

**Location** 320 - 322 Watford Way London NW4 4UY

**Reference:** 22/2398/FUL Received: 5th May 2022  
Accepted: 5th May 2022

Ward: Hendon Expiry: 30th June 2022

**Case Officer:** Shay Bugler

Applicant: Mr Ari Sufrin

Proposal: Conversion of the existing property into a large HMO of 17no rooms, including two storey side extension, single storey rear extension and alterations to the roof including raising height of crown roof, 4no. rear dormers and 4no. side dormers with rooflights to front roofslope. Associated amenity space, refuse storage, cycle storage and off-street parking

### **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 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.

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

- Existing elevations and cross sections: 04
- Existing ground floor plan: : 01
- Existing first and second floor plan : 02
- Existing roof plan: 03
- Site Location Plan: 01a
- Proposed ground floor plans: 06b
- Proposed first and second floor plans: 07b

- Proposed roof plan: 06a
- Proposed proposed elevations: 09a
- Document titled " Statement to show need for HMO within the Location and Public Transport Accessibility Statement" dated 03 05 2022
- Technical Note - Parking Stress Survey, dated 24 June 2022

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).

- 3 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy D4 of the London Plan 2021.

- 4 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

- 5 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved

in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

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

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

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

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

6 a) Notwithstanding the approved plans, 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 refuse strategy 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); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

- 7 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement in carbon dioxide emissions of a minimum of 10% when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies SI 2 of the London Plan 2021.

- 8 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: In the interest of good air quality in accordance with Policy DM04 of the Barnet Local Plan Development Management Policies (2012) and Policy SI1 of the London Plan 2021.

- 9 a) Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

b) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy SI1 of the London Plan 2021.

- 10 a) Notwithstanding the approved plans, before the development hereby permitted is first occupied details of cycle parking including the type of stands, location of cycle parking and type of store proposed to incorporate a minimum of 24 cycle spaces shall be submitted to and approved in writing by the Local 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 adequate and satisfactory provision is made for the parking of vehicles 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, Policy DM17 of the Development Management Document (2012)

- 11 Prior to occupation of the development, 3 no. existing parking spaces as shown on Drawing no. 06b and the access to the parking area from public highway shall be retained in accordance with the submitted planning application. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles 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.

- 12 a) Notwithstanding the approved plans, 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 refuse strategy 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); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

- 13 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).

- 14 The House of Multiple Occupation hereby approved must be occupied by no more than 17 persons at any time.

Reason: To safeguard the amenities of neighbouring occupiers in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 15 Prior to the first occupation of the development hereby approved they shall all have been constructed to have 100% of the wholesome water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012), Policy SI 5 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

**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 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 HMO standards include means of escape, structural fire protection, automatic fire detection, emergency lighting and firefighting equipment and in the usual course of events we would expect that the Building Regulations will be satisfied with respect to these matters. Please note that our standards refer to the LACORS 'Guidance on fire safety provisions for certain types of existing housing' which we apply in relation to licensing and other Housing Act functions usually after consultation with the London Fire Brigade where necessary. A copy of this document can be obtained as follows:

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[http://www.cieh.org/library/Knowledge/Housing/National\\_fire\\_safety\\_guidance\\_08.pdf](http://www.cieh.org/library/Knowledge/Housing/National_fire_safety_guidance_08.pdf)

- 4 For the avoidance of any doubt, if more than 17 individuals occupy the site as a HMO then a material change of use requiring express planning permission may occur.
- 5 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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 6 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site relates to a pair of semi detached houses located on the north east side of Watford Way. The area is residential in character and is bound by residential houses to the north and south, Sunny Hill Park to its east (rear) and fronts Watford Way to its west.

The rear curtilage of site lies on the border of MOL land, however does not reside within it.

The site has a PTAL rating of 1b which poor accessibility to public transport.

The application site does not reside within a Conservation Area, nor does it contain a locally or statutory listed building.

### **{b 2. Site History}**

The application site is located on the northern side of the A41 Watford Way and contains a pair of semi detached houses located on the north east side of Watford Way. The area is residential in character and is bound by residential houses to the north and south, Sunny Hill Park to its east (rear) and fronts Watford Way to its west.

The rear curtilage of site lies on the border of MOL land, however does not reside within it.

The site has a PTAL rating of 1b which poor accessibility to public transport. The nearest pair of bus stops to the site are within 0.16 km walking distance and provide access to services to Brent Cross, Edgware, Northwick Park Hospital, Oxford Circus and Stanmore Station. The nearest train station to the site is Hendon Central Underground Station, which



is 0.48 km away which provides access to Northern Line services to Morden via Bank and Charing Cross

The application site does not reside within a Conservation Area, nor does it contain a locally or statutory listed building.

{\b 2. Site History}

## **2. Site History**

Ref no: 22/2119/FUL

Description of development: Conversion of the existing property into 7no. self-contained flats, including part single part two storey side extension, single storey rear extension and alterations to the roof including raising height of crown roof, 3no. rear dormers and 2no. side dormers with rooflights to front roofslope. Associated amenity space, refuse storage, cycle storage and off-street parking (amended description)

Decision date: 28.07.2022

Decision: Approved subject to conditions

Reference no: W03574

Description of development: Conversion into three self-contained flats with 2 two-storey rear extensions and erection of garage

Decision: Approved subject to conditions

Decision date: 16 November 1972

## **3. Proposal**

The proposal at the site seeks to convert the existing single-family dwelling to a House in Multiple Occupation, providing a total of 17 units containing 17 Residents. Including two storey side extension, single storey rear extension and alterations to the roof including raising height of crown roof, 4no. rear dormers and 4no. side dormers with rooflights to front roofslope. Associated amenity space, refuse storage, cycle storage and off-street parking'

All units 17 will be provided with a single bed. All the rooms will contain storage, desk facilities and an individual bathroom. Three communal kitchens will be provided for the twelve units proposed. The conversion will also include washing facilities, external cycle storage for 24 bicycles and refuse/recycling storage. The proposed makes provision for 3 x no car parking spaces onsite.

The proposal would provide the following units:

Ground floor

Room 1: 16sqm

Room 2: 17.8sqm

Room 3: 19.9sqm

Room 4: 19.0sqm

Room 5: 14.7 sqm

Room 6: 14.7sqm

Room 7: 20.1 sqm

Room 8: 16sqm

## First floor

Room 9: 15.8sqm  
Room 10: 17.3sqm  
Room 11: 18.5 sqm  
Room 12: 17.3sqm  
Room 13: 15.4 sqm  
Room 14: 16.9sqm

## Second floor

Room 15: 16.5sqm  
Room 16: 19.2 sqm  
Room 17: 17.6sqm

The proposed HMO falls within a "Sui Generis" use class as there would be more than six people sharing the house.

## 4. Public Consultation

A site notice was erected on 12.05.2022.

Consultation letters were sent to 55 neighbouring properties on 09.05.2022. 4 letters of objections were received which are summarised as follows:

- The proposed design and scale of development is out of keeping with the prevailing scale of existing residential dwellings in the area.
- The proposed development would have a detrimental impact on the character of the streetscene
- There isn't a demonstrative need for an HMO onsite in this inappropriate location.
- Under provision of car parking
- Sub standard accommodation- size of rooms below policy requirement.
- There is a need for rented accommodation in the area, not HMO. The proposal would not meet the housing needs in the area
- The applicant has not provided details of the management and upkeep of the proposed use.
- Overdevelopment of the site
- Loss of family accommodation
- Middlesex University has ample accommodation in the surrounding area and most student would not wish to cycle from this site to the University
- The building could potentially house twice that number of people, (34), which would result in excessive density and an over intensification of the land use onsite, and detrimental to the amenity of neighbouring properties.
- Increase in refuse and recycling generation and therefore increase in air pollution in the area
- Increase in noise pollution
- Potential increase crime and anti social behaviour

All representations received were fully considered in the assessment of this planning application.

## 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 updated on 20 July 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. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

### The Mayor's London Plan 2021

The 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.

### 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 document. Both were adopted in September 2012. The following policy documents were consulted:

#### Core Strategy Policies:

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9 and CS14.
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, and 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 Draft Local Plan (Reg 22) 2021

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

### Supplementary Planning Documents

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

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

#### Sustainable Design and Construction SPD (Adopted 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:

- i. The principle of House of Multiple Occupation (HMO) in this location
- ii. The Impact on the appearance and character of the area
- iii. The impact on the amenities of neighbouring occupiers
- iv. Whether the proposal provides satisfactory living accommodation for future occupiers
- v. Parking and highways
- vi. Refuse and recycling storage

### **5.3 Assessment**

#### The principle of a HMO in this location

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

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

Policy DM08 recognises 4 bedroom homes as the highest priority and 3 bedroom homes as a medium priority. It is noted within the local emerging plan that 5 bedroom homes are recognised as being of the smallest need within the borough. The existing plans demonstrate the property consists of a 5 bedroom single family home, 1 x 1 bed and 1 x 2 bed unit. The loss of the 5 bedroom unit is therefore acceptable. Furthermore, the proposal would provide a suitable mix of housing including a 3 bedroom medium priority unit and contribute positively towards the housing stock.

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.
- Document titled "Statement to show need of HMOs within the location & public transport accessibility statement" dated 03 May 2022

From conducting a site history of the nearby sites, officers have noted that planning permission was allowed at No. 398 Watford Way, where an appeal for non-determination was allowed against reference 17/0862/FUL for the 'Use of single dwelling house for 4 people as HMO'. Officer also note that a number of properties within Watford Way have had

properties converted into self-contained flats including No.627 Watford Way (18/2238/FUL) and No.219 Watford Way (17/7047/FUL).

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 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 1b which is poor, notwithstanding this it is noted that the application site is located on a main road in proximity to the following:

- Two bus stops (one opposite and one north of the application site)
- Colindale Tube Station (1.1mile)
- Hendon Central Station (1.2mile)
- Hendon Thameslink Railway Station (1.5mile)
- Mill Hill Broadway Railway Station (1.6mile)
- Mill Hill East (1.8mile)

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 were also common to the application at 398 Watford Way. As aforementioned, the application site is surrounded on Watford Way by single family dwellings, self-contained flats, HMOs, guest houses and educational and retail uses. 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 Watford 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.

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 3 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 Watford Way 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 Watford Way 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

The proposed design of the alternations and extensions have already been approved under planning application ref no: 22/2119/FUL, approved on 28.07.2022. There are no other external alterations to the elevations.

The application also proposes a single storey rear extension to replace the existing part single storey rear extension. The proposed dimensions are included in the proposal section above, but nonetheless the applicant has proposed a depth of 3.80m for the proposed extension and would therefore fails to comply with Section 14 of the Residential Design Guidance SPD (2016) in terms of the recommended depth of 3.50m. However, notwithstanding this, officers are of the opinion that the proposed extension is subordinate in scale when compared to the main dwelling, and would appear and prominent or obtrusive element. It is also noted that the proposal would remove the existing roof terrace to the rear, which would be compliant with council policy. Regarding the design and materials officers have raised no concerns as the design would complement the main dwelling with materials to match the existing.

While No.364 does not have any extensions approved to the rear of their property, officers note that No.368 Watford Way benefits from planning permission for a 'Single storey rear extension. Roof extension involving hip to gable, rear dormer window and 2no rooflights to front elevation to facilitate a loft conversion' (16/4510/HSE). Therefore, it is considered that the proposed single storey rear extension to No.366 would be in keeping with the character of development within the immediate area.

The use of the application site as a HMO and its consequential impacts on the character of the application site and the surrounding area has been addressed in the section above and therefore will not be repeated in this section.

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.

### The Impact on the appearance and character of the area

Development proposals are required to reflect the character of their street and the scale and proportion of surrounding houses. This is supported by Policy DM01 of Council's Development Management Policies which states that development should understand local characteristics and 'preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

The proposal incorporates a part single, part two storey side extension. This essentially infills the area forward of the existing two storey side extension. Residential Design Guidance states that side extensions should not exceed more than half the width of the existing property and should normally be set back 1m at first floor from the front elevation.

The proposed setback at first floor level is considered that this is sufficient (particularly when considering the prominent projecting bays) to soften the visual impact and thus broadly complies with the intent behind guidance. Furthermore, the extension would not exceed half the width of the property and would retain at least a 0.5m set down from the main ridge of the dwelling. To facilitate habitable space within the loft level, the proposal includes the raising of the crown roof over the existing two storey rear/side extension. It is noted that the resultant roof resembles that of a mansard style roof, however, given this follows the pitch of the existing roofslope, its design is considered acceptable and appropriate in this instance.

In respect of the single storey rear extension which projects a depth of between 1m to 3m, where its deepest element is somewhat centrally located within the rear elevation, this is considered to feature as a subordinate addition and would be consistent with guidance which states 3.5m extensions of semi detached properties is normally appropriate. Furthermore, the extensive rear garden is capable of accommodating the relatively modest extension without appearing constrained or cramped.

Residential Design Guidance requires dormers to not exceed half the height or width of the relating roofslope to ensure they feature as subordinate additions. The proposal includes 5 dormers, which equate to 3 dormers on the rear roofslope and a dormer to each side roofslope. Officers consider the overall quantum and size of dormer windows is acceptable as it would not result in visual clutter associated with mass and bulk of the proposal. The plans demonstrate that both individually and cumulatively the dormers would comply with guidance and as such are considered to feature as subordinate additions.

Given the extensive subject plot and the local context, it is not considered that the development would constitute an over development of the site.

The rear curtilage of the site borders on MOL land. Part vi. of Policy DM15 states: 'Development adjacent to Green Belt/MOL should not have a detrimental impact on visual amenity and respect the character of its surroundings'. Given the extensive rear garden and the use of this part of the MOL land as a public park, it is not considered that demonstrable harm would arise to the character of visual amenity of the locality.



## The impact on the amenities of neighbouring occupiers

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

The south of the site is separated by a green verge, access path to Sunny Hill Park and a subway underpass, this creates a separation distance of some 16m to the boundary of the neighbouring occupier no. 318 Watford Way. Given the substantial separation distance, the side extension would not result in any adverse impact to this neighbour. For a similar reason the single storey rear extension would not impact this neighbour.

In respect of no.324 Watford Way, the single storey extension would be separated from this neighbour by virtue of the existing shared driveway. Furthermore, its greatest depth of 3m is set away some 2.3m from the boundary. Given this no harm would result in terms of overshadowing, or a sense of enclosure and its visual appearance would be subdued by the separation distance.

The raising of the crown roof is not considered to have any additional demonstrable harm above that the existing extension taking into consideration the relationship with neighbouring properties.

The proposal incorporates windows to both flank elevations of the pair of semi's. A separation distance of approximately 21m would be maintained between facing windows of the subject building and no. 318 and therefore acceptable.

The ground and first floor side windows facing no.324, do not differ from the existing windows and in any event serve bathrooms thus not habitable spaces. At roof level a side dormer serving a bedroom would face onto no.324, however as per officers site visit this would only overlook the roofslope of the neighbouring property. Furthermore, the positioning and size of the glazed area would constrain any oblique views of the neighbouring property. Moreover, all existing flank windows to no.318 are obscure glazed. As such, it is not considered that this aspect would result in undue overlooking or loss of privacy.

Rear roof dormers would feature much like first floor rear elevation windows and are therefore not considered to result in undue overlooking or loss of privacy.

In terms of increased activity and associated noise/disturbance as a result of the conversion, it is not considered that the level of occupants/units would result in excessive levels of noise/disturbance in the context of ambient noise levels as a result of its proximity to Watford Way. Furthermore, the stretch of properties back on to a public park which would also generate ambient noise levels, as well as the adjacent associated access and subway. It is therefore considered that any levels of increased activity would suitably integrate into the local context.

## Whether the proposal provides a satisfactory living environment for future occupiers

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The application will therefore be assessed according to the requirement laid out in the London Plan (2021).

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 34 no of persons at its max. 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 17.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 no overlap between rooms and therefore 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 large communal amenity area garden an, thereby offering a good level amenity for future occupiers.

Parking and Highways

The councils Highways team have been consulted in relation to this application, the comments of which are contained therein.

The site lies within a PTAL 1b zone, which means that there is very poor public transport accessibility to and from the site. In line with requirements set out on Policy DM17 of the Barnet Local Plan, the required off-street car parking provision for the proposed is 17 spaces. The proposed drawings demonstrate that the applicant is proposing to make provision for 3x off-street car parking spaces, therefore the proposed means an under-provision of 14 x off-street car parking spaces. A Car parking survey for this site was

conducted on Wednesday the 22nd and Thursday the 23rd of June 2022, the results of which demonstrate that there is currently an average of 48.5% of on-street car parking stress on streets surrounding the site. It is expected that the potential overspill from the proposed development can be safely accommodated on streets surrounding the site, and would therefore not adversely impact the highway network

Refuse:

The refuse store would be located within the existing garage. A dedicated collection point has been indicated within the front forecourt and it is presumed that occupiers would move their bins to this point on collection days. This is considered in principle acceptable, however further details including the passage of the bins to the collection point (which should not be through the adjacent cycle store) will need to be provided. Further details will be secured via a condition.

Cycle:

Policy T5 Cycling of the London Plan (2021) requires the 1 space per studio or 1 person 1 bedroom

Cycle parking needs to be provided in accordance with the requirement of the London Plan cycle parking standards. For the proposed development, a minimum of 17 cycle parking spaces are needed. Cycle parking should be provided in a secure, covered, lockable and enclosed compound.

The plans show 24 spaces located in a compartmentalised area to the rear of the site. Further details of the provision and types of stands can be agreed through a condition.

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

The objections and concerns raised from residents has been considered within the evaluation above, and all representations received from residents were fully considered in the assessment of the application during the decision-making process.

- The proposed design and scale of development is out of keeping with the prevailing scale of existing residential dwellings in the area.

The proposal is of high design quality and would have a positive contribution to local character and appearance of the area, whilst also optimising the potential of the site to accommodate and sustain an appropriate amount and mix of development, in accordance with planning policy.

- There isn't a demonstrative need for an HMO onsite in this inappropriate location.

There is a housing shortage of all form of residential accommodation, across the Borough, including HMO accommodation. HMO accommodation is often considered to be the most affordable for young adults in London.

This has been addressed within the relevant section of the report.

- Under provision of car parking

The parking survey demonstrates any overspill can be safely accommodated on street.

- Concerns of illegal parking

This is subject to its own independent legalities and enforcement.

- Sub standard accommodation- size of rooms below policy requirement.

All rooms would exceed minimum size standards and therefore policy compliant. All rooms would also receive acceptable daylight, sunlight and outlook

- There is a need for rented accommodation in the area, not HMO. The proposal would not meet the housing needs in the area

Officers have assessed the proposed development against the description of development. Each application has to be assessed based on its own merits.

- The applicant has not provided details of the management and upkeep of the proposed use.

There is no policy requirement for the applicant to provide a management plan for the proposed HMO use.

- Overdevelopment of the site

The proposal does not present symptoms associated with overdevelopment.

- Loss of family accommodation

It is considered that benefit of the proposed use would outweigh the loss of one family dwelling.

- Middlesex University has ample accommodation in the surrounding area and most student would not wish to cycle from this site to the University

The applicant has submitted a letter from Middlesex University which reports there is a need for HMO accommodation in the area.

- This building could potentially house twice that number of people, (34), which would result in excessive density and an over intensification of the land use onsite.

The House of Multiple Occupation would be occupied by no more than 17 persons at any time to avoid over intensification of the use onsite and to safeguard the amenities of neighbouring properties. This would be secured by way of a planning condition.

- Increase in refuse and recycling generation and therefore increase in air pollution in the area

Sufficient details have been provided to be able to assess the waste provision arrangement. A refuse strategy and further details will be conditioned. Whilst the shared driveway falls outside of the sites red line, no development is taking place there and it is reasonable to assume that rights of easement exist.

- Increase in noise pollution

With reference to concerns relating to noise disturbance specifically relating to the structure of the building, sound insulation is a matter adequately addressed by the Building Regulations.

Notwithstanding, 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). This would be secured by way of a planning condition. 776y77y

- Air pollution

Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. This would be secured by way of condition.

- Potential increase crime and anti social behaviour

There is no evidence submitted to substantiate the assertions that the proposal would increase anti social behaviour in the area.

The applicant would be required to gain a Secure by Design Accreditation, in consultation with the Metropolitan Police. This would be secured by way of a planning condition.

- Potential adverse impact on neighbouring amenity

Officers are satisfied given the scale of the enlargements and separation distances that no significant harm would arise in terms of sunlight/daylight loss, therefore an daylight/sunlight report is not considered necessary.

## **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 proposed development would have an acceptable impact on the character and appearance of the host property, street scene and locality and would not adversely impact neighbouring occupiers. The development would also provide an adequate level of living accommodation for future occupiers. The application is therefore recommended for APPROVAL.

Site Location Plan

