

Location **43 Woolmead Avenue London NW9 7AX**

Reference: **21/4767/RCU** Received: 1st September 2021
Accepted: 4th October 2021

Ward: West Hendon Expiry 29th November 2021

Case Officer: **Douglas Payne**

Applicant: Mrs Beverley Stillerman

Proposal: Change of use of the property from a single family dwelling (Class C3) to a House in Multiple Occupation (HMO) (Class C4) for up to 6no people (Retrospective Application)

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

Site Location Plan (received 01.09.21)

AR-11 Rev 02 - Existing Drawings (received 04.10.21)

Supporting Statement by Beverley Stillerman (dated 01 September 2021 and received 04.10.21)

House Sale Particulars for 43 Woolmead Avenue (received 01.09.21)

HMO License for 43 Woolmead Avenue (received 01.09.21)

- 2 a) Within 3 months of the date of planning permission being granted, 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 details approved within part a of this condition shall be implemented in full within 1 month of approval in writing from the Local Planning Authority 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 S17 of the London Plan 2021.

- 3 a) Within 3 months of the date of planning permission being granted, details of the proposed cycle storage facilities within the existing garage shall be submitted to and approved in writing by the Local Planning Authority.
- b) The details approved within part a of this condition shall be implemented in full within 1 month of approval in writing from the Local Planning Authority and retained as such thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy T5 and Table 10.2 of The London Plan (2021) 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.

- 4 The House of Multiple Occupation hereby approved must be occupied by no more than 6no persons at any time.

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted 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. 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 that is scheme has been approved on the basis of the use of the site as a small House in Multiple Occupancy (Class C4). As such, it does not extend to elements of care, supported living, or temporary/interim accommodation

OFFICER'S ASSESSMENT

1. Site Description

The application site forms a large semi-detached dwellinghouse, the site retains a large front and rear garden. Front garden parking provides for two off-street car parking spaces. Additional off street vehicle parking is provided to the rear of the site in the form of a garage with two parking spaces. The site could potentially house four car parking spaces.

It is recognised that there is a mixture of styles, sizes and types of the buildings in this location. In particular, the immediate surrounding area is characterised by both large apartment buildings and dwellinghouses. Of note no. 38 Woolmead Avenue supports an existing house in multiple occupation.

The site is not identified within a conservation area.

2. Site History

Reference: 21/0567/191

Address: 43 Woolmead Avenue, London, NW9 7AX

Decision: Unlawful

Decision Date: 31 March 2021

Description: Use as a Class C4 HMO (House in multiple occupancy) for up to 6no people

Reference: W04227C/08

Address: 43 Woolmead Avenue, London, NW9 7AX

Decision: Refused

Decision Date: 17 March 2008

Description: Conversion into four self-contained flats and alterations to rear fenestration. Subdivision of rear garden. Provision of five off-street parking spaces and new bin enclosure to front

3. Proposal

This application seeks retrospective permission for a change of use of the property from a single family dwelling (Class C3) to a House in Multiple Occupation (HMO) (Class C4) for up to 6no people (Retrospective Application). The property had attained a HMO licence in 2018 for six persons for a period of five years.

No physical works are required to deliver the proposed development.

4. Public Consultation

Consultation letters were sent to 75 neighbouring properties.

Twenty-three objections and one petition (objecting to the proposal) with 47 signatures were received, the comments are summarised as:

- Loss of single family home
- Noise, disturbance and extreme antisocial behaviour

- Impact to character of the street, characterised by family dwellinghouses
- Use of HMO without permission
- Parking impact to on street parking stock

Internal consultation:

Highways and Housing (HMOs) were both consulted, and their comments are incorporated into the relevant sections below.

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 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

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 (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 October 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 October 2016)

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

5.3 Assessment of proposals

It is noted that the site photographs that have been used to make an assessment of this application were provided by the applicant.

The main issues for consideration in this case are:

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

- Principle of conversion:

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 3 zone, which means that there is good public transport accessibility to and from the site. Whilst the site is not within a town centre, it is in reasonable proximity to shops and services on West Hendon Broadway - particularly on foot via a more direct pedestrian route.

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 argued for a general need for HMOs in the area, as set out in the Planning Statement, but has not provided any particular need justification as to why the property should become an HMO. Nonetheless, the property has been actively occupied as an HMO (for which a licence has been issued) suggesting an active level of demand.

Observing the housing typology of the surrounding area, though there are predominantly

dwellinghouses to the west which would support family sized accommodation, there is also a high prevalence of apartment blocks (immediately to the east), a converted property opposite (at No 64) and a nearby HMO at No 38. Though the proposal would result in the change of use of a single-family dwelling house, the mixed character of the area is considered to be sufficient in demonstrating that an undue impact would be avoided and - by virtue of an extant permitted development right - the property could be re-converted from Class C4 to Class C3 without the need for a further grant of planning permission. The Council can therefore 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.

- Impact on character of area.

The proposed development does not include any physical works. The impact of a HMO upon the character of the site and surrounds has been discussed above.

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

The proposed development does not include any physical works. The impact of a HMO upon the character of the site and surrounds has been discussed above.

It is noted that antisocial behaviour of residents does not form a material planning consideration. Council is unable to factor the ongoing and extreme instances of antisocial behaviour of residents into account. The scale of the building, plot, siting (at the end of the street) and potential occupancy under Class C3 is not considered to render the resultant activity associated with the property unduly detrimental to the amenities of neighbouring occupiers - notwithstanding the uplift in the number of de facto households.

- Compliance 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 application seeks permission for the use as the property as an HMO for up to six people. As noted, there are 6 bedrooms within the property in the revised plans.

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 access to a bathroom, with four provided. A large communal kitchen is provided at ground level and the property has access to a large backyard, providing for private outdoor amenity space. Furthermore, the property had obtained a HMO licence for a period of five years, which identifies the property meets HMO requirements set by the Council.

Table 2.4 from Barnet Residential Standards states that Bedrooms should have a reasonable outlook with clear glazed windows. All bedrooms have adequate glazing and thus sufficient light and outlook.

- Impact on Parking and Highways.

The proposed development has not been supported by plans that identify an existing two bay garage at the rear of the site, with an additional bay next to this. One of these garages will be utilised providing bicycle parking. Notwithstanding that the site would continue to provide for two independently accessible off street parking spaces.

The applicant was requested to demonstrate provision of on street parking spaces using a Parking Stress Report and the Lambeth Methodology to identify if on street parking was available. Council Transport Officers have reviewed the parking stress results and have deemed that the overspill of car parking spaces of the proposed development could be accommodated on street based on current stress levels - regardless of the two spaces available within the site. The car parking provision is therefore accepted to be able to be provided on street.

Similarly, there has been a notable lack of details on bicycle parking, however six bicycle parking spaces could be provided for within one of the bays of the garage comfortably. Conditioning is able to be applied to ensure bicycle racks are delivered within the garage.

Refuse has not been well shown on a site plan, though it is understood to be currently stored along the side boundary within 10m of the public highway, which is appropriate on highway grounds. Conditioning has been recommended to deliver waste within screened areas.

5.4 Response to Public Consultation

Responses to material planning considerations have been provided within the assessment section of this 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.

