

**Location** **51F Station Road London NW4 4PN**

**Reference:** **23/0701/FUL** Received: 20th February 2023  
Accepted: 20th February 2023

Ward: West Hendon Expiry 17th April 2023

**Case Officer:** **John Sperling**

Applicant: Mr Michael Strom

Proposal: Demolition of the existing HMO building and construction of a three storey building to provide 11 bedroom HMO (House in Multiple Occupation) with associated refuse storage and cycle parking facilities.

### **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:

20E1

21D1

23R2 Rev B

23P3 Rev K

PL00 Rev B

Transport Statement, 51F Station Road, NW4 4PN, Green Rhino Planning with addendum

Daylight and Sunlight Assessment, by Richard W Staig, dated 18/11/2022

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) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy D4 of the London Plan 2021.

- 4 The House of Multiple Occupation hereby approved must be occupied by no more than 15 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 April 2013).

- 5 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.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of 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.

- 6 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: In the interest of good air quality in accordance with Policy DM04 of the Barnet Local Plan Development Management Policies (2012) and Policy SI1 of the London Plan 2021.

- 7 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted to and approved in writing by the Local Planning Authority.

b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or the first occupation of the development and retained as such thereafter.

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed

use noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016), and Policies D13 and D14 of the London Plan 2021.

- 8 a) Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

b) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy SI1 of the London Plan 2021.

- 9 Prior to installation, details of the boilers shall be forwarded to the Local Planning Authority for approval. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%), and shall be installed in full accordance with the details approved.

Reason: To reduce and limit NOx emissions to improve air quality and reduce greenhouse gases in accordance with Policies GG3, SI1 and SI2 of the Mayor's London Plan 2021.

- 10 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).

- 11 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.

- 12 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).

- 13 Details of cycle parking including the type of stands, location of cycle parking and type of store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 11 cycle parking space in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of bicycles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 14 Before the building hereby permitted is first occupied the proposed window(s) shown as such on drawing 22P3 rev K shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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) and the Residential Design Guidance SPD (adopted October 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. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. 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 submitted Construction Method Statement shall include as a minimum details of:
  - o Site hoarding
  - o Wheel washing
  - o Dust suppression methods and kit to be used
  - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
  - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
  - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
  - o Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.
  - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
  
- 3 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).

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 adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge

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).

#### Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)

Please visit

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 4 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 5 The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and



Development Control: Planning for Air Quality, Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 6 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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site relates to a single storey building with a pitched roof comprising a 6-room House of Multiple Occupation (HMO), at 51F Station Road, within the West Hendon ward. There are seven addresses at No.51 Station Road (51- 51F) and the buildings relating to it include the main house and various extensions and outbuildings to the rear. The main building is located on Station Road at the corner with Malcolm Crescent. It is two

storeys in height, red brick built with pitched gable roof with dormers.

The application site No.51F is set back to the rear of the main house, at the end of the two-storey flat roof extension which runs along the northern boundary and then turns to adjoin the single storey flat roof block housing two garages, immediately rear of No.49 Station Road. The two-storey flat roof frontage is shared with 51E which is the adjoining unit.

The host property is the ground floor unit which extends immediately behind the two-storey frontage and overlooks a small courtyard immediately behind the two garages. It has a narrow-shared access between it and No.49 Station Road, which widens to the front of the neighbouring garages. The building sits on the northern boundary with all the existing windows of the building facing south. In the north-west corner to the immediate west of the application site is a car repair yard, with the M1 motorway and railway line beyond. Access to the resident's car park and car yard is off Station Road to the south, by the side of The Midland Hotel.

The surrounding area is predominantly residential in character, No.49 and 41-47 Station Road are terrace blocks 3 to 4 storeys in height. The dwellings opposite on Station Road are mainly two storey semi-detached, with a large flatted development, High Mount. Along Malcolm Crescent to the north west are two storey blocks of flats.

There is no off-street parking for the existing units.

The site does not contain a listed building, nor does it reside within a designated Conservation area.

## **2. Relevant Site History**

Reference: H/01536/14

Address: 51F Station Road, London, NW4 4PN

Decision: Refused

Decision Date: 11 April 2014

Description: Non-material minor amendments to planning permission reference H/1236/13 dated 10/10/13 for 'First floor extension to existing single storey building to facilitate an additional 2no. bedsits.' Amendments include internal alterations.

Reference: H/05532/14

Address: 51F Station Road, London, NW4 4PN

Decision: Approved subject to conditions

Decision Date: 3 December 2014

Description: First floor extension to existing single storey building to facilitate an additional 2no. bedsits. Internal alterations to existing building to provide a total of 8 bedsits (HMO)

Reference: 17/6694/CON

Address: 51F Station Road, London, NW4 4PN

Decision: Approved

Decision Date: 29 November 2017

Description: Submission of details of condition 3 (Refuse and Recycling) pursuant to planning permission H/05532/14 dated 03/12/14

Reference: 19/4432/FUL

Address: 51F Station Road, London, NW4 4PN

Decision: Refused

Decision Date: 12 December 2019

Description: Demolition of existing HMO building and construction of three storey building to provide 12 room HMO (House in Multiple Occupation) with associated refuse storage and cycle parking

Appeal Dismissed under reference APP/N5090/W/20/3254257

Reference: 20/3572/FUL

Address: 51F Station Road, London, NW4 4PN

Decision: Approved subject to conditions

Decision Date: 17 December 2020

Description: Demolition of existing 7-room HMO (House in Multiple Occupation) building and construction of two-storey building to provide 8-room HMO with associated refuse, storage and cycle parking

Reference: 23/0702/FUL

Address: 51F Station Road, London, NW4 4PN

Decision: Refused

Decision Date: 11 August 2023. Currently at appeal

Description: Demolition of the existing HMO building and construction of a three storey building to provide 8 bedroom HMO (House in Multiple Occupation) and 1no. self contained flat. Associated refuse storage and cycle parking facilities.

Reasons for refusal:

1. The three-storey development, by reason of its height, scale and proximity, would result in a deleteriously harmful sense of enclosure and loss of outlook to the residents at No.51E Station Road, contrary to Policies CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), Policies DM01 and DM09 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted 2016) and the Sustainable Design and Construction SPD (adopted 2016).

2. The proposal fails to comply with the Councils relevant housing standards for HMOs by lack of internal space in Rooms T3, T5, T6 and T7 and would therefore provide substandard accommodation detrimental to the residential amenity of future occupiers, contrary to the requirements of Policy CS5 of the Barnet's Local Plan (Core Strategy) , Policy DM09 of Barnet's Local Plan (Development Management Policies) DPD (both adopted September 2012), the London Plan (2021), Sustainable Design SPD and the Residential Design Guidance (both adopted 2016).

3. No on-site parking is proposed to serve the proposed development. The development fails to provide a legal undertaking to enable an amendment to the Traffic Management Order that regulates the Controlled Parking Zone, to address the highway impacts of the development. This is contrary to policy CS9 of the Adopted Barnet Core Strategy (2012) and policy DM17 of the Adopted Barnet Development Management Policies DPD (2012).

Reference: 23/4021/CON

Address: 51F Station Road, London, NW4 4PN

Decision: Approved

Decision Date: 24 October 2023

Description: Submission of details of condition 4 (refuse/recycling) pursuant to planning permission 20/3572/FUL dated 17/12/2020

Reference: 23/4974/S73

Address: 51F Station Road, London, NW4 4PN

Decision: Approved subject to conditions

Decision Date: 24 April 2024

Description: Variation of condition 1 (Approved Plans) of planning permission reference 20/3572/FUL dated 17/12/20 for 'Demolition of existing 7-room HMO (House in Multiple Occupation) building and construction of two-storey building to provide 8-room HMO with associated refuse, storage and cycle parking.' Variation to include replacement of pitched roof with a flat roof

### **3. Proposal**

This application seeks permission for the 'Demolition of the existing HMO building and construction of a three storey building to provide 11 bedroom HMO (House in Multiple Occupation) with associated refuse storage and cycle parking facilities.'

Amendments were sought in the lifetime of the application and include the removal of the balcony, clarifying internal space standard for the proposed bedsits, additional juliette balconies to bedsits T6, T7, T8, T9, T10 and T11 on the south elevation at first and second floor levels.

### **4. Public Consultation**

Consultation letters were sent to 120 neighbouring properties.

10 objections have been received and may be summarised as follows:

- Proposed HMOs are actually studio flats due to no shared facilities
- Flats do not meet minimum standards or amenity space
- No provision of lift or accessible flats
- No evidence submitted of the need for HMO
- Scale and height of development would result in harmful character impact
- Overdevelopment of the site
- Loss of light and increased sense of enclosure to neighbouring residents
- Proposed number of occupiers would result in increased noise and disturbance to existing neighbouring residents
- Location of bins will result in smell, noise and disturbance nuisances to neighbour
- Some bedsits would overlook and result in loss of privacy into the yard area of the neighbouring residential property.
- Proximity to car repairs and proposal would create harmful increase of noise, conflicting with DM04.
- Location of bins is located in neighbours land and would be situated beneath window of No.49 Station Road.
- The site benefits from no independent access to the rear land and utilises a shared drive with No.49 Station Road
- The right of access via the road located between No.29 and 31 does not give access for No.51, only residents from Nos31-49.
- Submitted drawing shows a shared car park but is not owned by 51F Station Road which is misleading.
- Access drive is narrow and will not comply with the Fire Regulations for New Buildings.

3no letter of support was received and may be summarised as follows:

- The site is in dire need of improvement

- Modern and affordable rental units are in high demand
- Provide more affordable living in the area

1 no representation was received and may be summarised as follows:

- 51 Station Road does not have right of access via Access road situated between No29 and 31 Station Road.

The site notice was posted on 2nd March 2023.

Following amendments to the application, a 14 day public reconsultation took place.

1 objection was received and may be summarised as follows:

- Should not be defined as an HMO
- Harmful character impact
- Harmful neighbouring amenity impact

#### **4.1 Internal Consultation**

The Highways department raise no objection, subject to conditions.

The Environmental Health department raise no objection, subject to conditions.

The Environmental Health HMO department raise no objection.

### **5. Planning Considerations**

#### **5.1 Policy Context**

##### National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published 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.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

##### The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

Policy H9.

### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM09, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity.

Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

### Barnet's Local Plan (2012)

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.

In order to address issues of legal compliance and deficiencies in soundness the Council has produced Main Modifications to the Local Plan. These Main Modifications were approved by Cabinet on March 12th and will now be subject to a period of formal public consultation commencing in May 2024. Whilst the Council moves forward to formal adoption of the Local Plan (subject to the outcome of the public consultation and the Inspectors Report) the Main Modifications 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

## Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low-density suburban housing with an attractive mixture of terrace, semidetached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to the adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

## Sustainable Design and Construction SPD (adopted October 2016)

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

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of development
- Whether harm would be caused to the character and appearance of the existing building, the streetscene and the wider locality
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the scheme complies with HMO standards
- Whether the scheme complies with self-contained unit
- Accessibility and parking

### **5.3 Assessment of proposals**

#### Principle / The need for an HMO

A small House in Multiple Occupation (HMO) is a dwelling in which three to six unrelated people (constituting separate households; unrelated to each other) share communal facilities such as bathrooms, kitchens and living rooms. More than six people constitutes a sui generis HMO.

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'.

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.

Given the extant permission, the principle of this form of accommodation in this location has been previously assessed and approved. Therefore, the principle of development is considered acceptable.

Whether harm would be caused to the character and appearance of the existing building, the streetscene and the wider locality

The Inspectors report under appeal APP/N5090/W/20/3254257 (Barnet ref. 19/4432/FUL) provides the following context for the character of the area:

"16. The character of Station Road itself in the vicinity of the appeal site is predominantly residential although the surrounding uses in the backland to the road and adjacent to the appeal site are mixed.

17. Residential properties fronting onto Station Road are a mix of heights and styles. Those to the south of Station Road in the vicinity of the appeal site are large, two storey semi-detached properties whilst those on the north side at Nos 35-49 backing onto the appeal site form a terrace of 3 storey properties with rooms in the roof space."

This assessment is noted to remain consistent with the current situation.

The Inspector states in Paragraph 18 that "The HMO would not be readily visible from Station Road itself and, although the properties in Malcolm Court to the north are only two storey, they feature a high steeply pitched roof and are set at a slightly higher level meaning that the proposed HMO would not appear out of scale with the height and mass of the flats. Viewed across the rear yard, in the context of its surroundings the scale and massing of the HMO would not appear visually obtrusive and would not be out of keeping with the character of the surrounding development on Station Road and Malcolm Crescent."

Again, this assessment remains consistent with the current application because the current proposal would extend to the same height as the previously dismissed appeal. It is also noted that the eastern portion of the dismissed appeal has been removed in the current application, which ultimately reduces the overall bulk and massing of the proposed structure. As such, the impact to the character of the area is not harmfully impacted.

The current scheme is noted to be taller than the more recently approved application under reference 20/3572/FUL. Notwithstanding this, the Inspector's assessment of 19/4432/FUL determined that no character impact will take place from a 3 storey development.

Impact on neighbouring amenity

It is considered that the unrelated residents are likely to have different schedules than that of a single family dwellinghouse who are likely to make similar movements and thus generating less noise and disturbance.

Due to the proximity of the neighbouring properties, the Inspector's report (APP/N5090/W/20/3254257) outlines that a three storey development, would invariably place harmful pressure on existing residential units "in particular those in Nos 49 and 51



Station Road" (Paragraph 6). Particular concern to the residents at No.51E is especially noted by the Inspector and officers.

Notwithstanding this, the LPA have been informed that No.51E site has fallen under the ownership of the applicant for this application. This is shown in the updated Site Location Plan, drawing number PL00 Rev B. In addition, internal alterations to the flat have taken place so that the window facing the proposed development has been obscure glazed as it serves a bathroom. The room has thus been internally reconfigured so that the front facing window serves the main habitable space and faces Station Road. As such, the proposed development is not considered to harmfully limit outlook or create a sense of enclosure to the occupiers at No.51E Station Road that would warrant the application for refusal.

With regards to the concerns of overlooking into the private courtyard space that's directly adjacent to room T1 it is noted that the exact same outlook provision was provided under the approved HMO scheme (20/3572/FUL) where the impact was viewed to be acceptable.

The extant scheme placed a condition limited the number of people in the HMO development to 11 people. The current application proposes a maximum of 15 people since rooms T1, T4, T8 and T11 each have capacity to occupy 2 people, representing an uplift by 4 people. Despite this uplift, officers consider that the uplift is not so significant as to result in additional harm to the existing surrounding residents. In addition to this, the additional storey is not considered to result in deleterious harm by reason of the third storey being sufficiently offset from the eastern flank of the development.

No unacceptable overlooking is considered to take place from rooms T1, T5 and the rooms at second floor level (T9, T10 and T11) to the neighbouring residents at No.49 Station Road by reason of No.49's windows being oblique and not dissimilar to relationships that already exist between the units in No.51 relative to No.49. This is consistent with the Inspector's assessment and so no harmful overlooking is considered to take place.

Overall, it is considered that the impact on the existing neighbouring residents is acceptable and compliant with Policy DM01.

#### HMO standards

The adopted HMO standards for rooms with cooking facilities stipulates a minimum of 13m<sup>2</sup> and for two persons, 17m<sup>2</sup>. Note that the minimum room space requirement is net of any compartment containing w.c. and shower/bathroom facilities and any other areas to be excluded. For clarity, the following measurements exclude toilet and shower rooms and cooking facilities.

- T1 - 17sqm provided for 2 person - compliant
- T2 - 13sqm provided for 1 person - compliant
- T3 - 13sqm provided for 1 person - compliant
- T4 - 17sqm provided for 2 person - compliant
- T5 - 13sqm provided for 1 person - compliant
- T6 - 13sqm provided for 1 person - compliant
- T7 - 13sqm provided for 1 person - compliant
- T8 - 17sqm provided for 2 person - compliant
- T9 - 13sqm provided for 1 person - compliant
- T10 - 13sqm provided for 1 person - compliant

T11 - 17sqm provided for 2 person - compliant

All the proposed rooms meet the relevant standard.

Each bedsit would benefit from a shower, basin and cooking facilities. The scheme is compliant with Barnet's HMO standards in terms of personal washing facilities in terms of individual hand basins, reasonably sized shower room with an openable window.

The shared facilities would include toilets, of which two are located at ground level, one at first floor level and one second floor level. This is compliant with Appendix A of Barnet's HMO standards for an HMO. These water closets would be readily accessible and contained within a room of adequate size.

No internal or external amenity space is provided at the site. However, Paragraph 12 of the dismissed appeal notes the following:

"Whilst this, particularly the latter, is less than satisfactory I acknowledge that the HMO standards make no specific requirement and the fallback permission similarly makes no provision for internal or external amenity space."

The case officer agrees and refers to the above assessment and notes that a lack of outdoor amenity facilities is not unacceptable in this instance.

Paragraph 13 of the dismissed appeal states 'it is essential that a high standard of bike storage is available.' This will be secured by way of condition.

### Highways issues

The Highways officer originally provided the following comments:

"The site is located at the corner of A502 (Station Road) and Malcolm Crescent, Hendon. It is in a CPZ that operates Mon-Fri between 10am and 11am. The site has a public transport accessibility level (PTAL) rating of 4 (good) on a scale of 1-6 where 1=poor and 6=excellent accessibility.

The 11 bed HMO will require a total of between 0 - 11 spaces based on the parking standards set out in Policy DM 17. The site has a PTAL rating of 4 which is good so the provision of 4/5 parking spaces would be acceptable. No spaces are proposed thus potentially 4/5 vehicles could be displaced on-street but given the good PTAL rating of the site, provided the applicant is prepared to enter into a s106 agreement with the council to deny residents the right to purchase CPZ permits, Highways would accept the proposed parking provision.

For the 11 bed HMO, a minimum of 11 cycle parking spaces are required. The proposed drawing no PL01 revision B shows 16 cycle stands however the type of stands used should allow both wheels and the frame of the bicycle to be locked. Also the minimum gap between stands should be at least 1metre. The drawing shows that vertical cycle stands are proposed which is not ideal because they require lifting. The applicant is therefore asked to explore other types of cycle stands that do not require lifting . Bin storage area is also shown in Drawing No PL01 rev B. It appears that the doors would open out onto the highway and so sliding doors should be considered. Details of cycle and refuse storage are therefore requested by way of a condition. Existing servicing arrangement will remain unchanged.

Highways would raise no objection to the proposal subject to CPZ restriction and the following conditions/informatives."

Following the submission of additional information (Transport Statement, 51F Station Road, NW4 4PN, Green Phino Planning) the Highways officer viewed that no S106 agreement is required. As such, the proposed development is acceptable, subject to conditions.

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

Consultation letters were sent to 120 neighbouring properties.

10 objections have been received and may be summarised as follows:

- Proposed HMOs are actually studio flats due to no shared facilities

The bedsits do benefit from communal facilities (WCs) and do not necessarily need to share all basic amenities.

- Flats do not meet minimum standards or amenity space

All the proposed bedsits meet the required HMO standards.

- No provision of lift or accessible flats

No lift is fundamental to the acceptability of the scheme. No lift was provided under the previously approved scheme 20/3572/FUL.

- No evidence submitted of the need for HMO

The principle of development has already been approved under 20/3572/FUL.

- Scale and height of development would result in harmful character impact

- Overdevelopment of the site

No character impact is considered to take place. This is assessed in the main body of the report.

- Loss of light and increased sense of enclosure to neighbouring residents

No harmful amenity impact is considered to take place to the neighbouring residents. This is assessed in the main body of the report.

- Proposed number of occupiers would result in increased noise and disturbance to existing neighbouring residents

- Location of bins will result in smell, noise and disturbance nuisances to neighbour

This impact is not considered to introduce a new level of harm than is already existing. With regulation waste disposal this impact would be mitigated.

- Some bedsits would overlook and result in loss of privacy into the yard area of the neighbouring residential property.

This impact is not considered to introduce a new level of harm than is already existing.

- Proximity to car repairs and proposal would create harmful increase of noise, conflicting with DM04.

This objection is acknowledged. Officers reiterate that the conditions have been attached, on the recommendation of the Environmental Health officer, to mitigate the impact of noise on existing and future residents.

Location of bins is located in neighbours land and would be situated beneath window of No.49 Station Road.

Further information on refuse storage is requested by way of condition.

- The site benefits from no independent access to the rear land and utilises a shared drive with No.49 Station Road
- The right of access via the road located between No.29 and 31 does not give access for No.51, only residents from Nos31-49.
- Submitted drawing shows a shared car park but is not owned by 51F Station Road which is misleading.

It is an offence to complete a false or misleading ownership certificate, either knowingly or carelessly. This offence can result in a maximum fine of up to £5,000. Within the lifetime of the application the agent confirmed that the application form and ownership certificate were filled in correctly.

- Access drive is narrow and will not comply with the Fire Regulations for New Buildings.

This was not raised as a concern by the Council's Highway department.

## 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 is unacceptable. This application is therefore recommended for APPROVAL.

