

Location **101 Watford Way London NW4 4RS**

Reference: **23/3602/FUL** Received: 18th August 2023
Accepted: 29th August 2023

Ward: West Hendon Expiry: 24th October 2023

Case Officer: **Emily Bell**

Applicant: BY Developments

Proposal: Conversion of the property from 4no. self-contained flats into 10 room HMO (Sui Generis) including single storey side and rear extension, roof extension involving rear dormer window and front facing rooflights and alterations and amendments to the roof of the first floor rear extension. Associated cycle parking/parking, amenity space and refuse and recycling 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:

101-WA-A-00-001-A-1.1
101-WA-A-00-001-A-2.1
101-WA-A-00-001-A-5.1
101-WA-A-00-001-A-5.2
101-WA-A-00-001-A-2.2
101-WA-A-00-001-A-2.3
101-WA-A-00-001-A-2.5
101-WA-A-00-001-A-3.1
101-WA-A-00-001-A-3.2
101-WA-A-00-001-A-4.1
101-WA-A-00-001-A-4.2
101-WA-A-00-001-A-4.3
101-WA-A-00-001-A-4.4
101WA-A-1.2 REV 4
101WA-A-6.5 REV 4
101WA-A-9.1 REV 4
101WA-A-9.2 REV 4

101WA-A-6.1 REV 4
101WA-A-6.2 REV 4
101WA-A-6.3 REV 4
101WA-A-6.4 REV 4
101WA-A-7.1 REV 4
101WA-A-8.1 REV 4
101WA-A-8.2 REV 4
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 materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 5 a) Notwithstanding the approved plans, before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a 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 S17 of the London Plan 2021.

6 a) Notwithstanding the approved plans, 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 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).

8 The building hereby approved shall be occupied as an HMO and occupied by no more than 10 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).

9 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the wholesome water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

The development shall be maintained as such in perpetuity thereafter.

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

- 10 No works on the public highway including renewing/upgrading the existing vehicular access and/or modification of a vehicular access as a result of the proposed development shall be carried out until detailed design drawings of the proposed access and dropped kerbs in the vicinity of the site have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans. The applicant will be expected to enter into an agreement with the Highways Authority under Section 184 of the Highways Act, for these works. The Local Highway Authority in this instance is TfL.

Reason: To ensure that the works on the public highway are carried out to the satisfaction of the highway authority in the interest of highway safety 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

- 11 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
 - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
 - vii. noise mitigation measures for all plant and processors;
 - viii. details of contractors compound and car parking arrangements;
 - ix. details of interim car parking management arrangements for the duration of construction;
 - x. details of a community liaison contact for the duration of all works associated with the development.
- b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

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

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 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 3 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 4 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.

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.

- 5 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 4500.

- 6 The applicant is advised that a highway license from TfL may be required if temporary access is proposed to use the A41 for construction access: <https://tfl.gov.uk/info-for/urban-planning-and-construction/our-land-and-infrastructure/highway-licences>

OFFICER'S ASSESSMENT

1. Site Description

The application site comprises 4no. self-contained units in a two-storey semi-detached dwellinghouse, located in Watford Way. Parking is provided to the front of the property and a private garden is located to the rear.

The area surrounding the site contains a mixture of uses including residential, education and a veterinary practice. The site is within walking distance of both Hendon Central and Middlesex University. The site is located within the West Hendon ward.

The site has a PTAL rating of 4 which indicates good accessibility to public transport.

The site is not within a conservation area and is not a listed building.

2. Site History

Reference: 20/0331/FUL

Address: 101 Watford Way, London, NW4 4RS

Decision: Refused

Decision Date: 25 March 2020

Description: Erection of a rear outbuilding used for ancillary storage

Reference: 20/1849/FUL

Address: 101 Watford Way, London, NW4 4RS

Decision: Approved subject to conditions

Decision Date: 15 October 2020

Description: Erection of a rear outbuilding used for ancillary storage

Reference: 20/4998/FUL

Address: 101 Watford Way, London, NW4 4RS

Decision: Refused

Decision Date: 29 December 2020

Description: Single storey side and rear extension. Roof extension involving rear dormer window and 2no front facing rooflights and new side gable window. Internal reconfiguration

Appeal Decision: ALLOW

Appeal Decision Date: 5 July 2021

Reference: 20/5972/FUL

Address: 101 Watford Way, London, NW4 4RS

Decision: Approved subject to conditions

Decision Date: 15 March 2021

Description: Erection of a rear outbuilding for ancillary storage

Reference: 21/1529/FUL

Address: 101 Watford Way, London, NW4 4RS

Decision: Approved subject to conditions

Decision Date: 16 June 2021

Description: Single storey side and rear extension. Roof extension involving 2no rear dormer windows and new side gable window. Internal reconfiguration (AMENDED PLANS AND DESCRIPTION)

Reference: W07723B/04

Address: 101 Watford Way, London, NW4 4RS

Decision: Refused

Decision Date: 27 April 2004

Description: Conversion of single dwelling house to four self- contained units.

Reference: W07723C/04

Address: 101 Watford Way, London, NW4 4RS

Decision: Approved subject to conditions

Decision Date: 13 December 2004

Description: Conversion of existing 2 self-contained units to 4no. self-contained units with 1 car parking space to the front and 3 car parking spaces to the rear (including existing garage). Communal garden area and erection of single storey lobby area on the side elevation.

3. Proposal

The application seeks planning consent for the "Conversion of the property from 4no. self-contained flats into 10 room HMO (Sui generis) including single storey side and rear extension, roof extension involving rear dormer window and front facing rooflights and alterations and amendments to the roof of the first floor rear extension. Associated cycle parking/parking, amenity space and refuse and recycling storage".

The application site benefits from extant permission (ref: 20/4998/FUL) allowed on appeal for the erection of a single storey side and rear extension and roof extension involving rear dormer window and 2no front facing rooflights and new side gable window.

4. Public Consultation

A site notice was erected on 07.09.2023

Consultation letters were sent to 38 neighbouring properties. 7 letters of objection have been received, summarised below:

- o Parking stress
- o Noise and disturbance/nuisance from number of residents
- o Previous application for conversion to flats had 4 parking spaces
- o Plans should be reviewed to ensure it meets the standards
- o Insufficient information on cycle and bins
- o Insufficient information on management of the building
- o Strain on local infrastructure
- o Disrupt the community that exists around this residential area

Internal consultees

HMO Licensing Team: Barnet's space standard for a single person bedsitting room in an HMO with a shared kitchen is 10sqm. The minimum room space requirement is to be taken as net of any compartment containing a WC, shower/bathroom facilities to be excluded. Some rooms fall short of this requirement. The provision of two generous shared kitchen/diner/lounge may mitigate this. Some of the rooms on the ground floor are shown

without windows. The proposed HMO will require a licence from the Council. The plans were subsequently amended and all rooms would now meet the minimum space standards required.

Highways: No objection, following submission of parking survey.

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.

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, DM04, 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

- o Sustainable Design and Construction SPD (adopted October 2016)
- o Provides detailed guidance that supplements policies in the adopted Local Plan and sets out how sustainable development will be delivered in Barnet.
- o Residential Design Guidance SPD (adopted October 2016)
- o Adopted Standards for Houses in Multiple Occupation (2016).

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The principle of an HMO in this location;
- The impact on the appearance and character of the area;
- The impact on the amenities of neighbouring occupiers;
- Whether the proposal provides satisfactory living accommodation for future occupiers;
- Parking and Highways.

5.3 Assessment of proposals

- The principle of HMO's in this location:

Policy DM09 addresses the creation of HMOs within the London Borough of Barnet and the requirements expected if they are to receive planning permission. The policy states that proposals for new HMO will be encouraged provided that they meet:

- 1) An identified need;
- 2) Can demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area;
- 3) Are easily accessible by public transport, cycling and walking;
- 4) Meet the relevant housing standards for HMO.

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.

The character of the area is varied with nos.89-91 Watford Way consisting of a veterinary practice which operates 24 hours a day 7 days a week. The educational institution North London Tutorial College is located at no. 87 Watford Way. In addition, a number of properties along this stretch have been subdivided into flats, these include nos.79, 85, 101, 103. A number of HMOs have also recently been granted permission in the immediate vicinity including at 93 Watford Way (21/5789/FUL) and 100 Watford Way. Based on the mixed character of the area surrounding the application site, it is not deemed that the introduction of an HMO would harmfully alter the character of this section of Watford Road.

Furthermore, the subject site is located in a highly sustainable location recognised by the PTAL rating of 4 which indicates a good access to public transport accessibility. The site is also within walking distance of both the Hendon Central and Brent Street Town Centres and therefore accessible to local shops and services. The site is therefore suitable for an HMO use.

In terms of identified need, 2 letters from local estate agents have been submitted to support the application and substantiate the need for HMOs in this location. Both agents confirm that there is a need for smaller, more affordable units that appeal to both students and single occupants in this area. The application site is also within short walking distance to Middlesex University and it is noted that a number of HMO consents have been granted along Watford Way.

Following the Examination in Public (EIP) Hearing of the Local Plan (Regulation 19) (2021) and in response to the subsequent comments from the Planning Inspector, these policies have been further modified.

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.

In regard to HMOs the emerging local plan policy HOU04 Specialist Housing states:

Proposals for new HMOs must:

- (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; and
- (d) Be easily accessible by public transport, cycling and walking

Following research of the area, it has been identified that whilst there are other examples of HMOs within the immediate vicinity along Watford Way, the concentration is not extensive and the addition of the proposed HMO is not considered to result in a harmful concentration. Further, 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 Watford Way, this tenure forms part of the character of the vicinity. 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.

As such, the principle of an HMO in this location is considered acceptable.

- The impact on the appearance and character of the area:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The proposal incorporates a single storey side and rear extension. The Residential Design Guidance stipulates that a depth of 3.5 metres is considered acceptable for a single storey rear extension on a semi-detached dwelling house. As the proposed extension measures a maximum 3m in depth, it is in line with the SPD Guidance. The same document, Residential Design Guidance SPD (adopted 2016) states side extensions to existing buildings can be unacceptably prominent features in the street scene....Side extensions should not be more than half the width of the original house". As the proposed ground floor side extension measures 1.2m which is less than half of the width than the original house, it is in compliance with the Barnet SPD guidance.

The proposal also includes a roof extension rear dormer window. A previous application on the site for a dormer of the same dimensions was refused by the Local Planning Authority under ref: 20/4998/FUL due to the size and siting of the rear dormer. However, this was subsequently allowed on appeal. In respect of the rear dormer, the inspector stated:

"The appeal site includes a semi-detached building within a fairly short stretch of buildings fronting Watford Way between its junction with Station Road/The Burroughs and Richmond Gardens. The group includes a mix of detached and semi-detached properties and there are residential, education and veterinary practice uses. External materials are for the most part pebbledash or smooth render with differing colours adding a degree of diversity, and there is further variety at roof level where forms are generally sloping but include both hipped and side-gable pitched designs, and in some cases flat roof dormers. While buildings are of generally traditional appearance, there is as a result little overall consistency in the street scene...

...The dormer would not be set down from the main ridge, and would be set back only slightly from the eaves. IT would also extend up to the part wall with 103 Watford Way and would occupy much of the width of the host roofslope. In this regard, it would be contrary to the Council's Residential Design Guidance Supplementary Planning Document 2016 (SPD) which includes advice that adequate roof slope is required above and below dormers, that they should be set in at least 1 metre from the party wall, flank wall or chimney stack, and that dormer extensions should normally be subordinate features and should not occupy more than half the width and half the depth of the roof slope.

However, there would be reasonable set in between the dormer and the gable to the side of the host roof, providing some spacing around it and helping to reduce its overall visual impact. The roof of the existing rear projection to the building would also extend above part o the lower section of the dormer, and would serve to break up the impression of its scale and mass. While they would appear to join, the substantial depth of the rear projection beyond the dormer means that I am also satisfied that it would remain a distinct and readable element of the dwelling.

In addition, the set in of the dormer from the side of the host building and the close proximity of the neighbouring building at 99 Watford Way mean that opportunities for views of it from the street scene would be very restricted. The height and depth of the rear projections to the host building and attached neighbour at 103 Watford Way would also significantly obstruct views of the dormer from the rear, and in my judgement would be likely to limit perceptions of its overall scale. Furthermore, where it would be seen, the dormer would not be inconsistent with others nearby including to 93 and 99 Watford Way as well as on Richmond Gardens where I observed dormers occupying substantial proportions of the host roofslopes. Whether or not these have resulted from exercise of permitted development rights, they are sufficiently numerous that the proposal would not therefore be incongruous. I accept that the existing symmetry f the roof with the attached neighbour at no 103 would be lost, Even so, there is a similar relationship between no 99 and its attached neighbour at 97 Watford Way, and given also the lack of uniformity in the street scene overall I do not consider that the relationship would be striking or discordant.

Taking these factors into account, I find that the dormer would not be unduly prominent or out of keeping with its surroundings, and while it would be large, I do not find that it would appear excessive or unacceptably dominant so as to detract from the character or appearance of the host building. Accordingly, a departure from the detailed guidance within the SPD is justified in this case."

In respect of the HMO, the proposal would provide an HMO consisting of 10 bedrooms. This represents an increase in occupancy across the site. It is highlighted, that this section of Watford Way although predominantly residential in character, is mixed in typology consisting of detached and semi-detached single family dwellings, purpose built flatted development and properties which have been subdivided into flats or HMOs. The site also fronts a busy dual carriage throughfare (Watford Way, A41). Based on the mixed character of the area and the nature of Watford Way which consists of a busy ambient environment, it is not deemed that the introduction of an HMO would harmfully alter the character of this section of Watford Road.

- The impact on the amenities of neighbouring occupiers;

Barnet policy DM01 requires new development to have due regard to the amenity of existing occupiers in neighbouring buildings.

The immediate adjoining properties are 99 Watford Way and 103 Watford Way. It is noted

that No. 103 does not benefit from a rear dormer nor rear extension. No. 99 has a 3.2m rear extension, rearward with a 4.5m distance separating the two properties. Given this distance between two properties, officers consider that the proposed development would not cause any potential amenity impact to No. 99.

As for 103 Watford Way, the potential harm from the ground floor rear extension and roof extension would be that the outlook, sunlight and privacy from the proposed height and depth development. However, as the proposed single storey rear extension of 3m is in line with the SPD Guidance, it is considered that the potential amenity problem would be kept at minimum level. Officers consider that the proposed full rear dormer would not cause potential overlooking concern to No. 103.

There are new windows proposed as part of the conversion in the flank elevation at first floor level facing towards no. 99 Watford Way and a re-configuration of windows at ground floor level. Whilst it is acknowledged that the new windows would only be separated from the windows within the flank wall of no. 99 by the side passage of approximately 5 metres, the relationship would be similar to the existing flank elevation windows of the two properties and as such in this case is considered to be acceptable in order to ensure all rooms have a clear glazed window to ensure levels of light and outlook for future occupiers.

The proposed HMO would result in an uplift of occupancy across the site to form a maximum occupancy of 10 persons. As noted, above, taking into consideration the location of the subject site, and surrounding mix of uses, it is not considered that the uplift in occupancy would have a demonstrable harmful impact on neighbouring occupiers and that any additional activity would integrate into the mixed character of this part of the road. In order to ensure that a proliferation of noise and disturbance is not sustained a condition will be imposed to ensure the maximum limit of 10 persons is not exceeded.

- Whether the proposal provides satisfactory living accommodation for future occupiers:

The Council's Adopted Standards for HMO stipulates minimum standards for rooms.

The adopted HMO standards stipulates the minimum room floor area required where the kitchen is in a separate room as is the case for the subject site; For 1 person it is 10m² (8.5m²) and for 2 people the requirement is 14m² (12.5m²).

The proposal consists of the following:

Room 1 (Ground Floor) - 1 bedroom/1 person 11.5m²
Room 2 (Ground Floor) - 1 bedroom/1 person 11.2m²
Room 3 (Ground Floor) - 1 bedroom/1 person 10m²
Room 4 (Ground Floor) - 1 bedroom/1 person 10m²
Room 5 (Ground Floor) - 1 bedroom/1 person 10m²
Room 6 (First Floor) - 1 bedroom/1 person 10.6m²
Room 7 (First Floor) - 1 bedroom/1 person 10.2m²
Room 8 (First Floor) - 1 bedroom/1 person 10m²
Room 9 (First Floor) - 1b bedroom/1 person 10.2m²
Room 10 (Second Floor) - 1 bedroom/1 person 12.5m²

Adopted HMO standards states "Where there are five or more occupiers each separate household shall, where practicable, be provided with a wash hand basin".

The plans have been amended throughout the lifetime of the application and all rooms would

meet the minimum space standards required. All rooms would feature en-suite facilities and would have a window for adequate outlook and light.

The adopted standards state kitchens for communal use may be provided for a maximum of five persons and no less than 6m². Depending upon the circumstances it may be possible to have two sets of kitchen facilities in the same kitchen. In such an instance, no more than two sets of facilities (each provided for a maximum of five persons) shall be provided in any one shared kitchen and in such an instance the kitchen must have a floor area of not less than 12m².

The proposal would provide a kitchen at ground floor and first floor level each with a floor area of approximately 21m² and 18m² respectively, and therefore would exceed the minimum standard required.

Amenity:

Whilst there are no prescribed standards for outdoor amenity space for HMO's, the proposal would provide a sizeable garden space which would be for communal use. The site also lies in close proximity to Sunny Hill Park which can be accessed via the adjacent pedestrian subway connecting both sides of Watford Way.

It is therefore considered that the HMO meets the relevant housing standards for an HMO in terms of minimum space standards and amenity.

- Impact on parking and highways:

The site lies within a PTAL 4 zone, which means that there is good public transport accessibility to and from the site. In line with requirement set out in Policy DM17 of the Barnet Local Plan, the required off-street car parking provision for this proposal is 0-10. Based on the site's PTAL rating of 4, the provision of 4 parking spaces was considered acceptable. Amended plans have been received throughout the lifetime of the application to retain the existing 4 parking spaces, including 1 to the front hardstanding and 3 to the front.

Further, the site is not located within a Controlled Parking Zone and the applicant has also submitted a parking survey to support the application which demonstrates that there are sufficient spaces on-street to accommodate the potential overspill of up to 3 vehicles by the development. The results of the parking survey indicates that existing parking stress in the vicinity of the site is around 63% with around 17 spaces available. Highways would raise no objection to the proposal, subject to conditions.

The applicant has indicated refuse storage at the front of the site. Details of refuse storage and collection are to be secured by way of a condition.

Cycle parking needs to be provided in accordance with the requirements of the London Plan (2021). 10 long-stay cycle parking spaces are required for the proposed development. Details will be secured by way of a condition.

5.4 Response to Public Consultation

- o Parking stress

The applicant has submitted revised plans which show the retention of 4 spaces and a parking survey to support the application. Highways officers have reviewed this and consider this acceptable.

- o Noise and disturbance/nuisance from number of residents

This has been addressed within the main body of the report.

- o Previous application for conversion to flats had 4 parking spaces

4 parking spaces are to be retained at the site. The highways impacts of the development have been discussed within the main body of the report.

- o Plans should be reviewed to ensure it meets the standards

Amended plans have been received throughout the lifetime of the application. The living conditions of future occupiers has been addressed within the main body of the report. Further details are provided within the main body of the report.

- o Insufficient information on cycle and bins

The planning statement confirms that refuse store is proposed to the front hardstanding and cycle store will be to the rear. Further details will be secured via condition.

- o Insufficient information on management of the building

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

- o Strain on local infrastructure

It is not considered that the addition of the proposed HMO would significantly impact the local amenities to an extent that would warrant refusal of the application. The development would also be CIL liable, meaning a contribution towards community infrastructure would be required.

- o Disrupt the community that exists around this residential area

The impacts on the character of the area and introduction of an HMO have been addressed within the main body of 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.

