

Location **21 Sevington Road London NW4 3SA**

Reference: **19/4565/RCU** Received: 16th August 2019
Accepted: 19th August 2019

Ward: West Hendon Expiry 14th October 2019

Applicant: Mr Jaber Abeeat

Proposal: Use as a 8 bed House in Multiple Occupation (HMO) (Sui Generis) for up to 10 people (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:

201908/21SR/S1;
201908/21SR/01.

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 a) Within a period of no more than 6 months from the date of this permission, cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 3 a) Within a period of no more than 3 months from the date of this permission, 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 thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained 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 House of Multiple Occupation hereby approved must be occupied by no more than 10 persons at any time.

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).

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.

Officer's Assessment

1. Site Description

The application site is located on the western side of Sevington Road in West Hendon ward close to the junction with Elliot Road. The area is residential in character consisting of a mix of two storey semi detached and detached properties. Within Sevington Road, there is a high concentration of properties converted into flats. There are occasional HMO properties including one at 16 Sevington Road which was approved at Committee in November 2018.

The building is situated close to Brent Cross shopping centre.

The property benefits from substantial existing extensions including part single, part two storey side and rear extensions. 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.

The site is located in a Controlled Parking Zone.

2. Relevant Site History

Reference: W09258C
Decision date: 23.08.1999
Decision: Approved subject to conditions
Address: 21 Sevington Road London NW4
Proposal: Single storey front and two storey side extensions.

Reference: W09258A
Decision: 07.11.1989
Decision: Approved subject to conditions
Address: 21 Sevington Road London NW4
Proposal: Part single/part two-storey side extension.

3. Proposal

This application seeks retrospective planning permission for "Use as a 8 bed House in Multiple Occupation (HMO) (Sui Generis) for up to 10 people".

The application solely relates to the change of use and involves no external alterations to the dwelling that require permission.

4. Consultation

Neighbour Notification

Consultation letters were sent to 61 neighbouring properties.

A total of 9no responses were received in objection to the proposed development. They can be summarised as follows:

- The proposed conversion HMO would lead to further HMOs on Sevington Road to the detriment of the local character and residential amenities.
- Concern regarding the proposed parking layout and parking stress as a result of the proposed change of use.
- The proposed HMO will lead to increased littering in the area.
- The proposed HMO will result in noise pollution and anti-social behaviour.
- Concern regarding littering around the site by future occupiers.
- Concern regarding adherence to relevant building regulations for HMOs.

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 19 February 2019. This is a key part of the Government's 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:

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:

Draft London Plan

The London Plan is currently under review. 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 adopted 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, CS4, CS5 and CS14.
- Relevant Development Management Policies: DM01, DM02, DM08, 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 host dwelling is located on Sevington Road. It has moderately good connectivity, with a PTAL rating of 3. It is also located with walking distance of Middlesex University (0.8 miles). The application site is surrounded by a mix of single family dwellings, flats and HMOs. Based on the mixed character of the area surrounding the application site, it is not deemed that the introduction of an additional HMO would harmfully alter the character of this section of Sevington Road. It is noted however, that the London Borough of Barnet has issued an HMO Licence to the property and the applicant.

It is also noted that an application for conversion of the existing dwelling to a 7 person HMO at 16 Sevington Road was approved in 2018 under reference 18/5641/FUL. Given the proximity of this to the host dwelling, it is considered to add weight to the principle of a conversion to HMO in this location. Overall, it is considered that accessibility is acceptable and the character of the area is suitably mixed to justify a HMO at the application site in principle.

Additionally, the applicant has provided specific supporting evidence to demonstrate a need for HMO accommodation in this location. This includes 3 no letters from local estate agents confirming a greater demand for the property as a HMO and a lack of provision of this type of accommodation in this area. The letter from Regal Lets and Sales also states that a relatively low number of requests for 3-4 bedroom semi-detached family homes have been received recently.

On balance, it is considered that it has been sufficiently demonstrated that the proposal meets an identified need. It is also considered that, given the mixed character of the area and the evidence of lower demand for single family homes, the loss of the existing single family unit would be acceptable. Therefore, the proposal meets the requirements of Policy DM09.

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

The development does not involve external extensions to facilitate the proposed HMO. As such, it is not considered that the development has a harmful impact on the appearance of the dwellinghouse.

The change of use will likely result in an intensification of the use of the site and associated impacts on its character. These include increased refuse collections, comings and goings and potentially increased noise from the site. However, on balance, given the mixed character of the surrounding area, it is not considered that this would have an unacceptable impact on the character of the surrounding area or the streetscene.

For the reason given above, the development is found to be in accordance with Policy DM01 of Barnet's Local Plan in this regard.

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

The development would result in an expected occupancy of 10no persons. This is a substantial increase compared with the pre-existing single family dwelling. 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, it is considered that this increase in occupancy is not expected to have an unacceptable impact on neighbouring residential amenity over and above existing circumstances.

Whether the proposal provides satisfactory living accommodation for future occupiers

Space Standards:

Policy DM09 'Specialist Housing - House in Multiple Occupation, student accommodation and housing choice for older people', the policy states that proposed HMOs must "meet the relevant housing standards for HMO'.

The adopted Standards for Houses in Multiple Occupations (adopted 2016) stipulates under paragraph 1.1 that the minimum standard for a one room letting where the kitchen is a separate room for 1no. person is 8.50 sq.m and 12.50 sq.m 2no. persons. Kitchens for communal use should not be less than 6.0 sq.m.

It is noted that the first floor bedroom labelled "Bedroom 7" measures 7.7 sqm. This is marginally below the minimum standard above. However, the room benefits from good light and outlook. However, given the negligible shortfalls in space and the generous communal facilities provided for all rooms, it is considered that the quality of accommodation for all

rooms would be, on balance, acceptable. All other rooms would meet the standard with regard to room sizes. Therefore, there is no conflict with Policy DM09 in this regard.

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. It is noted that there is some stacking of bedrooms above communal kitchen and living areas. This is likely to result in a degree of noise transfer between rooms. However, it is considered that, given the nature of the proposed use, it would not be practical to avoid all stacking between bedrooms and communal areas. Therefore, this is not considered to be sufficient to warrant refusal of the application.

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. 140 sq.m and on the basis of the min. garden space standard of 85 sq.m for seven or more habitable rooms for houses, the intended amenity space provision is deemed acceptable. Officers are content that space provided is sufficient to accommodate future residents.

Highways and Cycle Parking

The site benefits from an area of existing hardstanding to the front of the dwelling including 2no car parking spaces. These are accessed via 2no existing crossovers from the highway. Although specific details of car parking are not provided, it is understood that the existing provision is proposed to be retained. Weight is given to the moderately good PTAL rating of the site and its proximity to Middlesex University and the walking distance to bus, rail and tube nodes. It is reasonable to conclude that the potential users of the HMO would depend on public transport and subsequently have a lesser need for car parking. Given these considerations, the provision of 2no car parking space is considered to be acceptable. A condition will be attached requiring specific details of the car parking provision.

Details of cycle parking in line with London Plan standards would be required by condition.

For the reasons given above, it is not considered that the proposed development would be contrary to DM17 or the London Plan in respect of highways and cycle parking.

Refuse and Recycling

The proposed plans show a refuse store would be incorporated in a screened area to the front of the dwelling. Details of the provision would be required by condition.

5.4 Responses to public consultation

- The proposed conversion HMO would lead to further HMOs on Sevington Road to the detriment of the local character and residential amenities.
- Concern regarding the proposed parking layout and parking stress as a result of the proposed change of use.
- The proposed HMO will lead to increased littering in the area.

- The proposed HMO will result in noise pollution and anti-social behaviour.
- Concern regarding littering around the site by future occupiers.

It is considered that these issues are sufficiently addressed in the above appraisal of the proposed development.

- Concern regarding adherence to relevant building regulations for HMOs. Building regulations is a separate process to planning permission. This is therefore not a material consideration in this assessment.

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 future occupiers or neighbouring occupiers. The proposed development is considered not to cause harm to highways safety. This application is therefore recommended for APPROVAL.

