

LOCATION: 39 Woodland Way, London, NW7 2JP

REFERENCE: H/03212/13

Received: 24 July 2013

Accepted: 07 August 2013

WARD(S): Mill Hill

Expiry: 02 October 2013

Final Revisions:

APPLICANT: Mr R Shamash

PROPOSAL: Conversion of house into two self-contained flats.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No: SB/B36/3 amended plan received 18/9/13; Drawing No: SB/B36/2 Revision A received 20/9/13; Drawing No: SB/B3282 amended plan received 20/9/13.

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, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority, implemented and retained as such on site 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 Adopted Barnet Development Management Policies DPD (2012).

- 4 The property shall be used as self-contained units as shown on 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.

- 5 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 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 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).

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.

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 London Plan is recognised in the NPPF as part of the development plan.

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."

NPPF retains 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 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.

Relevant Local Plan (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). Both DPDs were adopted on 11th September 2012

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.

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

Supplementary Planning Documents and Guidance

The Council has adopted the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations. The Residential Design Guidance SPD (2013) and Sustainable Design and Construction SPD (2013) are now material considerations.

Relevant Development Management Policies:

Relevant Planning History:

Site history for current landparcel :

40077 - 39 Woodland Way, London, NW7 2JP

Case Reference: **H/03212/13**

Application:	Planning	Number:	H/00466/13
Validated:	05/02/2013	Type:	192
Status:	DEC	Date:	25/02/2013
Summary:	LW	Case Officer:	Tania Sa Cordeiro
Description:	Single storey rear extension. Extension to roof including hip to gable end, rear dormer and 2no. front roof-lights to facilitate a loft conversion. Erection of a single storey out-building, ancillary to the main house, at rear garden.		

Consultations and Views Expressed:

Neighbours Consulted: 42 Replies: 7 (6 objections and 1 comment)

Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- 1) The proposed development will result in an increase in demand for parking and traffic flow.
- 2) The proposed development will not be used as two self contained flats and

alternatively the rooms will be rented out on an individual basis.

- 3) Obstruction caused by owner's large yellow lorry.
- 4) Present overcrowding of application site.
- 5) Inaccuracies of submitted existing and proposed drawings.
- 6) No evidence that there is a need for smaller residential units and conversion will lead to the loss of a family sized home.
- 7) The upstairs flat will not have access to the garden and future residents will therefore use the side access as amenity space
- 8) Unclear use of the outbuilding.
- 9) Loss of privacy

Internal /Other Consultations:

Highways: The two off-street parking spaces to the front of the application site are considered to provide sufficient parking for this application. As the proposal involves reducing the number of bedrooms from 7 to 5, there is not considered to be any intensification of the use of the application site.

Date of Site Notice: 15 August 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is an end-of-terrace property located on the western side of Woodland Way. It is attached to No. 41 Woodland Way and is currently being used as a HMO with seven bedrooms.

A single storey rear extension and outbuilding has been previously found lawful earlier this year under application H/00466/13.

Proposal:

The applicant requests permission for the conversion of the dwelling into two self contained flats.

One x 2 bedroom flat is proposed on the ground floor and one x 3 bedroom flat on the first floor and loft space.

There would be no external changes to the application site.

The refuse storage area would be located at the front of the property.

There would be two off-street parking spaces to the front.

Planning Considerations:

The main issues in this case are considered to be covered under two main areas:

- The living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.

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.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

Size of Flats

Policy 3.5 of the London Plan states that 2 bedroom flats should be between 61-70 sqm and 3 bedroom flats should be between 74-95 sqm in floorspace area. Both flats proposed would exceed these standards.

Impact on Character of Area

No external alterations are proposed and there would therefore be no impact on the appearance of the property or the street scene. Flat conversions are an established characteristic of Woodland Way, with No. 5, 12, 29, 30, 32, 33, 35, 36, 38, 43 and 53 all having been converted to flats according to council tax records. All of these conversions were done with planning permission. Given the character of the street, the principle of the proposed conversion is acceptable.

Amenity Space

The proposal results in 8 habitable rooms. Barnet's Sustainable Design and Construction SPD requires 5 sqm of amenity space per habitable room. This would make a total requirement of 40 sqm and the rear garden area therefore is of a sufficient size. The site plan shows how the rear garden will be subdivided in order to provide private amenity space for each flat. Each flat has access to their own garden through separate entrances: Flat No. 39's garden can be accessed directly from Bedroom 2; Flat No. 39A's garden can be accessed via the side gate on the shared driveway.

Parking

'DM18: Travel impact and parking standards' of Barnet's Local Plan requires 1 to

less than 1 space per unit for a 1 bedroom flat and 1.5 to 1 space for a 2-3 bedroom flat. For this reason the two off-street car parking spaces are considered sufficient to serve the two proposed flats. The proposed development is not expected to result in an intensification of the use of the site as the number of bedrooms is being reduced from seven to five. As such, there would be no significant increase in on-street parking or general traffic in the road.

This proposal is therefore considered to have an acceptable impact on the character and appearance of the streetscene, site property, general locality and the residential amenity of neighbouring occupiers.

3. COMMENTS ON GROUNDS OF OBJECTIONS

1) The Highways Department have been consulted as part of the application appraisal process. The two off-street parking spaces to the front of the application site meet council standards and are therefore considered to provide sufficient parking for this application.

2) There is no indication on the plans to suggest that the proposed development will not be used as two self contained flats. Any divergence from this use will result in a breach of planning permission. If the application is approved, a condition will be attached, restricting the use of the flats to C3(a) use only.

3) Not a planning matter.

4) The two proposed flats exceed the London Plan's minimum residential space standards allowance. Amendments have also been made to the application plans, reducing the number of bedrooms in the upstairs flat from four to three, further reducing the intensification of the use.

5) The agent has been informed of the inaccuracies present and the necessary amendments have been made.

6) Although '*DM08: Ensuring a variety of sizes of new homes to meet housing needs*' of the Local Plan identifies that 4 bedroom market housing is a priority, this is however not considered to be a sufficient reason to refuse this application. DM08 identifies that "development should provide a mix of dwelling types and sizes in order to provide choice". It is considered that this proposal contributes to this mix of dwelling types.

7) The upstairs flat will have access to the garden though the side gate and the site plan shows the subdivision of the rear garden to create two separate private gardens.

8) The agent has submitted a written confirmation on the drawings that the outbuilding will be used as a storage area for flat 39A.

9) As there are no external changes to the appearance of the application site, including no new windows, it is considered that there will be no reason for a loss of

privacy.

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, 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. This application is therefore recommended for **APPROVAL**.

SITE LOCATION PLAN: 39 Woodland Way, London, NW7 2JP

REFERENCE: H/03212/13



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