

Planning Statement
Green Rhino Planning Parking Survey
Finchley Estates letter, dated 17th June 2023
Longbow letter, dated 27th June 2023
Sound Insulation Testing Report, dated 26/05/2021
Counsel Opinion dated 1/10/2023

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 Prior to occupation of the development, a revised parking layout drawing showing 3 parking bays and their dimensions shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved drawing.

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.

- 4 Details of cycle parking including the type of stands, location of cycle parking and type of store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 9 cycle parking space in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of bicycles in connection with the 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.

- 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 The building hereby approved shall be occupied as an HMO and occupied by no more than 9 persons.

Reason: To ensure that the development meets the relevant standards and safeguards the amenities of the future occupiers, in accordance with policy DM09 of the Adopted Barnet Development Management Policies DPD (2012).

7 No cooking facilities, including hot plates, shall be installed in the bedrooms of the HMO hereby permitted.

Reason: To ensure the units remain as HMO accommodation and not self-contained flats, and to protect the amenities of the future occupiers in accordance with policy DM09 of the Adopted Barnet Development Management Policies 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 Please note this approval relates solely to scheme's planning requirements. If you

have not done so already, all Houses in Multiple Occupation (HMO) in the borough are required to be licensed, unless they fall within certain exempted categories. The HMO officer indicates that the proposed layout shown will need an application to vary the license.

Further details can be found online at -
<https://www.barnet.gov.uk/housing/private-housing/houses-multiple-occupation>

OFFICER'S ASSESSMENT

1. Site Description

The application property is a semi detached corner property situated on Friern Park which is adjacent to Grove Road, located in the Woodhouse ward.

Friern Park is a predominantly residential road which comprises of a varied and mixed typography of housing. The host property is not listed and does not fall within a designated conservation area.

2. Relevant Site History

Reference: 21/5752/191

Address: 46 Friern Park, London, N12 9DP

Decision: Unlawful

Decision Date: 26 November 2021

Description: Use as an HMO for 9 people (Sui Generis)

Reference: 18/8235/ENQ

Address: 46 Friern Park, London, N12 9DP

Advice issued: 15.05.2018

Description: Conversion of house into 3 or 4 flats

Reference: 15/03836/HSE

Address: 46 Friern Park, London, N12 9DP

Decision: Approved subject to conditions

Decision Date: 24 August 2015

Description: Part single part two storey rear extension. Roof extension involving rear dormer window to facilitate a loft conversion. 1no skylight to rear, 1no skylight to side,

Reference: F/04151/14

Address: 46 Friern Park, London, N12 9DP

Decision: Prior Approval Required and Refused

Decision Date: 27 August 2014

Description: Single storey rear extension with a proposed depth of 6.0 metres from the original rear wall. Eaves height of 3.0 metres and maximum height of 3.0 metres.

Reference: F/04040/09

Address: 46 Friern Park, London, N12 9DP

Decision: Approved subject to conditions
Decision Date: 23 December 2009
Description: Part single, part two storey side and rear extension.

Reference: F/00057/10
Address: 46 Friern Park, London, N12 9DP
Decision: Lawful
Decision Date: 18 February 2010
Description: Extensions to roof including hip to gable and a rear dormer window to facilitate a loft conversion.

Reference: F/00098/10
Address: 46 Friern Park, London, N12 9DP
Decision: Withdrawn
Decision Date: 18 February 2010
Description: Part single, part two storey side and rear extension.

Reference: F/00687/09
Address: 46 Friern Park, London, N12 9DP
Decision: Refused
Decision Date: 1 May 2009
Description: Part single, part two storey side and rear extension.

Reference: F/01354/10
Address: 46 Friern Park, London, N12 9DP
Decision: Withdrawn
Decision Date: 22 June 2010
Description: Internal alterations to form 4 self contained flats.

Enforcement History:

Reference:
Address: 46 Friern Park, London, N12 9DP
Enforcement Notice served on 22.07.2022 against "The material change of use of the property to ten self-contained flats"
The Notice was appealed and and dismissed and the enforcement notice upheld (with variation to wording).

3. Proposal

This application seeks planning permission for 'Change of use of property into a 9 bed, 9 person HMO House in Multiple Occupation (Sui Generis). Provision of refuse storage and cycle store.'

4. Public Consultation

Consultation letters were sent to 146no. neighbouring properties.

5no. objections were received. These comments may be summarised as follows:

- Increased comings and goings
- Increased parking stress
- More rubbish collection required
- More deliveries

- Single family dwellings and flats dominate the character of the area
- Building unlawfully converted into flats
- Prominent siting of metre boxes and bin store
- Incorrect statements in Design and Access Statement

16no. letters of support were received (11 of those gave their current or former address as 46 Friern Park). These comments may be summarised as follows:

- Desirable location
- Huge demand
- Friern Park has flat's, HMO's, offices and some houses close to the high street.
- Good landlords
- Good public transportation links
- Nearby town centre location and local amenities

A site notice was placed on 27 July 2023.

4.1 Internal Consultation

Highways - no objections, subject to conditions.

Environmental Health - no comments.

HMO team - Environmental Health - no objections.

Building Control - no objection.

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 in 2023. 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, 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.

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.

Policy H9.

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 Local Plan (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.

The Inspector in his Interim Findings and Next Steps letter of August 17th has set out how the Council can through making Main Modifications to the Local Plan address issues of legal compliance and deficiencies in soundness. These interim findings are a clear indication of what the Local Plan and the policies and site proposals within will look like at

adoption, subject to making the Inspector's suggested Main Modifications. Whilst the Council moves forward to formal consultation on the Main Modifications (expected to commence in January 2024) the Interim Findings and Next Steps letter of August 17th shall be considered, in the interim, a relevant material consideration in the Council's decision making on planning applications.

Supplementary Planning Documents

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 of development
- Character and appearance of the existing building, the street scene and the wider locality;
- Whether the proposed HMO accommodation meets relevant housing standards;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Highways issues.

5.3 Assessment of proposals

Principle of development

From the planning history it can be seen that the property has been unlawfully converted into 10 self-contained flats and that an appeal against the serving of an Enforcement Notice was dismissed. The appeal did not include an assessment of the merits of the case.

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."

Policy H9(D) of The London Plan (2021) states that Boroughs should take account of the role of houses in multiple occupation (HMOs) in meeting local and strategic housing needs. Where they are of a reasonable standard they should generally be protected. Policy DM09 recognises proposals for new HMO will be encouraged provided that they meet an identified need. HMO are an important source of low cost, private sector housing for students, those on low incomes and those seeking temporary accommodation. The applicant has submitted information, provided by Finchley Estates dated 17/06/2023 and Longbow dated 27/06/2023, both confirming there is a high demand for HMOs in the area. The submitted information states that the majority of the current residents will remain living at the property which further supports the notion that there is demand for such accommodation in the locality.

Emerging policy HOU04, following the Examination Inspector's comments in August, maintains the policy requirement to show an identified need for HMOs in the locality and adds a new criterion that an overconcentration of HMOs in an area should be avoided. It clarifies that good accessibility for public transport is considered to be PTAL 3 - 6 to align

with Policy H1 of the London Plan.

With regards to the criteria contained within Policy DM09(a) and emerging policy HOU04, it is noted that the application site benefits from relatively poor connectivity via public transport (PTAL 2 rating) but benefits from local amenities by virtue of being in proximity to North Finchley Town Centre. Moreover, the site is just outside PTAL 3 and approx. 260m from the High Road.

Therefore, on balance in terms of need and location, the proposed change of use to an HMO is considered acceptable in principle.

Character and Appearance

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 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 flats.

It is widely established that the character and appearance of an area does not merely account for physical changes but also include comings and goings and the number of people within a dwelling which play a crucial role in contributing to the character of an area.

It is noted no HMO's have been approved by the Council in the near vicinity. The character of the area is mixed with single family dwellinghouses, blocks of flats and flat conversions. Given the mixed character of the area, it is considered that the use proposed and associated activity would not result in a harmful increase in comings and goings that would be detrimental to the character of the area. It is noted that no external changes are taking place to the property. Especially in light of the existing flats in the area and the capacity of the site, it is considered that the intensification of the use of the site would not be harmful to the character of the local area.

As such, it is viewed that the proposed development is considered to have an acceptable impact on the character and appearance of the site, streetscene and wider locality.

Impact on neighbouring amenity

The introduction of an Article 4 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 can change the character of the street and undermine the more permanent residential nature afforded by single dwelling houses and flats.

It is considered that the unrelated residents are likely to have different schedules than that

of a single family dwellinghouse who are likely to make similar movements and thus generating less noise and disturbance.

By way of context at the site in question, following the implementation of the works approved under planning reference number 15/03836/HSE there are a total of 7 bedrooms. At the point the dwelling was a single family dwellinghouse, the property had a large capacity. The property has subsequently been sub-divided to create 10 self-contained flats. With the proposed development relating to a 9 person HMO, the uplift is not considered to result in a demonstrably harmful impact to the surrounding residents.

With regards to the residents at No.48 Friern Park, a single family dwellinghouse, it is noted that they have submitted a letter confirming that they have never experienced any noise or disturbance from neighbours at 46. Although planning seeks to protect amenity for existing and future residents and the public benefit, it is considered in this case that the proposed use would not introduce a harmful increase in activity that would warrant refusal.

As such, the impact on neighbouring residents is acceptable.

HMO standards

The adopted HMO standards for rooms with cooking facilities stipulates a minimum of 13m² and for two persons, 17m². Note that the minimum room space requirement is net of any compartment containing w.c. and shower/bathroom facilities and any other areas to be excluded. For clarity, the following measurements exclude toilet and shower rooms and cooking facilities.

The proposal consists of the following:

- Room 1 (excluding ensuite) 14.75m²
- Room 2 (excluding ensuite) 25.81m²
- Room 3 (excluding ensuite) 26.45m²
- Room 4 (excluding ensuite) 18.95m²
- Room 5 (excluding ensuite) 15.81m²
- Room 6 (excluding ensuite) 14.19m²
- Room 7 (excluding ensuite) 17.65m²
- Room 8 (excluding ensuite) 16.94m²
- Room 9 (excluding ensuite) 21.95m²

The accommodation includes a communal living and kitchen area of 25.2m². The proposed layout has been amended to provide internal access for the communal facilities for the future occupiers at Room 4. The original plans showed their access to be from a separate entrance door with no access to the remainder of the property.

It is noted that the existing internal cooking facilities will be removed as per the active Enforcement Notice. As such, the future tenants will rely only on the communal facilities which is sufficient to meet the requirements of nine occupiers.

It is considered that the existing garden provides adequate outdoor space for future occupiers.

The development is considered to provide an acceptable quality of accommodation, in accordance with the HMO requirements, for future occupiers.

Highways

Initially, the Highways department requested a S106 legal agreement to apply a CPZ permit restriction subject to the approval of the application. Following receipt of additional information from the applicant, the Highways officer removed the requirement in this instance. As such, no further objections are raised subject to additional information by way of conditions.

5.4 Response to Public Consultation

Objections raised as follows:

- Increased comings and goings
- Increased parking stress
- More rubbish collection required
- More deliveries
- Single family dwellings and flats dominate the character of the area
- Building unlawfully converted into flats
- Prominent siting of metre boxes and bin store
- Incorrect statements in Design and Access Statement

These are largely addressed in the report.

With regard to physical changes, the front garden is currently hardsurfaced and it is considered, given its size, that a sore for refuse and recycling containers can be accommodated without harm to the appearance of the site.

The support comments are also noted.

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 application is therefore recommended for APPROVAL subject to conditions.

