

Location 11A Long Lane London N3 2PR

Reference: 22/1108/FUL Received: 1st March 2022
Accepted: 1st March 2022

Ward: West Finchley Expiry 26th April 2022

Case Officer: Will Collier

Applicant: Mr Aron Baum

Proposal: Conversion of existing 4 bed maisonette to create 6 room House in Multiple Occupation (HMO) for up to 6 people (C4)

OFFICER'S RECOMMENDATION

Approve subject to s106

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)

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Contribution of £2,392.01 is required towards the amendment of the Traffic Management Order. Monitoring contribution of 5% of total financial contributions, which is £119.60

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:

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

E00

E 01

E 02

E 03

E 04

E 05

P 01

P 02

P 03

P 04

P 05

Site Location Plan

Planning Statement

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

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The House of Multiple Occupation hereby approved must be occupied by no more than 6 (six) persons at any time, as specified on the hereby approved plans.

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).

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

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

- 5 a) 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); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

- 6 a) Before the development hereby permitted is first occupied 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.

RECOMMENDATION III:

- 1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31.05.2023, unless otherwise agreed in writing, the

Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a legal agreement to amend the traffic order. The proposal would therefore not address the impacts of the development, contrary to Policy CS9 of Barnet's Core Strategy DPD (2012) and Policy DM17 of the Barnet's Adopted Development Management Policies Document DPD (2012).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

OFFICER'S ASSESSMENT

1. Site Description

The application site concerns a large two storey mid-terrace maisonette (4 bedrooms) above a restaurant within a town centre location, on the north east side of Long Lane, close to the junction with Ballards Lane. Access to the flat is through a small unnamed road at the rear. Many of the upper floors along this row of shops are in residential use. The property has a PTAL rating of 4.

2. Site History

No planning history.

3. Proposal

This application is for the conversion of a 4 bedroom maisonette at the above address into a 6 bedroom HMO (C4) for up to 6 people. The flat is currently laid out with 4 bedrooms and a small living space. The proposal would provide 3 single bedrooms and a kitchen on each floor. Access would remain as existing and there would be no external changes to the appearance of the property.

4. Public Consultation

Consultation letters were sent to 117 neighbouring properties and a site notice was displayed on 10th March 2022.

Eight objections have been received. The issues raised among the objections are summarised in the following bullet points:

- o Loss of single family dwelling
- o No indication that bedrooms are for single people.
- o Inadequate living conditions
- o Insufficient parking
- o Congestion
- o No space for refuse.
- o Fire hazard as no alternative access.
- o Anti-social behaviour
- o Noise disturbance from construction
- o Over-intensification of use
- o Lack of amenity space
- o Too many HMOs in the area
- o Personal safety
- o Ground floor uses are too noisy

Internal consultations:

Highways - no objections subject to a S106 agreement to remove property from CPZ register. Further comments are incorporated into the highways section of the report.

HMO/Private Housing - no objections subject to compliance with building regulations.

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 revised National Planning Policy Framework (NPPF) was published on 20th July

2021. 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, creates better places in which to live and work and helps make development acceptable to communities...being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

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

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

Barnet's Local Plan (2012)

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

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

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Barnet's 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 October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle / character
- Whether harm would be caused to the living conditions of neighbouring residents.
- Compliance with HMO standards
- Highway safety and parking.

5.3 Assessment of proposals

- Principle of the development:

A larger House in Multiple Occupation (HMO) is a dwelling in which over six unrelated people (separate householders; unrelated to each other) share communal facilities such as bathrooms, kitchens and living rooms, with potentially greater associated impacts than a smaller Use Class C4 HMO.

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.

Policy DM09 part a) 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 standards for HMO."

In terms of accessibility, the site is located within a PTAL 4 zone, which means that there is good public transport accessibility to and from the site.

The Council recognises that flatted developments and HMOs 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.

The applicant has provided a letter from an estate agent about the demand for HMOs in the area. Demand for units is not the same as need, nevertheless, the letter is accepted as

sufficient evidence, given the town centre location.

The National Planning Policy Framework indicates that the character of an area is made up of much more than its physical appearance but includes how it functions and contributes to local identity and sense of place.

Following research of the area, it has been identified that a considerable number of properties along Long Lane have been converted from single family dwellings to flatted development and HMOs. It is therefore considered that the principle of the conversion may be supported. The proposal would result in the loss of a property that provides family sized accommodation, however given the varying styles of property, the character of the area is considered to be of a mixed residential nature and the proposal would not prejudice the objectives of Policy DM01 of the Local Plan in relation to the loss of single family units. Therefore, the council can agree the principle of the proposed conversion subject to general conformity with relevant plan policies and on consideration of all other material matters relating to this proposal.

- Character and visual impact;

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), D3-D6 of the London Plan 2021.

There would be no external changes to the property. No details of cycle or refuse storage have been provided but could be secured via condition.

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

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan policy D6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

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

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

The proposed plans show that the HMO would have 6 bedrooms for up to 6 people. The building was previously used as a 4 bed maisonette above a shop. With no ground floor entrance nor amenity space, it is considered likely the maisonette would have suited rental

by unrelated households. Its conversion to a small HMO of up to 6 persons is not therefore considered to result in a significant material change in the use of the property. It should also be noted that a property very nearby was also granted planning permission recently for conversion from a maisonette to a small HMO (ref 21/2394/FUL) at 7A Long Lane.

Taking the above considerations into account along with the town centre location close to public transport and within a mixed use context, the proposal is not considered to cause a significant adverse impact on neighbouring properties.

- Whether the scheme complies with HMO standards.

On conversions, the Residential Design Guidance states that subdivision requires careful consideration of the layout of each unit and the size and features of the rooms, so that the proximity of the new units to each other does not cause their occupants or neighbours undue disturbance.

In terms of internal standards, the Council uses the Barnet HMO Standards (2016) as a guide. Whilst not an adopted planning document, it is used as an effective measure of internal space and facility standard that contribute to the adopted Local Plan requirements to "meet the relevant housing standards for HMOs (Policy DM09)."

This is also in accordance with the approach advocated in the Mayors Housing Supplementary Planning Guidance (adopted March 2016) under paragraph 3.5.1 states that LPAs should ensure "...schemes are of good quality and meet all relevant Housing Act and HMO standards and requirements."

The Adopted Standards for Houses in Multiple Occupation with regard to its internal floorspace and layout, paragraph 2.1 states 'where there are five or more occupiers each separate household shall, where practicable, be provided with a wash hand basin'. Para. 2.2 states that 'each separate occupancy shall, where practicable, be provided with its own readily accessible bath or shower room of adequate size with sufficient space for drying and changing'.

The development meets these requirements as each room shown on the proposed floor plans would have its own ensuite.

Paragraph 4.1.1 stipulates that "Each household shall, where practicable, have its own kitchen separate from and being not more than one floor distant from the sleeping room or within the unit of accommodation".

This test would be met, with two kitchens on separate floors.

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'. There is no amenity space for the existing maisonette and given the proposed use and town centre location, this is considered acceptable.

Table 2.4 from Barnet Residential Standards states that Bedrooms should have a reasonable outlook with clear glazed windows. All bedrooms comply, confirmed in the Housing HMO feedback.

- Highways.

The site lies within a PTAL 4 zone which means there is above average public transport accessibility to and from the site.

In line with requirements set out in Policy DM17 of the Barnet Local Plan, the required off-street car parking provision is 1 space, taking the existing use requirement into account.

The applicant has not provided justification for the under-provision of off-street car parking and therefore, the results of an on-street Car Parking Survey carried in accordance with the Lambeth Methodology will be required to demonstrate whether there is sufficient availability on surrounding streets to accommodate the potential over-spill.

The applicant has agreed to forgo the need to provide a street parking survey by entering into a S106 agreement to remove the property from the register of properties eligible for residents parking permits within the Controlled Parking Zone, as mitigation for the lack of off street parking. This is considered acceptable.

5.4 Response to Public Consultation

Responses to material considerations raised in objections have been addressed in the report.

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



