

Location 317B Watford Way London NW4 4TG

Reference: 23/4338/FUL Received: 10th October 2023
Accepted: 13th October 2023

Ward: Hendon Expiry 8th December 2023

Case Officer: Refael Saffer

Applicant: Joel Stern

Proposal: Change of use of the property from a flat (Class C3) to a House in Multiple Occupation (HMO) (Class C4) for up to 3 people.

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:

EX-E001,
EX-E002,
EX-E003,
EX-S001 (REV A),
EX-P001 (REV A),
EX-P002,
EX-P003,
EX-L001,
PR-L001 (REV B),
PR-P001 (REV B),
PR-P002 (REV B),
PR-P003 (REV B),
PR-E001 (REV B),
PR-E002 (REV B),
PR-S001 (REV B),
PR-E003 (REV B),
Design and Access Statement (dated 05/02/24),

Hendon Estates Letter,
Easy Estates Group Letter.

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 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.

- 4 a) Notwithstanding the plans hereby approved, before the development hereby permitted is first occupied, siting, 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.

- 5 a) The site shall not be brought into use as an HMO until details of the subdivision

of outdoor amenity space, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat.

c) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties in accordance with Policies DM01, DM03, DM16 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 6 Before the development hereby permitted is first occupied or the use first commences, the parking spaces shown on Drawing No. PR-L001; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies T6.1 of the London Plan 2021.

- 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 (2016).

- 8 The House of Multiple Occupation hereby approved must be occupied by no more than 3no 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 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 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 TFL advises that in order for a domestic vehicle to meet the requirement to enter and leave the property in forward gear, a minimum unobstructed area of 10m x 8m within the property boundary is likely to be required.

OFFICER'S ASSESSMENT

1. Site Description

The site relates to the first floor flat of a semi-detached building, located at 317B Watford Way, within the Hendon ward. The property benefits from a front hardstanding and rear amenity space. The site is located within flood zone 1, with a PTAL of 1b.

The site is not within a conservation area, nor is it a listed building.

2. Site History

Reference: W06443

Address: 317 Watford Way, London, NW4 4TG

Decision: Approved subject to conditions

Decision Date: 19 May 1980

Description: Conversion into two self-contained flats.

Reference: 23/2654/FUL

Address: 317 Watford Way, London, NW4 4TG

Decision: Refused

Decision Date: 16 August 2023

Description: Change of use of the property from a flat (Class C3) to a House in Multiple Occupation (HMO) (Class C4) for up to 5 people and roof extension including hip to gable, rear dormer window, 3no. front facing rooflights and new side gable window.

Reasons for refusal:

1. The proposed development by reason of the cumulative size of the roof extension, its scale, siting, bulk and design would result in an inappropriate development which would be detrimental to the character and appearance of the site and immediate locality, contrary to policies London Plan (2021); policy CSNPPF, CS1 and CS5 of the adopted Local Plan Core Strategy (2012) and policy DM01 of the adopted Development Management Policies (2012) and the Residential Design Guidance SPD (2016)
2. The proposed development by virtue of the siting, design, layout would lead to loss of privacy, overlooking and noise and disturbance of rear amenity spaces, detrimental to the residential amenities of the neighbouring occupiers including the existing ground floor flat (no.317A) , contrary to policy CS5 of the Local Plan Core Strategy (Adopted September 2012), Policy DM01and DM02 of the Local Plan Development Management Policies DPD (2012) and the Residential Design Guide SPD (Adopted 2016).

3. Proposal

The application seeks planning consent for the 'Change of use of the property from a flat (Class C3) to a House in Multiple Occupation (HMO) (Class C4) for up to 3 people'.

4. Public Consultation

A site notice was erected on 26.10.2023.

Consultation letters were sent to 84 neighbouring properties. 8 objections were received, with comments summarised as follows:

- Large HMO already being built across the road, as well as one present at No. 319 Watford Way
- Proposed parking doesn't account for other occupants
- Drains are Victorian and often attended to by Thames Water
- Refuse bins/ general rubbish occupying the front pavement/hardstanding
- Excess of residents in new HMO
- Application W06443 specifies that 317 Should not be divided into more than two flats
- Increased parking pressures due to shared drive with No. 319 Watford Way
- Loss of flats and family dwellings
- Insufficient evidence for need of HMO
- Proposal differs from application form
- Manipulation of planning policies by intending for more occupants than stated, as well as for further roof developments in the future
- Noise increase
- Increased drainage pressures
- Impact on character to site and general locality
- Evidence for need of more HMO's written by the developers

Internal consultees

HMO Licensing Team:

- no objections subject to the submission of an HMO licence application.

Highways Department:

- no objections subject to conditions

TFL:

- Required additional information regarding access to the site. It is noted that the required number of parking spaces has not changed.

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 Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, 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

- 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 (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/ impact on the appearance and character of the area

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.

Policy DM09 of Barnet's Development Management Policies 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 housing standards for HMO.'

Similarly, the emerging local plan policy HOU04 (specialist housing) states that -

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

Whilst the site has a low PTAL, it is noted that it is within short walking distance to Middlesex University, on a bus route and close to a small parade of shops on the junction with Greyhound Hill.

Furthermore, it is noted that a number of HMO consents have been granted along Watford Way. Surrounding HMO applications have commonly been accompanied by supporting evidence (such as estate agent letters) demonstrating high demand for good quality studios and one bedrooms in the area. Similarly, an estate agent letter as well as a letter from a property management/investment firm have been submitted. Both emphasise the need within the locality for additional HMO housing, as well as the struggle of prospective tenants to find suitable accommodation of this nature.

It is noted that approval was granted at the following properties:

- No. 319 Watford Way which is immediately adjacent to the host site for the change of use of the property from a single family dwelling (Class C3) to a 9 bedroom HMO (ref. no. 22/2889/FUL),
- No. 316 for the change of use of the property from a single family dwelling to an HMO with occupancy by five persons (ref. no. 19/2843/FUL),
- No.320-322 Watford Way for change of use of both properties to a large HMO of 17 bedrooms (ref. no. 22/2398/FUL)

It is noted that objectors have also raised the approval at 366 Watford Way, located approximately 200 metres away on the other side of the road for a 10 bed HMO (ref 19/0102/FUL).

In addition, a review of the HMO register reveals a number of other HMO's across the street, including at No.s 307, 319, 451 and 453 Watford Way, amongst other properties. However, these HMO's, rather than being concentrated within a specific section of the street, are adequately distributed across a road which is noticeably long in nature, with a significant amount of single family dwellings within the host site's immediate locality still remaining. In this context, weight has been given to Policy HOU04 and The Appendix to the Planning Inspectors' letter of 17 August 2023. Accordingly, although there is a large number of HMO's within Watford Way, given their spread out nature across the road, the relatively modest number of HMOs within the immediate vicinity, as well as high presence of single family dwellings within this section of the street, the scheme is not considered to lead to an over-intensification of HMO's within this part of Watford Way.

As a result of the above, an identified need has been shown for the creation of an HMO, with its location appropriate given the character of the wider area as well as accessibility to the site. The scheme thus shows compliance with Policy DM09 and Policy HOU04 and

would be supported in principle, subject to the remaining design guidance discussed below.

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.

It is noted 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. In addition, Watford Way is a particularly busy street, in which an additional three households would not easily be perceived as harmful. 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.

It is noted that the previous application was refused due to the introduction of a large roof extension; this element is no longer proposed and as such this reason for refusal is considered to have been addressed. No external changes are proposed.

Overall, the proposal would be considered acceptable in terms of character.

The impact on the amenities of neighbouring occupiers

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan) in respect of the protection of the amenities of neighbouring occupiers.

No. 317B is currently a 1-bed, 2 person unit (first floor flat). Thus, the 3-person HMO would lead to a modest increase in occupants, with any increase in general noise and activity (including refuse bins and parking) not significantly harming No. 317A. In addition, sufficient private amenity space would still be allocated for this neighbour, with a condition for adequate boundary treatments attached to this application.

No external projections have been proposed, with a moderate increase in occupants. Thus, No. 315 Watford Way would be minimally affected by the development.

Similarly, No. 319 Watford Way has been converted into an HMO of more occupants than the proposed site, with no significant amenity losses to occur to these neighbours.

Communal amenity space belonging to Buckingham Court is cited to the rear of the property, with the main building distanced by 16.2m from this neighbour. Thus, no change in the relationship between these occupants would occur.

Overall, the proposal would be suitable in terms of neighbouring amenity.

Whether the proposal provides satisfactory living accommodation for future occupiers

Space Standards:

Policy DM09 'Specialist Housing - House in Multiple Occupation, student accommodation and housing choice for older people', the policy states that proposed HMOs must 'meet the relevant housing standards for HMO'.

The adopted Standards for Houses in Multiple Occupations (adopted 2016) stipulates under paragraph 1.1 that the minimum standard for a one room letting where the kitchen is a separate room for 1no. person is 10 sqm and 14 sqm 2no. persons. Kitchens for communal use should not be less than 6.0 sq.m.

All of the proposed rooms are considered to provide an adequate level of floorspace (exceeding 10sqm) and there is no conflict with Policy DM09 in this regard. Each room would benefit from an ensuite.

Light/outlook:

It is considered that all of the proposed habitable rooms benefit from sufficient outlook and thereby provide an acceptable standard of amenity for future occupiers.

Amenity 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 amenity space standards for HMOs, the application site provides a communal rear amenity area of approximately 73.2 sqm. The intended amenity space provision is deemed acceptable. Officers are content that space provided is sufficient to accommodate future residents.

- Impact on parking and highways:

The site fronts directly onto Watford Way (A41). The site is not in a CPZ and it lies in an area with a PTAL score of 1b (poor). However, there are 2 bus routes (113, 186) which can be accessed from stops within 5 minutes walking distance from the site. The site would also have use of the pedestrian subway located just outside the subject site and thereby providing connectivity to the adjacent site of Watford Way.

The applicant is proposing to provide 4no. off-street parking spaces (one of which will be used by No. 317A), which is acceptable on highways grounds.

Although the plans indicate the provision of 3no. long-stay cycle parkings, a condition will be attached for further details of these cycle stores should approval be granted.

Refuse/recycling:

The plans as well as design statement indicate 2no. 360L bins as well as 2no. 360L Recycle bins, with further details of the bins stores to be conditioned in the event of an approval. Subject to these details, it is not considered that the proposal will result in waste concerns.

5.2 Response to consultation comments

- Large HMO already being built across the road, as well as one present at No. 319 Watford Way
The presence of surrounding HMOs has been discussed above
- Proposed parking doesn't account for other occupants
The Highways Department has reviewed the proposed parking, with no objections
- Drains are Victorian and often attended to by Thames Water
This assessment deals with character and amenity of the scheme (amongst other matters), with drainage falling outside the scope of this assessment.
- Refuse bins/ general rubbish occupying the front pavement/hardstanding
Sufficient space has been shown for bin storage; notwithstanding this, additional information has been requested by an attached condition.
- Excess of residents in new HMO
The number of occupants has been assessed above.
- Application W06443 specifies that 317 Should not be divided into more than two flats
The assessment of the proposal is made against new planning framework. In addition, the above condition only limits additional flats without express permission from the LPA.
- Increased parking pressures due to shared drive with No. 319 Watford Way
The Highways Department has reviewed the proposed parking, with no objections
- Loss of flats and family dwellings
The change in usage to the building has been examined above.
- Insufficient evidence for need of HMO
The Council considers that a need for an HMO has been identified.
- Proposal differs from application form
The Description of development (which has been sent out to surrounding occupiers) accurately depicts what is proposed.
- Manipulation of planning policies by intending for more occupants than stated, as well as for further roof developments in the future
The Council cannot take future actions into account and has assessed the proposal based off the information given.
- Noise increase
This has been dealt with above.
- Increased drainage pressures
This assessment deals with character and amenity of the scheme (amongst other matters), with drainage falling outside the scope of this assessment
- Impact on character to site and general locality
This has been dealt with above.
- Evidence for need of more HMO's written by the developers
Discussed above.

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 the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality, with the proposal acceptable in terms of neighbouring amenity. This application is therefore recommended for APPROVAL.

