

MEETING

HENDON AREA PLANNING COMMITTEE

DATE AND TIME

TUESDAY 20TH SEPTEMBER, 2016

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4AX

TO: MEMBERS OF HENDON AREA PLANNING COMMITTEE (Quorum 3)

Chairman: Councillor Maureen Braun

Vice Chairman: Councillor Brian Gordon LLB

Councillors

Claire Farrier
Sury Khatri

Gill Sargeant
Agnes Slocombe

Hugh Rayner

Substitute Members

Tom Davey
Dr Devra Kay
Zakia Zubairi

Val Duschinsky
Charlie O-Macauley

Helena Hart
Mark Shooter

Please note that the below agenda may not reflect the order in which items will be heard at the meeting.

You are requested to attend the above meeting for which an agenda is attached.

Andrew Charlwood - Head of Governance

Governance Services contact: Sheri Odoffin sheri.odoffin@barnet.gov.uk 020 8359 3104

Media Relations contact: Sue Cocker 020 8359 7039

**ASSURANCE GROUP
ORDER OF BUSINESS**

Item No	Title of Report	Pages
1.	MINUTES	1 - 6
2.	ABSENCE OF MEMBERS (IF ANY)	
3.	Report of the Monitoring Officer (If any)	
4.	DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)	
	Hendon Ward	
5.	Highview House 6 Queens Road London NW4 2TH - Partial conversion of lower ground floor into 1 no. self-contained residential flat	7 - 20
6.	46 St Marys Crescent London NW4 4LH - The vertical sub-division of the existing house to form 2 no. 3-bed houses	21 - 34
7.	10 West Avenue NW4 - Conversion of single family dwelling into 2no self-contained flats. New bicycle shed at the rear	35 - 44
	West Hendon Ward	
8.	71 Vivian Avenue London NW4 3XE - Partial conversion of lower ground floor into 1 no. self-contained residential flat	45 - 60
	Edgware Ward	
9.	145 Station Road Edgware HA8 7JS - Change of use of beauty salon (sui generis) to estate agents on ground floor with ancillary uses on part first floor	61 - 68
10.	Addendum (if applicable)	
11.	Any Item(s) the Chairman decides are urgent	

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Decisions of the Hendon Area Planning Committee

20 July 2016

Members Present:-

AGENDA ITEM 1

Councillor Maureen Braun (Chairman)
Councillor Brian Gordon (Vice-Chairman)

Councillor Claire Farrier
Councillor Sury Khatri
Councillor Hugh Rayner

Councillor Gill Sargeant
Councillor Agnes Slocombe

1. ABSENCE OF MEMBERS ((IF ANY)

No apologies received.

Councillors Slocombe, Farrier, Gordon and Sargeant were not present at the start of the meeting and did not partake or vote on the Sydney Road agenda item.

THE RUNNING ORDER OF THE AGENDA WAS CHANGED, AS REFLECTED IN THESE MINUTES.

2. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY AND NON PECUNIARY INTERESTS (IF ANY)

Councillor Khatri	Non-pecuniary interest in 30 Lawrence Gardens, 16 Tretawn Gardens and 12 Engel Park – conversations with applicants
Councillor Rayner	Non-pecuniary interest in 17 Purcells Avenue – Resides adjacent to the site

3. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

4. 39 SYDNEY GROVE LONDON NW4 2EJ - 162504HSE

The Committee received the report.

Representations were heard from Mr Hanneman, Ms Sue Rothstein and the applicant

RESOLVED that the application be approved, subject to the conditions detailed in the report.

For	2
Against	0
Absatined	1

5. 5-7 PARSON STREET HENDON LONDON NW4 1QD - 160806

The Committee received the report.

Representations were heard from Mr Tankel, Mr Grevatt and the applicant's agent.

A vote on the recommendations contained within the report, to approve the application was taken:

For (approval)	1
Against (approval)	6
Abstained	0

It was moved by Councillor Farrier and seconded by Councillor Braun that the application be refused for reasons stated in points 1, 2 and 4, paragraph 5.3, page 23 of the agenda.

RESOLVED that the application be refused for the reasons stated above.

For (refusal)	4
Against (refusal)	3
Abstained	0

6. 16 RUNDELL CRESCENT LONDON NW4 3BP - 16/3187/HSE

The Committee received the report.

Representations were heard from Gavin Littaur and the applicant's agent.

RESOLVED that the application be approved, subject to the conditions detailed in the report.

For	4
Against	1
Abstained	2

7. 30 LAWRENCE GARDENS LONDON NW7 4JT - 16/3187/HSE

The Committee received the report and addendum.

Representations were heard from Mr Wakefield, Councillor John Hart and the applicant's agent.

RESOLVED that the application be approved, subject to the conditions detailed in the report and the addendum.

For	5
Against	1
Abstained	1

8. 16 TRETAWN GARDENS LONDON NW7 4NR - 16/3231/HSE

The Committee received the report.

Representations were heard from Roger Huby, John Canavan and the applicant's agent.

RESOLVED that the application be approved, subject to the conditions detailed in the report.

For	5
Against	2
Abstained	0

9. 12 ENGEL PARK LONDON NW7 2NS - 16/3519/HSE

The Committee received the report and addendum.

Representations were heard from Dr Cesira de Chiara, Dr Giuseppe Nicatro and the applicant's agent.

A vote was taken on the recommendations to approve the application, as detailed in the report:

For (approval)	3
Against (approval)	4
Abstained	0

It was proposed by Councillor Farrier and seconded that the application be refused on the following grounds:

- 1) The proposed development would by reason of its resulting prominence and the design, size, scale and massing would have a harmful impact on character and appearance of the streetscene and the visual amenities of the surrounding areas. As such, the proposed development would be contrary to policy DM01 of the Adopted Local Plan Development Management Policies DPD (2012).
- 2) The proposed development would by reason of the change in land levels, its proximity to the neighbouring at 14 Engel Park in conjunction with its size, scale and massing would have an overbearing and harmful impact on the residential amenity of the occupiers of that property. As such, the proposed development would be contrary to policy DM01 of the Adopted Local Plan Development Management Policies DPD (2012).

RESOLVED that the application be refused for the reasons detailed above.

For (refusal)	4
Against (refusal)	3
Abstained	0

10. 17 PURCELLS AVENUE EDGWARE HA8 8DR - 162577HSE

The Committee received the report.

A representation was heard from the applicant.

RESOLVED that the application be approved, subject to the conditions detailed in the report.

For	6
Against	0
Abstained	1

11. 71 VIVIAN AVENUE LONDON NW4 3XE - 16/1744/FUL

The Committee received the report and addendum.

Representations were heard from Marie McHale and Spiro Novruzaj.

At this point of the meeting the OHP equipment failed.

Members took the view that they were not in a position to make a decision on this application or any of the remaining items without appropriate graphical evidence and were advised by Officers to defer the items to the next meeting.

Consequently, the only item left to consider were the minutes of the last meeting.

RESOLVED that this application and all the remaining applications be deferred until the next meeting of the Committee.

For deferral	7
Against deferral	0
Abstained	0

12. MINUTES

RESOLVED that the minutes of the meeting held on 15 June 2016 be agreed as a correct record, subject to the following amendment:

55 SHEAVESHILL AVENUE - 160948FUL - CHANGE OF USE FROM RESIDENTIAL TO GP SURGERY

The Committee considered the planning officer's report and addendum. Oral presentations were heard from Mr Patrick Jacob, and Miss Hasina Ahmed **and Councillor Narenthira** in objection to the planning application. The applicant Dr Ijeoma Ukachukwu also spoke in support of her application.

The motion to approve was proposed by Councillor Rayner and seconded by Councillor Khatri **Shooter**.

Votes were as follows:

For	4
Against	32

13. HIGHVIEW HOUSE 6 QUEENS ROAD LONDON NW4 2TH - 16/2393/FUL

Deferred until next meeting.

14. 46 ST MARYS CRESCENT LONDON NW4 4LH - 162666FUL

Deferred until next meeting.

15. 145 STATION ROAD EDGWARE HA8 7JS - 162101FUL

Deferred until next meeting.

16. ADDENDUM (IF APPLICABLE)

Items contained within the addendum, were dealt with under individual agenda items.

17. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 9.43pm

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Location **Highview House 6 Queens Road London NW4 2TH**

Reference: **16/2393/FUL**

Received: 13th April 2016

Accepted: 21st April 2016

Ward: Hendon

Expiry 16th June 2016

Applicant: Mr A COHEN

Proposal: Partial conversion of lower ground floor into 1no. self-contained residential flat with associated amenity space, new rear access ramp, associated alterations to fenestration. Alterations to rear patio.

AGENDA ITEM 5

Recommendation: Approve subject to conditions

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

Drawing No. QR6-1001

Drawing No. QR6-3002

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 Before the building hereby permitted is first occupied the proposed window in the front elevation, other than a clear fanlight opening, shall be glazed with obscure glass and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of future occupiers of the property in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 4 a) The site shall not be brought into use or first occupied until details of the means of enclosure of the patio, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) 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 and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 5 a) No development shall take place until a scheme of soft landscaping, including details of size, species, planting heights, densities and positions of any proposed soft landscaping to the rear, has been submitted to and agreed in writing by the Local Planning Authority.
- b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
- c) Any trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

- 6 Before the development hereby permitted is occupied, details of cycle parking spaces for the proposed unit shall be submitted to and approved in writing by the Local Planning Authority. This is to be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason: To ensure and promote easier access for disabled persons to the approved building 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 which in turn refers to London Plan Parking Standards.

- 7 Prior to the first occupation of the unit, 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 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 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. 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) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 9 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 10 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £1,645.00 payment under Mayoral CIL.

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. Your planning application has therefore been assessed at this time as liable for a £6,345.00 payment under Barnet CIL.

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.

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.

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

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

Please visit

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

Officer's Assessment

1. Site Description

The application is a block of self-contained flats on Queens Road, in the ward of Hendon. It appears as a three storey building, within living space in the roof and a lower ground level.

The application site is not in a conservation area and is not in a listed building.

2. Site History

Reference: 16/2327/FUL

Address: Highview House, 6 Queens Road, London, NW4 2TH

Decision: Refused

Decision Date: 16 June 2016

Description: Partial conversion of lower ground floor into 1no. self-contained residential flat and erection of a single storey building to the rear comprising of 2no. self-contained studio flats. Alterations to hard and soft landscaping including provision of new rear access ramp, associated amenity space and alterations to rear patio. Alterations to fenestration on main building.

Reference: 16/0871/FUL

Address: Highview House, 6 Queens Road, London, NW4 2TH

Decision: Refused

Decision Date: 11 April 2016

Description: Partial conversion of basement level to form 1 no. self contained residential dwelling with new rear access ramp and associated alterations to fenestration

Application Reference: W09203J

Address: 6 Queens Road, London NW4

Description: Alterations to dormers, roof, windows to side elevation, entrance lay-out and steps to rear balcony being amendments to planning permission W09203E granted 28.02.95 for a block of 7 self-contained flats.

Decision: Approved subject to conditions

Decision date: 28 May 1996

Reference: W09203E

Address: 6 Queens Road, London NW4

Description: Demolition of existing house and erection of a new building comprising basement car park and 4 upper floors containing 7 self-contained flats

Decision: Approved subject to conditions

Decision date: 28 February 1995

3. Proposal

The application proposes to partially convert the existing lower ground level to form 1 no. self-contained residential dwelling with associated amenity space, new rear access ramp, associated alterations to fenestration, and alterations to the rear patio.

4. Public Consultation

A site notice was erected 5 May 2016.

Consultation letters were sent to 86 neighbouring properties.
5 responses have been received, comprising 5 letters of objection.

The objections received can be summarised as follows:

- Development would result in overcrowding and overdevelopment
- Concerns for increased (air) pollution and impact on local resident's health
- Concerns for the development's impact on parking and highways. The development would necessitate removing some current parking spaces. Questioning whether the original permission was given for a certain amount of car parking spaces in relation to the block.
- Development is too close to properties at the rear (along Sydney Grove)
- Development would set a precedent to allow developers to build in gardens for profit. Garden grabbing impacts amenities of neighbouring occupiers, wildlife and greenery
- Development's impact on amenity of neighbouring occupiers including additional noise, privacy, people movement, light and pollution

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 27 March 2012. 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 2016

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

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

Barnet's Local Plan (2012)

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

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

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.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

Sustainable Design and Construction SPD (adopted April 2013)

- 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:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether harm would be caused to the living conditions of future occupiers.
- Whether harm would be caused to parking and highways

5.3 Assessment of proposals

Preliminary matters:

An application for the conversion of the lower ground level was previously refused under application ref: 16/0871/FUL, dated 11 April 2016.

There was one reason for refusal.

The reason read -

"By reason of the failure to provide a reasonable degree of outlook and privacy to habitable rooms, the proposed flat would result in sub-standard living conditions, to the detriment of the residential amenities of future occupiers. The application is therefore considered unacceptable and contrary to Policy DM01 the Development Management Policies DPD (2012), Policy 3.5 of the London Plan (2015) and the guidance set out in Barnet's Sustainable Design and Construction SPD (2013)."

Under this application, the applicant has amended the scheme to propose a private courtyard to serve the proposed flat, with vegetation screening and boundary fencing

around it. The applicant now also proposes a larger window to the front as well as new high level windows in the side elevation.

These amendments to the scheme are discussed in greater detail below. However in summary, Planning Officers are satisfied that the previous reason for refusal has been addressed adequately based on these amendments.

External changes and impact on character and appearance of the host property:

In regards to fenestration changes, the applicant proposes a larger window to the front, 2 no. new high level windows to the side elevation and a set of sliding doors to the rear elevation.

It is considered that these fenestration changes would not impact the character or appearance of the host building or surrounding area to an unacceptable level.

The principle of a self-contained dwelling in this location:

On the basis that self-contained flats exist within the application building, the principle of an additional flat in this location is deemed acceptable, in accordance with Policy DM01 of the Development Management Documents (2012).

No objection is raised to the loss of the existing ancillary storage/office area, which was being used as a storage area at the time of a site visit by the Planning Officer.

Impact on amenity of neighbouring occupiers:

The proposed unit would be built at the lower ground level, within the existing footprint of the building. No extensions are proposed.

It is not considered the proposed development would impact the amenity of the occupiers of the existing flats in the building to an unacceptable level. Furthermore it is not considered that the proposed development would impact the amenity of the neighbouring occupiers adjacent to the site at No. 5 or No. 7 Queens Road. or to the rear along Sydney Grove, to an unacceptable level.

Amenity and living conditions of future occupiers:

Policy DM01 of the adopted Development Management Policies DPD (2012) states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers and users.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance with national and Londonwide standards supported by the guidance set out in the council's suite of Supplementary Planning Documents. This includes minimum floor space standards set out in London Plan Policy 3.5 and outdoor amenity space, set out in the Sustainable Design and Construction SPD.

Policy 3.5 of the London Plan (2015) secures the quality and design of housing developments.

Floorspace and dimension standards:-

The bedroom(b)/persons-bedspaces (p) to essential gross internal area would be as follows for the proposed unit (according to Officer calculations) -

1b2p - 95.6 sqm

This exceeds the floorspace standards set out in Table 2.1 of the Sustainable Design and Construction SPD (2013).

The unit also exceeds the minimum room dimensions and floor areas set out Table.2.2 for the living/kitchen/dining room and size of a bedroom.

Outdoor amenity space:-

Table 2.3 of the Sustainable Design and Construction SPD (2013) states that for flats 5 sqm of outdoor amenity space should be provided per habitable room. Therefore 15 sqm should be provided, in accordance with the documents definition of habitable room.

The proposed courtyard would provide approximately 36 sqm of private outdoor amenity space, therefore exceeding this guidance.

The rear garden area is in excess of 600 sqm. Officers are satisfied that adequate rear garden would be retained for the use and enjoyment of occupiers of the existing flats in the building. With a new wheelchair/pedestrian ramp the rear garden will be accessible to all.

Daylight, privacy and outlook for future occupiers:-

Policy DM01 of the adopted Development Management Policies DPD (2012) states in point (e) that development proposal should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

On the basis of the window to the front, new side windows and set of sliding doors to the rear, it is considered the proposed unit would be served by an adequate level of daylight.

The proposed bedroom would be served by a high level side window and an enlarged window to the front. On site, as existing, the front window was obscure glazed and was facing an existing car parking space. A condition has been attached to ensure this window is obscure glazed with a clear glazed fanlight opening, in order to safeguard the privacy of future occupiers whilst providing a degree of outlook. On balance, this is considered acceptable.

The proposed living/kitchen room would be served by a new high level side window and a set of sliding doors to the rear which would lead out onto a private courtyard. The courtyard would have a depth of 6.1 metres. By virtue of the depth of this courtyard, future occupiers would be afforded a sufficient level of outlook from the rear.

As shown on plans, the proposed courtyard would be bounded by fencing approximately 1.8 metres high. Officers note that the main rear garden is at a raised level. The boundary fencing would measure approximately 1.14 metres on this raised garden area. The applicant also proposes a vegetative 'buffer' along the fencing. It is considered that these measures would sufficiently ensure that occupiers of the proposed flat would not suffer loss of privacy or be overlooked to an unacceptable level by users of the main garden. A condition has been recommended to ensure the implementation of the boundary fencing and vegetation.

In conclusion, Officers deem that the proposal would provide an acceptable standard of accommodation for future occupiers, and has therefore overcome the previous reason for refusal.

Stacking:-

Policy DM04 of the Development Management Document (2012) part d. states that proposals will be refused if it leads to an unacceptable level of noise and disturbance unless the scheme can demonstrate any mitigation measures.

From archive files of planning permission W09203E, dated 06.03.1995, plans show that the unit above the proposed unit has a bedroom above the proposed bedroom and a living/dining room above the proposed living area.

In regards to horizontal stacking, it is not considered that comings and going from users of the entrance lobby area would be to such an extent that would cause unacceptable harm to future occupiers. It is noted that the 'main' entrance lobby for occupiers is on the floor above.

As such, subject to the relevant conditions, the layout of the unit is considered acceptable.

Impact on parking and highways:

It is noted that Condition 3 of the original planning permission for the block of flats (application reference: W09203E, dated 06.03.1995) states that 'Before the development hereby permitted is occupied the parking spaces shown on Plan 5493.10 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.' That approved layout showed 8 spaces in the lower ground level.

Upon a site visit, the Planning Officer observed that the lower ground level is currently used for parking for 2 cars, and as an office and storage areas and the area proposed to be converted into a flat was currently used for storage and office and not parking.

Two parking spaces will be retained in the lower ground area under this proposal. It is evident that vehicles park to the front of the property and will continue to do so with the development proposals.

Highways Officers have carefully considered the proposed development and have confirmed that they raise no objection to the proposal, subject to conditions.

Trees:

It is not considered that any harm would be caused to the trees on site or adjacent sites.

Refuse and Recycling:

Existing refuse and recycling containers was noted on site (to the front).

It is not considered that one additional residential unit would result in an unacceptable impact on refuse and recycling.

5.4 Response to Public Consultation

- Development would result in overcrowding and overdevelopment

The proposed flat would accommodate 2 persons. The proposed unit would exceed floorspace standards and satisfy development plan policy. There would be no extensions to the building. For these reasons it is not considered that the proposed development would result in overcrowding or overdevelopment.

- Concerns for increased (air) pollution and the impact on local residents health

It is not considered that the development would increase pollution levels to an unacceptable level. Officers would not deem this a reason for refusal in this instance.

- Concerns for the development's impact on parking and highways. The development would necessitate removing some current parking spaces. Questioning whether the original permission was given for a certain amount of car parking spaces in relation to the block.

As addressed in the main report. The Council's Highways department have carefully considered the application and have raised no objection to the proposal, subject to conditions.

- Development is too close to properties at the rear (along Sydney Grove)

The proposed development would be constructed within the existing footprint of the main building and would not include any rear extensions. Therefore the proposed development, other than the lower level patio, would not be any closer to the properties along the rear than the existing building.

- Development would set a precedent to allow developers to build in gardens for profit. Garden grabbing impacts amenities of neighbouring occupiers, wildlife and greenery

It is taken that this objection refers to a separate application at the application site (application reference: 16/2327/FUL, dated 16 June 2016) which proposed separate residential dwellings in the rear garden area and was subsequently refused.

In the interest of clarity, the proposed development subject to this application is not considered to impact the amenity of neighbouring occupiers to an unacceptable level. It is not considered the proposed development would impact wildlife or greenery to an unacceptable level.

- Development's impact on amenity of neighbouring occupiers including additional noise, privacy, people movement, light and pollution

As addressed in the main report, it is not considered that the proposed development would impact the amenity of neighbouring occupiers to an unacceptable level.

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 future and neighbouring occupiers. This application is therefore recommended for approval.



Location **46 St Marys Crescent London NW4 4LH**

Reference: **16/2666/FUL**

Received: 21st April 2016

Accepted: 21st April 2016

Ward: Hendon

Expiry 16th June 2016

Applicant: Mr Haim Maymon

Proposal: The vertical sub-division of the existing house to form 2 no. 3-bed houses. Alteration of window at first floor level in front elevation, installation and alteration of windows in the side and rear elevations and roof-lights to the ground floor rear extension. Addition of 3 no. rooflights to existing loft dormer. Associated amenity space, parking, cycle storage, bin storage and landscaping

AGENDA ITEM 6

Recommendation: Approve subject to conditions

1 The development hereby permitted shall be carried out in accordance with the following plans included with the application:

- Existing and proposed layouts - RE/STMARY/2016/01 Rev B
- Existing and proposed elevations - RE/STMARY/2016/01
- Cross sections - RE/STMARY/2016/01
- Location Plan

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 or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety 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 April 2013) and Policy 5.21 of the London Plan (2015).

- 4 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 5 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 6 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 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. 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) and policy 5.15 of the London Plan (2015).

- 7 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 25% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason:

To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012) and policies 5.2 and 5.3 of the London Plan (2015)

- 8 The premises shall be used for C3 use and for no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 9 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development shall take place until details of parking and turning spaces have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented and the parking spaces provided in full accordance with the information approved under this condition before the development is first occupied and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles in connection with the development.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2015.

- 10 a) Before the development hereby permitted is first occupied or the use first commences, details of the cycle parking spaces and enclosures shall be provided to and approved by the Council.
- b) The parking spaces shall be used only in accordance with the scheme approved as part of this condition and not be used for any purpose other than the parking of cycles in connection with the approved development.

Reason: To ensure that cycle parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 11 Before the building hereby permitted is first occupied window(s) within the side elevations of the ground and first floor of the extensions approved by way of appeal decision APP/N5090/W/15/3051139 and shown on the plan titled 'Existing and proposed layouts - RE/STMARY/2016/01 Rev A' 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 April 2013).

- 12 The use of the outbuilding located within the rear garden of unit 1 shall at all times be ancillary to and occupied in conjunction with unit 1 and shall not at any time be occupied as a separate unit or dwelling.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 13 a) No development shall take place until a scheme of hard and soft landscaping to the front forecourt area, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the Local Planning Authority.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

- 14 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection have been submitted to and approved in writing by the Local Planning Authority relating to the street tree positioned at the front of the site.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with Policy DM01 of the Development Management

Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2015.

15 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan relating to the street tree at the front of the site in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to this street tree in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around the street tree. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

Informative(s):

1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £8,015.00 payment under Mayoral CIL.

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. Your planning application has therefore been assessed at this time as liable for a £30,915.00 payment under Barnet CIL.

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.

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.

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

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

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

- 3 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

Officer's Assessment

1. Site Description

The application site is located at 46 St Marys Crescent, London, NW4 4LH. This site currently contains a semi-detached single family dwelling.

St Marys Crescent is predominately characterised by semi-detached and link-detached single family dwellings.

Sunny Hill Park, being a district park, is located directly behind the application site to the east.

The application site is located within an area subject to special advertising control and a street tree is located at the front of the site.

However, the site is not subject to any other specific planning restrictions.

2. Site History

Reference: 15/01373/HSE

Address: 46 St Marys Crescent, London, NW4 4LH

Decision: Refused - Appeal allowed APP/N5090/W/15/3051139

Decision Date: 29 April 2015

Description: Part single part two storey front, side and rear extension, rear dormer and 2 no. rooflights to front to facilitate roof conversion (Retrospective application)

Reference: H/05838/13

Address: 46 St Marys Crescent, London, NW4 4LH

Decision: Lawful

Decision Date: 19 December 2013

Description: Hip to gable roof extension including 1no. rear roof dormer to facilitate a loft conversion.

Reference: H/02223/14

Address: 46 St Marys Crescent, London, NW4 4LH

Decision: Lawful

Decision Date: 12 May 2014

Description: Single storey outbuilding in rear garden.

Reference: H/05355/13

Address: 46 St Marys Crescent, London, NW4 4LH

Decision: Refused - Appeal allowed

Decision Date: 9 January 2014

Description: Single storey front extension involving conversion of garage into habitable space and associated alterations to front landscaping. Part single, part two storey rear extension and first floor side extension following partial demolition of existing rear.

3. Proposal

This application seeks approval for the following scheme:

The vertical sub-division of the existing house to form two 3 bed houses. Alteration of windows at first floor level in front elevation, installation and alteration of windows in the side and rear elevations and roof-lights to the ground floor rear extension. Addition of 3 no. rooflights to existing loft dormer. Associated amenity space, parking, cycle storage, bin storage and landscaping

4. Public Consultation

Consultation letters were sent to 30 neighbouring properties. Five responses have been received, comprising 5 letters of objection. The letters of objection have been summarised below:

- The development is not in keeping with the character of the street
- The area is characterised by single family dwellings
- The development would add to parking pressure in this area
- The proposal would result in overlooking
- Extensions would cause overshadowing
- The proposal would impact the safety of the neighbourhood
- The proposal would increase noise and disturbance for neighbours
- The works could impact the structure of neighbouring dwellings
- The extensions are too large

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 27 March 2012. 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 2015

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM04, DM07, DM08, DM17.

The Council's approach to development 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.

Policy DM04 outlines environmental considerations for all types of development including air pollution, noise pollution, contaminated land, and water matters.

Policy DM07 and DM08 aim to protect housing in the borough and also ensure that a variety of housing types are provided for the growing population.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted April 2013)

This SPD 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:

1. Whether harm would be caused to the character and appearance of the application site, the street scene, and the wider locality
2. Whether harm would be caused to the living conditions of neighbouring residents
3. Whether the dwellings would provide a suitable standard of accommodation
4. Whether the proposal would harm parking and traffic flow in this area
5. Other matters
6. Response to consultation

1. Whether harm would be caused to the character and appearance of the application site, the street scene, and the wider locality

Principle of development:

It is not considered that the principle of developing the existing single family dwelling to provide two houses would be in conflict with Policy DM01 of the Council's Development Management Policies document. Although St Marys Crescent is predominately characterised by single family dwellings, the proposal would not result in the development of flat units on account of the vertical subdivision of the existing dwelling. The scheme would result in the creation of one additional single family dwelling unit within the existing a semi-detached single family dwelling, and therefore, the use of the dwelling would not be in conflict with the character of this street.

Additionally, it should be noted that the dwelling would maintain the appearance of a single dwelling when viewed from its principal elevation, in particular, it would have a single entrance way and there would be no discernable division within the front yard. Although the rear garden would be divided into two outdoor amenity spaces, this would not be evident from the street scene and would not therefore cause any harm to character.

It should also be noted that the applicant has arranged the refuse and cycle storage appropriately across the site so that it is not prominent within the street scene. Further, conditions have been recommended to control the appearance of the refuse store within the street scene and frontage landscaping.

Furthermore, it should be noted that the proposal would result in the net addition of a single family dwelling to the borough's housing stock where it is much needed.

Extensions:

The extensions presented within the submitted plans were subject to consideration under planning application 15/01373/HSE which sought retrospective approval for a part single part two storey front, side and rear extension, rear dormer and 2 no. rooflights to front to facilitate a roof conversion. This application was refused by the Council on 29 April 2015 but subsequently allowed under appeal APP/N5090/W/15/3051139 on 1 March 2016. The extensions presented within the submitted plans are the same as those that were allowed under appeal APP/N5090/W/15/3051139. As such, no further assessment need to given to the effect of the extensions upon the character and appearance of the application site, the street scene, and the wider locality.

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

It is not considered that the comings and goings associated with one additional dwelling unit would result in adverse harm to the occupants of the adjoining dwellings. Both resulting dwellings would be used for the purpose of accommodating single family's only. The effect of the extensions upon the living conditions of neighbouring residents was subject to consideration under allowed appeal APP/N5090/W/15/3051139. The extensions presented within the submitted plans are the same as those allowed by way of this appeal. As such, no further assessment need be made in regard to the effect that the extensions would have upon the living conditions of neighbouring residents.

However, conditions have been recommended to ensure that all windows within the side elevations of the allowed extensions will be obscure glazed in order to prevent overlooking and a loss of privacy. Additionally, it should be noted that no imposing balconies, terraces or windows are proposed as part of this scheme.

3. Whether the dwelling would provide a suitable standard of accommodation

This application has been assessed against the Council's Sustainable Design and Construction SPD which outlines minimum internal floor area and outdoor amenity requirements for new residential development.

The proposal would see the development of two 3 bed 5 person dwellings. It is found that both dwellings would meet the necessary internal floor area and that future occupiers would be provided with sufficient outlook and natural light.

Unit 2 would be provided with a sufficient amount of outdoor amenity space for a dwelling with up to five habitable rooms (being 55 m² under the Sustainable Design and Construction SPD). Unit 1 would fall short of the necessary outdoor amenity space by approximately 15 m². However, it is not considered that this should form a reason for refusal in this instance on account of the very close proximity of the site to Sunny Hill Park, being a district park which is located directly behind the application site to the east.

Officers initially expressed concern that the proposed dwelling units would provide insufficient amenity space for future residents.

The applicant has amended the plans so that the units would contain less habitable floorspace and therefore would be much closer to meeting the standards within the Sustainable Design and Construction SPD.

The two properties would provide (Unit 1) 47sqm (not including the outbuilding) and (Unit 2) 52sqm, a shortfall of just 8sqm and 3sqm respectively. Given the modest nature of the deficit, the immediate proximity to Sunny Hill Park at the rear and the provision of 23sqm and 25sqm internal floor-space above the GIA requirement it is considered that this would be acceptable.

4. Whether the proposal would harm parking and traffic flow in this area

Plans submitted with the application show that 2 off street parking spaces would be provided, being one for each unit. Under Policy DM17, the development would be expected to provide between 1.5 and 1 off street parking space for each unit. It is considered that 1 parking space for each unit is sufficient in this instance. Therefore, it is not anticipated that the proposal would lead to adverse harm to on-street parking pressure or traffic flow in this area.

5. Other matters

It is noted that a street tree is located at the front of the site. Conditions have been recommended relating to this tree to ensure its protection.

6. Response to consultation

A number of those matters raised in the letters of objection have been considered in the body of this report. Therefore, no further assessment is necessary in regard to these matters within this section.

It is not considered that one additional dwelling on the site would result in any material change to the safety of this area or any other crime related matter.

It is the applicant's responsibility to ensure that any works on the site do not cause harm to adjoining dwellings.

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 matters into account, it is considered that, the proposed development would not result in harm to the character or appearance of the application site, the street scene or wider locality and would not cause harm to the amenity of adjoining occupiers. It is also considered that the proposal would provide a suitable standard of accommodation for future occupiers and would not harm parking or traffic flow in this area. This application is therefore recommended for approval subject to conditions.



Location **10 West Avenue London NW4 2LJ**

Reference: **16/3424/FUL**

Received: 25th May 2016

Accepted: 20th June 2016

Ward: Hendon

Expiry 15th August 2016

Applicant: Mrs Rachel Rivlin

Proposal: Conversion of single family dwelling into 2no self-contained flats. New bicycle shed at the rear

AGENDA ITEM 7

Recommendation: Refuse

- 1 The conversion of the property into two self-contained flats would result in the loss of a single family dwellinghouse which would be out of character within its setting of established single family dwellinghouses contrary to Policies CS NPPF, CS1 and CS5 of the Barnet's Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2013).
- 2 The internal floor area of the upper floor flat fails to meet minimum internal floor space requirements. As such, the proposal would fail to provide a satisfactory standard of accommodation for the existing and the future occupiers of these units, being contrary to Policies CS NPPF, CS1 and CS5 of Barnet's Adopted Core Strategy (2012), Policy DM01 and DM02 of the Adopted Development Management Policies DPD (2012), the Adopted Sustainable Design and Construction SPD (2013) and the Adopted Residential Design Guidance SPD (2013).

Informative(s):

- 1 The plans accompanying this application are:

OS Map 1:1250
Block Plan 1:200
Ground Floor (Proposed)
First Floor (Proposed)
Second Floor (Proposed)
Ground Floor (Existing)
First Floor (Existing)
Second Floor (Existing)
Ground Floor (Previous)
First Floor (Previous)
Second Floor (Previous)

Design & Access Statement
Planning Statement

- 2 In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

Formal pre-application advice was not considered an option in this instance as there was not considered to be an alternative acceptable solution other than reverting the property back to its original state as a single family dwelling.

- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

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 were set at a rate of £0 per sq m. This planning application was assessed as liable for a payment under Barnet CIL at this time.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is 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.

The assumed liable party will be sent a 'Liability Notice' providing full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the original applicant for permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice; also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; 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 any appeal being allowed, please contact us: 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.

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

2. Residential Annexes or Extension: 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.

Please visit www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil for further details on exemption and relief.

- 4 Within 6 months from the date of this decision notice, the property (No. 10 West Avenue) must cease use as 3 self-contained units and be restored back to the original internal layout as required by Enforcement Notice Ref. ENF/00038/15 and the Appeal Decision Notice Ref. APP/N5090/C/15/3121619 & 3130246 & 3121473.

Officer's Assessment

1. Site Description

The application site consists of a two storey, semi-detached property situated on the south side of West Avenue in Hendon. The property is not locally or nationally listed and is not within a conservation area.

West Avenue is a residential area consisting of inter-war style suburban properties on both sides of the street.

2. Site History

Appeal Reference: APP/N5090/C/15/3121473

Reference: ENF/00038/15

Decision: Appeal dismissed

Description: Without planning permission the conversion of the property into 3 self-contained flats.

Reference: H/01969/12

Address: 10 West Avenue, London, NW4 2LJ

Decision: Refused

Decision Date: 27 November 2012

Description: Single storey rear extension. Alterations to the front including a new access door. New bicycle shed at the rear and associated works to facilitate a conversion of single family dwellinghouse to 2no. self-contained flats.

Reference: H/00701/12

Address: 10 West Avenue, London, NW4 2LJ

Decision: Lawful

Decision Date: 3 April 2012

Description: Extension to roof including hip to gable, 2no front rooflights and rear dormer to facilitate a loft conversion.

3. Proposal

The application seeks to convert the existing single family dwelling into 2no. self-contained flats and the erection of new bicycle shed at the rear.

The application is being submitted in response to an enforcement notice being served on the property to cease the unauthorised use as three self-contained flats and to revert to a single family dwelling. An appeal was submitted and was subsequently dismissed. The conversion works have already been carried out and the property currently is in use as three separate units, with the units being occupied.

4. Public Consultation

Consultation letters were sent to 62 neighbouring properties.

1 response has been received, comprising 1 letter of objection.

The objections received can be summarised as follows:

- Increase in traffic

- Parking issues

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 27 March 2012. 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 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM08 and 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.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

- Sets out how the Council considers applications for the conversion of single family homes into two or more self-contained units.
- Barnet's approach to conversions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of both new and existing units enjoy a high standard of amenity. Whether or not a conversion is acceptable in principle will depend on the character of both the house and the street.
- The conversion of existing dwellings into flats can have a cumulative impact on environmental quality and the character of established residential areas. Conversions may be appropriate in certain types of property or street particularly where they are highly accessible. However, even in such locations they can harm the character of areas by changing external appearance and increasing activity. Such activity can often involve more people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries.
- Conversions generate extra movement of people and vehicles and the alterations required to accommodate such a use can impact upon the character and appearance of a locality. Conversion proposals are therefore likely to be resisted in areas of low density housing where predominantly there are single family occupation houses and where the external alterations would impact on the appearance of the local area (e.g. hardstanding for a parking space and refuse storage areas).
- Conversions should aim to meet the outdoor amenity space standards set out in the SD&C SPD. The majority of converted dwellings have access to a garden, most likely in the form of a single or subdivision of an existing garden into private garden areas. This is usually split so that the garden area nearest the house is allocated for the sole use of the ground floor flat and the sub division furthest away from the house allocated for the sole use of the upstairs flat(s).

Sustainable Design and Construction SPD (adopted April 2013)

- 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:

- Whether the principle of conversion from single family unit to flats is appropriate;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposal would provide an adequate level of accommodation for future occupiers;
- Parking and impact on highway safety;
- Any other material considerations.

5.3 Assessment of proposals

This application was called in to committee by Councillor Gordon for further discussion.

Principle of conversion and Impact on the established character of the wider locality and neighbouring amenity

Policy DM01 of Barnet's Development Management Policies DPD states that "Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate" and "loss of houses in roads characterised by houses will not normally be appropriate".

Assessing the context of the area, the Council considers that the predominant character of West Avenue is that of single family dwellinghouses, which is confirmed by a search of the Council Tax records. It is noted that there are two properties (nos. 3 and 7) on the opposite side of the street which are registered as flats, however, they are a minority and there is no record of planning permission being granted for these properties. This was a view which was shared by the appeal inspector who stated:

"Notwithstanding the differences in the parties' perception of the character of West Avenue, there is no doubt in my mind that it is a 'road characterised by houses' for the purposes of criteria (h) and (i) of policy DM01. The building forms part of a uniform frontage of inter-war style suburban properties, the majority of which appear to be single family dwellings."

The proposed creation of a new flatted development would be in conflict with the established character of this street and the loss of a single family dwelling would be contrary to policy DM01.

Provision of adequate living conditions for future occupiers

Policy DM02 requires that development will be expected to comply with the minimum floor space standards as set out in policy 3.5 of the London Plan and outdoor amenity space as stated within Barnet's Sustainable Design and Construction SPD.

The proposal would provide 1 x 2 bedroom unit and 1 x 3 bedroom unit. No exact measurements have been provided by the applicant but using the submitted proposed plans, they have been approximately measured at 70sq.m and 78sq.m respectively. The ground floor unit would exceed the minimum space standards for a 2 bedroom flat. It is considered that the upper flat contains 2 double bedrooms and a single, implying that there could be up to 5 people within this flat. The minimum requirement for a 3b5p is 86sq.m and as such the proposal would not meet this standard.

Both flats would have access to the rear garden space, with the ground floor having direct access and a side passage for the other flat. While this would exceed the Council's recommended guidance for outdoor amenity space, it is not considered an ideal arrangement given that there would be no individual privacy for each of the flats.

Parking and highways impact

Policy DM17 requires development to provide adequate parking standards. It is expected that 1.5 to 1 space is provided per unit for 2-3 bedroom flats. The proposal would provide 2 off-street parking spaces which would meet the requirement. However, consent would be required from Highways for the construction of a new crossover as there isn't one currently on site. The site is located within an area of a PTAL of 3 and is considered to be in an accessible area in terms of public transport.

Other considerations

The applicant has submitted a couple of supporting letters from the applicant's doctors which confirm that due to her medical condition, she has very limited mobility and requires ground floor living accommodation.

This information was also submitted and considered by the appeal inspector who was not persuaded that, in overall planning balance, the justification was of sufficient weight to justify the grant of planning permission. It was considered that there might be other ways to address the applicant's requirements that are not dependent upon the conversion of this property.

The inspector continued and dismissed the possibility that a suitable solution would be to reduce the number of units from 3 to 2 units and that this would not make the development acceptable in planning policy terms. Concern was also raised about the possibility of applying a personal condition or granting a temporary permission which would not overcome the planning difficulties in this case.

As there has been no change in circumstances in terms of justification since this appeal, the Council remains of the same opinion that the material considerations of this application do not outweigh the conflict regarding the loss of a single family dwelling and the substandard living accommodation provided for upper storey flat.

5.4 Response to Public Consultation

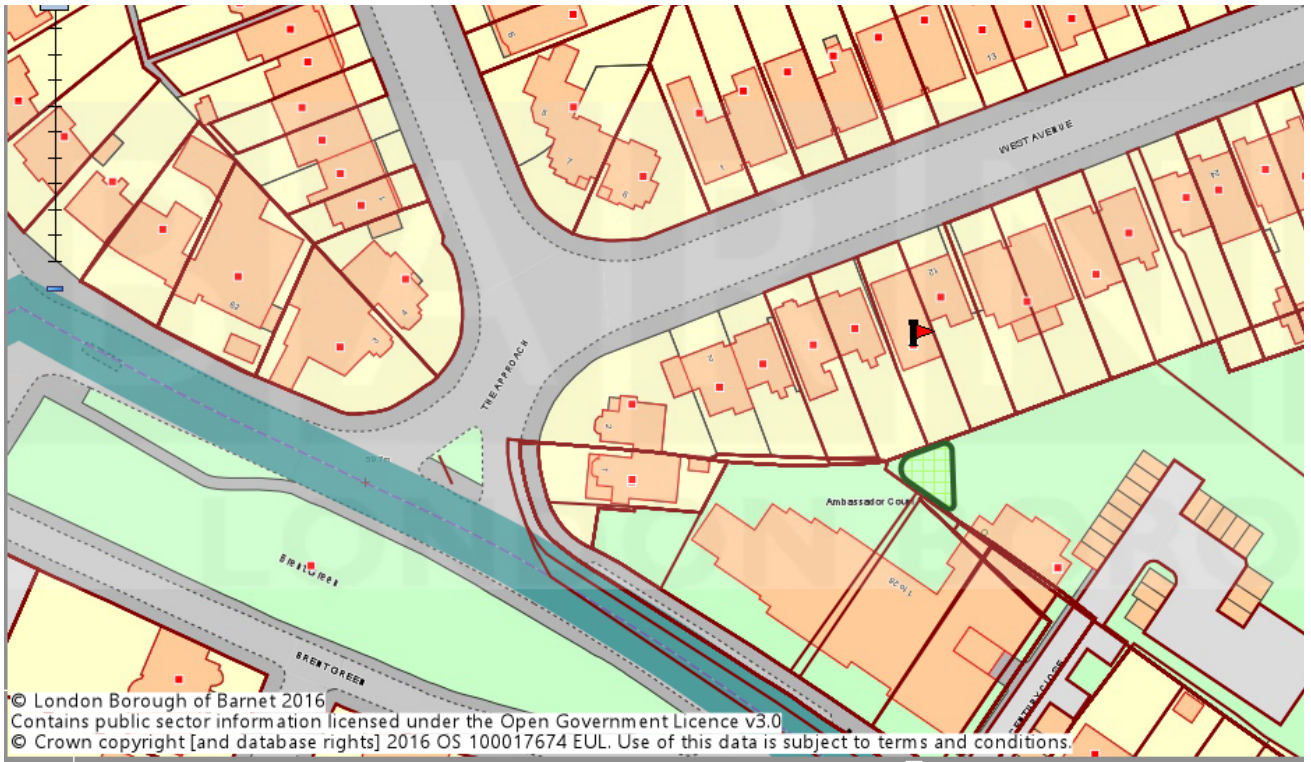
The letter of objection raises issues relating to parking and the increase of vehicles to West Avenue. Whilst the proposal would provide the required provisions in terms of parking spaces, the principle of conversion is not considered to be acceptable.

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 unacceptable impact on the character and appearance of the application site, the street scene and the locality through the loss of a single family dwelling. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers but would provide an inadequate living accommodation for the future occupiers of the upper storey flat. This application is therefore recommended for refusal.



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Location 71 Vivian Avenue London NW4 3XE

Reference: 16/1744/FUL

Received: 17th March 2016

Accepted: 4th April 2016

Ward: West Hendon

Expiry 30th May 2016

Applicant: Ms B. Friedman

Proposal: Conversion of the building into 7no. self-contained flats following a part single, part two-storey rear extension and first floor side extension. Extension to roof including a new mansard with dormer windows to all elevation roof and conversion of existing garage into a habitable space. Construction of basement with rear, front and side lightwells

AGENDA ITEM 8

Recommendation: Approve subject to conditions

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

Site Location Plan; 71VA-PP5-01; 71VA-PP5-03 Rev CD

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 shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been 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 retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

4 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) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

5 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).

6 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).

7 The property shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

8 Before the development hereby permitted is occupied, the existing parking shall be retained in accordance with the submitted planning application. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with 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.

- 9 The approved development shall make provision for cycle parking spaces in accordance with London Plan Cycle Parking Standards. Details of such spaces shall be submitted to and approved by the Local Planning Authority and provided prior to first occupation and retained thereafter.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 10 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 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. 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) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 11 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 12 The use of the outbuilding hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 13 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any

part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

14 a) Before the development hereby permitted is first occupied, details of the subdivision of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

15 Before the building hereby permitted is first occupied the proposed window(s) in the first and second floor flank elevations facing 69 and 73 Vivian Avenue 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 April 2013).

Informative(s):

1 In accordance with paragraphs 186 and 187 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. 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 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 7294.

- 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.

The Mayor of London adopted a CIL charge on 1st April 2012 on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a payment under Barnet CIL.

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.

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.

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

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

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

- 4 In case any changes are proposed to the existing vehicle access or new access is proposed from public highway then the applicant must submit an application under Section 278 of the Highways Act (1980). The proposed access design details, construction and location will be reviewed by the Development Team as part of the vehicle access application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant. Any redundant crossovers will be reinstated to footway level.

To receive a copy of our Guidelines for Developers and an application form Traffic & Development Section - London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 5 Any highway approval as part of the planning process for the provision of a new access or alteration to an existing access is subject to detailed survey and site investigation by the Highway Authority as part of the application for access/crossover under Highways Act 1980. The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

- 6 The applicant is advised that Vivian Avenue is Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Environment and Operations Directorate should be consulted in this respect.

Officer's Assessment

1. Site Description

The site property is a two storey detached single family dwelling house located on Vivian Avenue, close to its junction with Sevington Road. Vivian Avenue is a residential street with a varied and mixed typography of housing; it lies within the West Hendon ward of the South area.

The property is not listed and does not fall within a designated conservation area.

2. Site History

Reference: 14/07466/PNH

Address: 71 Vivian Avenue, London, NW4 3XE

Decision: Prior Approval Required and Refused

Decision Date: 23 December 2014

Description: Single storey rear extension with a proposed depth of 7.450 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: 15/00299/HSE

Address: 71 Vivian Avenue, London, NW4 3XE

Decision: Approved subject to conditions

Decision Date: 7 April 2015

Description: Part single, part two storey rear extension. First floor side extension

Reference: 15/03894/FUL

Address: 71 Vivian Avenue, London, NW4 3XE

Decision: Approved subject to conditions

Decision Date: 22 September 2015

Description: Part single, part two storey rear extension. First floor side extension. Conversion of existing garage into a study. Construction of basement with rear, front and side lightwells

3. Proposal

This application seeks consent for the conversion of the building into 7no. self-contained flats following a part single, part two-storey rear extension and first floor side extension. Extension to roof including a new mansard with dormer windows to all elevation roof and conversion of existing garage into a habitable space. Construction of basement with rear, front and side lightwells.

4. Public Consultation

83 consultation letters were sent to neighbouring properties.
16 objections have been received

The views of objectors can be summarised as follows;

- Flats out of character
- Loss of trees
- Impact on parking and congestion
- Noise impact of flats

- Dangerous precedent
- Loss of light and privacy
- Sunridge Court opposite is not flats but a care home

Internal / other consultations

Highways: No objection subject to conditions

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 27 March 2012. 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 2016

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 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM08, 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.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

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

Sustainable Design and Construction SPD (adopted April 2013)

- 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:

- The acceptability of the proposed conversion
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

Principle of development

The proposal seeks to sub-divide the previously approved redeveloped site into nine self-contained flats. Recent previous schemes (references 15/00299/HSE and 15/03894/FUL) gave consent for very similar extensions as sought under this application.

It should be noted that this part of Vivian Avenue is characterised by a variety of semi-detached single family dwellings and flatted development. Policy DM01 of Barnet's adopted Local Plan (Development Management Policies) 2012 states that development proposals should be based on an understanding of local characteristics in order to ensure that local character is preserved. In particular, the conversion of dwellings into flats in roads characterised by houses will not normally be appropriate. From an assessment on

site, council tax records and planning history it appears that self-contained units exist in the area.

The number of overall units has been reduced from nine to seven to lessen the impact of the development on neighbouring occupiers, and given the majority of the proposed units are single occupancy it can be considered that the proposed development is similar in density to a large five bedroom house.

Furthermore, it is considered that given the site is located close to the primary retail frontage of Vivian Avenue in Hendon affording good transport links, and the Highways department have raised no objection to the proposals, the scheme is on balance considered to be able to accommodate seven self-contained units.

The proposal is therefore considered to be acceptable and in line with the established character of the area. The National Planning Policy Framework, indicates that the character of an area is made up of much more than its physical appearance, but includes how it functions and contributes to local identity and sense of place. Taking account of such considerations, the proposal would be in line with Policy DM01.

Extensions and alterations

As noted above the extensions proposed under this application are similar in design, scale and form to those approved under previous applications (reference: 15/03894/FUL as well as 15/00299/HSE).

The Council's adopted SPD 'Residential Design Guidance' (2013) 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.

Para 14.13 of the SPD states that where there is a consistent and coherent architectural character, the extension should not detract from it. Any extension should sit comfortably with the main building and with neighbouring houses.

The rear extensions, first floor side extension and garage conversion have recently been granted planning permission at committee level (ref: 15/00299/HSE and 15/03894/FUL).

The differences from the approved schemes include the addition of rooflights and dormer windows to the existing roofscape. It was also originally proposed to create a crown roof development, however, this has now been amended to show a more traditional roof design which is more similar to the roof forms found in the vicinity.

Amenity of neighbouring occupiers

The form, scale and bulk of the proposed extension is the same as was given consent at Committee under the previously approved schemes detailed above.

It is therefore considered that the proposed development is acceptable in terms of the impact the scale and appearance the development will have on the visual character and appearance of the area, as well the impact on the amenity of neighbouring occupiers.

Living conditions of future occupiers

It is considered that the current application complies with the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan 2015 and is considered to provide adequate internal space for future occupiers.

The proposed development would provide the following accommodation and amenity space:

Internal floor areas

Flat 1 (2b3p) 72.8 m²
Flat 2 (1b2p) 58.5 m²
Flat 3 (1b1p) 43.7 m²
Flat 4 (1b1p) 37.1 m²
Flat 5 (1b1p) 44.8 m²
Flat 6 (1b1p) 56.4 m²
Flat 7 (1b1p) 40.4 m²

These dwellings would meet the minimum gross internal areas as required. The proposed dwellings are also compliant with Part 2.2 part of the Council's Sustainable Design and Construction SPD in regard to the size of bedrooms having a minimum floor area of 8 sq. Furthermore the proposed development meets the requirement that glazing to all habitable rooms should not normally be less than 20%.

Looking specifically at the lower ground floor units proposed; Unit 1 shows its entire amenity space provided via a large lightwell feature at lower ground level. Given the site's change in levels to the rear where they drop away, this lightwell feature would not be totally underground and the occupiers of this unit would be afforded adequate light and outlook to and from their amenity area, as such it is considered that on balance this unit would provide an acceptable level of amenity for future occupiers.

In regards to Unit 2, this unit is proposed to be a duplex unit split over two levels; lower ground and ground floor, and therefore whilst the outlook at lower ground floor level may be limited the appropriate amount of light and outlook would be afforded at ground floor level. This unit would also benefit from easy access into the communal garden at the rear of the site. On balance it is considered that Unit 2 would provide an acceptable level of amenity for future occupiers.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room. It is proposed to provide the units in the basement with lightwells as additional amenity to the communal garden. Flat 1 which is proposed to be contained within the basement would have a large lightwell of 28.9m², and Flat 2 would be provided with 4.2m². The rear garden would be used communally by all residents and has an area of approximately 250m² exceeding the requirements.

An existing outbuilding would be retained for use as a gym for all residents of the property.

An appropriate area for the storage of recycling and refuse bins has been provided for each new dwelling at the front of the site. This is considered to be acceptable. No details of the proposed enclosures have been provided at this stage and therefore a condition requiring these details is required.

The site has a very high PTAL rating of 5 and is located within a controlled parking zone. The proposed development offers two parking spaces to serve the units. The parking spaces would be provided for the ground floor units. Highways officers have reviewed the scheme and raise no objection to the proposals subject to the attached conditions and informatives.

5.4 Response to Public Consultation

The concerns raised are noted and largely addressed in the above report.

In regard to the proposed flats being out of character this statement is disputed as there are other flatted developments within the immediate vicinity. It is therefore considered that there is a precedent for flats in the area. The road is also close to Hendon town centre.

The concerns raised regarding the potential loss of trees at the application site is noted and a condition requiring details of the proposed hard and soft landscaping features is applied to this consent.

The concerns raised regarding the impact of the proposed development on parking and congestion have been noted, however, the highways department have reviewed the proposals and how they impact upon the public highway and raise no objection subject to the imposition of conditions and informatives.

That the proposed development may result in a loss of light and privacy has been assessed under previous applications which were decided at Committee level. Given the extensions were approved previously by Members it is not considered that they do give rise to any loss of light or privacy.

The comment that Sunridge Court opposite is not flats but a care home is noted.

The concerns raised that the proposed development is too intensive for the site is noted and addressed previously; it is considered that given the size of the approved extended property which could easily accommodate upwards of five occupiers, this scheme which has been reduced in number of units from nine to seven, of which five of the seven would be single occupancy would not see a significant or detrimental increase in the potential number of future occupiers.

The concerns raised that it is the aim of the developer to convert the property into an HMO are noted and a condition is suggested that prevents the developer from carrying out this change to the self-contained units.

The concerns raised that the proposed amendment to the roof is still unacceptable is noted. However, officers consider the amended roof form to better reflect the existing styles found in the area.

In regards to the site having insufficient amenity space the scheme has been reviewed and the amount of private amenity provided to the rear of the site is in line with both the London Plan and the Council's guidance.

It is noted that the garage conversion was approved on the previous application and noted within the report despite the comment made by an objector. It should be noted that the

conversion of garages into habitable rooms does not require formal planning consent to single family dwelling houses as it is considered to be a permitted development,

The plans have been amended to include the large outbuilding at rear of the site, which is proposed to be used as a gym facility for the future occupiers of the proposed development.

The concerns raised that the scheme has a detrimental impact on biodiversity due to land clearance is noted but the clearance of the garden does not require planning permission

The concern that a new crossover may be necessary is noted. However, the Highways department have not raised any concern to the proposed development on Highways grounds.

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 support the Council in meeting its statutory equality responsibilities.

7. Conclusion

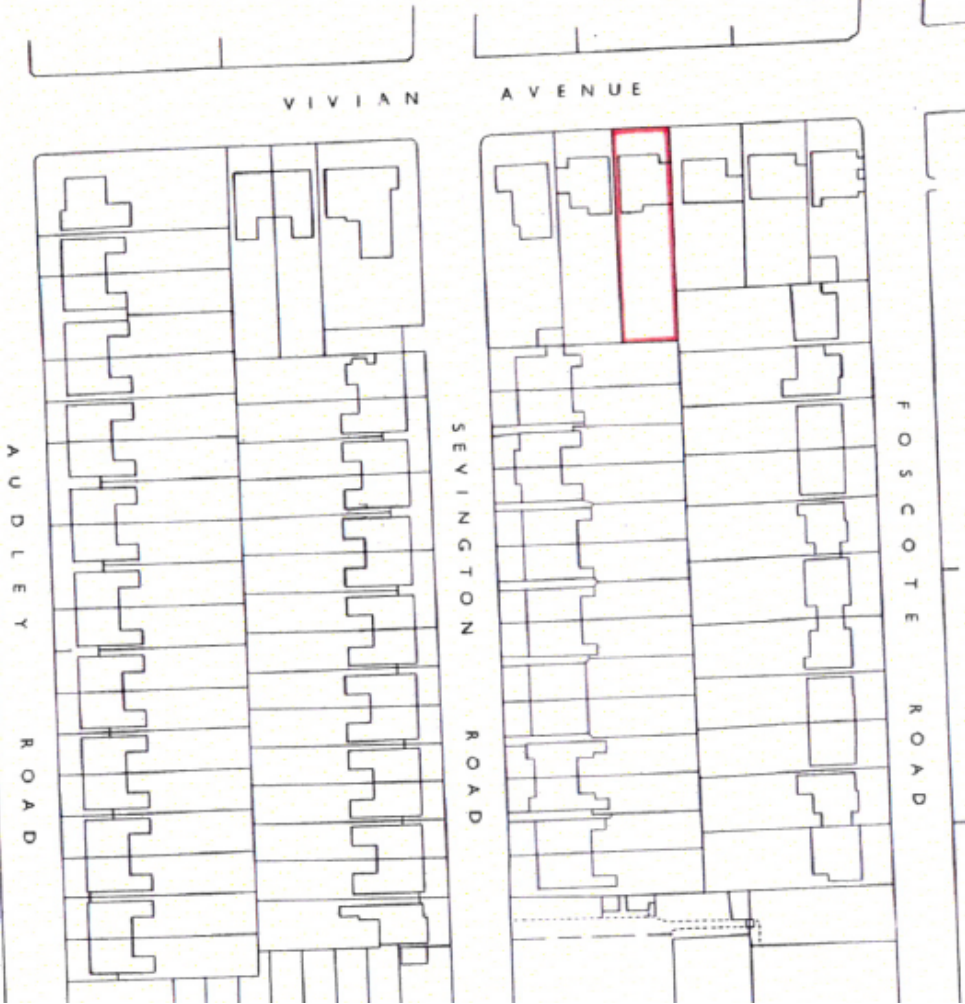
Having taken all material considerations into account, it is considered that the proposed extensions to and conversion of the existing single family dwelling into self-contained flats would be an acceptable development which would have an acceptable impact on the character and appearance of the application 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.

HENDON PARISH



NW
SW

NE
SE



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Location 145 Station Road Edgware HA8 7JS

Reference: 16/2101/FUL

Received: 1st April 2016

Accepted: 1st April 2016

Ward: Edgware

Expiry 27th May 2016

Applicant: Mr John Sneddon

Proposal: Change of use of beauty salon (sui generis) to estate agents on ground floor with ancillary uses on part first floor

AGENDA ITEM 9

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
P1 - Proposed Floor Plans

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 premises shall be used for A2 (financial and professional services) and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

Informative(s):

- 1 In accordance with paragraphs 186 and 187 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.

Officer's Assessment

1. Site Description

The application site is located at 145 Station Road, Edgware HA8 7JS.

The application site comprises the bottom two storeys of a three storey terrace building, which contains an existing vacant beauty salon (sui generis) and associated offices at ground floor, and further ancillary offices and residential flat situated at first floor.

The property is situated within the Primary Retail Frontage Area. It is not situated within a conservation area or subject to any other planning restrictions.

2. Site History

Reference: 15/07540/PNO

Address: 145 Station Road, Edgware, HA8 7JS

Decision: Prior Approval Process not Applicable

Decision Date: 4 February 2016

Description: Change of use from office (Class B1) to residential (Class C3) to provide 1 residential unit.

Reference: C02636B/03

Address: 145 Station Road, Edgware, HA8 7JS

Decision: Approved, Subject to conditions

Decision Date: 27/11/2013

Description: Part single, part two-storey rear extension.

Reference: C02636A/03

Address: 145 Station Road, Edgware, HA8 7JS

Decision: Refuse

Decision Date: 30.06.2003

Description: Two storey rear extension.

Reference: W07799E/00

Address: 145 Station Road, Edgware, HA8 7JS

Decision: Approve subject to conditions.

Decision Date: 11.09.2000

Description: Illuminated fascia and projecting signs.

Reference: W07799D/00

Address: 145 Station Road, Edgware, HA8 7JS

Decision: Approve subject to conditions.

Decision Date: 08.09.2000

Description: Installation of new shopfront.

Reference: W07799C/99

Address: 145 Station Road, Edgware, HA8 7JS

Decision: Approve subject to conditions.

Decision Date: 24.01.2000

Description: Change of use from retail shop (A1) to financial and professional services (A2).

Reference: W07799B

Address: 145 Station Road, Edgware, HA8 7JS

Decision: Approve subject to conditions.

Decision Date: 26/01/1994

Description: Change of use of ground floor, mezzanine floor and part of first floor from retail shop to combined use of sale of beauty products and beauty salon.

Reference: W07799A

Address: 145 Station Road, Edgware, HA8 7JS

Decision: Approve subject to conditions.

Decision Date: 1987

Description: New Shopfront.

3. Proposal

The application seeks approval to replace the existing Beauty Salon (sui generis use) with an estate agents (A2 use) occupying the ground and first floors.

4. Public Consultation

Consultation letters were sent to 110 neighbouring properties.

6 objections were received during the public consultation period. A summary of the concerns raised is as follows:

- There are too many estate agents in the immediate area;
- There should be a range of offerings on the main street to attract people into the area;
- There needs to be more retail shops in the area.

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 27 March 2012. 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 2015

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM11, DM12.

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. Policies DM11 and DM12 outline that council will expect a suitable mix of appropriate uses as part of development within the town centres to support their continued vitality and viability, and will generally protect all retail uses (Class A1) in the existing local centres, parades and isolated shops.

Supplementary Planning Documents

Design Guidance Note 10: Shopfronts 1996

- This guidance sets down a number of principles of good design to ensure the quality of the shopping parade or centre generally.

Sustainable Design and Construction SPD (adopted April 2013)

- 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:

- Whether the change of use would harm the vitality or viability of the Edgware Town Centre.
- Whether the change of use would harm neighbouring amenity.

5.3 Assessment of proposals

1. Whether the change of use would harm the vitality or viability of the Edgware Town Centre.

Whilst the subject premises is currently vacant, its previously existing and approved use was as a Beauty Salon and associated offices at ground floor, with further ancillary offices and a separate residential flat situated at first floor. The previous primary use as a beauty salon is considered in the view of the officer to be lawful on the basis of the previous approval granted in 1994, application reference W07799B, for a 'Change of use of ground floor, mezzanine floor and part of first floor from retail shop to combined use of sale of beauty products and beauty salon'. Ongoing use of the premises primarily as a beauty salon since its initial approval in 1994 has been confirmed through photographic evidence

provided by the applicant showing the application site in use for this purpose in 2015. Further photographic evidence exists in Council's files for application reference W07799D/00, showing the premises occupied by a beauty salon during a site visit undertaken in September 2000.

A beauty salon is a Sui Generis use, as it is not assigned to a specific use class under the Town and Country Planning (Use Classes) Order 1987 (as amended).

In determining the appropriateness of the proposed change of use with respect to the viability and vitality of the Edgware Town Centre, consideration must be given to Policy DM11 of the Development Management Policies, which states:

'A development proposal which reduces the combined proportion of class A1 retail use at ground floor level (including vacant) in the primary frontage below 75% will not be permitted. The proposal should not create an over-concentration of similar uses which detracts from the retail function of the town centre.'

With respect to these policies, it is not considered that the proposed change of land use from beauty salon (sui generis) to an estate agents (A2) will result in any reduction or alteration to the proportion of A1 uses which are present in the Edgware Primary Retail Frontage. This is due to the fact that the existing use is not an A1 use.

With respect to the prevalence of A2 uses within the primary retail frontage, it is noted that the most recently available use survey data, notes that A2 uses comprised approximately 16% of the total mix of uses within the Edgware Primary Retail Frontage at that time, as compared with 66% of premises that were classed as A1 use and 2% which were Sui Generis use. On this basis, it is not considered that there is an overabundance of A2 uses within the primary retail frontage. Furthermore, the proposed change of land use from Sui Generis to A2 will have no impact on the number of existing A1 tenancies which remain in the area, and will not result in any significant increase in the prevalence of A2 tenancies within the primary retail frontage. The application site is surrounded by a mixture of uses including opticians, print works, phone repair store and Nando's restaurant, subsequently it is considered that there remains an appropriate mix of commercial uses in the immediate area and the proposed change of use will not result in a clustering or overcrowding of A2 land uses in the immediate vicinity.

It is acknowledged that the existing use of the premises as a beauty salon did incorporate a minor retail use though the ancillary sale of beauty products. However, such use represented only a minor and ancillary element to the approved primary sui generis use of the premises as a beauty salon. Subsequently the loss of this minor retail element is considered to be inconsequential.

On this basis, it is not considered that the proposed change of land use would not harm the vitality or viability of the Edgware Town Centre, or undermine the existing mix of land uses. An A2 use is considered a generally appropriate use within the Primary Retail Frontage.

2. Whether the change of use would harm neighbouring amenity.

The proposed use of the premises as an estate agent (A2 use) is not considered to result in undue harm to the amenity of neighbouring occupiers, when consideration is given to the commercial nature of adjoining ground floor tenancies fronting Station Road which is an identified Primary Retail Frontage. The nature of an estate agents is primarily office based work, and does not involve activities which are likely to result in undue noise, vibration, fumes, traffic generation or unsociable hours of operation. It is therefore not considered that there will be any adverse impact on the living conditions of residents within the residential flat situated on the upper floors of the building in which the tenancy is located, or to surrounding retail and commercial tenancies.

There is not considered to be any resulting highways impact from the proposed development.

Subsequent to the above, it is not considered that the proposed change of land use would harm neighbouring amenity, it is therefore recommended for approval on this basis.

5.4 Response to Public Consultation

The following concerns were raised during the public consultation process:

- There are too many estate agents in the immediate area;
- There should be a range of offerings on the main street to attract people into the area;
- There needs to be more retail shops in the area.

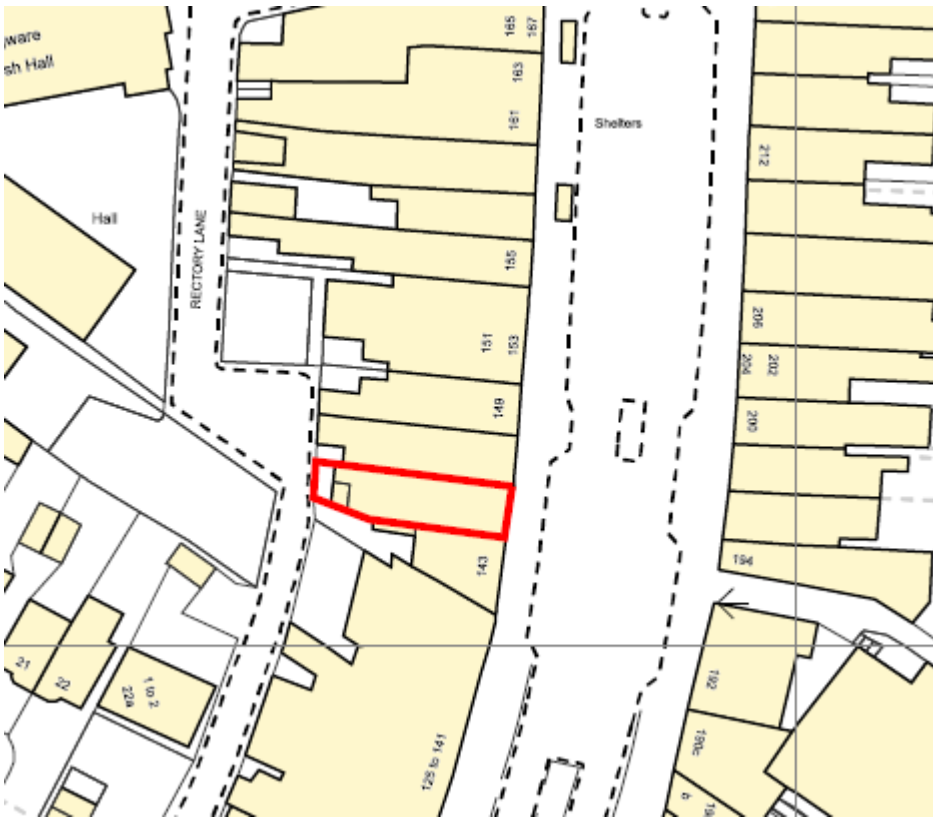
These concerns relate to land use mix within the Primary Retail Frontage of Station Road, are addressed within the body of this report. It is noted that commercial competition is not a material planning consideration.

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 not harm the vitality or viability of the Edgware Town Centre. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



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