

MEETING

FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE

DATE AND TIME

MONDAY 26TH MARCH, 2018

AT 6.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE (Quorum 3)

Chairman: Councillor Eva Greenspan
Vice Chairman: Councillor John Marshall MA (Hons)

Councillors:

Arjun Mittra	Jim Tierney	Melvin Cohen
Alan Schneiderman	Shimon Ryde	

Substitute Members

Ross Houston	Graham Old	Jack Cohen
Reuben Thompstone	Anne Hutton	Alon Or-Bach
Gabriel Rozenberg		

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 Service contact: Tracy Scollin 020 8359 2315 tracy.scollin@barnet.gov.uk

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

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ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	5 - 10
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Report of the Monitoring Officer (If any)	
5.	Addendum (if applicable)	
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14.	Any item(s) the Chairman decides are urgent	

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Decisions of the Finchley and Golders Green Area Planning Committee

5 March 2018

PRESENT:-

Councillor Eva Greenspan (Chairman)
Councillor John Marshall (Vice-Chairman)

Councillors:

Councillor Arjun Mitra
Councillor Alan Schneiderman

Councillor Melvin Cohen
Councillor Shimon Ryde

Councillor Jim Tierney

Apologies for Absence

None

1 MINUTES OF LAST MEETING

The minutes were approved as an accurate record.

2 ABSENCE OF MEMBERS (IF ANY)

None.

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

Cllr Cohen declared a non-pecuniary interest in relation to Item 6 (1069 Finchley Road) which is close to his home address. He would leave the room for this item.

AGENDA ITEM 1

Cllr Ryde declared a non-pecuniary interest in relation to Item 7 (55 Cranbourne Gardens) - he lives close to the site and the objectors and applicant are both known to him. He would leave the room for this item.

Cllr Ryde also declared an interest in relation to Item 6 (1069 Finchley Road) – the speakers were known to him. He would leave the room for this item.

4 REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5 ADDENDUM (IF APPLICABLE)

An addendum was received in relation to items 7 and 10.

6 17-7490-FUL 1069 FINCHLEY ROAD LONDON NW11 0PU

Cllr Cohen and Cllr Ryde left the room for this item.

The Planning Officer presented the report to the Committee.

A representation was heard from Mr Ron Banerjee in objection to the application.

A representation was heard from the applicant's agent, Ms Caroline Apcar.

The vote was recorded as follows:

For (approval) – 0

Against (approval) – 5

Reasons for refusal were discussed. The proposals, in the absence of a legal agreement to amend the traffic order which would prevent residents from obtaining parking permits, would result in increased parking pressures that would be detrimental to the free flow of traffic and highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Adopted Barnet Core Strategy 2012.

The vote was recorded as follows:

For (refusal) – 5
Against (refusal) - 0

Resolved – that the application was **REFUSED** for the reasons above.

7 17/7572/HSE, 55 CRANBOURNE GARDENS, NW11 0HU

Councillor Ryde left the room for this item.

The Planning Officer presented the report and addendum to the Committee.

A representation was heard from Ms Debra Kahan, on behalf of Mr Mordechai Kahan, in objection to the application.

A representation was heard from Mrs Kut-Grun in objection to the application.

A representative for the applicant, Ms Caroline Apcar, addressed the Committee.

The vote was recorded as follows:

For (approval) - 1
Against (approval) – 4
Abstained – 1

Reasons for refusal were discussed. The proposals, by reason of its scale, siting, size, height, bulk and massing on the west elevation in close proximity to the boundaries with 1, 3 and 5 Park Way would appear oppressive, visually dominating and have an overbearing appearance which would result in the occupiers of these properties suffering an unacceptable loss of residential and visual amenity. The proposal would be contrary to Policy DM01 of the Adopted Barnet Development Management Policies 2012 and Residential Design Guidance.

The vote was recorded as follows:

For (refusal) – 5
Against (refusal) – 0
Abstained - 1

Resolved – that the Committee **REFUSED** the application for the reasons given above.

8 **17/7023/S73 WAITROSE, 273 BALLARDS LANE, N12 8NR**

The Planning Officer presented the report to the Committee.

A representation was heard from Ms Julia Saunders in objection to the application.

A representation was heard from Mr Niall McKinley in objection to the application.

Ms Rebecca Amos addressed the Committee on behalf of Waitrose.

The vote was recorded as follows:

For (approval) – 0

Against – 7

The reasons for refusing the application were discussed. The proposals by reason of the increased hours and vehicle movements and associated activity would result in harmful noise and disturbance to the residents of Vine Lodge, being detrimental to the residential amenities of that property. The proposals would be contrary to policy DM01 and DM04 of the Adopted Barnet Development Management Policies 2012.

The vote on refusal based on the reasons above was recorded as follows:

For (refusal) – 7

Against (refusal) – 0

Resolved – that the Committee **REFUSED** the application for the reasons above.

9 **17-6830-FUL GROUND AND UPPER FLOOR FLATS 2 HUNTINGDON ROAD LONDON N2 9DU**

The Planning Officer presented the report to the Committee.

A representation was heard from Mr John Alexander in objection to the application.

The applicant was not present.

Further to hearing the representation and discussing this the Chairman moved to defer the application, to enable officers to clarify matters in the report, and was duly seconded.

The vote was recorded as follows:

For (deferral) – 7

Against (deferral) – 0

Resolved – that the application was **DEFERRED**.

10 **17-6776-S73 CHURCH WALK HOUSE LONDON NW2 2TJ**

The Planning Officer presented the report to the Committee.

Mr Patrick Reedman gave representation to the Committee on behalf of the applicant.

The vote was recorded as follows:

For (approval) 4

Against (approval) 3

Resolved – that the application was **APPROVED**.

11 **ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT**

None.

The meeting finished at 7.35 pm

Location **89 And 91 Highfield Avenue London NW11 9TU**

Reference: **18/0034/FUL**

Received: 2nd January 2018

Accepted: 11th January 2018

Ward: Golders Green

Expiry 8th March 2018

Applicant: Mr .

Proposal: Conversion of No. 89 into 3no self contained flats with associated parking. Single storey rear extensions to both properties, first floor rear extension to no. 89

AGENDA ITEM 6

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

(MAY)A-03 (Combined Existing Plans and Elevations), (DEC)A-00 (Location Plan), (DEC) A-05 (Combined Proposed Plans and Elevations), (DEC)A-07 Rev A(Existing and Proposed Site Plan), A-10 (Refuse Area Detail, Elevations and Plan), Design and Access Statement prepared by Mario Minchella Architects dated December 2017.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

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

- 4 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).

- 6 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).

- 7 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).

- 8 Before the building hereby permitted is first occupied the proposed window(s) in the north elevation facing No 87 Highfield 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).

- 9 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.

- 10 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. (DEC) A-07; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

- 11 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).

- 12 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 Polices document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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.

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.

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

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

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

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

- 4 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.
- 5 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.

- 6 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.
- 7 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.

The applicant is advised that photographic survey shall be undertaken of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

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

Officer's Assessment

1. Site Description

The application site is located on the northern side of Highfield Avenue within the Golders Green ward.

The site properties are a pair of two storey semi-detached single family dwelling houses. The properties are not listed and do not lie within a conservation area.

2. Site History

Reference: 15/04381/FUL

Address: 89 Highfield Avenue, NW11 9TU

Decision: Refused

Decision Date: 14.09.2015

Description: Conversion of private dwelling house into 3no self-contained flats with associated parking. Two storey rear and side extensions and hip to gable roof extension with rear dormer window

Reason(s)

1. The proposed conversion, by reason of inadequate unit size and floor to ceiling heights of the loft unit and living room/kitchen size of the ground floor unit would not provide a satisfactorily high quality of amenity for future occupants. The proposal would be contrary to Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and the Residential Design Guidance SPD (adopted April 2013).

2. No private outdoor amenity space has been provided for the use of future occupiers of the upper floor flats, contrary to Policies CS1 and CS5 of the Council's Core Strategy (2012), Policies DM01 and DM02 of the Council's Development Management Policies DPD (2012), Residential Design Guidance and Sustainable Design and Construction SPDs (2012), Policy 3.5 including accompanying Table 3.3 of the London Plan (2015) as well as the objectives of National Planning Policy Framework.

3. The proposed two storey side/rear extension and single storey rear extension by reason of their excessive size, siting, excessive reward projection and relationship to no. 91 Highfield Avenue, would result in an unduly obtrusive and overbearing form of development and lead to an unacceptable sense of enclosure and loss of outlook/light, detrimental to the visual and residential amenities of the occupier of no. 91 Highfield Avenue, contrary to policies CS NPPF, CS1 and CS5 of the Core Strategy DPD (2012), policies DM01 of the Local Plan Development Management Policies (2012), The London Plan (2015), Barnet's Sustainable Design and Construction Document SPD (2013) and the Residential Design Guidance SPD (2013).

4. The proposed roof extensions by reason of their size bulk and design would unbalance the symmetry of the pair of semi-detached houses and detract from the character and appearance of the host property and the general locality, contrary to Policies CS1 and CS5 of the Adopted Core Strategy (2012), Policy DM01 of the Adopted Local Plan Development Management Policies DPD (2012) as well as the Council's Adopted SPD Residential Design Guidance (2013).

Reference: 16/3051/PNH

Address: 89 Highfield Avenue, NW11 9TU

Decision: Prior Approval Required and Refused

Decision Date: 13.06.2016

Description: Single storey rear extension with a maximum depth of 6metres from the original rear wall. Eaves height of 2.8metres and maximum height of 2.8metres

Reference: 16/0483/PNH

Address: 89 Highfield Avenue, NW11 9TU

Decision: Prior Approval Required and Refused

Decision Date: 02.02.2016

Description: Single storey rear extension

Reference: 17/3190/FUL

Address: 89 And 91 Highfield Avenue London NW11 9TU

Decision: Refused

Decision Date: 02.08.2018

Description: Conversion of No. 89 into 3no self contained flats with associated parking. Single storey rear extensions to both properties.

Reason(s)

1. The proposed conversion, by reason of inadequate unit sizes of the first floor and attic unit, and floor to ceiling heights of the attic unit would not provide a satisfactorily high quality of amenity or outlook for future occupants. Inadequate outlook would be provided for the ground floor unit. Furthermore, no private outdoor amenity space has been provided for the use of future occupiers of the upper floor flats, contrary to Policies CS1 and CS5 of the Council's Core Strategy (2012), Policies DM01 and DM02 of the Council's Development Management Policies DPD (2012), Residential Design Guidance and Sustainable Design and Construction SPDs (2012), Policy 3.5 including accompanying Table 3.3 of the London Plan (2015) as well as the objectives of National Planning Policy Framework.

Appeal decision: Dismissed

Appeal Decision date: 20.12.2017

3. Proposal

The proposal seeks permission for conversion of No. 89 into 3no self contained flats with associated parking. Single storey rear extensions to both properties and first floor rear extension to no. 89

Both properties benefit from existing single storey rear outriggers extending their outside walls. It is proposed to infill the space between these outriggers with a joint single storey rear extension. The extension at the rear of no. 89 would be 6m deep overall whilst that at no. 91 would be some 1.7m shorter at 4.3m deep and would line up with its existing rear outrigger. The extension at 91 would project some 2.7m beyond its outrigger.

The proposed first floor rear extension at no. 89 would be built above the existing outrigger and would be 2m deep, 3m wide and 2.7m high to a flat roof.

Two off street parking spaces are proposed at the front of no. 89.

The proposed gross internal floor space for each apartment is as follows:

Flat 1 (Ground Floor)	2 bed 3 persons (66sq.m)
Flat 2 (First Floor)	1bed/1person (40sq.m)
Flat 3 (First & Second Floor)	1 person studio (44sq.m) (37sq.m habitable)

4. Public Consultation

Consultation letters were sent to 90 neighbouring properties.
5 objections have been received

It should be noted that some of the objections do not have a full postal address provided.

The views of objectors can be summarised as follows;

- o parking
- o over crowding of the area
- o development should be for families not studios
- o retain property as 3 bedroom family house
- o No loss of on-street parking
- o Proposed development will attract more crime
- o There are enough flats in the area
- o Area should be maintained for housing

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 July 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 (2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, 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:

- 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

This application seeks consent for the erection of single storey rear extension to both application properties and the conversion of 89 into three self-contained flatted units.

There has been previous refusals at the application site: 15/04381/FUL was for no.89 to be converted into 3no self-contained flats as well as for a two storey side/rear extensions, a hip to gable roof extension and full width rear dormer refused by the local planning authority. The application was refused by the local planning authority. The grounds for refusal related only to the impact on the amenities of future occupiers in relation to insufficient and inadequate amenity space; no objection was made to the principle of flats in this location.

Similarly, 17/3190/FUL was for conversion of No. 89 into 3no self contained flats with associated parking. Single storey rear extensions to both No 89 and 91. This application differed from the previous application in the way it included a joint rear extension with the neighbouring property at no.91 Highfield Avenue and did not include the second storey side/rear extensions and hip to gable roof extension with rear dormer window which was proposed in the previous application (15/04381/FUL). The grounds for refusal related only to the impact on the amenities of future occupiers in relation to inadequate unit sizes, floor to ceiling heights of the attic units, inadequate outlook and lack of private amenity space for future occupiers of the upper floor flat. The Council's reasons for refusal was the subject of an appeal, which was dismissed in December 2017.

The Planning Inspector conclusion in deciding the appeal is that there would be "no harm with regards to the internal space provision for the first floor and attic units", however there was "harm in terms of the lack of private outdoor amenity space for the first floor and attic units and the lack of light and outlook for the ground floor". It was on this basis that the appeal was dismissed.

It should be noted that in the two previous appeals no objection was made to the principle of flats in this location.

Principle of self-contained units:

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

It is recognised that it is not always appropriate to allow the conversion of a single family dwelling house into flatted accommodation. However, in the case of this application it is

considered to be acceptable. From conducting the site visit and looking at the VOA website it is clear that a number of other properties in the vicinity have undertaken similar works to convert their properties into flats. There are many examples of previously converted buildings on Highfield Avenue including nos. 2a, 51, 67, 95, 103, 109 and 111. Some of these are historic conversions but others have been given consent since the adoption of the Development Management Policies in 2012. The principle of conversion of this property to flats in this location is therefore considered acceptable.

Impact on the character of the area

A number of properties within the vicinity of the host properties have undertaken similar rear extensions, namely the neighbouring properties at no.87 and no.91. It is therefore considered that the proposed extensions will be proportionate additions that will not detract from the established character and appearance of the host properties, street scene and wider locality.

The properties benefit from large rear gardens and the proposed extensions will not be detrimental to the amount of outdoor amenity space on the property and available for future occupiers. Although the development will increase the footprint of the dwelling, the extension is not considered to be of a scale that would have a harmful impact on the character of development in the area.

Impact on living conditions of future occupiers

It is considered that the current application has been amended to comply with the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan 2016 and it is considered to provide adequate internal space for future occupier. The proposal will comprise of 1x 1 bed units, 1 x 2 bed units and 1 x studio. Although the Councils Sustainable Design and Construction SPD require a minimum gross internal floor area of 50sqm and 70sqm respectively, the London Plan (2016) requires 40sqm for 1 bed 1 person and 61sqm for 2b 3person accommodation. The applicant has confirmed in writing the number of persons per flat.

In view of the above the flats would meet the minimum space and room standards required by the London Plan.

The proposed gross internal floor space for each apartment is as follows:

- Ground Floor - 2 bed 3 persons (66sq.m)
- First Floor - 1bed/1person (40sq.m)
- First & Second Floor - 1 person studio (44sq.m) (37sq.m habitable)

The outlook from the rooms and accessible daylight to the rooms would comply with Councils Sustainable Design and Construction SPD, and would provide a good level of amenity for the future residents. The units have been designed so rooms are laid out on a 'like above like' basis to ensure that there is no inappropriate stacking between units.

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 noted that the existing residential units have access to a communal amenity space. The existing garden will be subdivided into two garden areas which would be acceptable; the first and second floor flats would have access to 35.7m² of garden space and the ground floor flat would have access to 36sqm of garden space.

Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels; this will be enforced by an appropriate condition attached to the decision. The proposed internal stacking is considered appropriate and acceptable, helping to ensure a minimum of noise disturbance between the units

An appropriate area for the storage of recycling and refuse bins has been provided at the rear of the site, and cycle storage for is also provided at the rear adjacent to the entrance to the communal terrace. This is considered to be acceptable.

Impact on the amenities of neighbours

The following exterior changes are proposed:

- joint single storey rear extension for both properties at no. 89 and no.91.
- first storey rear extension to No 89

When assessing the potential impact, the amenities of both neighbouring occupiers were carefully considered and addressed separately below:

87 Highfield Avenue: The neighbouring occupier benefits from both ground and first floor rear extensions of similar proportions to those proposed thus preserving the amenities of neighbouring occupiers.

93 Highfield Avenue: It is not believed that the amenities of this neighbouring property will be affected as the proposed extension is not located along the boundary with this neighbouring property.

Parking

The site has a PTAL of 6a (excellent) with bus, train, tube available within the PTAL calculation area,. The proposed development proposes two residential parking spaces, this is in line with DM17.

Cycle parking is in line with London Plan minimum standards.

The storage provision refuse / recycling and cycle parking storage space is line with the Council's requirement.

The application is recommended for approval on Highways ground subject to conditions and informatives.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition would be attached in the event planning permission is granted to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 6% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy

5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition would be attached in the event planning permission is granted to ensure compliance with the Policy

In terms of water consumption, a condition [is attached/would be attached in the event planning permission is granted] to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

5.4 Response to Public Consultation

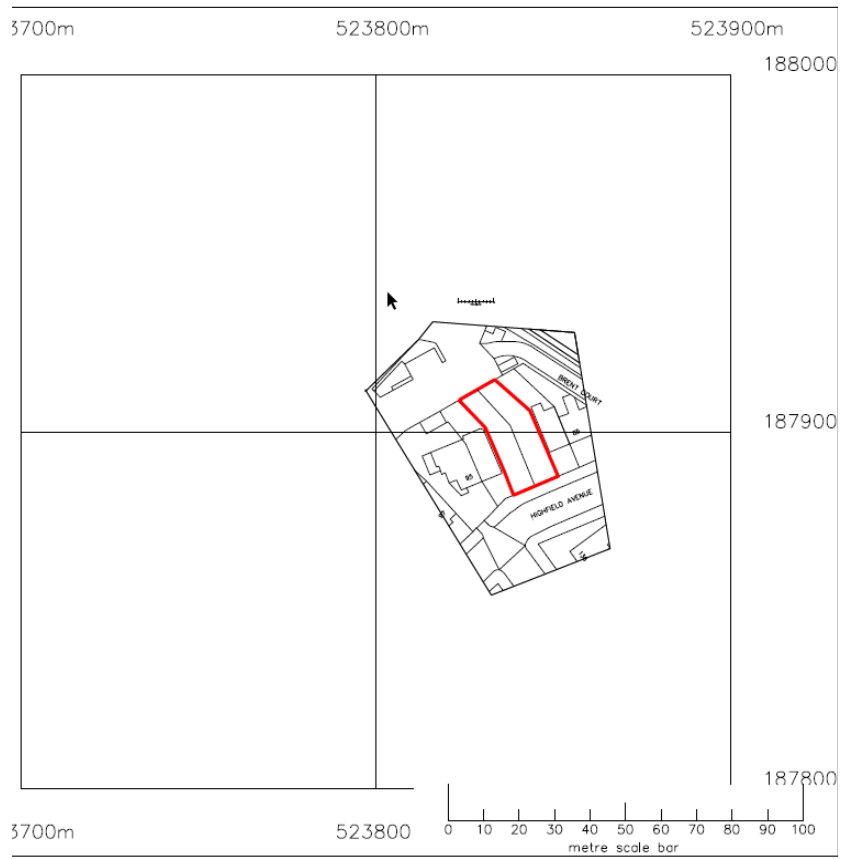
Comments have been addressed in the assessment above

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



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Location **35 Cyprus Road London N3 3SD**

Reference: **17/1557/RCU**

Received: 10th March 2017

Accepted: 10th March 2017

Ward: Finchley Church End

Expiry 5th May 2017

Applicant: Mr JASWINDER SINGH

Proposal: Use of the property as 2 no. self-contained flats. Proposed use of the outbuilding to be incidental to the ground floor flat, blocking up of the outbuilding's rear doorway and provision of outdoor amenity space for both flats. [AMENDED DESCRIPTION AND PLANS]

AGENDA ITEM 7

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

Drawing No. 1221_P01 (Site location plan) [Received 10 March 2017]

Drawing No. 1221_P04 Revision B (Existing floor plans) [Received 13 April 2017]

Drawing No. 1221_P04 Revision C (Proposed floor plans) [Received 30 June 2017]

Drawing No. 1221_P05 (Existing elevations) [Received 10 March 2017]

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 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 within two months of this decision, and subsequently 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).

3 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be within two months of this decision, and subsequently approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and 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.

4 The use of the outbuilding hereby permitted shall at all times be used for the purposes incidental to the enjoyment of the ground floor flat 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).

Informative(s):

1 In accordance with paragraphs 186-187, 188-195 and 196-198 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 applicant is reminded that there is an extant enforcement notice relating to the use of the outbuilding as a dwelling. This should cease as soon as possible

otherwise the LPA will consider prosecution proceedings against the applicant for not complying with the extant enforcement notice.

Officer's Assessment

1. Site Description

The application relates to a three storey, terrace property located on the northern side of Cyprus Road.

It's current use is as two self-contained dwellings. No express permission has been sought for this conversion. There is also an outbuilding in the rear garden, which is currently used, unlawfully, as a self-contained dwellinghouse.

The property is not statutory or locally listed and not located within a designated conservation area.

2. Site History

Reference: 18/1609/191

Address: 35 Cyprus Road, London, N3 3SD

Decision: Unlawful

Decision Date: 15 March 2018

Description: Use of rear garden outbuilding as dwelling

Reference: 15/06605/191

Address: 35 Cyprus Road, London, N3 3SD

Decision: Unlawful

Decision Date: 1 December 2015

Description: Retention of use of dwelling as 2no self contained flats

Reference: 16/3904/RCU

Address: 35 Cyprus Road, London, N3 3SD

Decision: Refused

Decision Date: 25 August 2016

Description: Use of property as 2no. self-contained flats (Retrospective Application)

Reference: 16/06604/191

Address: Ground floor flat rear, 35 Cyprus Road, London, N3 3SD

Decision: Unlawful

Decision date: 05 January 2016

Description: Retention of outbuilding in rear of property used as a studio flat

3. Proposal

The applicant seeks consent for the use of the property as 2 no. self-contained flats.

The applicant also proposes the use of the outbuilding to be incidental to the ground floor flat, as well as blocking up the outbuilding's rear doorway and the provision of outdoor amenity space for both flats.

As a result, the application proposes to discontinue the unlawful use of the outbuilding as a self-contained residential dwelling.

4. Public Consultation

A site notice was erected 23 March 2017.

Consultation letters were sent to 81 neighbouring properties.
12 responses have been received, comprising 12 letters of objection.

The representations received can be summarised as follows:

- Properties street frontage is poorly maintained and untidy.
- Main property and outbuilding detrimentally impact character and appearance of the area.
- Comments regarding occupants' behaviour.
- Concerns with conversions including: applicant has set a precedent with this conversion in the road. Property should be reinstated to a family dwelling. Too many flats in the area and not enough family dwellings
- Outbuilding to the rear is illegally occupied. Reasonable to assume that the outbuilding will continue to be used as a separate dwelling
- Permission was refused in 2016. Cannot understand how this application differs
- First floor flat appears to be used as a House in Multiple Occupation (HMO).
- Comments about access and quality of first floor flat's proposed outdoor amenity space
- Development is not adequate for health and safety standards
- Concerns of compliance with building regulations
- Conversion leads to increased level of activity, noise and suffers lack of sufficient infrastructure (off street parking, refuse facilities and outdoor amenity space)

- Objection on behalf of Finchley Society: The conversion of this family dwellinghouse into flats is contrary to Policy DM01(h).

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.

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

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 the development would be detrimental to highways and parking

5.3 Assessment of proposals

Preliminary matters:

A previous application (planning reference: 16/3904/RCU) which proposed the use of the property as 2 no. self-contained flats was refused on the 25 August 2016.

The reason for refusal read:

"The internal floor area of flat 2 fails to meet minimum internal floor space requirements and the proposal fails to provide adequate outdoor amenity space for the occupiers of the existing and future occupiers. 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)."

Under this application, both flats will have access to outdoor amenity space, as opposed to just the ground floor flat under the previous application. Also under this application, the first floor flat has also been amended to a 2 bedroom 3 person unit from a 3 bedroom 5 person unit.

It is noted that whilst this application has been under consideration, the applicant has submitted a Lawful Development Certificate to confirm that the use of the outbuilding as self-contained dwellinghouse is lawful (by virtue of time). This was deemed unlawful as an enforcement notice has been served and therefore the clock has stopped on the 4-year rule; in relation to immunity from enforcement action.

Principle of development:

The previous Officer's Report for planning reference: 16/3904/RCU (dated 25 August 2016) at the application site stated:

'Policy DM01 establishes that the principle of conversions of dwellings into flats will not be acceptable where the road is characterised by houses. In the context of this site, Cyprus Road can be characterised as an area of mixed housing with large flatted developments at the junction with Hendon lane towards the west and at the junction at Salisbury Avenue to the east. There are single family units which lie in between these two junctions. On this basis, the Planning Authority is accepting on the principle of conversion within this property and would not significantly impact the character and appearance of Cyprus Road.'

This continues to be the case under this application.

Furthermore, it is noted that Council Tax records state that the flats were paying council tax with effect from 14/04/2012. Under the enforcement reference ENF/00147/13/F the enforcement officer noted on the 29 July 2013, that the property has breached planning control and has been subdivided into flats. At the time writing this report (January 2018) the flats are deemed lawful by the passage of time and are therefore immune from enforcement action.

Impact on character and appearance and amenities of neighbouring residents:

The proposal does not involve any proposed external alterations to the main building and as such the existing building and street scene will remain unchanged. For this reason it is not considered that the proposal will result in any unacceptable impact on the amenities of neighbouring residents in terms of overlooking, overbearingness or loss of light.

The Council's enforcement records (reference: ENF/01274/09/F) states that the outbuilding in rear garden was constructed in compliance with The Town and Country Planning (General Permitted Development) (England) Order, then dated 2008 when the main property was occupied as dwellinghouse.

On the basis that the outbuilding was built under permitted development, the size and physical dimensions of the outbuilding are not a matter for assessment nor would they constitute a reason for refusal in this particular instance.

It is not considered that the bricking up of the rear doorway of the outbuilding and glazing of the rear window would not impact character and appearance of the surrounding area to an unacceptable level.

Amenity for future occupiers

The application would provide 2 self-contained flats:

Ground floor flat (Flat 1) - 1 bedroom 2 person unit - 51 sqm GIA

First floor and second floor flat (Flat 2) - 2 bedroom 3 person unit - 82 sqm GIA over the first and second floor

Policy DM02 of Barnet's Development Management Document DPD (2012) states that in terms of minimum floor space the Council will apply the space standards set out in the London Plan, and in terms of outdoor amenity space, the Council will apply the standards set out in Barnet's Sustainable Design and Construction SPD.

The Mayor's Housing Standards SPG (Minor Alterations to the London Plan 2016) states that a 1 bedroom 2 person unit (1 storey) should have a minimum space standard of 50 sqm GIA. The ground floor flat would meet this.

The Mayor's Housing Standards SPG (Minor Alterations to the London Plan 2016) states that a 2 bedroom 3 person unit (2 storeys) should have a minimum space standard of 70 sqm. The first floor flat, as amended, would meet this.

Occupiers would benefit from an adequate level of privacy, light and outlook.

In regards to outdoor amenity space, Table 2.3 of Barnet's Sustainable Design and Construction SPD (updated 2016) states that for flats 5 sqm of outdoor amenity space per habitable room should be provided.

The ground floor flat would be provided with in excess of 27 sqm of outdoor amenity space and the first floor flat in excess of 35 sqm. These would meet the requirements of the SDC SPD (2016).

It is noted that some neighbour consultees have raised concerns in regards to the access and usability of the first floor flat's outdoor amenity space. Although access of amenity space from the rear is somewhat unusual, the space would provide a reasonable level of privacy and acoustic environment and thus would be considered 'usable', in accordance with the guidance set out in Barnet's Sustainable Design and Construction SPD (updated 2016). Furthermore, due to the terraced nature of the property, Planning Officers see no immediate way that the garden could be accessed by both flats through the building itself.

Therefore the garden area to the rear of the outbuilding would provide a valuable level of outdoor amenity space which wouldn't otherwise be the case, and help to protect and improve the living standards of residents.

Highways

The site is made up of 1x1bed unit and 1x2bed unit and it lies on a PTAL 2 area, which means that it has low transport accessibility.

The parking provision required for this site as set out on Policy DM17 of Barnet's Development Management Documents DPD (2012) is 2 car parking spaces.

The provision of 2 car parking spaces is therefore in accordance with the Policy DM17 and is acceptable on highways grounds.

5.4 Response to Public Consultation

- Properties street frontage is poorly maintained and untidy.

A condition has been attached to this recommendation securing details of acceptable refuse and recycling storage.

Neighbours are advised the Council's Environmental Health team are able to investigate accumulations of waste on private land and should contact this department accordingly. It would not constitute a planning ground for refusal in this particular instance.

- Main property and outbuilding detrimentally impact character and appearance of the area.

As discussed in the main body of the report it is not considered the proposal would detrimentally impact the character and appearance of the area.

The proposal does not involve any proposed external alterations to the main building and as such the appearance of the existing building and street scene will remain unchanged. The outbuilding was erected in accordance with permitted development rights. The alterations to fenestration would not have a detrimental impact.

- Comments regarding occupants' behaviour.

These would not constitute a planning ground for refusal.

- Concerns with conversions including: applicant has set a precedent with this conversion in the road. Property should be reinstated to a family dwelling. Too many flats in the area and not enough family dwellings

The previous Officer's Report for planning reference: 16/3904/RCU (dated 25 August 2016) deemed the conversion of the dwellinghouse into flats in this particular location acceptable. It is also noted that the flats are lawful by passage of time.

- Outbuilding to the rear is illegally occupied. Reasonable to assume that the outbuilding will continue to be used as a separate dwelling.

A condition has been attached to this recommendation to ensure the outbuilding would be used for purposes incidental to the enjoyment of the ground floor flat. This is also stated on the applicant's plans, which have also been conditioned.

It is not considered reasonable to refuse the application on the potential use of the outbuilding in the future. Any change of use or breach of condition would be subject to the separate enforcement investigation by the Council's Planning Enforcement team, and they should be contacted accordingly in this event.

- Permission was refused in 2016. Cannot understand how this application differs

The differences between this application and application reference 16/3904/RCU, dated 25 August 2016, has been addressed under the section 'Preliminary matters' in the main body of the report.

- First floor flat appears to be used as a House in Multiple Occupation (HMO).

The Planning Officer has confirmed with the HMO team that there does not appear to be an HMO licence for the property.

Notwithstanding this, the application is for two residential flats and has been assessed on this basis.

Any subsequent change of use would require express planning permission.

- Comments about access and quality of first floor flat's proposed outdoor amenity space

Although access of amenity space from the rear is unusual, the space would provide a reasonable level of privacy and acoustic environment and thus would be considered 'usable', in accordance with of Barnet's Sustainable Design and Construction SPD (updated 2016). Furthermore, due to the terraced nature of the property, Planning Officers see no immediate way that the garden could be accessed by both flats through the building itself.

Therefore the garden area to the rear of the outbuilding would provide a valuable level of outdoor amenity space which wouldn't otherwise be the case, and help to protect and improve the living standards of residents.

- Development is not adequate for health and safety standards

No specific health and safety standards have been specified by neighbour consultees.

The Council's Environmental Health and Trading Standards team should be contacted in the event that residents are concerned the development does not meet health and safety standards.

- Concerns of compliance with building regulations

No specific building regulation non-compliance has been specified by neighbour consultees.

The Council's Building Control team should be contacted in the event that residents are concerned the development does not meet building regulations.

- Conversion leads to increased level of activity, noise and suffers lack of sufficient infrastructure (off street parking, refuse facilities and outdoor amenity space)

Barnet's Development Management Development DPD (2012) acknowledges that conversions can lead to an increased level of activity. It is not considered that in this particular instance the conversion of the dwelling into flats would give rise to an undue level of noise and disturbance for neighbouring residents.

As assessed, the Council's highways team have deemed the application acceptable in highways terms.

A condition has been attached to this recommendation securing details of acceptable refuse and recycling storage.

The outdoor amenity spaces provided for both flats has been found compliant with development plan policy.

- Objection on behalf of Finchley Society: The conversion of this family dwelling house into flats is contrary to Policy DM01(h).

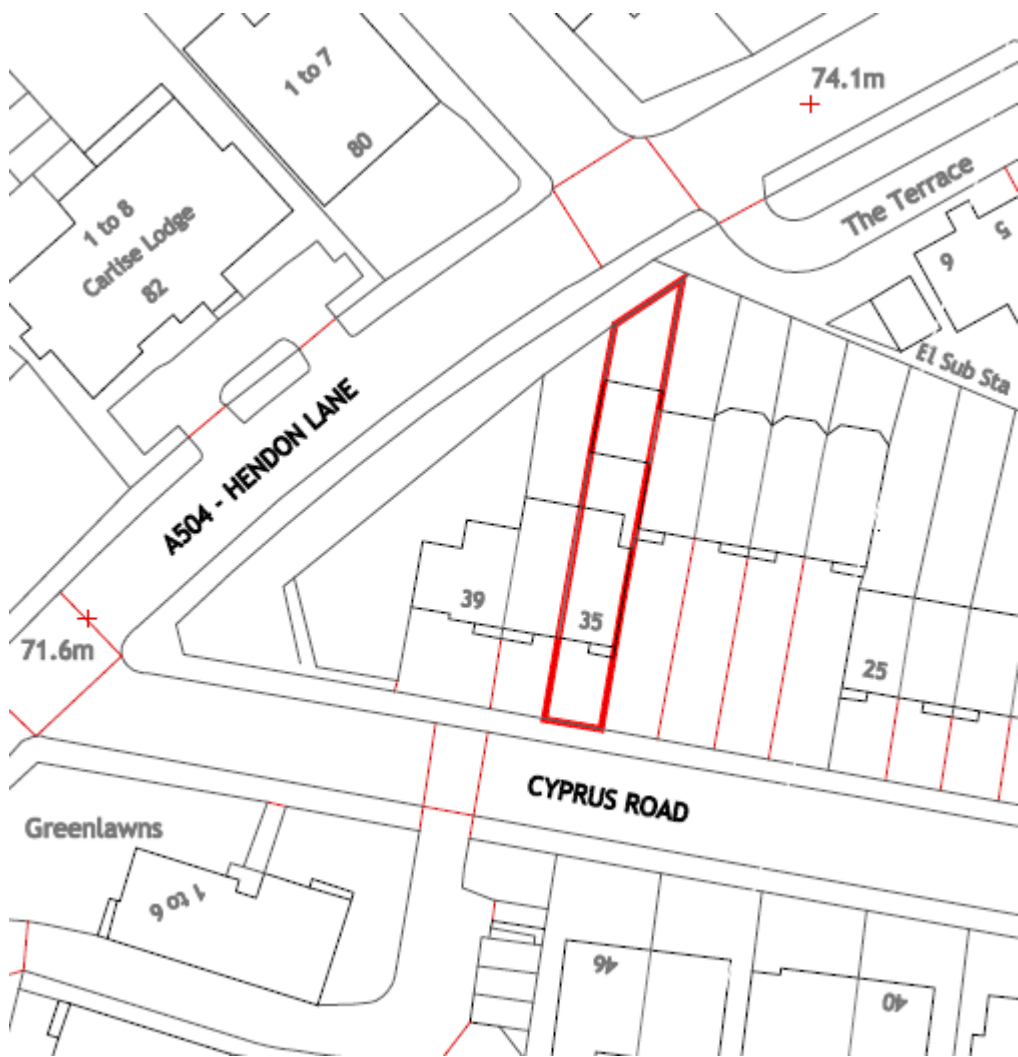
The previous Officer's Report for planning reference: 16/3904/RCU (dated 25 August 2016) deemed the conversion of the dwelling house into flats acceptable and is not in conflict with Policy DM01. This continues to be the case under this application.

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 street scene and street scene. It is not considered the development detrimentally impacts the amenity of future or existing occupiers. It is not considered the development has a detrimental impact on highways and parking. This application is therefore recommended for approval.



Location 35 Dollis Avenue London N3 1BY

Reference: 17/4984/FUL

Received: 1st August 2017

Accepted: 1st August 2017

Ward: Finchley Church End

Expiry 26th September 2017

Applicant: London Investment Estate Ltd

Proposal: Demolition of existing property and erection of a two storey building including lower ground floor level and rooms in roof space comprising of 4no. self-contained flats, with associated lightwells to front, amenity space, landscaping and boundary changes, refuse/recycling storage, cycle store, and provision of 4no. off-street parking spaces

AGENDA ITEM 8

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

Existing Location & Block Plan 510 2b 001 C
Existing Site Plan (1/2) 510 2b 002 B
Existing Site Plan (2/2) 510 2b 003 B

Existing Lower Ground Floor 510 2b 010 B
Existing Ground Floor 510 2b 011 B
Existing First Floor 510 2b 012 B
Existing Second Floor 510 2b 013 B
Existing Sections 510 2b 020 B

Existing Elevations 510 2b 030 B
Existing Elevations 510 2b 031 B
Proposed Location & Block Plan 510 2b 100 C
Proposed Site Plan (1/2) 510 2b 102 D
Proposed Site Plan (2/2) 510 2b 103 E

Proposed Lower Ground Floor 510 2b 110 D
Proposed Ground Floor 510 2b 111 D

Proposed First Floor 510 2b 112 E
Proposed Second Floor 510 2b 113 F
Proposed Roof Plan 510 2b 114 D

Proposed Section AA' 510 2b 200 C
Site Section BB' 510 2b 210 D

Proposed Street Elevation 510 2b 300 D
Proposed Front Elevation AA' 510 2b 310 B
Proposed Rear Elevation BB' 510 2b 311 C
Proposed Side Elevation CC' 510 2b 312 D
Proposed Side Elevation DD' 510 2b 313 C

Email from agent dated 12 December 2017
Design and Access and Planning Statement
Daylight, sunlight and overshadowing assessment by XCO2 dated July 2017

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 2016.

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 5
- 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 October 2016) and 7.21 of the London Plan 2016.

- 6
- 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).

- 7
- a) The site shall not be brought into use or first occupied until details of the means of enclosure, 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).

- 8 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens shall be installed 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), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

- 9 Before the building hereby permitted is first occupied the ground floor and first floor windows in the side elevations facing No. 33 and No. 37 Dollis Avenue shall be glazed with obscure glass only and shall be permanently fixed shut or provided with only a fanlight opening and shall be permanently retained as such thereafter.

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).

- 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).

- 11 Before the development hereby permitted is occupied the car parking spaces as shown on Drawing No. 510 2b 102 B shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 12 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and 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.

13 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

14 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees 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 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. 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.

- 15 The submission of details pursuant to conditions 5 and 14 shall be made simultaneously.

Reason: In order to enable the Local Planning Authority to assess these interrelated issues at the same time and ensure the proposed development would not be detrimental to the health and vitality of trees within the site in accordance with Policies DM01 and DM06 of the Development Management Policies DPD (September 2012).

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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.

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

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

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

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 If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.
- 4 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 5 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 6 The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.
- 7 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 8 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

- 9 Prior to commencement of any works affecting public highway the applicant shall consult the Highway Authority and enter into a Section 278 Agreement with the Highways Authority, for any works required on the public highways as a result of the proposal.
- 10 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

Officer's Assessment

1. Site Description

The application site is a detached building on the south side of Dollis Avenue, in the ward of Finchley Church End.

It is not within a conservation area and is not a designated heritage asset.

The property has been converted into two flats. Although there is no planning history for this conversion, the Officer's delegated report for planning reference F/02129/13, dated 15 July 2013, acknowledges it is occupied as two flats. It is therefore considered lawful by virtue of time, in accordance with section 191 of the Town and Country Planning Act 1990.

2. Site History

Reference: F/02129/13

Address: 35 Dollis Avenue, London, N3 1BY

Decision: Approved subject to conditions

Decision Date: 15 July 2013

Description: Roof extension including a side dormer window and 2no. rooflights to facilitate a loft conversion.

3. Proposal

The application proposes the demolition of existing property and erection of a two storey building including lower ground floor level and rooms in roof space comprising of 4no. self-contained flats, with associated lightwells to front, amenity space, landscaping and boundary changes, refuse/recycling storage, cycle store, and the provision of 4no. off-street parking spaces.

The replacement building will be built upon the footprint of the existing building on site, and would be no wider than the building it replaces.

The proposed building would have a width of 12 metres. It would have a depth of 12.6 metres along the boundary of No. 37 Dollis Avenue, before extending a further 7.4 metres in depth, sited 6.9 metres from the boundary adjacent to No. 37 Dollis Avenue. It would result in an 'L' shape rear projection adjacent to the boundary of No. 33 Dollis Avenue.

The street elevation would feature a front gable with a maximum height of approximately 9.9 metres. To the front elevation the building would have an eaves height of 7 metres, increasing to a maximum ridge height of 10.9 metres.

Due to the topography of the land, the building would be three storeys to the rear. To the rear elevation it would have an eaves height of 9.1 metres and maximum height of approximately 12.8 metres.

The replacement building would be of contemporary design.

4. Public Consultation

A site noticer was erected 10 August 2017.

Consultation letters were sent to 46 neighbouring properties.

Overall there was a total of 5 independent objectors, and therefore the application needs to be heard at committee.

The objections received can be summarised as follows:

- The development cause overlooking, loss of privacy and loss of daylight/sunlight to No. 37 Dollis Avenue and No. 39 Dollis Avenue.
- Object to loss of family home, against Policy DM01
- Concerns with inadequate parking provision and practicality of side access
- Harm to character and appearance
- Harm to neighbouring residential amenity during demolition and construction period
- Harm to neighbouring residential amenity in regards to increased disturbance from intensive occupation of site
- Unresolved issues with the covenants on the application site

Neighbours were re-consulted on revised plans on the 8 February 2018.

Further objections were received, which stated:

- Noise, disturbance, vehicles and mess associated with building works in the road, impact living conditions of neighbouring residents.
- If granted will lead to further infill (backland) development (precedent for the rear of the site)
- Loss of habitat and ecology
- Noise and light pollution from families moving into development
- Out of keeping with character and appearance of the street scene
- Impact on highways and parking

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, CS9, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, 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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- 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 residents,
- Whether harm would be caused to highways and parking

5.3 Assessment of proposals

Principle of development and redevelopment of the site:

For areas such as the application site policies CS1 and CS3 of the Barnet Core Strategy expect new developments to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

Policy DM01 of Barnet's Development Management Documents DPS is also relevant as it states that in point h that 'Conversion of dwellings into flats in roads characterised by

houses will not normally be appropriate' and in point i 'Loss of houses in roads characterised by houses will not normally be appropriate.'

Although the property may have originally been built and occupied as a single family dwelling house, it is now occupied as two self-contained flats. Although there is no planning history for this conversion, the Officer's delegated report for planning reference F/02129/13, dated 15 July 2013, at the site acknowledges it is occupied as two flats. It is therefore considered lawful by virtue of time, in accordance with section 191 of the Town and Country Planning Act 1990.

Furthermore, the proposals would better utilise the site, which will contribute to the Borough's housing targets, in accordance with the NPPF (2012) which encourages the effective use of land by reusing land that has been previously developed, provided it is not of high environmental value (which in this case, it isn't).

The redevelopment of the site would therefore not result in the loss of single family dwelling house.

Furthermore, as acknowledged by the Planning Inspectorate in an appeal at a neighbouring site (31/33 Dollis Avenue, appeal reference APP/N5090/W/16/3155371, dated 13 April 2016): 'Whilst most of the houses appear to be in single family occupation, there are a number of purpose built apartment blocks which form part of the character and built fabric of the street.' A flatted development has since been approved by the local authority at the neighbouring site of 31/33 Dollis Avenue (LPA reference 17/0864/FUL, dated 24/04/2017).

As such, the road is characterised by a mixture of flats and dwellings and the redevelopment of the site into flats is therefore acceptable.

The application site has not been identified for any specific use in development plan planning policies, is previously developed land and is situated in an area characterised by residential housing. It is not a designated heritage asset. The land is located within walking distance of a number of bus stops and tube station, is close to local amenities and utilises existing access.

In such circumstances, Planning Officers find that there is nothing to specifically preclude the redevelopment of the site in the broadest sense, subject to the scheme proposed being compliant with the relevant development plan policies.

As such the principle of redevelopment of the site is deemed acceptable.

Impact on character and appearance:

The National Planning Policy Framework (published in 2012) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development.

Local Plan Policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The locality and wider area consists of low density residential development. Dollis Avenue is a well-established residential street characterised by semi-detached and detached properties on generous plots and spacing between buildings.

The proposed development is a two-storey development with additional accommodation within the pitched roof (served by dormer windows) and a lower ground level.

In terms of height, size, scale and massing it is considered that these proposed dwellings would not detrimentally harm the local character. The building would maintain adequate distancing from its neighbouring boundaries to retain the open and spacious character of the street. The building would maintain the front building line.

In terms of design and appearance, although the replacement building would be contemporary in design, it would take design cues of the property it replaces, and the neighbouring Edwardian properties. This includes pitched tiled roofs; use of roof dormers; front gable projection; and brick elevations. Such features are considered to respond positively to its context and are found to have an acceptable relationship with the neighbouring buildings and spaces.

Upon amendments, landscaping has been introduced along the border of the front basement light well to mitigate its impact on the character of the street scene. Grasscrete has also been introduced to the rear to avoid a substantial increase of hardstanding with the creation of additional parking spaces. This is deemed a suitable landscaping solution to provide parking.

Conditions have been recommended to ensure that the materials used in for the new building are of an appropriate quality. Conditions are also recommended to ensure that a suitable design and quality of materials are used for the areas of hard and soft landscaping around the new building and means of enclosing the site.

Subject to the conditions recommended, the proposal is found to be acceptable and compliant with development plan policies as they relate to design, character, appearance and landscaping matters.

Impact on amenity of neighbouring occupiers

Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users.

The proposed building would retain a distance of 3.4 metres from the property at No. 37 Dollis Avenue by way of the shared side access. The building would align with the rear wall of No. 37 Dollis Avenue, before projecting a depth of 6.2 metres at ground floor, which would set in a distance 5 metres from the flank wall. The first floor and second floor rear projection would project 5.2 metres at first floor, which would be set in 5 metres from the flank wall of the building. It is considered that by reason of these distances it is not considered the replacement building would detrimentally impact the outlook enjoyed by occupiers at No. 37, nor would it appear overbearing.

Furthermore, although not adopted planning guidance, plans submitted demonstrate the building would not impede on the line of 45 degree from the rear windows at No. 37.

The balconies at ground floor and first floor would be sited 7.8 metres from the boundary adjacent to No. 37. It is not considered, with adequate privacy screening secured through a condition, that these balconies would cause undue overlooking or loss of privacy to No.

37 or No. 39, located to the north of the site. The windows serving the communal stairway which face No. 37 will be obscured glazed, which can be secured through a condition. The dormer facing No. 37's in fact accommodates the lift overrun and would be clad in zinc (i.e. there would be no window). No overlooking or loss of privacy would therefore arise. It is not considered the roof light facing No. 37 would result in undue overlooking or loss of privacy by reason of its placement and angle.

The proposed building would be sited 1.4 metres from the boundary adjacent to No. 33 Dollis Avenue. It would be sited 3.5 metres from the flank (side) wall of the existing building at No. 33.

The ground floor of the proposed building would project 5.25 metres from the rear main wall of the existing building at No. 33. The first floor and second floor would project 4.23 metres. In addition it was observed on site that a lower ground and ground floor extension of 2.6 metres in depth (as measured on the Council's GIS system) has been built closest to the boundary adjacent to No. 35 Dollis. For these reasons, the depth at ground floor of the proposed building is deemed acceptable and would not detrimentally impact the outlook enjoyed by these occupiers. Furthermore, although not adopted planning guidance, plans submitted demonstrate the building would not impede on the line of 45 degree from the rear windows at No. 33.

The proposed balconies at ground and first floor would be set in 2.6 metres from the boundary adjacent to No. 33. It is considered with suitable privacy screening, secured through a condition, these balconies would not detrimentally impact the privacy of occupiers at No. 33.

All proposed windows in the side elevation at ground floor and first floor facing No. 33 are to be obscure glazed, secured through condition.

The applicant has submitted 'Daylight, Sunlight and Overshadowing Assessment' produced by XCO2 , dated July 2017. The report concludes that there would be no significant adverse impact on the daylight or sunlight received at neighbouring residential properties. Officers accept the findings of this assessment and conclude that the application is acceptable in terms of its impact on the daylight and sunlight received at neighbouring properties.

In conclusion, the proposed development is considered to be acceptable and compliant with the relevant development plan policies in regards to the amenities of neighbouring and surrounding occupiers.

Quality of accommodation for future occupants

Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings and outdoor amenity space.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new residential accommodation. The council also has adopted SPD's (entitled Sustainable Design and Construction and Residential Design Guidance) providing more detailed guidance on a range of matters related to creating new residential accommodation in addition to the Mayors adopted SPG's (entitled Housing).

Dwelling size:-

All proposed flats are 3 bedroom 6 person units. The units proposed would both have gross internal areas which exceed the requirements of the London Plan for a dwelling of that type. Floor to ceiling heights would also be acceptable.

Dwelling layout, outlook and light:-

Outlook and layout:-

Development plan policy requires that new dwellings are provided with adequate outlook. The design approach proposed maximizes the outlook of occupiers of the new dwellings, while also taking account of the need to prevent unacceptable levels of overlooking at neighbouring properties.

It is noted that Unit 1 is located at lower ground level. All habitable rooms would be served by light wells. The front light wells are orientated south-easterly would have a depth of 1.5 metres. By reason of the levels of the site, the rear habitable rooms would be served by open- sky aspects and receive adequate daylight and sunlight. This is also confirmed in the applicant's daylight and sunlight submission. It is considered all remaining units on ground floor and above would receive adequate outlook, daylight and sunlight.

External amenity space provision:-

Units 1, 2 and 3 would be served by private balconies and terraces. There would also be a private communal garden in excess of 230 sqm in space. This arrangement is considered acceptable.

Privacy:-

It is considered that subject to conditions, the development would preserve the privacy of future occupiers.

Conclusions on the amenities of future occupiers:-

For the reasons set out above the development, as controlled by the conditions recommended, is found to be compliant with development plan policy.

Highways and Parking:

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

The existing site is located on Dollis Avenue N3. There are existing 2 residential units on site with provision of 2 parking spaces.

The site is located within a one hour Control Parking Zone operating from Monday to Friday 2pm to 3pm.

Public Transport Accessibility Level (PTAL) for the site is 2/3 which is considered as poor accessibility.

Taking into consideration the PTAL rating of the site as being 2/3, the parking provision would need to be between 4 and 6 parking spaces in accordance with the parking standards as set out in the Barnet Local plan, Development Management Policy DM17.

However, taking into consideration the following:

- o The site is located within a control parking zone;
- o The site is within a walking distance of town centre;
- o Site observation has indicated that there are parking spaces available on roads in the vicinity of the site to accommodate any potential overspill parking that may result from the proposed development.

Therefore parking provision of 4 parking spaces is in accordance with the parking standards as set out in the Barnet Local plan, Development Management Policy DM17. 8 cycle parking spaces are also provided.

In regards to access, existing access will be maintained and used from the shared driveway that exists on site. The access width to the rear parking spaces is approximately 4m which is considered acceptable. There is approximately 6m of manoeuvring space fronting the parking spaces which is in accordance with Manual for Streets recommendations, and is therefore acceptable.

For the above reasons the Highways department have deemed the application acceptable on highways ground.

The applicant advises that a dedicated cycle store for 8 cycles is proposed to the rear by the communal rear garden. A condition has been attached to secure details of this cycle parking and storage.

Refuse and recycling:

The applicant advises that refuse will be stored in a communal location to the front of the building in a secure dedicated storage area against the boundary wall with No. 33 Dollis Avenue. This will be largely screened from view by planting to the front of the property, but will remain easily accessible from the roadside for collections.

Notwithstanding the details on the plans submitted, a condition has been recommended to secure satisfactory refuse and recycling facilities are provided at the proposed development.

5.4 Response to Public Consultation

- The development cause overlooking, loss of privacy and loss of daylight/sunlight to No. 37 Dollis Avenue and No. 39 Dollis Avenue.

The proposed balconies at ground floor and first floor would be sited 7.8 metres from the boundary adjacent to No. 37. It is not considered, with adequate privacy screening secured through a condition, that these balconies would cause undue overlooking or loss of privacy to No. 37 or No. 39, which is located to the north of the site. The windows serving the communal stairway which face No. 37 will be obscured glazed, which can be secured through a condition. The dormer facing No. 37's in fact accommodates the lift

overrun and would be clad in zinc (i.e. there would be no window). No overlooking or loss of privacy would therefore arise. It is not considered the roof light facing No. 37 would result in undue overlooking or loss of privacy by reason of its placement and angle.

The applicant has submitted 'Daylight, Sunlight and Overshadowing Assessment' produced by XCO2, dated July 2017. The report concludes that there would be no significant adverse impact on the daylight or sunlight received at neighbouring residential properties. Officers accept the findings of this assessment and conclude that the application is acceptable in terms of its impact on the daylight and sunlight received at neighbouring properties.

- Object to loss of family home, against Policy DM01

As explained above in the main report, the existing property is lawfully used as two self-contained flats. The redevelopment of the site would therefore not result in the loss of single family dwelling house. The road is also characterised by a mixture of flats and dwellings and the redevelopment of the site into flats is therefore acceptable.

- Concerns with inadequate parking provision and practicality of side access

As assessed above, taking into consideration the PTAL rating of the site as being 2/3, the parking provision would need to be between 4 and 6 parking spaces in accordance with the parking standards as set out in the Barnet Local plan, Development Management Policy DM17. Taking into consideration that the site is located within a control parking zone; the site is within a walking distance of town centre; and site observation has indicated that there are parking spaces available on roads in the vicinity of the site to accommodate any potential overspill parking that may result, the provision of 4 off-street parking spaces is acceptable. The side access is in accordance with Manual for Streets recommendations.

- Harm to character and appearance

The development would be of contemporary design but would be in keeping with character of the street. The height, massing and bulk of the development is deemed acceptable. The development would respect the established front building line and would retain adequate gaps from its side boundaries.

- Harm to neighbouring residential amenity during demolition and construction period

A condition has been attached to secure details of a Demolition and Construction Management and Logistics Plan before development begins. A condition has also been attached setting working hours for construction.

- Harm to neighbouring residential amenity in regards to increased disturbance from intensive occupation of site

The existing site is occupied as two self-contained flats. The agent has advised in an email dated 12 December 2017 that Flat 1 has 5 bedrooms and Flat 2 has 7 bedrooms, totalling 12 bedrooms. The proposed development accommodates 4 self-contained flats, each benefitting from 3 bedrooms (totalling 12 bedrooms). Although occupancy levels of the existing flats are unconfirmed, it is not considered that on the basis of the number of bedrooms, the noise and disturbance of the proposed development would be significantly greater than the existing use, to justify a refusal in this particular instance.

It is also noted that under appeal reference APP/N5090/W/16/3155371 at the neighbouring site of 31-33 Dollis Avenue, the Inspector concluded (for a larger development of 9 flats) that there was no reason to believe that the development would result in unacceptable levels of noise and disturbance.

The rear of the site is already used for parking (as was observed on site) and therefore Officers would not object to the continued use of the side access and rear for parking of cars.

- Unresolved issues with the covenants on the application site

This is not a planning matter and would not constitute a reason for refusal.

- Noise, disturbance, vehicles and mess associated with building works in the road, impact living conditions of neighbouring residents.

Development works are going to result in a degree of disturbance, albeit temporary whilst the development is being built. A condition has been attached to secure details of a Demolition and Construction Management and Logistics Plan before development begins. A condition has also been attached setting working hours for construction.

- If granted will lead to further infill (backland) development

The application under consideration is concerned with the development fronting Dollis Avenue, and has been assessed on that basis. Any future applications for backland/tandem development will be assessed on its own merits.

- Loss of habitat

The site is not within a national 'protected area' (national park, AONB, SSSI, SAC, SPA, wetlands) or a local protected site. No evidence has been produced that there are protected species on site. Officers have visited the site and have concluded that there is little prospect of protected species existing on site, and thus being harmed by the development.

- Noise and light pollution from families moving into development

It is not considered that the new flats would produce a level of noise or light that impacts the neighbouring occupiers to an unacceptable level.

- Out of keeping with character and appearance of the street scene

This has been assessed in the main body of the report.

- Impact on highways and parking

This has been assessed in the main body of the report. The objector raises concern that only one car can pass at any one time and it is close to the junction of Church Crescent. The road of Dollis Avenue allows for two-way traffic. It is true that any car parking in the designated bays does mean cars have to give way for oncoming but Officers do not see this as a reason alone to refuse the proposed development. It is a reasonable distance from the junction with Church Crescent.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. The proposal would provide additional housing, contributing to housing need in the Borough. This application is therefore recommended for approval.



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Location **23 Grove Road London N12 9EB**

AGENDA ITEM 9

Reference: **18/0496/FUL**

Received: 23rd January 2018

Accepted: 24th January 2018

Ward: Woodhouse

Expiry 21st March 2018

Applicant: Mr Sorsky

Proposal: Conversion of single family dwelling house into 3 no. self-contained flats.
Two-storey rear extension and single storey side extension. 1no. side facing
dormer and 1no. rear facing dormer window. Associated changes to front
entrance steps, cycle/refuse storage and new hardstanding

Recommendation: Approve subject to s106

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Cost of amending traffic order to prevent residents of the development from obtaining parking permits - £2,000
4. Monitoring of the Agreement - £100

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Planning Performance and Business Development Manager/Head of Development Management approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Head of Development Management or Head of Strategic Planning:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 301 Rev A, 305 Rev A, 306 Rev A, 307 Rev A, 308 Rev B, 309 Rev B, 310 Rev C, 313 Rev B, 400, 402, 403, 404, 411 Rev A, Planning Statement

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) 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, and (iii) Plans showing satisfactory points of collection for refuse and recycling, 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).

- 4 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).

- 5 The materials to be used in the external surfaces of the rear extension and side extension shall match those used in the existing building.

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

- 6 The roof of the side 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 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).

- 8 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 October 2016) and 7.21 of the London Plan 2016.

- 9 a) Before the development hereby permitted is first occupied, details of the sub-division 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).

- 10 Prior to occupation of the development, Cycle parking spaces shall 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

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.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 26/05/18, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet the costs of amending the traffic order to prevent residents of the development from obtaining parking permits. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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.

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

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

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

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 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

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

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

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

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

5 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.

6 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and

variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs

and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Biosecurity, trees should not be imported directly from European suppliers and planted

straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."

Officer's Assessment

1. Site Description

The property is a semi-detached but double fronted late Victorian house. The adjoining property is a single bay house. However the two units form symmetry. The property is currently laid out as a single family dwelling house over two floors. The building is not listed nor is it in a conservation area. Grove Road is characterised by a mix of late Victorian, interwar and post-war properties and is all in residential use, either as single dwelling houses or flats.

2. Site History

Reference: 17/7285/FUL

Address: 23 Grove Road London N12

Decision: Withdrawn

Decision Date: 16.01.2018

Description: Conversion of single family dwelling house into 4 no. self-contained flats. Two-storey rear extension and part single, part two storey side extension following demolition of attached garage and existing rear extensions. Associated changes to front entrance steps, cycle/refuse storage and new hardstanding.

History at 21 Grove Road:

Reference: 16/5881/FUL

Address: First Floor Flat, 21 Grove Road London N12

Decision: Approved subject to conditions

Decision Date: 17.11.2016

Description: Roof extension involving rear and side dormer windows with juliette balcony, 3no. rooflights to front elevation to facilitate a loft conversion

Reference: 16/5881/FUL

Address: Ground Floor Flat, 21 Grove Road London N12

Decision: Approved subject to conditions

Decision Date: 17.11.2016

Description: Single storey rear extension and conservatory.

3. Proposal

The conversion of a single family dwelling house into 3 no. self-contained flats; The construction of a two-storey rear extension and single storey side extension; 1no. side facing dormer and 1no. rear facing dormer window. Associated changes to front entrance steps, cycle/refuse storage, sub division of rear garden and new hardstanding. The conversion is as follows;

One x one bedroom/2 person flat with an internal floor area of 50sqm,

One x two bedroom/3 person flat with an internal floor area of 70sqm

One x two bedroom/4 person flat with an internal floor area of 140sqm

4. Public Consultation

Consultation letters were sent to 72 neighbouring properties. A site notice was posted on 01.02.2018. Five responses have been received, comprising four letters of objection and one letter of comment.

The objections received can be summarised as follows:

- Objection if parking is on-street

- Loss of character of a Victorian house
- Loss of light to neighbours
- Loss of trees
- Still an overdevelopment

The representations received can be summarised as follows:

- Use better as flats than a single household

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.

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS10, CS11, CS15.
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the 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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The principle of the conversion to flats at this site
- 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 scheme would provide an adequate standard of accommodation for future residents.
- Highway and parking matters

5.3 Assessment of proposals

The principle of the conversion to flats at this site

Policy DM01 states that: 'Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate. Loss of houses in roads characterised by houses will not normally be appropriate.'

Grove Road is entirely residential in land use. In terms of concentration of the flats in Grove Road, the majority are located toward the Woodhouse Road of the street. It is noted that 7, 16, 20, 21, 22, 24, 28, 50, 52, 58 and 68 have been converted. The subject property is double fronted and therefore slightly larger than smaller houses that have been converted to two flats each. The northern end of Grove road is more characterised by only houses, whereas the southern end is more mixed. The conversion to three flats is considered to be reasonable and appropriate.

Impact on the character of the area

The external alterations to the property are confined to the rear and the side. The existing modern garage to the side will be removed and the infill extension to the side will be set back 3.5 metres from the front edge of the property. This will be a positive visual benefit to both the house itself and the streetscape. The setback single storey side extension would be constructed to match the main property and has been amended to reduce the height to a modest 2.7 metres.

The rear infill at ground and first floor would be confined to the left hand side where the property abuts the deep flank wall of no.25. Subject to appropriate material and fenestration design, the work would not be harmful to either the property or the wider townscape. There is a full width rear extension to no.21 which will remain deeper than that proposed at no.23.

There is no objection to the side and rear dormer windows, and the new crown roof. Numerous roof extensions and conversions from hip to gable exist along Grove Road including nos.15, 11 and 9. The dormer windows sit within the roof slopes and are not

overly dominant in terms of scale and proportion. The rear dormer has been altered to reduce its overall width and bulk.

Whilst the extensions, in particular the two storey rear extension is wider than normally would be permitted, it would infill the area between the site and no.25 which has the benefit of a similarly sized extension. Therefore it is not considered that the impact of the extensions would be so harmful to warrant refusal.

The proposals are therefore considered acceptable and not harmful to the character and appearance of the property and the streetscape.

Impact on the amenities of neighbours

The enlargement of the property to the rear will not materially affect light, outlook or privacy for the neighbours at 21 and 25 Grove Road. The ground floor infill will align with the rear wall of no.25 and will remain one metre set back from the rear leading edge of no.21. The first floor will extend back to where it will align with the existing rear first floor extension flank wall of no.25.

The ground floor of no.21 is a two bedroom flat. The side extension to no.23 will reduce some light and outlook for the second bedroom but the extension is only single storey, and the second bedroom has a second window. The extension has been reduced substantially in height (from 4.0 metres to 2.7 metres) and the impact to neighbour amenity is now considered to be acceptable.

Whether the scheme would provide an adequate standard of accommodation for future residents

The London Plan and Barnet policy DM02 set out standards for internal and external amenity levels in new build residential schemes.

Internal Design Standards: The proposal will provide one x one bedroom/2 person flat with an internal floor area of 50sqm, one x two bedroom/3 person flat with an internal floor area of 70sqm and one x two bedroom/4 person flat of 140sqm respectively, and therefore accord with policy standards. The habitable room areas and dimensions also accord with policy standards.

Minimum Ceiling Height: The standards set a minimum ceiling height of 2.3 metres for at least 75% of the Gross Internal Area. The ceiling heights in this proposal are significantly higher in this proposal.

External Design Standards: Policy requirement for external private open space for a two bedroom flat with three habitable rooms for three persons is 15sqm and 20sqm for four persons or more. The proposal provides 174sqm for Flat A, 163sqm for Flat B and 270sqm for Flat and therefore both comply with the standard.

All residential units will have outlook to front and rear and will therefore be provided with natural through-ventilation. The units will have good outlook and aspect. Daylight and sunlight levels received by the three units will also be acceptable.

Garden and trees

The proposed development is contained within the curtilage of the current property therefore the impact of the structural proposals will not have a significant impact on trees nearby. However, there is a risk that construction activities may impact on trees, and

therefore a brief arboricultural method statement is required that determines the extent and scope of construction activities to be permitted within the garden.

The proposal to convert the property into three separate flats and the garden into different amenity spaces may impact on trees in the garden. With smaller amenity spaces available in the rear garden there is likely to be an increase in pressure on amenity trees within the gardens. To manage this increase in pressure on the visual tree amenity the applicant should provide a more detailed landscape plan.

At the front for the property a small amenity space has been provided and this is supported. Details of new planting of trees and shrubs should be provided.

Highway and parking matters

The application site lies within a controlled parking zone and has a Public Transport Accessibility Level (PTAL) rating of 3. This is an average rating and reflects the distance from underground and train stations but proximity to bus route and North Finchley Bus Station.

The present arrangement has a single garage and space for one off-street vehicle accessed over the existing crossover. The proposal would remove the garage but allow for two off street parking spaces. A conversion of this layout would require between two and three off street parking bays.

The applicant has agreed to enter a legal agreement to exclude residents of the proposed development from qualifying for parking permits. To implement the necessary change to the Traffic Order a contribution of £2,000 is to be required under S106 Agreement.

Cycle parking needs to be provided in accordance with the London Plan Cycle Parking Standards. The submitted plans show a sheltered stand for eight cycles. This would be secured by condition.

Refuse and recycling provision is identified on the plans and the allocation of two bins per flat is considered to be appropriate. This would be secured by condition.

5.4 Response to Public Consultation

The issues raised by local residents are covered in the evaluation.

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

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



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Location **205 Regents Park Road London N3 3LN**

Reference: **17/5758/FUL**

Received: 8th September 2017

Accepted: 12th September 2017

Ward: Finchley Church End

Expiry 7th November 2017

Applicant: c/o Agent

Proposal: Change of use from Car Showroom and Workshop (Sui Generis) to a retail store (Class A1) including installation of security bollards to side elevation. Further details of Operational Management Plan submitted.

AGENDA ITEM 10

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 1417656/P01(Opt) Rev2, 1417656/E01(Opt) Rev1, 1417656/S, 1417656/L, Noise Impact Assessment (Sharps Gaylor, 5th September 2017), Planning and Sequential Assessment (Mango Planning, Ref: RW/170029/R0001v5, Date: September 2017), Transport Assessment (Corun Transport and Highway Engineering, Ref: 17-00502/TN/01, MAY 2017), Management and Operation 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 Prior to occupation of the development, existing parking spaces and the access to the parking area from public highway 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.

- 4 The approved development shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. Such spaces shall be permanently 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.

- 5 Before the permitted development commences a refuse strategy including collection arrangements shall be submitted to and agreed by the Local Planning Authority.

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 6 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

- 7 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the equipment as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and 7.15 of the London Plan 2015.

- 8 The use hereby permitted shall not be open to members of the public before 07.00 or after 21.00 on weekdays and Saturdays or before 10.00 or after 16.00 on Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 9 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 07.00 or after 21.00 on any other day.

Reason: To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.

- 10 a) Any proposed signage scheme shall be submitted and approved in writing by the Local Planning Authority.

b) The work shall be implemented in accordance with the drawings as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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.

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

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

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

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 proposal comprises a 374 sq m corner unit fronting onto Regents Park Road and North Crescent, and consists of the ground floor of 205 Regents Park Road, and the attached single storey workshop building fronting North Crescent. The latter building is set back, with a front area of hard standing for four vehicles.

The application site is within a parade of retail units from 199 to 233 Regents Park Road. It is not a designated frontage. Finchley Church End Town Centre is located 400m to the north. In highway terms, the area has a Public Transport Accessibility Level (PTAL) rating of 3.

The property is not listed not located within a conservation area. The property of Regents Park Road and North Crescent date primarily from the inter war period with commercial buildings of three storeys and residential housing formed of either detached or semi-detached two storey houses, or earlier, late Victorian terraces of the east side of Regent Park Road.

2. Site History

Reference: 17/4002/FUL

Address: 205A Regents Park Road London N3 3LN

Decision: Refused

Decision Date: 22.08.2017

Description: Change of use of the ground floor from car showroom (Sui Generis) to a (Class A1) retail store (374sq m) including installation of security bollards to the side elevation

3. Proposal

Change of use of the ground floor from car showroom (Sui Generis) to a (Class A1) retail store (374sq m) including installation of security bollards to the side elevation. The site was previously occupied by Humming Bird Motors providing a vehicle dealership and workshop. This use served at the site for at least 15 years until it was vacated on 25th May 2017 at the expiry of the lease.

Toolstation specialises in the sale of power tools and accessories, hand tools, screws and fixings, decorating materials, plumbing/heating and electrical supplies, work clothing and other products associated with building/DIY. It serves predominantly the building industry although accept trade from private customers. The demand from private customers has prompted the development of a high street format.

4. Public Consultation

Consultation letters were sent to 78 neighbouring properties. A site notice was published on the 21.09.2017.

15 responses have been received, comprising 13 letters of objection and 2 letters of support.

The objections received can be summarised as follows:

- Traffic, parking and access issues
- Increased noise and fumes

- Increased litter
- Loss of privacy
- Parking congestion
- Inappropriate use for the area
- Opening hours too long
- No sound barrier
- Safety concerns
- The unit should be on an industrial estate

The representations received can be summarised as follows:

- Support the building being occupied again
- Better security

An additional consultation was carried out following receipt of the Management and Operations Plan. 4 additional objections were received from residents who commented on the original proposals.

The following additional comments have been made:

-Doesn't address issues with the scheme

-Deliveries may be made by an articulated HGV with a tailgate, which is up to 16.5m long, plus it needs space for the tail gate to drop and space to manoeuvre. Say 20m as a minimum in total. Apart from the dropped kerb outside the proposed on-site car parking area, the rest of the road is fully parked up nearly all of the time (which can only get worse if the store opens). There is simply nowhere for an HGV to park, without blocking North Crescent for the 15-20 minutes deliveries are expected to take.

-Toolstation's planning consultants have suggested that, instead of articulated HGVs, smaller delivery vehicles may utilise the on-site car. However, the car park is not big enough for a vehicle capable of carrying Toolstation's delivery cages. Nor is the dropped kerb outside the car park long enough for such a vehicle.

-In any case, such a proposal contradicts the MOP, which states "The off street parking spaces will be kept clear for customer use". Blocking customers' vehicles in by parking over the dropped kerb is not consistent with that. (The MOP specifies that deliveries will only be made during opening hours.)

-In short, deliveries cannot be made without blocking the road for long periods and/or obstructing the on-site parking.

- This is a site in a residential area. There is a zebra crossing on the corner which, is already hazardous to cross. The last thing the area needs is a commercial outlet which will greatly increase traffic. Furthermore, the unsociable opening hours will increase noise and light to an unacceptable level.

-Why can't they find premises in an Industrial Park with proper access and parking facilities?

Environmental Health Officer: This revised scheme is not objected to on environmental health grounds subject to compliance with conditions.

Highways Officer: Approval is recommended 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 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, CS6, CS8, CS9
- Relevant Development Management Policies: DM01, DM02, DM04, DM11, DM12, DM17

The Council's approach to development as set out in Policy DM01 is to minimise the 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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Suitability of land use;

- 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;
- Highways and Parking issues.

5.3 Assessment of proposals

Suitability of land use

The subject site lies 600m south of the southern boundary of the Finchley Church End Town Centre. It is located in a small retail parade of 18 units on the west side of Regents Park Road. The adjacent retail uses form a parade with a variety of retail uses though not within a designated frontage.

The Council seeks to ensure that new retail outside town centres will be strongly resisted unless the sequential test approach can be met. The applicant has carried out and submitted a sequential test to justify why there is no equivalent position within the boundary of the Finchley Church End Town Centre to locate the proposed use. The current level of vacancy within the Finchley Church End Town Centre is low with only nine units vacant out of 265 units, a proportion of 3.4%.

The applicant has examined each of these to determine whether there are any suitable, available and viable in sequentially preferable locations for their proposal. Provided the applicant has considered the scope for providing the scheme in a different form and sequentially assessed preferable locations, the question is whether an alternative site is suitable, not whether the development can be altered to fit an alternative site.

The applicants have referred to the case at 217/219 Regents Park Road ((LPA Ref: 17/0506/FUL) which was refused on a number of grounds, but in terms of the sequential test, considered an acceptable location for A1 retail. The applicants examined the nine vacant sites, and all but one fell below the floorspace parameters, and they were therefore discounted. The larger unit was discounted on the grounds it lacked off street car parking and was for a larger floor area than required. The assessment of the sequential test is that no reasonable site was found in Finchley Church End Town Centre or edge of centre.

The application site is not within a designated retail centre but is within an existing parade of shops. The proposal would create up to eight full time equivalent jobs, and bring the corner unit back into commercial activity. This would be in accordance with Council policies encouraging economic growth.

Impact on the character of the area

The premises are located on the corner of a small retail parade with a side return into a residential street. The principal frontage of the unit is to Regents Park Road and the customer access is from this street. The use is in character with existing businesses along Regents Park Road. The return of the property up North Crescent presents a commercial frontage up to the first residential house. Therefore, up to the first house, the commercial character exists and after this juncture, residential character is acquired. This is reflected on the opposite side of the street up to the same juncture. Subject to the compliance with the proposed management and operational plan, the character will remain as at present in terms of both appearance and how the uses will function.

Impact on the amenities of neighbours

The applicant has a chain or network of established businesses but they are located within business parks or industrial or commercial areas, or within established commercial high streets

The site at Regents Park Road occupies a corner plot and returns up North Crescent. The covered yard which forms the rear building is immediately adjacent to the first house in North Crescent and faces the first house on the eastern side of the road. It is quite a different context to Toolstations existing premises which are located at sites specifically designed for commercial use and away from residential use. It is recognised that the model Toolstation is proposing here is different to the existing style of outlets but that equally the context is quite different, with the proposed use within a traditional retail frontage and the close proximity of residential use.

The previous submission for this proposal in August 2017 was far less informed in regard to a management plan. The operational hours and delivery hours raised concerns with Environmental Health officers given the nature of the business would be different to that of a car showroom that operated under more restricted opening times.

The applicants have recognised the difference between this site and their other locations. Consequently they have developed a Management and Operational Plan which has responded to the earlier concerns of the Council in regard to a range of issues regarding amenity.

The proposed Toolstation opening hours for the unit will be Monday to Saturday from 0700 to 2100, on Sundays and Bank Holidays 1000 to 1600, in accordance with the Environmental Health Officer recommendations.

Toolstation will be responsible for implementing the plan and ensuring that 3rd party logistic operators are notified of the agreed delivery procedure.

Signage will be visible outside and within the premises, requesting noise to be kept to a minimum and for customers to only park on Regents Park Road, where possible, if there are no spaces available in the designated parking area. Signs will also include a contact number for residents to use if they are affected by any unreasonable disturbance.

The challenge in considering the application has been to distinguish between the noises and other disruptions produced by machinery and which can be measured and controlled through conditions; and the forms of noise which are more irregular, unpredictable and less obviously measurable.

No industrial plant or machinery will be operated within the Toolstation unit and no demolition or construction is proposed as a result of the application. All building work will be internal to the unit. Environmental Health Officers have advised a number of conditions and it is considered prudent that they are secured given the sensitivity of the site.

The second set of amenity issues relate to potential nuisance that would harm neighbour amenity. Therefore there is a range of measures proposed to ensure the delivery process is in accordance with the submitted noise report. Measures include for delivery vehicle engines to switch off as soon as the vehicle is parked at the unloading position and not restarted until the vehicle is ready to depart, delivery scheduling undertaken on the basis that no more than one delivery vehicle is proposed to be present at the unit at any one time and goods pallets or cages are wheeled directly into the building via the shortest route available.

The outlet would only sell 'light side' building supplies which includes Power Tools, Screws, Electrical, Plumbing, Hardware, Fixings and Hand tools. There are no 'bulk' or 'heavy side' building supplies which would require a longer loading time or staff assistance.

Customer access into the unit is off Regents Park Road. Deliveries will enter the rear yard and reverse up to the loading bay, moving cages via the shortest route into the Toolstation unit.

Overall, it is acknowledged that the proposed use has some potential to cause harm to neighbouring residential amenity given its proximity to residential properties. Officers have considered the amenity impacts carefully and consider that the mitigation proposed would ensure that any impact is reduced to an acceptable level. The conditions attached to the recommendation would ensure that such measures are carried out.

Highways and Parking

The site currently provides for 4 off street car parking bays accessed from a vehicle crossover on North Crescent. The site has a PTAL rating of 3.

The applicant commissioned a parking beat survey in accordance with Lambeth Methodology which confirmed that at 0800 on the weekday survey the 256 parking spaces were 79% occupied, with 54 available on-street spaces. At 0900 on the weekday survey the 256 parking spaces were 84% occupied, with 42 on-street spaces available.

The parking survey further confirmed that at 0800 on the Saturday survey the 256 parking spaces were 76% occupied, with 61 available on-street spaces. At 0900 on the Saturday survey the 256 parking spaces were 73% occupied, with 68 on-street spaces available.

The applicant has advised that deliveries will enter the rear yard and reverse up to the loading bay, moving cages via the shortest route into the Toolstation unit.

They have advised that during normal operation, deliveries will consist of an 18 tonne rigid lorry (standard spec of this type of lorry = 11m length, 2.55m width and 4m height) or smaller, delivering wheeled cages of goods, directly into the Toolstation Unit. One delivery vehicle is proposed to be present at any one time and these take on average 15-20 minutes from arrival on site and the following procedures apply.

The following measures would also be used:

- Reversing sounders to be silenced where possible;
- Delivery vehicle engine to be switched off once parked at the unloading position;
- Cab radios switched off; and
- Delivery vehicles to be driven in a sensible manner with no unnecessary revving of engines.

The Highway Officer has reviewed the information submitted as described above and has no objections on highway grounds, subject to conditions and informatives. Visitors to the proposed development would use the existing on-street parking provision in the locality but this is not envisaged to have a detrimental impact.

Cycle parking needs to be provided in accordance with the London Plan Cycle Parking Standards.

5.4 Response to Public Consultation

The objections are taken into consideration in the evaluation.

6. Equality and Diversity Issues

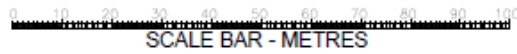
The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

The proposal is appropriate as a land use in this location, as the sequential test has been applied and tested. The proposal would occupy vacant premises with no material external alterations proposed. The business is estimated to employ up to eight full time equivalent jobs. Subject to compliance with the recommended conditions it is considered that the operation and function of the proposed use will not be materially harmful to the amenity of the surrounding residential occupiers. The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



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SCALE BAR - METRES

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Location Britannia House, 960 High Road, London

Reference: 17/5201/FUL

Received: 09.08.2017

AGENDA ITEM 11

Accepted: 15.08.2017

Ward: Woodhouse

Expiry 10.10.2017

Applicant: Slecza

Proposal:

The construction of an additional floor at 7th floor level to provide 2no self-contained 2bedroom/3 person residential units together with private outdoor amenity areas and balustrading.

Recommendation: Approve subject to s106

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Cost of amending traffic order to prevent residents of the development from obtaining parking permits - £2,000
4. Monitoring of the Agreement - £100

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Planning Performance and Business Development Manager/Head of Development Management approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Head of Development Management or Head of Strategic Planning:

1 The development hereby permitted shall be carried out in accordance with the following approved plans: 359/PL/400, 359/PL/406 Rev F, 359/PL/408 Rev F, 359/PL/410 Rev G, 359/PL/411 Rev F, 359/PL/416

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

3 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in any elevation of the building.

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

4 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.

5 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

6 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.

7

No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

Reason

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

8 Prior to occupation of the development, Cycle parking spaces shall 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

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.

9 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).

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 26/05/18, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet the costs of amending the traffic order to prevent residents of the development from obtaining parking permits. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The 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 £.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 £.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 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

- 5 Any details submitted in respect of the Demolition Construction and Traffic Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.

- 6 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

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

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

- 7 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

Officer's Assessment

1. Site Description

The site is Britannia House, in the main a seven storey building, dating from the mid-1960s, on the corner of High Road and Britannia Road within the Woodhouse ward. The existing building is seven stories to the principal frontage and steps down to three storeys to the rear.

The site is not located within a town centre. Britannia Road has office and community buildings on the south side however the north side is generally residential. The High Road has a mixture of uses with shopping parades to the south and opposite, and residential properties to the north.

The applicant property is not listed nor located within a conservation area. There are no protected trees on or adjacent to the application site.

2. Site History

Reference: 17/1608/PNO

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Prior Approval Required and Refused

Decision Date: 7 Apr 2017

Description: Change of use from Class B1 (Office) to Class C3 (Residential) (30 Units)

Reference: F/01895/14

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Prior Approval Required and Approved

Decision Date: 4 Jun 2014

Description: Change of use (5th and 6th Floor) from B1 office to C3 residential (18 Units)

Reference: F/05325/13

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Prior Approval Required and Approved

Decision Date: 9 Jan 2014

Description: Change of use from B1 office (first, second, third & fourth) to C3 residential

Reference: ENF/01047/16

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Authorise Enforcement Notice - Notice issued

Decision Date: 07.12.2016 notice served

Description: Without planning permission the provision of 29 self-contained flats in the block

Reference: 16/6697/FUL

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Approved following legal agreement

Decision Date: 15.08.2017

Description: Creation of additional floor above top floor (7th floor) which is under the level of the existing lift enclosure to provide one additional self-contained unit

Reference: 16/2568/FUL

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Appeal dismissed

Decision Date: 25/05/2017

Description: Creation of additional floor above top floor level (7th floor) of existing building to provide 2 No self-contained flats

3. Proposal

The construction of an additional floor at 7th floor level to provide 2no self-contained 2bedroom/3 person residential units together with private outdoor amenity areas and balustrading. Flat 31 would be 65sqm and Flat 32 would be 61sqm. The additional floor would be 2.8 metres high following removal of the existing structures.

4. Public Consultation

Consultation letters were sent to 166 neighbouring properties. A site notice was published on 24.08.2017. 6 responses have been received, comprising 6 letters of objection. In summary the objections are;

- Harm to the character and appearance of the area
- Loss of sunlight
- overlooking to gardens and homes
- Further parking pressure
- What will happen to the masts and equipment on the roof.
- A cynical use of the planning system
- An overdevelopment of the site

Highways: No objection subject to conditions and S106

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, CS4, CS5.
- Relevant Development Management Policies: DM01, DM02, DM08, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the 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

Sustainable Design and Construction SPD (adopted October 2016)

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

Residential Design Guidance SPD (adopted October 2016).

North Finchley Town Centre Framework (adopted February 2018)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The principle of locating a residential use at this site
- 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 scheme would provide an adequate standard of accommodation for future residents.
- Highway and parking matters

5.3 Assessment of proposals

The principle of residential use at this site

Britannia House has a recent history of applications where approval for residential use has been consented, and this includes an approval in 2016 for an additional floor to provide a single flat (at the seventh storey). The principle of the use has therefore been established and its appropriateness should be assessed under 'standards' below. The North Finchley Town Centre Framework (adopted February 2018) recognises that the area to the north of

North Finchley Town Centre is suitable for further residential use and already seeing a transition to residential development through piecemeal residential development and conversions from permitted development rights.

Impact on the character of the area

The principle of an additional set back storey has already been established under planning reference 16/6697/FUL. The Inspector acknowledged this in the statement regarding ref 16/2568/FUL because the amended scheme 16/6697/FUL had been granted planning permission.

It is accepted that Britannia House is already the tallest building within the immediate area. The proposed new floor would be slightly wider than that approved in 2016, extending a further 2 metres north and a further 1 metre south. The floor will be set back between 1.8 metres and 1 metre from the front (High Road) elevation.

The North Finchley Town Centre Framework (adopted February 2018) recognises that North Finchley is an appropriate location for tall buildings although the height and form should respect the character of the existing surrounding context.

The cladding system and the aluminium framed double glazed windows to the additional floor will match those to be installed in the lower floors. This will give a coherency to the block and improve its appearance. It is not considered that the additional floor will be over dominant or over bearing within the streetscape and oblique views from either the High Road or Britannia Road. The balustrade will be set back to ensure the front of the building is uncluttered and visually presents a clean finish.

Impact on the amenities of neighbours

Policy DM01 seeks to ensure that new development does not materially affect the amenity of adjacent occupiers. The proposed development is setback to all elevations. There would be no material loss of daylight or sunlight or an increase in the sense of enclosure to existing residential occupiers of Britannia Road or the High Road. The roof terraces have been reduced in their usable surface area to ensure that there will be no overlooking to adjacent property and the privacy of neighbours will be protected.

Whether the scheme would provide an adequate standard of accommodation for future residents

The London Plan and Barnet policy DM02 set out standards for internal and external amenity levels in new build residential schemes.

Internal Design Standards: The proposal will provide two x two bedroom/3 person flats. They will have internal floor areas of 61sqm and 65sqm respectively, and therefore accord with policy standards. The habitable room areas and dimensions also accord with policy standards.

Minimum Ceiling Height: The standards set a minimum ceiling height of 2.3 metres for at least 75% of the Gross Internal Area. The ceiling heights in this proposal are significantly higher in this proposal.

External Design Standards: Policy requirement for external private open space for a two bedroom flat with three habitable rooms is 15sqm. The proposal would provide an outdoor private area of 13 sqm for Flat 31 for, and 9 sqm for Flat 32. Although these are under the policy requirement figures, the flats are not large family size units and the outdoor amenity space available will be at roof level and enjoy light and outlook.

Both residential units will have outlook to front and rear and will therefore be provided with natural through-ventilation. The units will have good outlook and aspect. Daylight and sunlight levels received by the two units will also be acceptable. Privacy between the two units will be secured by obscure glass screening.

It must be noted that an appeal under reference APP/N5090/W/17/3166388 was dismissed in relation to refusal of planning permission under reference 16/2568/FUL for two additional storeys. In dismissing the appeal the inspector stated that '*The development of Flat 31 without any private open space would conflict with the objectives of this requirement which recognises the value of such space to improving the living standards of residents*'. The inspector did not consider that the nearby presence of parks outweighed this harm.

However it must be noted that both units now proposed would have access to balcony areas. Whilst privacy to the front of the site is limited the front terrace would still offer some value to residents of the development. Overall, it is considered that the provision of amenity space, taking into account the policy requirements of the development plan and the North Finchley Town Centre SPD, would not be so harmful as to warrant refusal of this application.

Highway and parking matters

Taking into consideration that the site is located within a town centre location close to local amenities, the site has a Public Transport Accessibility (PTAL) of 3 which considered as medium accessibility, the site is within an All Day Controlled Parking Zone which operates from Monday to Saturday 9am to 5pm and Payment parking is in operation on roads in the vicinity of the site, this is acceptable.

The applicant has agreed to enter a legal agreement to exclude residents of the proposed development from qualifying for parking permits. To implement the necessary change to the Traffic Order a contribution of £2,000 is be required under S106 Agreement.

Cycle Parking: Cycle parking needs to be provided in accordance with the London Plan Cycle Parking Standards. This can be secured by condition

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 6% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements

of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy.

In terms of water consumption, a condition is attached to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

5.4 Response to Public Consultation

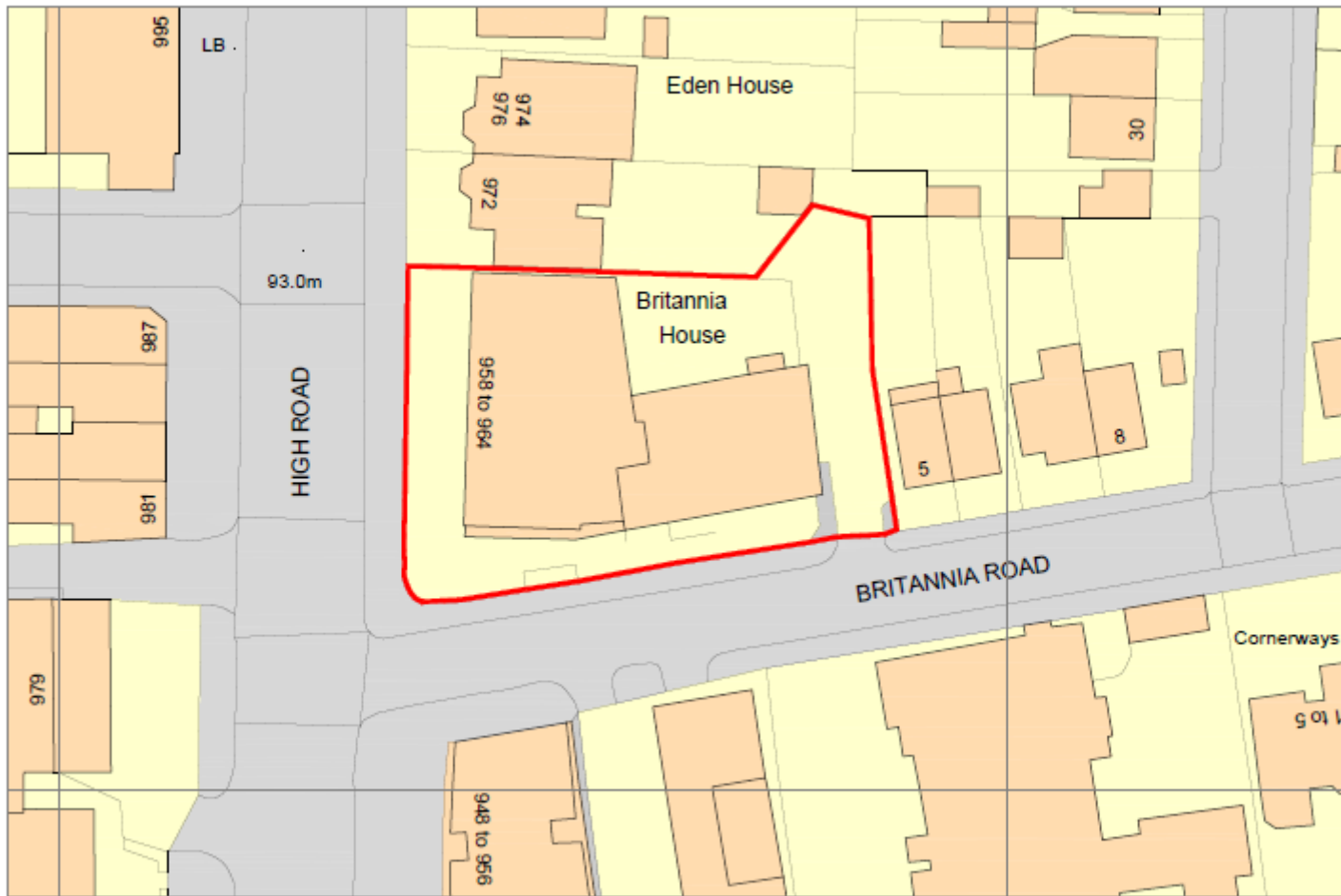
The objections and concerns from residents have been considered within the evaluation above.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for conditional approval and legal agreement



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Location **Ground Floor Flat 18 Dingwall Gardens London NW11 7ET**

Reference: **17/8219/FUL**

Received: 29th December 2017

Accepted: 4th January 2018

Ward: Garden Suburb

Expiry 1st March 2018

Applicant: Mr Joey Ben Yoav

Proposal: Single storey side and rear extension to ground floor flat following demolition of existing single storey rear extension including new refuse and recycling storage to front elevation

AGENDA ITEM 12

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

U-BY- LP001 (received 27/02/2018)
U-BY- EP001 Rev 1 (received 27/02/2018)
U-BY- EE001 Rev 1 (received 27/02/2018)
U-BY- PP001 Rev 1 (received 27/02/2018)
U-BY- PE001 Rev 1 (received 27/02/2018)

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

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

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

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

- 5 a) 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).

- 6 a) No development shall take place until a scheme of hard and soft landscaping to the front forecourt area, and around the proposed refuse storage, 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.

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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.

Officer's Assessment

1. Site Description

The application site is a two storey terraced property located at No.18 Dingwall Gardens. The property shares a party wall with the neighbouring premises at No.16 and No.20 Dingwall Gardens.

As existing, the property is subdivided into 2no self-contained units. The conversion has been confirmed through a Certificate of Lawfulness with reference 16/1355/191.

The property benefits from a small front garden which is currently a mixture of hard and soft landscaping.

The host property is located north of Golders Green Town Centre and approximately a 10 minute walk from the underground station. The site benefits from a PTAL Rating of 3.

The host property at Dingwall Gardens appears to form part of a larger historical residential development including the neighbouring Forres Gardens, Hampstead Gardens, Alyth Gardens and Clifton Gardens. This local area is characterised by long terraced rows of housing with small gardens separate roads at regular interval. The area appears to involve a mixture of single family dwellings and flat conversions. The latter, are predominantly identified within Forres Gardens, Alyth Gardens, and Clifton Gardens.

The property does not benefit from permitted development rights given its lawful use as two flats

The property is not located within a conservation area and is not a listed building.

2. Site History

Reference: 16/1355/191

Address: Ground Floor Flat, 18 Dingwall Gardens, London, NW11 7ET

Decision: Lawful

Decision Date: 15 April 2016

Description: Retention of conversion of a single dwelling house into 2no self contained flats (use class C3)

Reference: 17/5042/FUL

Address: Ground Floor Flat, 18 Dingwall Gardens, London, NW11 7ET

Decision: Refused

Decision Date: 11 December 2017

Description: Single storey rear extension to extend existing ground floor flat. Creation of new self-contained unit within the loft following internal reconfiguration of first floor flat and extension of roof including 1no rear dormer window and 3no roof lights to front elevation

Reason for Refusal: The reasons for refusal read as follows: The proposed change of use by reason of the number of units in the property, layout, and design would be an over-intensive use of the property that by reason of associated noise and disturbance, and refuse storage arrangements would be detrimental to the character of the area and neighbouring residential amenity. The proposals would be contrary to policy CM01 of the Adopted Barnet Development Management Policies 2012 and Supplementary Planning Document: Sustainable Design and Construction

Reference: 17/8220/FUL

Address: Ground Floor Flat, 18 Dingwall Gardens, London, NW11 7ET

Decision: Pending Consideration

Decision Date: No Decision Made. - Considered elsewhere on this agenda

Description: Extension to roof including 1no rear dormer and 3no rooflights to front elevation

3. Proposal

The application seeks planning permission for a single storey rear extension following the demolition of an existing single storey rear projection.

The extension would measure 3.5 metres in depth, 3.2 metres in height, and 6.5 metres in width. It is noted that the ground slopes to the rear. The extension will therefore appear taller when viewed from the rearmost point within the garden. The single storey rear element will extend the full width of the property from the boundary with No.16 to the boundary with No.20. The extension will further benefit from a flat roof.

New refuse and recycling storage to the front elevation. The proposal seeks planning permission for 4 x 240 litre refuse bins. Two bins will be located along the boundary with No.16 Dingwall Gardens whilst two bins will be located along the boundary with No.20 Dingwall Gardens.

4. Public Consultation

Consultation letters were sent to 13 neighbouring properties.
10 responses have been received, comprising 10 letters of objection.

The representations received can be summarised as follows:

- Single storey rear extension too deep and out of character
- Extension will create sense of enclosure
- Extension will set a precedent
- Parking stress / Highways stress
- Noise and disturbance
- Additional metre boxes
- Increase population density
- Overcrowding
- Social degradation/crime
- Additional bins to the front elevation

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.

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

Barnet's Local Plan (2012)

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

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

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 October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, 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 October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- 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

The application seeks planning permission for a single storey rear extension following the demolition of an existing single storey rear extension. The proposal further seeks planning permission for a new refuse and recycling storage to the front elevation.

It is noted that the current application follows from a previous application, with reference 17/5042/FUL, for a 'Single storey rear extension to extend existing ground floor flat. Creation of new self-contained unit within the loft following internal reconfiguration of first floor flat and extension of roof including 1no rear dormer window and 3no roof lights to front elevation'. The application was refused at committee on the 30th of November 2017.

The reasons for refusal read as follows:

"The proposed change of use by reason of the number of units in the property, layout, and design would be an over-intensive use of the property that by reason of associated noise and disturbance, and refuse storage arrangements would be detrimental to the character of the area and neighbouring residential amenity. The proposals would be contrary to policy CM01 of the Adopted Barnet Development Management Policies 2012 and Supplementary Planning Document: Sustainable Design and Construction."

It is important to note that the above reason for refusal does not include reference to the single storey rear extension.

It is noted that the host site at No.18 Dingwall Gardens benefits from a Certificate of Lawfulness (16/1355/191) for the retention of the conversion of a single dwelling house into 2no self-contained flats (use Class C3). The property therefore lawfully benefits from a ground floor flat and a first floor flat. The application under reference 17/5042/FUL sought planning permission for an additional third flat. It is recognized that the current application 17/8219/FUL has been submitted together with the application 17/8220/FUL. The latter application seeks planning permission for a loft conversion to the first floor flat.

The current application specifically relates to the ground flat at No.18 and seeks planning permission for a single storey rear extension. It is noted that the property benefits from an existing single storey rear projection. The outrigger currently project centrally and approximately extends 3.7 metres in depth from the existing rear wall. With the benefit of a site visit it is noted that the single storey rear projection appears to be a recurring feature amongst a considerable number of properties along Dingwall Gardens. During the previous application, it was identified that the existing single storey projection also includes a smaller addition of approximately 1.4 metres in depth from the existing rear wall. The addition sits along the boundary with No.16 Dingwall Gardens. It is considered that the existing outriggers were granted permission under reference C01987.

The proposal has been amended and the extension has been reduced in depth following concerns from planning officers. The extension will project a maximum of 3.5 metres along the boundary with the neighbouring property at No.16 Dingwall Gardens. Notwithstanding this, the neighbouring property benefits from an existing single storey rear extension. It is noted that the neighbouring extension does not sit directly along the boundary. Nevertheless, there are no windows between the neighbouring extension and the proposed extension at No.18. The extension will therefore not cause a 'tunnelling' impact. The extension has been reduced in depth and will not project beyond the neighbouring extension. It is therefore considered that the single storey element will not impact on the original character of the host property and the neighbouring visual and residential amenities. It must be noted that the previous application, under reference 17/5042/FUL sought planning permission for a similar extension measuring 3.5 metres in depth. It was considered at the time that the extension would not impact on the character of the property and the neighbouring amenities.

On the other hand, the extension will project 3 metres beyond the original rear wall and will sit along the boundary with the attached property at No.20 Dingwall Gardens, The extension would further benefit from a bay feature which would extend a further 0.6 metres (approx.) deeper than the proposed extension.

As per above, this element of the proposed extension is considered similar in nature to the previously refused scheme.

The neighbouring premise at No.20 Dingwall Gardens does not benefit from a rear extension however, it does benefit from an existing single storey rear projection located centrally within the rear elevation. In contrast to No.16, the property at No.20 benefits from a bay window on the side elevation closest to the boundary with No.18 Dingwall Garden. As per the above guidance, 3 metres are considered acceptable for single storey rear extension on terraced properties. Whilst the extension complies, for the most part, with the above guidance, the proposed bay feature would increase the overall depth further to 3.6 metres.

As per the previous application, due to the angulation and orientation of the bay feature with regards to the neighbouring property, it is not considered that the proposed extension will harmfully impact on the neighbouring property by reducing outlook and sunlight reaching the existing window.

A similar extension, measuring 3 metres in depth has been identified at No.10 Dingwall Gardens (F/01395/14). It is noted that the neighbouring property at No.12 benefits from a central two storey projection. Furthermore, a bay window sits between the two storey projection to No.12 Dingwall Gardens and the extension at No.10 Dingwall Gardens.

The proposed extension to the rear has been amended following concerns raised by planning officers. The amended plans have reduced the overall depth of the extension and it is considered that harmful impacts have been mitigated. A number of single storey rear extensions have been identified amongst properties on Dingwall Gardens. It is therefore considered that the proposed extension at ground floor is in keeping with the character of the area and the established pattern of development.

The single storey rear extension will allow for an additional single bedroom within the ground floor flat. The proposal would therefore change the property from a 1 bedroom flat to a 2 bedroom flat. On balance, it is not considered that the addition of 1no bedroom would materially increase the density and use of the existing ground floor flat. Furthermore, it is not considered that an additional bedroom would materially impact on parking stress along Dingwall Gardens.

Whilst paragraph 14.21 of the Council's Residential Design Guidance (SPD) states that single storey rear extensions on terraced properties should generally not exceed 3 metres in depth from the original rear wall, it is considered that given the relationships set out above, the proposed extension is acceptable in the circumstances of this site.

The proposal seeks to introduce new refuse and recycling storage to the front elevation of No.18 Dingwall Gardens. It is noted that the previous reason for refusal (17/5042/FUL) identified that the refuse arrangements would contribute to a negative on the host site. The previous application proposed 5no bins. Three bins were located along the boundary with No.16 and two bins were located on the side of the property closest to No.20 Dingwall Gardens.

The current scheme seeks planning permission for 4no 240 litre bins to be located in the same way i.e. 2 bins along the boundary with No.16 and 2 bins along the boundary with No.20. It is considered that the current proposal would provide less refuse bins than the previously refused scheme. Furthermore, a condition has been attached to ensure that details of the refuse enclosures and storage will be submitted and approved by the Local Plan Authority; in order to safeguard the character and appearance of the property as well as neighbouring amenity.

A further condition has been attached for the provision of landscaping to the front amenity space. It is considered that through the conditions, the scheme will ensure that no harmful visual manifestations will occur from the proposed refuse provision.

5.4 Response to Public Consultation

Comments have been received with regards to the impact of the single storey rear extension. It has been assessed that, whilst the extension does exceed the general allowance of 3 metres for terraced properties, it would not materially harm the visual and residential amenities of neighbouring occupiers. The extension will not project further in depth than the existing extension at No.16 and it is therefore considered that the proposal will maintain the established pattern of development.

A considerable number of comments have been received with regards to the impact on the character and appearance of the host site due to the proposal of 4no bins. Comments address the harm of changing the look of the property from a house to a block of flats. It must be noted that the host site benefits from Lawful use as 2no self-contained units under reference 16/1355/191. According to Barnet's Waste and Recycling Guidance Documents it

is considered that 2 dwellings within a block would be entitled to 2 x 240 litre bins each. The arrangement and provision of refuse storage has been addressed in the report above.

Further comments have been received with regards to the potential increase in crime, noise and disturbance. It is not considered that the proposed ground floor flat will materially differ from the existing use; to a level of harmfully increasing noise and disturbance to neighbouring occupiers. With regards to increase in crime and antisocial behaviour, it is not considered that the design of the proposed ground floor would lead to such an increase.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.





Location **First Floor Flat 18 Dingwall Gardens London NW11 7ET**

Reference: **17/8220/FUL**

Received: 29th December 2017

Accepted: 4th January 2018

Ward: Garden Suburb

Expiry 1st March 2018

Applicant: Mr Joey Ben Yoav

Proposal: Extension to roof including 1no rear dormer and 3no rooflights to front elevation

AGENDA ITEM 13

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

U-BY-LP001 (received 29/12/2017)

U-BY-EP001 (received 29/12/2017)

U-BY-EE001 (received 29/12/2017)

U-BY-PP001 (received 29/12/2017)

U-BY-PE001 (received 29/12/2017)

U-BY-PV001 (received 29/12/2017)

U-BY-PV002 (received 29/12/2017)

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

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

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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.

Officer's Assessment

1. Site Description

The application site is a two storey terraced property located at No.18 Dingwall Gardens. The property shares a party wall with the neighbouring premises at No.16 and No.20 Dingwall Gardens.

As existing, the property is subdivided into 2no self-contained units. The conversion has been confirmed through a Certificate of Lawfulness with reference 16/1355/191.

The property benefits from a small front garden which is currently a mixture of hard and soft landscaping.

The host property is located north of Golders Green Town Centre and approximately a 10 minute walk from the underground station. The site benefits from a PTAL Rating of 3.

The host property at Dingwall Gardens appears to form part of a larger historical residential development including the neighbouring Forres Gardens, Hampstead Gardens, Alyth Gardens and Clifton Gardens. This local area is characterised by long terraced rows of housing with small gardens separate roads at regular interval. The area appears to involve a mixture of single family dwellings and flat conversions. The latter, are predominantly identified within Forres Gardens, Alyth Gardens, and Clifton Gardens.

The property does not benefit from permitted development rights given its lawful use as two flats.

The property is not located within a conservation area and is not a listed building.

2. Site History

Reference: 16/1355/191

Address: First Floor Flat, 18 Dingwall Gardens, London, NW11 7ET

Decision: Lawful

Decision Date: 15 April 2016

Description: Retention of conversion of a single dwelling house into 2no self contained flats (use class C3)

Reference: 17/5042/FUL

Address: First Floor Flat, 18 Dingwall Gardens, London, NW11 7ET

Decision: Refused

Decision Date: 11 December 2017

Description: Single storey rear extension to extend existing ground floor flat. Creation of new self-contained unit within the loft following internal reconfiguration of first floor flat and extension of roof including 1no rear dormer window and 3no roof lights to front elevation

Reason for Refusal: The proposed change of use by reason of the number of units in the property, layout, and design would be an over-intensive use of the property that by reason of associated noise and disturbance, and refuse storage arrangements would be detrimental to the character of the area and neighbouring residential amenity. The proposals would be contrary to policy CM01 of the Adopted Barnet Development Management Policies 2012 and Supplementary Planning Document: Sustainable Design and Construction.

Reference: 17/8219/FUL

Address: Ground Floor Flat, 18 Dingwall Gardens, London, NW11 7ET

Decision: Pending Decision - Considered elsewhere under this agenda

Decision Date: No Decision Made.

Description: Single storey side and rear extension to ground floor flat following demolition of existing single storey rear extension including new refuse and recycling storage to front elevation

3. Proposal

The application seeks planning permission loft conversion involving a rear dormer extension and 3no roof lights to the front elevation.

- The proposed dormer will measure 2.5 metres in height, 3.3 metres in depth, and 5.5 metres in width. The dormer will be set in from the boundaries with No.16 and No.20 Dingwall Gardens.

- 3 no roof lights to the front elevation.

4. Public Consultation

Consultation letters were sent to 13 neighbouring properties.

10 responses have been received, comprising 7 letters of objection.

The representations received can be summarised as follows:

- Single storey rear extension too deep and out of character
- Extension will create sense of enclosure
- Extension will set a precedent
- Parking stress/ Highways stress
- Noise and disturbance
- Additional metre boxes
- Increase in population density
- Overcrowding
- Social degradation/crime
- Additional bins to the front elevation
- Dormer not to extend to neighbouring boundary.

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.

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

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

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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 October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, 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 October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- 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

The application seeks planning permission for a loft conversion involving 1no rear dormer and 3no roof lights to the front elevation. The extension would allow for 2no additional bedrooms to the first floor flat.

It is noted that the current application follows from a previous application, with reference 17/5042/FUL, for a 'Single storey rear extension to extend existing ground floor flat. Creation of new self-contained unit within the loft following internal reconfiguration of first floor flat and extension of roof including 1no rear dormer window and 3no roof lights to front elevation'. The application was refused at committee on the 30th of November 2017.

The reasons for refusal read as follows:

The proposed change of use by reason of the number of units in the property, layout, and design would be an over-intensive use of the property that by reason of associated noise and disturbance, and refuse storage arrangements would be detrimental to the character of the area and neighbouring residential amenity. The proposals would be contrary to policy CM01 of the Adopted Barnet Development Management Policies 2012 and Supplementary Planning Document: Sustainable Design and Construction.

It should be noted that the reason for refusal did not include reference to the proposed dormer extension as being unacceptable.

It is noted that the host site at No.18 Dingwall Gardens benefits from a Certificate of Lawfulness (16/1355/191) for the retention of the conversion of a single dwelling house into 2no self-contained flats (use Class C3). The property therefore lawfully benefits from a ground floor flat and a first floor flat. The application under reference 17/5042/FUL sought planning permission for an additional third flat. It is recognized that the current application 17/8220/FUL has been submitted together with the application 17/8219/FUL. The latter

application seeks planning permission for a single storey rear extension to the ground floor flat.

The current application specifically relates to the first floor flat at No.18 and seeks planning permission for a dormer extension and 3no roof lights to the front elevation. It must be noted that a loft conversion was included in the previously refused scheme 17/5042/FUL. It was not considered at the time that the proposed loft conversion would be out of character with the local area.

The proposed dormer will measure 2.5 metres in height, 3.3 metres in depth, and 5.5 metres in width. The Council's Residential Design Guidance states dormer extensions must appear as subordinate features towards the original dwelling and should generally not exceed half the width or half the depth of the original roof slope. In this instance, it is acknowledged that the proposed dormer will exceed half the width and half the depth of the original roof slope.

Notwithstanding the above, it is noted that a number of properties along Dingwall Gardens benefit from large dormer windows to the rear. This has been identified at No.16; 20; and 22 Dingwall Gardens. Furthermore, the neighbouring properties at No.4; 8; and 10 Dingwall Gardens also benefit from larger dormer extensions measuring approximately the full width of the original roof slope.

It is therefore considered that such extensions appear to form a predominant feature along Dingwall Gardens. The proposal is considered in keeping with the established character of the area and is not considered to harmfully impact on the original character of the property or the local street scene.

The proposed dormer will allow for 2no additional bedrooms at loft level. It is noted that the two additional bedrooms will change the use of the flat from a 1 bed 2 person flat to 3 bed 5 person flat. National Housing Standards indicate that 3 bed 5 person flats, when situated on two levels, should achieve a minimum GIA of 93sq.m. In this instance, the flat at first floor will benefit from an internal GIA of 97.67sq.m.

Both bedrooms at loft level have been proposed as double bedrooms. Additional housing standards would require that all double bedrooms should benefit from a minimum area of 11.5sq.m and be at least 2.75 metres wide. All bedrooms should have adequate outlook and ventilation. In this instance, both bedrooms would benefit from an internal area of approximately 12.8sq.m; thus meeting national standards.

With regard to fenestration, the front facing bedroom would benefit from 3no roof lights. Whilst in general circumstances the provision of only roof lights may be argued as insufficient, it is considered that due to the bedroom exceeding national internal area standards it would not impact on the amenities of future occupiers. It is further considered that the proposed first floor flat would exceed national housing standards for a 3 bed 5 person unit thus allowing for adequate and accommodating living space for future occupiers.

Whilst no outdoor amenity space can be provided, it should be noted that, as existing, the first floor flat does not have access to outdoor amenity. Notwithstanding this, the host site is located within close proximity to Golders Green Town Centre and Golders Green Underground Station and is a 15 min walk from the Hampstead Heath Extension.

On balance, it is considered that as the proposed first floor flat will exceed the National Housing Standards with regards to internal amenity for future occupiers, this is considered to mitigate the lack of outdoor amenity space provided for the first floor flat at No.18 Dingwall Gardens. It is noted that the previous application 17/5042/FUL did not provide amenity space for the proposed flats at first floor and roof level and this aspect of that proposal did not form part of the reason for refusal.

As existing, the first floor flat would provide for a maximum of 2 people. Following the proposed extensions, the first floor flat would allow for a maximum of 5 people. On balance, it is not considered that the increase would constitute a material harm in density to recommend refusal.

It is noted that the previous planning application 17/5042/FUL was consulted with the Council's Highways Department. Officers considered at the time that the parking provisions required for the new development, would not materially impact on the established use of the property.

The proposed first floor flat will increase from 1 bedroom to 3 bedrooms. It is considered that this would require the additional provision of between 1 to 1.5 additional parking spaces to the existing provision of 1 parking space (1 bedroom flat.) During the previous application at No.18 Dingwall Gardens, it was considered that the current parking provision for the whole property would be between 1-2.5 parking spaces. At the time, the proposal sought the addition of 1no flat and it was recognized that the proposed development would require the provision of 1 - 3.5 parking spaces.

In this instance, it is not considered that the addition of 2no bedrooms, at loft level, would alter the required provision of parking spaces. It is therefore considered that no material impact would be established on highways grounds.

5.4 Response to Public Consultation

Due to the application being submitted alongside the application 17/8219/FUL (ground floor flat) comments have been received regarding concerns related to the proposed extension at ground floor as well as the proposal for new refuse and recycling storages. The current application only seeks planning permission for a loft conversion. No alterations to the front or the rear of the property have been assessed under the current application. Comments regarding the impact of the ground floor extensions and new refuse storage have been addressed in the application 17/8219/FUL.

No major concerns have been raised with regards to the addition of a dormer extension to the rear.

Comments regarding the increase in population density have been addressed within the report above.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street

scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.





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