson Russel) which points to a demand for low cost housing in the area, including HMO's and that demand currently outstrips supply. The character of the area includes multiple unit properties and flat conversions and the proposed development would therefore not be out of character.

As part of the application submission, tenancy agreements and an affidavit from the landlord of the property outlining that the bedrooms on the first and second floor of the unit have been rented out separately for a period in excess of four years, with occupiers having access to the kitchen and the bathroom. The council are content that the applicant has provided enough information to demonstrate that the flat has been rented to separate people with no connection over a 4 year period.

Policy DM09 also requires that the site is within walking distance of a number of bus routes and is also a short walk (5 minutes) from Hendon Town Centre with its associated facilities and services, and 10 minutes from Middlesex University. The location of the site makes it suitable for a HMO and officers are of the view the upper floor has been in effective HMO use for some time. In light of this the proposed ground floor flat and HMO at upper floor level are considered in principle acceptable and that an identified demand exists for HMO's in the area.

In comparison with the previous planning applications to convert the properties into flats, the Development Plan is silent on a requirement to provide external amenity space for an HMO. On this basis, the proposed development would be acceptable in policy terms and would be acceptable.

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

The proposal does not propose any alterations by way of external changes or extensions. The changes would be solely internal and as such, no harm would be caused to the established appearance of the street scene through allowing the conversion to a Flat/HMO.

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

With regards to the HMO, whilst a maximum of 4 people, consisting of occupants forming different households may generate additional activity, such as the general coming and going of people and their visitors, the increase in activity likely from the proposal would not impact neighbouring properties to a detrimental level. These noise levels and levels of general disturbance are not likely to increase from increased occupancy to any great degree due to the relatively low number of people occupying the property in relation to bedroom space. The occupants of the HMO have no access to the private amenity space which may be an avenue for disturbance; however the level of activity would be similar to what could be generated by a single family dwellinghouse.

Furthermore, due to the existence of other flats and HMO's in the surrounding area, which would contribute to increased activity levels, it is not considered that the proposed use would have significant harm on neighbouring amenities. Submitted documentation suggests this level of occupancy has existed for some time and there is no record of significant disturbance in connection with the site.

Provision of adequate accommodation for future occupiers

The council has previously raised no concern with regards to the level of amenity provided by the ground floor flat. The bedroom meets the space standards, and the proposed study, too small for a bedroom, could be conditioned to remain as such. The occupants have access to a good sized rear amenity area, which will be a beneficial characteristic of the unit.

In the case of a 1no. room letting, the minimum floor area excluding kitchen for 1no. person is 8.50m² and 12.50m² for 2no. persons as per the Council's Adopted Standards for HMO Guidance. All rooms exceed the minimum space standard and a separate kitchen area is provided.

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. A condition will be attached to limit the number of occupants to 4.no persons as outlined within this application, in order to ensure the space standards remain suitable for the number of occupants proposed.

Highways issues

No parking is provided. Under the refused application H/05407/14, the council concluded that the demand for a 3 bedroom and 1 bedroom flat would be marginally greater than the reverting back to a 4 bed house. With the general low car ownership among HMO occupants and no car parking space standards, the level of need for on street parking would likely reduce with this proposal. There is therefore no objection, owing to the lack of parking provision.

Suitable refuse, recycling and cycle parking provision could be agreed by condition.

5.4 Response to Public Consultation

It is considered the issues on parking, noise disturbance, space standards and the general principle have been addressed in the evaluation.

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

In light of the above appraisal it is considered the general principle of the proposal at this location is acceptable. The details of the proposed scheme raise no concern and there is general accordance with the Development Plan, it is therefore recommended for approval subject to conditions.

