

**LOCATION:** Finchley Lodge, Gainsborough Road, London, N12 8AL

**REFERENCE:** B/02303/12

**Received:** 19 June 2012

**Accepted:** 25 June 2012

**WARD:** Totteridge Ward

**Expiry:** 08 August 2013

**Final Revisions:**

**APPLICANT:** Invicta Holdings Limited

**PROPOSAL:** Formation of new pitched roof to facilitate 4no. studio flats

**APPROVE SUBJECT TO S106 AGREEMENT**

**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 Highways (traffic order) £2,000.00**  
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.
- 2 Monitoring of the Agreement**  
Contributions towards the Council's costs in monitoring the obligations of the agreement

**RECOMMENDATION II:**

1. That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: B/01845/13 under delegated powers subject to the following conditions:-

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

Drawing Nos. 4424\_01 and 4424\_03 received 29 May 2013, 4424\_07a received 25 July 2013, 4424\_02a, 4424\_05a, 4424\_06a and 4424\_04b received 27 August 2013.

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 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.

4. Before the dwellings hereby permitted are first occupied the proposed dormer window in the side (north) elevation of the roof facing Downing Court 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 Adopted Barnet Development Management Policies DPD (2012).

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. Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

7. 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).

8. No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. 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.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

9. 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).

10. No development shall take place until a '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; timing of deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development and the erection of any means of temporary enclosure or security hoarding. 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).

#### **INFORMATIVES:**

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.

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 sqm. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sqm 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 £5,460 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sqm 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 £21,060 payment under Barnet CIL.

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 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 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: [cil@barnet.gov.uk](mailto: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](mailto:street.naming@barnet.gov.uk) or by telephoning: 0208 359 7294.

4. Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://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. 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 as calculated according to the Code for Sustainable Homes.
6. The applicant is advised that if the development is carried out it will be necessary for a crossover to be formed on the footway by the Highway Authority at the applicant's expense and you may obtain an estimate for this work from the Highways Group, Building 4, North London Business Park, London, N11 1NP (telephone 020 8359 3018).
7. A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

### **RECOMMENDATION III**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 24 October 2013, unless otherwise agreed in writing, the Acting Assistant Director of Planning and Development Management REFUSE the application ref: B/01845/13 under delegated powers for the following reasons:

- 1) The development does not include a formal undertaking to contribute towards the cost of required changes the existing traffic order or the creation of a new order related to the development contrary to Policy DM17 of the Adopted Barnet Local Plan Core Strategy DPD (2012) and the Supplementary Planning Document - Planning Obligations.

### **1. MATERIAL CONSIDERATIONS**

#### National Planning Policy Framework

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 National Planning Policy Framework (NPPF) published on 27 March 2012 is a material consideration in planning decisions. Paragraph 2 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 14 identifies a presumption in favour of sustainable development.

Twelve core land-use planning principles that under-pin both plan-making and decision-taking are set out in para. 17. These include:

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs;
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- Promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions;

Good design is recognised in para. 56 as a key aspect of sustainable development, it is indivisible from good planning, and should contribute positively to making places better for people.

In para. 58 it is stated that planning decisions should, amongst other things, ensure that developments;

- Add to the quality of the area,
- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation,
- Are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

#### The Mayor's London Plan July 2011:

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.

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.

#### Core Strategy (Adoption version) 2012:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Significant weight should be given to the 16 policies in the CS in the determination of planning applications.

Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS10, CS11 and CS15

#### Development Management Policies (Adopted) 2012:

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. Significant weight should be given to the policies in this document in the determination of planning applications.

Relevant Development Management Policies (Adoption version) 2012: DM01, DM02, DM07, DM08 and DM17

#### Relevant Supplementary Planning Documents/Guidance

In terms of design and sustainability the Council have adopted the Supplementary Planning Document 'Sustainable Construction and Design' (April 2013) and 'Residential Design Standards' (April 2013). The sustainable construction SPD emphasises the importance of a sustainable approach to construction and updates the Council's amenity standards and room sizes amongst other factors when assessing applications for new development or extensions to existing buildings; the residential design SPD stresses the importance of achieving a high quality design and appearance for development. Both documents should be regarded as a material consideration in the determination of planning applications.

#### Relevant Planning History:

None relevant to the current proposal.

#### Consultations and Views Expressed:

Neighbours Consulted: 172    Replies: 14  
Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

- The proposal would result in access issues
- The proposal will add additional traffic and increase the risk of danger from traffic to the narrow access into and out of Gainsborough Road
- Overlooking and loss of privacy to The Mews flats and gardens
- There will be additional noise and disturbance from the proposed use

- There will be increased pressure on the existing drains
- The proposal will set a precedent for other flats to have extensions
- Inaccuracies and discrepancies in the plans
- Overlooking and loss of privacy to the top flat at Downing Court
- Effect on parking- existing parking spaces will be allocated to the new flats
- Provision for new TV aerials has not been illustrated on the proposed plans
- Some of the units are one-bed flats and not studio flats
- There are no alternative fire exits despite the addition of a new floor
- Existing residents have not been consulted on the scheme
- The scale and appearance of the proposal will impact on the surrounding area and neighbouring properties
- Pressure on refuse and waste collection services
- Disruption of currently peaceful environment
- Increase in pollution
- The proposal could affect bats that pass nearby the site
- The proposed building works would result in significant noise and disruption
- The extra load of four flats would add structural pressure to the existing block
- The increase in height of the existing building will result in overshadowing of the associated amenity space to the front and rear gardens of the property

Internal /Other Consultations:

The Council's transport officer was consulted and raised no objections to the scheme subject to an agreement restricting the ability of future occupiers of the flats to be able to apply for permits in the nearby CPZ thereby promoting car-free development.

Date of Site Notice: 20 June 2013

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site is a three-storey flat-roofed block of 23 flats with associated parking, refuse storage and amenity space located along Gainsborough Road. The surrounding area is predominantly residential in nature with blocks of flats either side of the application site; The flats to the south (The Mews) measure three-storeys in height and the flats to the north (Downing Court) measure four-storeys in height. The site falls within a Controlled Parking Zone (CPZ). The site is subject to a Tree Preservation Order TRE/F1/15/G86, however is not located in a conservation area nor is the building listed.

Proposal:

This application seeks permission for the erection of a new pitched roof over the existing block of flats to accommodate 4 no. studio flats. The roof would contain 9 no. dormer windows set well within the roof slope (2 no. along the front 1no. along each of the sides and 5 no. along the rear) and 2 no. roof lights along the front. The roof would measure a height of 2.9m and would contain a gable feature within the roof slope. The studio sizes range from 37-41 sqm. The new flats would share the existing amenity provision of 457 sqm with no new car parking allocation proposed as part of the scheme.



## Planning Considerations:

### - *Principle of development*

The proposed roof extension to accommodate additional residential units is considered acceptable.

### - *Character and appearance*

Policy DM01 states that all development should represent high quality design and that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. The Council's Residential Design Guide SPD (2013) details the various design aspects of development and the standards expected by the Council.

The area contains a mixture of dwelling types with houses and flats located on this part of Gainsborough Road. The existing block of flats contains almost exclusively one bed and studio units. The addition of 4 no. studio flats would not harm the existing mix of flatted accommodation and in this regard the proposal is considered acceptable. The block of flats either side of the site are finished with pitched roofs; the proposed roof would be of a similar height to that of Downing Court to the north. Although the part of Downing Court nearest the proposal is three-storey in height (for approximately 4m in width) where it then rises to four storeys, the introduction of a new roof over the application site would respect the relationship between the two blocks of flats and in this regard the scheme is acceptable.

Whilst the majority of properties in the area do not contain dormer windows along the front, an example of where this has been done successfully is St Johnstone House located at the junction of Gainsborough Road and Woodside Park. The proposed dormers would be of a modest size and set well within the new roof. In addition to this given the considerable set back of 16m from the highway the dormers would not appear prominent or imposing. When viewed from the street the proposal would appear in keeping with the surrounding buildings and respect the appearance of the host property. In this regard the proposal is considered acceptable and complies with the Council's relevant policies and guidance.

### - *Impact on neighbouring properties*

The neighbouring properties most likely to be affected by the scheme are the flats immediately below the proposal (top floor of existing building) and the block of flats either side of the site. The existing units are studio flats in nature and therefore the proposed scheme does not present any stacking issues and in this regard the existing flats within the block would not be significantly harmed by the scheme. Given the comparative scale of the additional roof in relation to the existing building, the proposal is not considered to harm the communal garden serving the site and in this regard the proposal is considered acceptable and policy compliant.

Concerns were raised over the impact of the scheme on the flats at Downing Court to the north of the site. Finchley Lodge sits at an angle to Downing Court with a splayed relationship from front to rear. Along the front the distance between the two buildings measures 1.8m which increases to 3.6m to the rear. The flat most likely to be affected by the proposal is No. 18 Downing Court facing the north (side) elevation

of Finchley Lodge. The proposal includes a dormer window serving a studio flat facing directly onto the private amenity and habitable windows serving No. 18 Downing Court with a distance of approximately 9.8m from between the two properties. Whilst this distance is below the 21m suggested in the Council's residential design guidance, the SPD advises that shorter distances may be acceptable where there are material justifications. The proposal includes the provision of obscure glazing on the dormer whilst containing windows on either side (dual aspect) and 3 no. roof lights serving the studio. The obscure glazing can be controlled via condition and in this regard the proposal is considered acceptable and complies with the Council's relevant policies and guidance. In addition to this the roof whilst containing a modest sized dormer would be hipped away from Downing Court thereby further reducing the potential for an overbearing impact on the neighbour. In terms of its impact on flats within Downing Court the proposal is considered acceptable.

The block of flats to the south of the site, The Mews, measures a distance of 7.5m from Finchley Lodge at its closest point along the rear and 9m at its furthest point along the front of the buildings; the two buildings are separated by an access route. The Mews building measures three stories in height with a pitched roof. The addition of a dormer within the side elevation facing The Mews is not considered to worsen the existing situation of windows within the flank walls of each of the blocks facing each other and given the distance between the properties and the height difference through the proposed roof accommodation the proposal is not considered to harm the amenity of occupiers of The Mews. In this regard the proposal is considered acceptable and complies with the Council's relevant policies and guidance.

- *Internal layout, configuration and amenity space provision*

The proposal complies with the internal layout and room size standards as set out in Policy DM02 and the Council's Sustainable Design and Construction SPD (2013). On the basis of 15sqm of amenity space for each of the 27 flats in the block (including the 4 no. proposed flats) the scheme would need to provide 405 sqm of private garden space; this amount is exceeded with the existing rear garden measuring 457sqm. In terms of its layout, room size, configuration and amenity space provision the proposal is considered acceptable and complies with the Council's relevant policies and guidance.

- *Impact on highways*

Concerns were raised over the impact of the additional flats on parking and traffic in the area. Gainsborough Road and the surrounding streets fall within the Council's Controlled Parking Zone. However the applicant has confirmed that the new units would not have any car parking associated and in order to alleviate any further pressure on car parking in the area future occupiers of the new flats would not be issued permits to park within the CPZ; this can be controlled through the submission of a unilateral undertaking under S106 by the applicant. In terms of its impact on highways and traffic the proposal is considered acceptable and complies with the Council's relevant policies and guidance.

- *Refuse storage and recycling*

The proposal is capable of accommodating the adequate provision and storage of refuse and recycling facilities and in this regard is considered acceptable and complies with the Council's relevant policies and guidance.

- *Tree protection*

The site is subject to a tree preservation order which covers much of the Woodside Park area. The protected trees are located in the northeast, southeast and south west most corners of the site and a sufficient distance from the site building itself. Due to the nature of the proposal i.e. only building over the existing foot print, the development is not considered to harm the roots of the trees. However, to safeguard the trees and to prevent the storage of materials with the root protection areas (RPA) a condition could be attached to the decision notice requiring details of protective fencing were the application to be approved.

- *Other matters*

The Council's Community Infrastructure Levy came into effect on 1 May 2013 at a rate of £135 per square meter in addition to the current Mayoral CIL charge of £35 per square meter. As such the proposal would be liable for a charge of £170 x 156 square meters of additional floor space = £26,520.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

The majority of objections have been addressed in the main report. However any remaining objections have been addressed below:

- A construction method plan and a condition restricting working hours is recommended to be attached to the decision notice to reduce the impact of noise and disturbance during construction
- Increased pressure on existing drains is not considered a planning issue
- Each application is assessed on its own planning merits and the approval of the scheme would not set a precedent for other blocks of flats in the area to extend
- The inaccuracies and discrepancies in the plans have been addressed through the submission of revised drawings
- The provision of new TV aerials is not a planning concern relevant to this application
- Any provision and/or suitability of fire exits will be subject to a separate building regulations application and is therefore not considered a planning matter
- A site notice was placed near the site on 20<sup>th</sup> June detailing the scheme
- A condition detailing the provision of refuse collection services could be attached to the decision notice were the Council minded to approve the application
- There is no evidence to suggest that the proposal would affect bats passing near the site
- The structural implications and integrity of the additional four flats over the existing building would be subject to a separate building regulations application and is therefore not considered a planning matter

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

**SITE LOCATION PLAN: Finchley Lodge, Gainsborough Road, London, N12 8AL**

**REFERENCE: B/01845/13**

