

**Location** **65 Victoria Road Barnet EN4 9PH**

**Reference:** **23/4626/FUL** Received: 27th October 2023  
Accepted: 27th October 2023

**Ward:** East Barnet Expiry: 22nd December 2023

**Case Officer:** **Erica Mason**

**Applicant:** Mr Shahabaldin Meshki

**Proposal:** Change of use of the property from a single family dwelling (Class C3) to a 5 bed House in Multiple Occupation (HMO) (Class C4) New patio area and cycle storage

### **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:

- 65 PA 1 1 (Site Plan and Location Plan - Existing)
- 65 PA 2 1 (Floor Plans - Existing Floor Plans)
- 65 PA 3 1 (East and West Elevations - Existing Side)
- 65 PA 4 1 (North and South Elevations - Existing Rear and Front)
- 65 PA 5 1 (Proposed Site Plan and Site Plan with Cycle Storage)
- 65 PA 6 1 (Floor Plans - Proposed Floor Plans)
- Design & Access And Planning Statement (dated 24 October 2023)
- Parking Occupancy Survey - Traffic Survey Partners (dated 24 October 2023)

- Supporting letter Barnet Homes
- Supporting letter Aleco

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 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the flank side elevation(s), of the extension(s) hereby approved, facing no. 63 and no. 67 Victora Road.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 4 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.

- 5 The House of Multiple Occupation hereby approved must be occupied by no more than a total of 5no. persons (one person in each room) at any time.

Reason: To protect the amenities of future and neighbouring 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 October 2016).

- 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, in the interests of promoting cycling as a mode of transport and to safeguard the visual amenities of the building and surrounding area, in accordance with Policy T5 and Table 10.2 of The London Plan (2021), Barnet's Local Plan Policies CS NPPF, CS1 and CS9 of Core Strategy (Adopted) September 2012, and Policies DM01 and DM17 of Development Management Policies (Adopted) September 2012.

7 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.

### **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 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 The proposal requires a HMO license and the team can be contacted at: [www.barnet.gov.uk/housing/private-housing/houses-multiple-occupation](http://www.barnet.gov.uk/housing/private-housing/houses-multiple-occupation)
- 4 In relation to fire safety and other matters to which they apply, the conversion work will need to accord with the current Building Regulations and an application/building notice to Building Control or an Approved Inspector should be made.

## **OFFICER'S ASSESSMENT**

## **1. Site Description**

The application site relates to no. 65 Victoria Road Barnet EN4 9PH, which is a two storey semi-detached property set on the north side of Victoria Road in the East Barnet ward. The property features an original single storey front bay element, shallow pitched main roof with roof lights and has a single storey rear extension. Apart from a wooden storage addition to the side, the property is largely unaltered. It shares common boundaries with no. 63 Victoria Road to the west and no. 67 Victoria Road to the east. No. 63 is a single family dwellinghouse and no. 67 was formerly a dwellinghouse which now forms 2no. self contained flats.

It is recognised that there is a mixture of styles, sizes and types of buildings in this location. The site is not within a conservation area nor is it a statutory listed building.

It should be noted that the proposal property is set in close proximity to New Barnet Town Centre at a distance of 119m away.

## **2. Site History**

No planning history

## **3. Proposal**

The applicant seeks full planning permission for 'Change of use of the property from a single family dwelling (Class C3) to a 5 bed House in Multiple Occupation (HMO) (Class C4) New patio area and cycle storage'.

## **4. Public Consultation**

Consultation letters were sent to 83no. neighbouring properties. Also, a site notice was erected dated 02 November 2023. 19no. replies were received by way of objections which are summarised as follows:

-Potential overcrowding and living conditions for the occupants

(Planning officer comment: Each room is for single occupancy and generally meets the required standard as confirmed by Barnet's HMO officer)

-Loss of family housing

-Impact on character consisting of families with children attending local schools

-Proposal may disrupt the peace and harmony and impact community and social Impact including nearby youth community group located directly opposite

-Noise and disturbance

-One of the rooms is smaller than the regulations stated

(Planning officer comment: Discussed in main body of report)

-Development for over 400 flats being built only 100m up the road at the Victoria quarter is adequate housing

(Planning officer comment: Each application is decided on its' own merits. The larger development does not appear to include single rooms for the intended tenure)

-May cause anti-social behaviour

-Over population of area

(Planning officer comment: No evidence of the above is provided. However, the HMO inspector may request a HMO Management Plan to protect living conditions for residents and occupiers of neighbouring properties ).

-Parking issues

-Six dwellings could mean up to six new car owners

(Planning officer comment: Discussed in main body of report, However, the occupancy is for a maximum of five people).

-Impact on local services and amenities to support another increased population, including the new flats, such as healthcare, schools, and public transportation.

(Planning officer comment: Due to the small number of future occupiers, the proposal is considered to have an acceptable impact on local services and amenities compared to the current situation).

#### Internal consultation:

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

## **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 19th December 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. 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.

Relevant Policies:

D1 (London's form, character and capacity for growth)

D6 (Housing quality and standards)

H1 (Increasing housing supply)

H9 (Ensuring the best use of stock)

H10 (Housing size mix)

T5 Cycling

### 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, DM08, DM09, DM17.

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 New Local Plan (Reg 24)

Barnet's Draft Local Plan - Reg 24: The Reg 22 version of the draft new Local Plan was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan underwent an Examination in Public (Reg 24). The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites.

As part of this stage (Reg 24), 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.

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

- 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.
- Residential Design Guidance SPD (adopted October 2016)
- Adopted Standards for Houses in Multiple Occupation (2022).

### **5.3 Assessment of proposals**

The main issues for consideration in this case are:

- Principle of conversion into HMO
- Impact on character and appearance of the area
- Whether harm would be caused to the living conditions of neighbouring residents
- Amenities of future occupiers
- Compliance with HMO standards
- Highway safety and parking
- Other issues

#### - Principle of conversion into HMO:

A small House in Multiple Occupation (HMO) is a dwelling in which five or under 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.

Paragraph 4.9.4 of the London Plan (2021) document states that:

'Houses in multiple occupation (HMOs) are an important part of London's housing offer, reducing pressure on other elements of the housing stock. Their quality can, however, give rise to concern. Where they are of a reasonable standard they should generally be protected, and the net effects of any loss should be reflected in Annual Monitoring Reports. In considering proposals which might constrain this provision, including Article 4 Directions affecting changes between Use Classes C3 and C4, boroughs should take into account the strategic as well as local importance of HMOs'.

Barnet's Core strategy policy CS4 aims to maximise housing choice by providing a range of sizes and types of accommodation that can meet aspirations and increase access to affordable and decent new homes. Barnet's growing and increasingly diverse population has a range of needs that requires a variety of sizes of accommodation. HMO's are



recognised as an important source of low cost, private sector housing for students, those on low incomes and those seeking temporary accommodation.

Barnet's Development Management (2012) 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."

As mentioned above, Barnet's New Local Plan forms a material consideration in light of the interim findings of the Inspector and Next Steps Letter of August 17. As a part of that, HOU04 of the Emerging Local Plan therefore becomes a material consideration. HOU04 incorporates many of the same themes as current Local Plan Policy DM09.

HOU04 states that HMOs are to:

- (a) Demonstrate that they meet the requirements of the Additional Licensing Scheme and complies with any relevant standards for Houses in Multiple Occupation;
- (b) Meet an identified need and demonstrate that they do not create a harmful concentration of such a use in the local area;
- (c) Demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area. An HMO Management Plan may be sought to protect living conditions for residents and occupiers of neighbouring properties; and
- (d) Be easily accessible by public transport, cycling and walking.

HOU04 is being allocated due weight under this assessment.

In terms of accessibility, the site is located within a PTAL 3 zone - but adjacent to and in close proximity to PTAL 4 zone, which means that there is good public transport accessibility to and from the site. Whilst it does not fall within East Barnet Town Centre, it is however, located close to the town centre - set just in excess of 100m away. Also, New Barnet and High Barnet train stations are within walking distance.

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.

Barnet's HMO register which is updated monthly notes the following addresses as being houses converted into HMO's. It is noted that the 3no. properties on Victoria Road, do not benefit from planning permission.:

- 52 Victoria Road EN4
- 83 Victoria Road EN4
- 151 Victoria Road EN4

However, it would appear that the use as HMO at 83 is lawful due to passage of time; no Enforcement notices were issued for this site. In relation to no. 151, an enforcement case was opened under reference ENF/1448/21, in regards to the use as HMO. However, the use was found to be lawful, and the case was subsequently closed.

More recently, on 01 December 2020, planning permission for conversion of existing first and second floors into 8 bed House in Multiple Occupation (HMO) (Class C4) was granted under planning reference 19/5020/FUL at no. 2B Victoria Road. It is noted that this property is set above a ground floor commercial unit.

Furthermore, no. 32/32A, 47, 48, 82A and 110 Victoria Road benefit from planning permission for conversion into flats. Also, the neighbouring properties at no. 67/67A are listed on the Valuation Office Agency (VOA) as flats.

The applicant advises that there is a general need for HMOs in the area, as set out in the submitted Design & Access / Planning Statement and has provided particular need justification as to why the property should become an HMO, which is required under Policy DM09.

Paragraph 5.1.5 of the Design Access/Planning statement advises that the site is located in a mixed-use area where there is a need and demand for low cost residential accommodation, especially for the staff and students of the nearby nursing homes, synagogues, and schools. The proposed HMO would provide suitable housing for such residents, who would benefit from the proximity to their workplaces or educational institutions.

Also, estate agent letters of demand for HMO units were provided indicating need within this vicinity. Furthermore, Bumblebee estate agent (sister company to Barnet Homes) which was set up by The Barnet Group, provides property services to landlords and tenants, throughout Barnet and the surrounding area. The group provided also a letter of interest in the proposed HMO units - along with other interested estate agents.

Following research of the area, it has been identified that the number of converted properties along Victoria Road, from single family dwellings to HMO's or flatted development, is not extensive. However, due to the existence of this type of development, it is considered that whilst there does not appear to be an intensification of these forms of development on Victoria Road, this tenure forms part of the character of the vicinity. It is therefore considered that the principle of the conversion of No. 65 Victoria Road Barnet EN4 9PH may be supported. The proposal would result in the loss of a single-family dwelling house. However, given the inclusion of the above types of tenure, the character of the area includes 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.

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

No external changes are proposed as part of this application apart from the addition of a rear patio area which could be achieved under permitted development for the existing dwellinghouse.

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.

Policy DM01 states that all proposals should preserve and enhance the local character of the area. As mentioned above, the vicinity is mixed in tenure including HMO's and flat conversions.

Barnet's Emerging policy HOU04 of the Draft Local Plan advises on Houses in Multiple Occupation (HMO) and states that, HMOs will be supported where they meet the following

criteria. The policy is important to assess that the character of the proposal is acceptable. Once again, the following criteria is of importance when assessing the proposal:

- It is demonstrated that they meet the requirements of the Additional Licensing Scheme and comply with any relevant standards for Houses in Multiple Occupation;
- It is demonstrated that they meet an identified need and that they do not create a harmful concentration of such a use in the local area.
- It is demonstrated that they will not have a harmful impact on the character and amenities of the surrounding area. An HMO Management Plan may be sought to protect living conditions for residents and occupiers of neighbouring properties;
- It is easily accessible by public transport, cycling and walking.

The proposal is considered to comply with the above. Thus, whilst the proposal would result in a loss of a single family dwellinghouse, the proposal is compliant with the existing and emerging policies - and is therefore justified and compliant with Policy DM01.

- 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, and 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.

The two next door properties are nos. 63 and 67 with the former being a single family dwellinghouse and the latter containing 2no. flats.

Intensification of use:

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 proposal relates to the provision of 5no. persons small HMO. The existing dwelling facilitates 4no. bedrooms one of which is at ground floor level. The sizes of some of the bedrooms could facilitate double rooms in a household. Therefore, it is not considered that the proposal would lead to an unacceptable over-intensification of use comparatively with the existing scope of occupation.

It is noted that 3 out of 5 proposed rooms each have ensuite and 4 out of 5 provide cupboard space except for bedroom 5 which does not have storage. However, storage exists within the roof space to facilitate this room. No cooking facilities are provided within the rooms and therefore there is no potential to become self contained units. Whilst account is taken of other permissions in the borough which have allowed kitchenettes, this does not form part

of the current proposal and a sizable kitchen diner is facilitated on the ground floor leading to the rear garden amenity of which both elements can be accessed by all future occupiers, and as such would be acceptable.

#### Amenities of future occupiers.

The HMO will consist of the following:

- o Room 1 - 11.57 m<sup>2</sup> with 2.72 m<sup>2</sup> ensuite (1 person) - compliant.
- o Room 2 - 10.01 m<sup>2</sup> with 2.53 m<sup>2</sup> ensuite (1 person) - compliant.
- o Room 3 - 11.85 m<sup>2</sup> with 2.93 m<sup>2</sup> ensuite (1 person) - compliant.
- o Room 4 - 10.02 m<sup>2</sup> (1 person) - compliant.
- o Room 5 - 10.93 m<sup>2</sup> (1 person) - compliant.

It should be noted that a communal bathroom of 3.64m<sup>2</sup> will be provided for Rooms 4 & 5.

- o Kitchen / diner / communal area - 20.25 m<sup>2</sup>.

The room spaces comply and exceed the standard. It is noted that amendments were submitted to provide ensuites for rooms 4 and 5, so that all rooms would have their own ensuites. Whilst this would allow for a more attractive unit for future occupiers, it resulted in a non-compliant room size for room 5. Therefore, the proposal has reverted to the initially submitted drawings to allow for all rooms to comply with the space standards. Furthermore, the kitchen area far exceeds the regulation standards allowing for a further adequate living area. It is confirmed that the provided space standards are compliant.

#### Outlook and light:

Due to the positioning of the windows facilitating the HMO rooms, adequate outlook and light is acceptable. At ground floor there is also rear glazing to facilitate the communal kitchen / dining area. There would be no adverse impact regarding light/outlook at No. 63.

#### Privacy:

No further fenestration is proposed under the proposal. Also, no windows are present within the first-floor flank side elevations of the building. The windows to the rooms face the front and rear of the building and would have an acceptable impact on the privacy of future occupiers and neighbouring properties.

#### - 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.

Barnet's HMO Licensing Team was consulted during the course of the application and provided the following comments which are summarised below:

"- The proposed HMO as described and subject to any exemptions set out in Schedule 14 to the Housing Act 2004, is likely to require a licence from the Council, the conditions of which if approved, would be determined further to site inspection for licensing purposes in response to any application received.

#### HMO Space Standards

- The proposed plan shows 5 units of accommodation laid out over 2 storeys to this semi-detached house.
- Bedroom units are shown to vary in size between 8.30m<sup>2</sup> and 11.85m<sup>2</sup>.
- All of these rooms are shown with ensuite shower/w.c. compartments.
- Barnet's space standard for a single person bedsitting room in an HMO with a shared kitchen is 10m<sup>2</sup> and for two persons is 14m<sup>2</sup> excluding any area occupied by ensuite facilities. Note other areas to be excluded as set out in paragraph 1.3, "notes" to the standard.
- Making the assumptions I have done, it would appear that the bedroom units will be suitable for occupation by one person each if the council's space standards are applied strictly.

#### HMO Amenities Standard

- There is provision for one shared kitchen-dining room on the ground floor. The Design Statement indicates a size of 20.25m<sup>2</sup>. The standard for a kitchen is that it should not be less 6m<sup>2</sup> for sharing by up to 5 persons and this facility appears to easily satisfy this and produces the additional amenity of some shared dining space.
- The provision of ensuite bathroom /shower room facilities to include a bath/shower, toilet and washbasin, again easily meets the standard for the provision of these amenities.
- Sections 2, 3 & 4 of the Standard set out the other requirements for personal washing, toilet and kitchen facilities.

#### Fire safety and general

- Any fire safety and/or any other relevant matters for licensing purposes, will be subject to licence conditions and will be determined by inspector prior to licence issue and works to convert the building should be executed in accord with the Building Regulations current at the time. The Council's HMO Standards contain other guidance/requirements and should be observed.

In terms of internal standards, the Council uses the Barnet HMO Standards (2022) as a guide. 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)."

The Adopted Standards for Houses in Multiple Occupation regarding its internal floorspace and layout states in paragraph 2.1 that 'where there are five or more occupiers each separate household shall, where practicable, be provided with a wash hand basin'. Paragraph 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. Where this is not practicable, a readily accessible bathroom or shower room with sufficient space for drying and changing shall be provided in the ratio of one to every five persons regardless of age.'

The development meets these requirements as rooms 1, 2 and 3 benefit from ensuite bathrooms and rooms 4 and 5 would share a bathroom which is in close proximity between both rooms on the first floor.

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 as one communal kitchen is proposed for more than the suggested size - which also allows for living / dining 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 outdoor amenity space standards for HMOs, the application site provides an adequately sized communal rear garden of in excess of 140m<sup>2</sup>, also as seen on the location plan and site plan, confirmed by the officers site visit and satellite imagery. On this basis, the intended amenity space provision is deemed acceptable.

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

It is therefore assessed that the proposal would provide acceptable amenity for future occupiers.

In conclusion, the scheme would need an HMO licence. However, this application seeking permission for the use of the property as an HMO for five people, is considered acceptable in regard to HMO licensing standards.

#### - Impact on Parking and Highways.

The Highways department was consulted during the application process and provided comments which are summarised as follows:

The change of use from the existing family dwelling to an up to 5 bed (HMO) will attract a maximum parking provision of between 0-10 spaces. Given the site's very good PTAL score of 3 (on the borders of score 4), Highways would accept the provision of 5 spaces.

However, no additional off-street parking is proposed; the existing unit benefits from 1 space which will be retained. A parking survey has been undertaken by the applicant and the results indicate that on both survey days the Parking Stress is considerably under the 90% threshold within a 200m distance of the site. This demonstrates that there are on-street spaces to accommodate any parking displaced by the development.

A minimum of 5 long-stay and 2 short-stay cycle parking spaces are requested. Cycle parking spaces are proposed at the rear of the property. The type of stands used must allow both wheels and the frame of the bicycles to be locked. Revised cycle parking details are therefore requested.

Refuse storage is proposed at the front of the building although this has not been indicated on the plans, it is in principle acceptable. Furthermore, a side access is retained and therefore bins could also be located behind the gate to ensure that the visual amenity is not compromised. Elevations of the refuse store are requested, and this can be secured by way of a planning condition.

Therefore, the application is recommended for approval on Highway grounds, subject to conditions and informatives.

### Other issues.

The site falls within flood zone 1 with a low probability of flooding (less than 0.1% annual probability of river or sea flooding or Land having a less than 1 in 1,000 annual probabilities of river or sea flooding. Furthermore, no building works are proposed and is considered that the proposal is acceptable in this regard.

In relation to refuse and recycling provision and cycles, storage details can be secured by way of a condition.

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

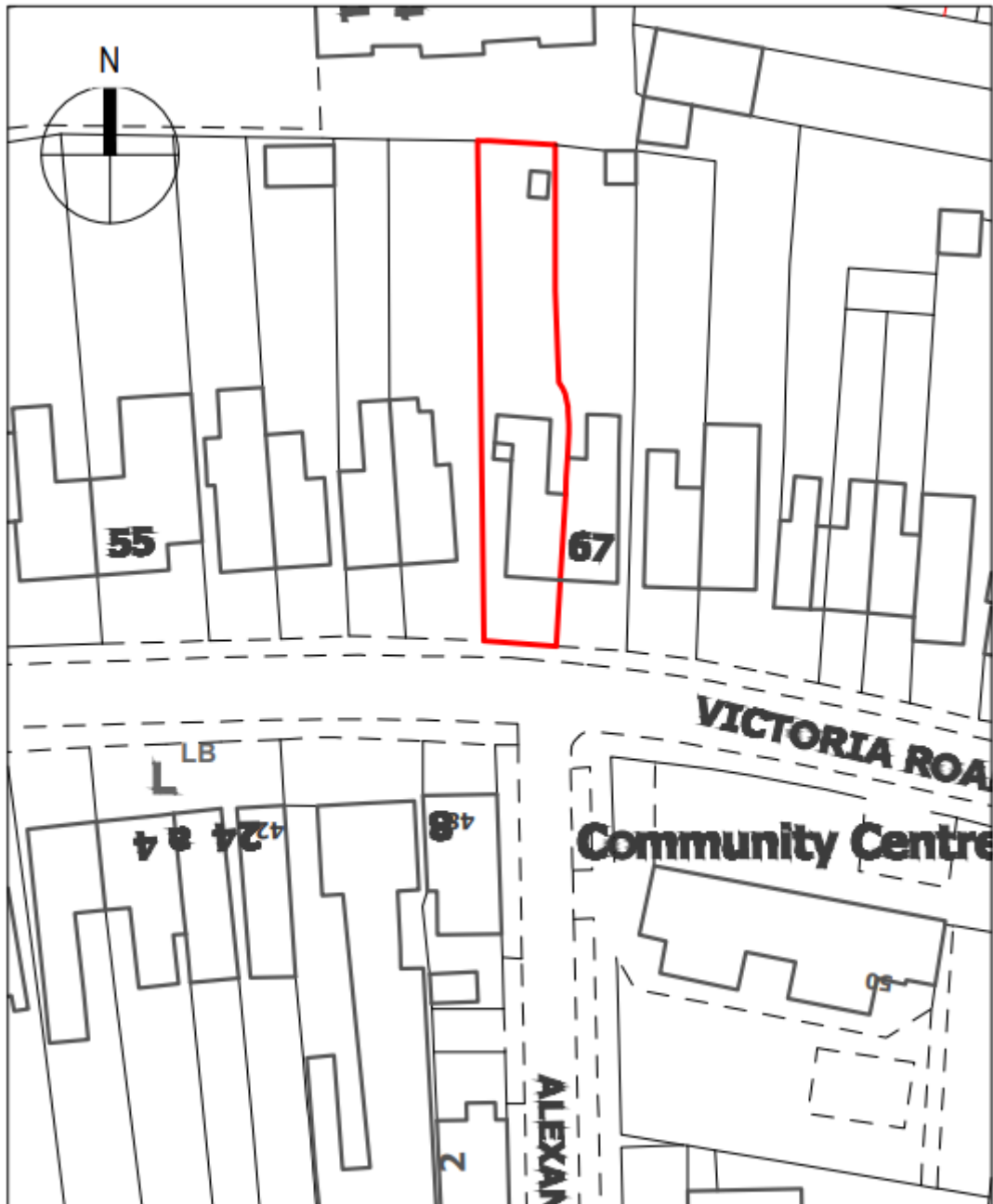
Comments and objections discussed within section 4 (Neighbour Consultation) and the main body of the report. However, an objection is noted which includes mention of a refused planning application of an HMO under reference 23/4055/FUL. It should be noted that the application was for a large HMO in a different context, and was not justified. Each application is decided on its' own merits.

### **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, subject to conditions.



Location Plan  
Scale 1:1250