

LOCATION: Garages to the rear of 1-12 Gloucester Court, Golders Green Road, London, NW11 9AA
REFERENCE: F/02342/13 **Received:** 10 June 2013
WARD(S): Golders Green **Accepted:** 19 July 2013
Expiry: 13 September 2013

Final Revisions:

APPLICANT: ZAS Investments Ltd
PROPOSAL: Variation of conditions 1 (Plan Numbers), 6 (Layout), 8 (Position of windows), 9 (Obscure glazing) pursuant to planning permission F/00031/13 dated 06/03/2013 to provide a revised layout to the flats (kitchen and bathrooms moved to provide better access to drainage points) and changes to the fenestration facing Gloucester Court (replacing previously angled glazed angled windows with standard privacy flush doubled glazed windows).

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, Design and access statement, Drawing 2783 received 19 July 2013
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of planning permission F/00031/13 dated 06 March 2013.
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 the surrounding area.
- 4 Before the development hereby permitted commences, 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 and shall be provided at the site in accordance with the approved details before the development is occupied.
Reason:
To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.
- 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.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the floor plan layout as shown on the hereby

approved plans must not be changed.

Reason:

To safeguard the amenities of neighbouring occupiers and the general locality.

- 7 The roof 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.

- 8 No windows or doors other than those expressly authorised by this permission shall be constructed in any elevations of the self contained units hereby approved facing the neighbouring properties.

Reason: To safeguard the privacy and amenities of the occupiers of the adjoining properties.

- 9 Before the building hereby permitted is occupied the proposed windows in the front elevation facing Gloucester Court shall be installed as shown on the hereby approved drawings and shall be permanently retained as such thereafter.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D & E of Part 1 to Schedule 2 of that Order shall be carried out within the area of the dwellinghouse hereby approved.

Reason:

To safeguard the amenities of neighbouring occupiers and the general locality.

- 11 The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

- 12 No development shall take place until details of the arrangements to meet the obligation for health and library facilities and the associated monitoring costs have been submitted to and approved in writing by the local planning authority.

Reason:

To ensure the proper planning of the area and to comply with policies CS10, CS11 and CS15 of the Adopted Barnet Core Strategy DPD (2012).

- 13 The garden/ amenity space shown on the approved plans shall remain as amenity space and shall not be used for any other purpose.

Reason:

To preserve the amenities of future occupiers of the studios.

INFORMATIVE(S):

- 1 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 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.

- 3 The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £2698.50.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development 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 will be sent a 'Liability Notice' that will provide 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, this is also available from the Planning Portal website.

The Community Infrastructure Levy 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 statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk.

1. MATERIAL CONSIDERATIONS

National Planning Policy:

The relevant sections of the National Planning Policy framework are as follows:

Paragraph 49 of the NPPF states that “Housing applications should be considered in the context of the presumption in favour of sustainable development”.

The government consider that “there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – ... by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation
- **a social role** – ... by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment ... ”

In paragraph 21, the government encourages the effective use of land by reusing land that has been previously developed (brownfield land).

Paragraph 56 states “the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

It is considered that the application complies with the above sections of the NPPF.

The Mayor's London Plan: July 2011

Core Strategy (2012):

The Core Strategy contributes to achieving the vision and objectives of Barnet's Sustainable Community Strategy and helps our partners and other organisations to deliver relevant parts of their programmes. It covers the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

Relevant Core Strategy Policies (2012): CS NPPF, CS1, CS4 and CS5

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

Relevant Development Management Policies (2012): DM01, DM02, DM08, DM17.

Supplementary Planning Guidance:

Residential Design Guidance SPD (2013)
Sustainable Design and Construction SPD (2012).

Relevant Planning History:

Site Address: Garages to the rear of 1-12 Gloucester Court, Golders Green Road, London, NW11 9AA

Application Number: F/05000/11

Application Type: Full Application

Decision: Refuse for the following reasons:

- 1 The proposed conversion by reason of its siting close to Gloucester Court and resultant overlooking onto proposed habitable rooms would provide unacceptable standards of amenity for future occupiers contrary to policies D5, H16 and H26 of the Barnet Adopted Unitary Development Plan (2006) and policy DM01 of the Emerging Local Plan Development Management Development Plan Document (Examination in Public Version) 2012.
- 2 The proposals fail to provide adequate standards of usable amenity space for future occupiers contrary to policy H18 of the Barnet Adopted Unitary Development Plan (2006) and policy DM02 of the Emerging Local Plan Development Management Development Plan Document (Examination in Public Version) 2012.
- 3 No undertaking has been given by the developer to meet identified additional educational, health, libraries and monitoring costs which would be incurred by the community as a result of the development, contrary to Policy CS1, CS8, CS13 of the Barnet Adopted Unitary Development Plan (2006), Adopted Supplementary Planning Document on Contributions to Education (2008), Libraries (2008), Health (2009) and Monitoring (2006) and policy CS15 of the Emerging Local Plan Core Strategy (Examination in Public Version) 2012.

Decision Date: 12/19/2012

Appeal Decision: Dismissed

Appeal Decision Date: 12/19/2012

Proposal: **Partial demolition and conversion of existing garages to the rear of Gloucester Court into 2no residential units. Alterations to include new front wall, windows and door with a new roof.**

Case Officer: Neetal Rajput

Site Address: Garages to the rear of 1-12, Gloucester Court, Golders Green Road, London, NW11 9AA

Application Number: F/02764/12

Application Type: Full Application

Decision: Refuse for the following reasons:

- 1 The proposed conversion by reason of its siting close to Gloucester Court and resultant overlooking onto proposed habitable rooms would provide unacceptable standards of amenity for future occupiers contrary to policies D5, H16 and H26 of the Barnet Adopted Unitary Development Plan (2006) and policy DM01 of the Local Plan Development Management Development Plan Document (Adopted) 2012.
- 2 The proposals fail to provide adequate standards of usable amenity space for future occupiers contrary to policy H18 of the Barnet Adopted Unitary Development Plan (2006)

and policy DM02 of the Local Plan Development Management Development Plan Document (Adopted) 2012.

- 3 No undertaking has been given by the developer to meet identified additional health, libraries and monitoring costs which would be incurred by the community as a result of the development, contrary to Policy CS1, CS8, CS13 of the Barnet Adopted Unitary Development Plan (2006), Adopted Supplementary Planning Document on Contributions to Libraries (2008), Health (2009) and Monitoring (2006) and policy CS15 of the Local Plan Core Strategy (Adopted) 2012.

Decision Date: 17/09/2012
Appeal Decision: Dismissed
Proposal: **Partial demolition and conversion of existing garages to the rear of Gloucester Court into 2no residential units. Alterations to include new front wall, windows and door with a new roof.**
Case Officer: Neetal Rajput

Site Address: Garages to the rear of 1-12 Gloucester Court, Gloucester Gardens, London, NW11 9AA
Application Number: F/00031/13
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 08/03/2013
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Partial demolition and conversion of existing garages to the rear of Gloucester Court into 2 no. residential units. Alterations to include new front wall, windows and door with a new roof.**
Case Officer: David Campbell

Site Address: Garages to the rear of 1-12 Gloucester Court, Golders Green Road, London, NW11 9AA
Application Number: F/02362/13
Application Type: Conditions Application
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Submission of details for Condition 4 (Refuse) , pursuant to planning permission F/00031/13 dated 06/03/2013.**
Case Officer: Fabien Gaudin

Consultations and Views Expressed:

Neighbours Consulted: 100 Replies: 5
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Strain on existing amenities by additional residents.
- Overcrowding
- Overlooking
- Increased parking problems in the adjacent Gloucester Gardens
- Garden walls are dangerous and liable to collapse.
- Alteration replacing double glazed window with ordinary door reduces light to flats.

- Increase in size of windows (double) facing neighbouring flats is contrary to condition 8.
- Unnecessary to locate refuse in amenity area causing dustmen to 'drag the being extra 15 to 20 metres' thus leading to noise and disturbance.
- Long term design may be to cover amenity space and use as a third flat- contrary to condition 13.
- Loss of light and air with increase in height.
- Garage 10 is not property of ZAS Investments Ltd; it is not for ZAS to dispose of this garage either way

Date of Site Notice: 01 August 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a row of garages to the rear of Gloucester Court in Golders Green. The rear of the main building at Gloucester Court is used as access to some of the flats.

Proposal:

Planning permission was granted earlier this year for the construction of two studio flats (Note that planning permission was originally refused and dismissed at appeal for the construction of two larger units).

The current application seeks permission for variation of a number of the conditions pursuant to the 2013 planning permission:

- Condition 1 (Plan Numbers)
- Condition 6 (Layout)
- Condition 8 (Position of windows)
- Condition 9 (Obscure glazing)

Changes to those conditions are required to provide a revised layout to the flats. The kitchen and bathrooms are proposed to be moved to provide better access to drainage points. There are also proposed changes to the fenestration facing Gloucester Court. The previously approved angled glazed windows are to be replaced with standard privacy flush doubled glazed windows.

Planning Considerations:

Principle, Character and Design

The principle of development is established. The appeal Inspector dealing with the original scheme did not object to the principle of the development which was later established by the granting of planning permission F/00031/13 of which the current

application is a variation.

Paragraph 21 of the NPPF states, 'the government encourages the effective use of land by reusing land that has been previously developed (brownfield land)'.

Paragraph 56 states "the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people". It is considered that the application complies with the above sections of the NPPF.

Policy DM01 of the Development Management Policies (Adopted) 2012 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.

The general design of the units has not changed significantly. The proposed windows are considered suitable additions from a character point of view. As with the previous application, the scheme would still propose pitched roofs over the units, new doors and windows, brick infill and render panels on the exterior of the building. It is considered that these alterations are acceptable and will preserve the character and appearance of the surrounding area. It is not considered that the conversion and changes shown on the drawings would result in a demonstrable harm to the immediate area which will be detrimental to the character and appearance of Golders Green.

Amenity:

The amount and quality of outdoor amenity space has not changes since the previous application. The changes to the internal layout are relatively minor and it is therefore still considered that there is sufficient space to allow the occupants unrestricted movement within the premises. The flats comply with the space standards in the London Plan policy 3.5 which states that all studios should have an internal area of 37sqm.

In relation to the overlooking issues, it was considered as part of the F/00031/13 application that as the previous appeal application was considered to be acceptable, no objections were made on these grounds.

The amended windows willbe fitted with an inbuilt blind mechanism and privacy glass. It is considered that this system will protect the privacy of future occupiers of the units and existing occupiers at Gloucester Court. This is a system that was supported as part of the 2012 appeal and is therefore not considered to be objectionable.

Highways:

Highways advice remains as per the previous permission:

The proposal is for the conversion of existing lockup garages at the rear of Gloucester Court and to provide 2 self contained studio flats. The garages have been unused and vacant for a long time.

There are also difficulties with the access to the garages as it is narrow (less than 2ms wide) and it is difficult for cars to manoeuvre from Gloucester Gardens due to an existing old side extension which partly blocks the access road. Cars cannot turn into the access road easily due to poor visibility.

In view of several factors including the location of the site and the following:

- The proposal is for a conversion
- The site is within a CPZ

Taking into consideration the above on balance the proposal is acceptable on highways grounds. The appeal Inspector did not object on these grounds.

Contributions:

As with the previous permission, this matter is conditioned.

3. COMMENTS ON GROUNDS OF OBJECTIONS

It is considered that the planning related concerns raised on this application were not sufficient to constitute a reason for refusal and the objections relevant to this amended application have been covered in the above appraisal.

4. EQUALITIES AND DIVERSITY ISSUES

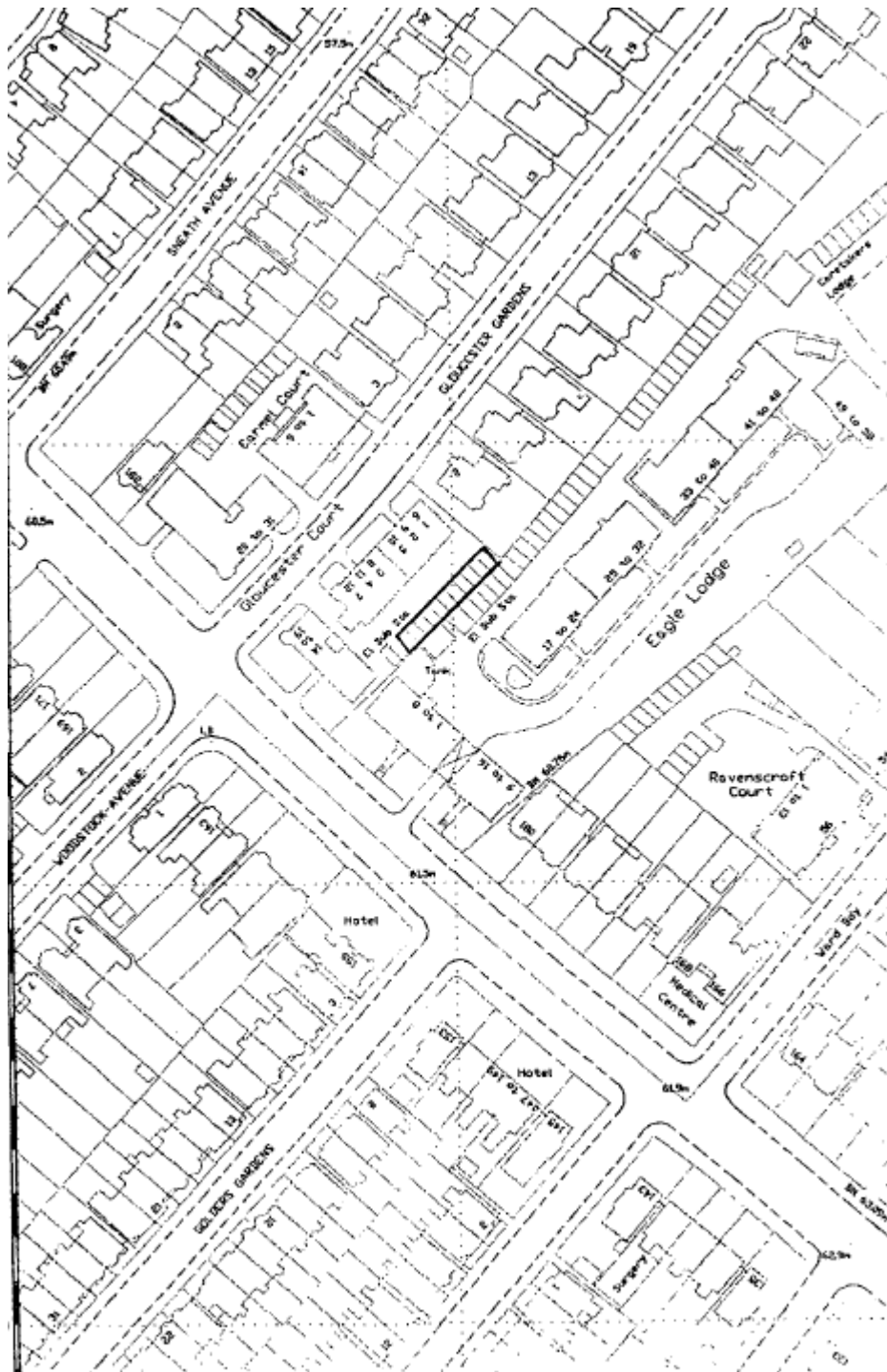
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

As conditioned, the amended proposal would provide further accommodation without detriment to the residential amenity of neighbouring and future occupiers. The proposal is acceptable on highways grounds. It is recommended the application be **approved** subject to the discharge of the attached conditions.

SITE LOCATION PLAN: Garages to the rear of 1-12 Gloucester Court, Golders Green Road, London, NW11 9AA

REFERENCE: F/02342/13



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