

LOCATION: Windsor Court, Golders Green Road, London, NW11 9PP

REFERENCE: F/01879/13 **Received:** 16 May 2013
Accepted: 31 May 2013

WARD(S): Golders Green **Expiry:** 26 July 2013

Final Revisions:

APPLICANT: Pearl Property Ltd

PROPOSAL: Erection of 1no. additional floor to existing building to provide 7no. self-contained flats. Demolition of existing store building and alterations to existing parking configuration to provide 10no. extra parking spaces. New refuse area, cycle store and landscaping.

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: 20120 31 SLP rev A, 2010 31 01, 2010 31 02 rev A, 2010 31 03, 20101 31 04, 2010 31 05, 2010 31 05 Rev A, 2010 31 06, 2010 31 06 rev A, 2010 31 07, 2010 31 08, 2010 31 09 rev B, Photographs, Design and Access Statement, Energy 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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

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

3 Before the development hereby permitted is occupied the parking spaces/garages shown on Plan 2010 31 06 rev A 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 policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

4 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 5 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 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 Adopted Barnet Development Management Policies DPD (2012).

- 6 Prior to the 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 policy DM02 and DM04 of the Adopted Barnet Development Management Policies DPD (2012).

- 7 All new residential dwellings within the development hereby approved shall be constructed to meet and achieve the 'Lifetime Homes' standard.

Reason:

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and policies 3.8 and 7.2 of the London Plan 2011.

- 8 No development shall take place until a 'Demolition & Construction Method Statement' has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to.

Reason:

In the interests of highway safety and good air quality in accordance with Policy DM17 and DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 of the London Plan (2011).

INFORMATIVE(S):

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
ii) In this case, formal pre-application advice was sought prior to submission of the application.

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

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments. This planning application was assessed as liable for a £19,775 payment under Mayoral CIL at this time.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking were set at a rate of £0 per sq m. This planning application was assessed as liable for a £76,275 payment under Barnet CIL at this time.

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

If Affordable Housing Relief or Charitable Relief applies to this development, 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.

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

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

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: cil@barnet.gov.uk.

- 3 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 Council of 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 email:

street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

- 4 The applicant is advised that Golders Green Road (whole length) is a traffic sensitive route; deliveries during the construction period should not take place between 8.00am-9.30am and 4.30pm-6.30pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011: 3.4, 3.5

Relevant Local Plan Core Strategy DPD (Adopted 2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). The Core Strategy was adopted by the Council on September 11 2012.

CS1, CS3, CS5, CS7, CS8, CS10, CS13.

Relevant Local Plan Development Management DPD (Adopted 2012) Policies:

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

DM01, DM02, DM04, DM14, DM15

Local Plan Supplementary Planning Document Residential Design Guidance and Local Plan Supplementary Planning Document Sustainable Design and Construction

Following adoption of the Local Plan - Core Strategy (CS) and Development Management Policies (DMP) documents in September 2012, Barnet has one of the most up to date Local Plans in the country. In order to help implement the CS and DMP the Council adopted two supplementary planning documents (SPDs) following consultation.

Both SPDs compliment each other, with the first one covering design aspects of all residential developments, whilst the second SPD concentrates on the technical and construction side of all developments.

One of these is the Residential Design Guidance Supplementary Planning Document (RDG SPD) which provides a clear and consistent message on how we manage change within Barnet's suburbs. The SPD consolidates and updates the existing framework for residential design which mainly focused on improvements to the existing housing stock (Design Guidance Notes on Extensions, Conversions, Porches, and Hardstandings and Vehicular Crossovers).

The Sustainable Design and Construction Supplementary Planning Document (SD&C SPD) was first published in 2007. Since 2007, alongside Barnet's Local Plan Core Strategy and Development Management Policies documents, the London Plan has also undergone a full review and the National Planning Policy Framework has been published. The current SPD has been updated to reflect this.

Relevant Planning History:

Application:	Planning	Number:	C09957
Validated:		Type:	APF
Status:	Refused	Date:	1988
Summary:	REF	Case Officer:	
Description:	5 Mews houses with integral garages and 6 parking spaces		
Application:	Planning	Number:	C09957A
Validated:		Type:	APF
Status:	Refused	Date:	13/02/90
Summary:	REF	Case Officer:	
Description:	4 x 3 storey houses with integral garages and provision of 32 car parking spaces replacing existing garages		
Application:	Planning	Number:	C09957C
Validated:		Type:	APF
Status:	Refused	Date:	12/11/91
Summary:	REF	Case Officer:	
Description:	Redevelopment of existing garages at the northern block to provide 3 new garages and 12 parking spaces and redevelopment of garages at southern block to provide 2 x 3 storey houses and 15 parking spaces		

Consultations and Views Expressed:

Neighbours Consulted: 193 Replies: 17
Neighbours Wishing To Speak: 2

The objections raised may be summarised as follows:

- Visibility for cars exiting the site is limited and given the bend in Highfield Garden dangerous.
- The materials are out of character.
- Windsor Court North and Windsor Court South are a matching pair of buildings, the proposals will unbalance them.
- There is a restrictive covenant on the property limiting the building height to three

storeys in Highfield Gardens.

- Loss of light.
- Overlooking and loss of privacy.
- Bin store is located adjacent to 47 Highfield Gardens.
- Noise and disturbance from the amenity area to the rear of the proposed refuse store.
- Noise and disturbance.
- Windsor Court does not have lifts.
- No affordable housing proposed.
- There are a number of extant consents for residential development in the area and therefore the permission is not required.
- Pollution on Golders Green Road.
- There is already a problem with on-street parking for existing residents and this will make the situation worse.
- Building is served by communal heating and hot water system with a plant room in the basement and water tanks in the roof. The proposal will require this to be changed and may result in additional external alterations/extensions.
- Floor plans do not allow for access to the roof.
- New refuse store should accommodate refuse storage for all the flats in the complex.
- The proposals have not been discussed with the existing management company.

A petition of 22 signatures was submitted objecting to the application for the following reasons:

- Effect on traffic, access and parking.
- A restrictive covenant limiting development on the Highfield Gardens frontage to three storeys (including the ground floor).
- Flats in the block have suffered from subsidence.
- Existing amenity space is already heavily used and proposal will place extra pressure on this.
- Loss of light.
- Overlooking and loss of privacy.
- Proposed materials are out of character.
- Windsor Court North and Windsor Court South are a matching pair of buildings, proposal will unbalance them.
- Building is served by communal heating and hot water system with a plant room in the basement and water tanks in the roof. The proposal will require this to be changed and may result in additional external alterations/extensions.
- Existing store that is to be demolished is used by the caretaker for changing and storage of equipment.

Internal /Other Consultations:

Thames Water - No objection

Traffic and Transport - No objection subject to a number of conditions

Date of Site Notice: 13 June 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

Windsor Court is located on the west side of Golders Green Road. Windsor Court consists of two purpose built blocks of flats Windsor Court North (Nos. 31-53) and Windsor Court South (Nos. 1-30) which are located either side of the entrance to Highfield Gardens. For clarity the application site is Windsor Court South which is the block adjacent to the White Swan pub and opposite the junction with Highfield Road. Levels drop from south to north by 2.8m across the two blocks. The adjoining pub, the White Swan, is a locally listed building.

Windsor Court is a part three/part four storey 'U' shaped building which fronts onto Golders Green Road with return frontages on Highfield Gardens. The building is of an Art Deco design and is constructed of dark red brick with the fourth floor of cream render. The building includes traditional design features of this era including the use of crittal windows (albeit that a number have been replaced); solid brick balconies; brick and tile detailing and a flat roof. Vehicular access to the site is via Highfield Gardens which leads to an area of hardsurfacing that was previously occupied by a garage block that has been demolished. A communal grassed amenity area is located within the centre of the 'U'.

The site has an area of 0.3 hectares.

The site is located within an established residential area in a tight knit suburban area. The properties on Golders Green Road are predominantly purpose built blocks of flats. The properties on Highfield Gardens are large detached houses.

The accessibility of the site is indicated with the Public Transport Accessibility Level (PTAL). This rating measures the amount of public transport service available. The site has been assessed to have a PTAL of 4, 6 being the highest level of accessibility.

Proposal:

The application is for the creation of an additional floor to Windsor Court South to provide 7, two bed self contained flats. Demolition of the existing single storey store building and alterations to existing parking and configuration to provide 10 extra parking spaces; new refuse area; cycle store and landscaping.

The proposed new floor would be set between 1-1.4m back from the front elevation of the block and between 0.4-0.8m back from the rear elevation (the existing building is articulated resulting in the changes in set back). The proposed extension would be set in 3.4m from the southern side elevation on the Golders Green Road frontage and 2.2m from the southern side elevation on the Highfield Gardens frontage. The extension would be 2.8m high with a flat roof and would be constructed of cream render to match the existing top storey. The window design would replicate that on the existing block and windows would line through with those on the floors below.

Integral terraces are proposed on the rear elevation. Units would be accessed by

extending the existing stairwells internally thereby retaining the same circulation points.

A single storey detached refuse/cycle store is located adjacent to the existing surface parking area and adjacent to the access to the site. The store would be 2.7m high; 13.8m long and between 2.2 and 2.9m wide. The store would be constructed of brick with a flat roof.

An existing single storey store located adjacent to the existing amenity area would be demolished and resurfaced and along with the existing unmarked parking area would be laid out to provide 16 parking spaces (6 existing and 10 new), including 1 disabled space; 2 spaces with active charging points and 2 spaces with passive charging points.

Planning Considerations:

- Principle of development;
- Intensification of use;
- Highway safety and parking provision;
- Impact on the street scene; and
- Impact on the residential amenity of adjoining properties.

Principle of development

The NPPF advocates that the government is committed to maximising the re-use of previously developed land and empty properties to minimise the amount of green field land being taken for development, therefore the principle of residential development is acceptable.

However, whilst the Government is committed to maximizing the re-use of previously developed land and empty properties to promote regeneration the NPPF also advocates that new housing development of whatever scale should not be viewed in isolation.

Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development. Higher densities should not be achieved at the expense of good quality design or the amenity of the surrounding area.

This is further reinforced by policies contained within the adopted Local Plan.

The proposal would result in the creation of additional units on an already developed residential site and therefore the principle of further residential development, subject to compliance with other policies within the adopted Local Plan, is considered acceptable.

Intensification of Use

The current building is a purpose built block of 30, two bedroom units . The proposal would result in the creation of an additional 7, two bedroom flats. As a result the proposal would result in an intensification of activity at the site. However, it is considered that the given the existing units on the site the creation of seven additional flats will not result in an increase and noise and disturbance to existing residents of the site. The access to the surface car park is located at the rear of the site. This is an existing access and whilst the proposal will introduce additional noise from vehicles entering and exiting the site into this area it is not considered given the number of vehicles proposed that this would result in noise and disturbance to adjoining properties to such a level as to warrant a refusal. The proposal is therefore considered to be in accordance with Policies CS5 and DM01 of the Local Plan.

The proposal would increase the density of the site to 123 units per hectare The London Plan advocates that in suburban areas that a density range of between 70-130 units per hectare for a PTAL of 4-6 is acceptable. The proposal would be within this scale and is therefore considered to be in accordance with London Plan Policy 3.3 and Policy CS3 of the Local Plan. The proposal is not considered to result in an overdevelopment of the site in accordance with Policies CS5, DM01 and DM02 of the adopted Local Plan.

The proposal will provide private balconies for each of the new units and an additional area of communal amenity space which provides a total of 216 sqm of amenity space. The provision is in excess of current council policy requirements which would require the provision of 105sqm and the proposed layout provides both private and communal space.

The proposed units have been designed in accordance with the Mayor for London minimum space standards and provide sufficient floorspace for the type of units proposed. The application is therefore considered to be in accordance with Policy 3.5 of the London Plan and Policy DM02 of the adopted Local Plan.

Highway safety and parking provision

Sixteen parking spaces are proposed in a surface car park that would be accessed from Highfield Gardens. One of the proposed spaces would be designed for use by blue badge holders and is located closest to the entrance to the building. Two of the spaces would have active charging and two spaces would have passive charging for electric vehicles in accordance with policy 6.13 of the London Plan. The proposal would provide 10 new parking spaces, 8 of these are for the proposed new units and 2 spaces are for the existing units. The parking provision is in accordance with the Parking Standards set out in policy DM14 of the adopted Local Plan. Cycle parking for both existing residents and the proposed units is also provided within a secure cycle store adjacent to the proposed refuse store.

The Council's Traffic and Transport section have raised no objections to the scheme subject to a number of conditions.

Impact on the streetscene

The current property is a purpose built block of flats. It forms one half of a pair of blocks that are of the same design. The blocks are four storey at the front stepping down to three storeys at the rear. Levels drop across the site and as a result whilst the blocks are a pair, Windsor Court North is at a lower level to the application site as the blocks step down as they progress along the Golders Green Road. It is therefore considered that whilst the creation of an additional floor could unbalance the pairing of the blocks, given the change in levels which already results in a difference in height between the two blocks; the proposed setting back and setting in of the new floor and the use of a contrasting 'lightweight' material the proposal would not have an adverse impact on the streetscene.

Opposite the site is Melvin Hall an eight storey 1960's block of flats adjacent to which are two four storey blocks. It is therefore considered that this part of the streetscene is characterised by taller blocks and the addition of an extra floor would not have an adverse impact.

The adjoining property, the White Swan pub, is a locally listed building which is part single/part two storey. In order to address the relationship with this building, the proposed additional floor would be set in 3.4m from the side elevation, thereby maintaining the existing relationship.

The existing building steps down to three storeys at the rear of the site to reflect the transition to the two storey houses on the opposite side of Highfield Gardens. Although the proposal would result in the creation of an additional floor on this frontage, it would continue the current set down resulting in a four storey element along this frontage. Furthermore, the proposal would be set back between 1-1.4m from the front elevation. It is therefore considered that the transition from the taller buildings on Golders Green Road to the more suburban properties in Highfield Gardens is maintained.

The proposal is therefore considered to be in accordance with Policies CS1, CS5, DM01 and DM02 of the adopted Local Plan.

Impact on the residential amenity of adjoining properties

The proposal will result in the creation of an additional floor to an existing block of flats, the proposed new units will not result in any further overlooking/loss of privacy than already exists between units within the block and with adjoining properties.

Concerns have been raised about potential loss of light, in particular by the residents of Melvin Hall. However, it is considered that given the existing height of the building; the proposed set in of the new floor and the increase in height of 2.8m this would not result in loss of light to adjoining properties to such a level as to warrant a refusal.

The proposal is therefore considered to be in a accordance with Policies CS1 and DM01 of the adopted Local Plan.

Community Infrastructure Levy

The proposal will result in the provision of more than 100sqm of additional floorspace and as a result the applicant will be required to pay both the Mayoral and Barnet CIL. The former has a rate of £35 per sqm whilst the local rate is £135 per sqm. It is estimated that the contributions will be approximately £19,775 for mayoral CIL and £76,275 for Barnet CIL.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The majority of these have been considered in the report. However, the following additional comments can be made:

- The Highways Officers consider that the site can be accessed safely and have not objected to the proposal.
- The materials have been amended so that the new floor would be rendered to mirror the existing treatment for the top floor.
- Restrictive covenants are not a material consideration when determining a planning application.
- The plans have been amended so that the bin store has been relocated and is now 10m away from the side elevation of 47 Highfield Gardens.
- The proposed amenity area backs onto the existing rear beer garden of the adjoining pub and the garden area of No.47 Highfield Garden, the use of this area as amenity space is therefore not considered to result in noise and disturbance to the adjoining residential property to such a level as to warrant a refusal.
- Neither Building regulations or Planning Legislation require the provision of a lift for a development of this type.
- Only 7 units are proposed and therefore this is below the threshold of 10 units required by policy DM10.
- Pollution on Golders Green Road is not at a level as to warrant a refusal
- Parking is proposed in accordance with Council policy.
- The potential impact on the existing communal heating and hot water system are not a material consideration in the determination of this application. If as a result of the proposal, changes are required that would require the instillation of plant on the roof this would need to be the subject of either a new or revised application.
- Access to the roof for maintenance is not a material planning consideration.
- The refuse store has been designed to accommodate storage for the whole block.
- Whilst pre-application consultation by applicants is encouraged it is not a legislative requirement. The existing management company have commented on the current application and the points raised taken into account when considering the proposal.
- The impact of an additional floor on the existing structure will be a matter for consideration under the Building Regulations.
- Additional amenity space is proposed in accordance with current council guidelines.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

Having taken all material planning considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers or on highway safety. This application is therefore recommended for **approval**.

**SITE LOCATION PLAN:
NW11 9PP**

Windsor Court, Golders Green Road, London,

REFERENCE:

F/01879/13



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