

**LOCATION:** 39 Churchfield Avenue, London, N12 0NS

**REFERENCE:** F/04079/13

**Received:** 09 September 2013

**Accepted:** 09 September 2013

**WARD(S):** Woodhouse

**Expiry:** 04 November 2013

**Final Revisions:**

**APPLICANT:** Redshaws Ltd.

**PROPOSAL:** Demolition of existing building and erection of a two-storey building with 5 self-contained flats. Associated amenity space and refuse store. (Outline application)

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 258.ST.01 rev A, 258.P.01, 258.P.02 rev E and Design and Access 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 Application for the approval of the reserved matters must be made before the expiration of three years from the date of this permission.

Reason:

To comply with Section 92 of the Town and Country Planning Act, 1990.

- 3 The development to which this permission relates must be begun not later than two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason:

To comply with Section 92 of the Town and Country Planning Act, 1990.

- 4 Details of landscaping shall be approved by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the proposed development does not prejudice the appearance of the locality, the flow of traffic and conditions of general safety

on the adjacent highway or the enjoyment of neighbouring occupiers of their properties.

- 5 Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site 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 ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

- 6 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.

- 7 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with policies DM01, DM03, DM17 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 8 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).

- 9 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm 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).

- 10 Before the development hereby permitted is occupied, details of the subdivision 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).

- 11 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.

- 12 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).

- 13 The dwelling(s) shall achieve a Code Level 4 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 4 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 Strategic and Local Policies in accordance 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).

- 14 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.

#### **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.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £5,656 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £21,816 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.

If affordable housing 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](http://www.planningportal.gov.uk/cil).

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).

## **1. MATERIAL CONSIDERATIONS**

National Planning Policy Framework

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

Core Strategy (Adoption version) 2012 CS NPPF, CS1, CS5

Development Management Policies (Adoption version) 2012 DM01, DM02, DM04,

DM08, DM17.

Supplementary Planning Document (2013) Residential Design Guidance and Sustainable Design and Construction

Relevant Planning History:

<b>Application:</b>	Planning	<b>Number:</b>	F/00556/13
<b>Validated:</b>	15/02/2013	<b>Type:</b>	APO
<b>Status:</b>	DEC	<b>Date:</b>	03/04/2013
<b>Summary:</b>	REF	<b>Case Officer:</b>	Jo Dowling
<b>Description:</b>	Demolition of existing house and erection of a two-storey building comprising 5x self-contained flats. Associated amenity space and refuse store. (Outline application - landscaping reserved)		

<b>Application:</b>	Planning	<b>Number:</b>	F/03792/12
<b>Validated:</b>	11/10/2012	<b>Type:</b>	APO
<b>Status:</b>	APD	<b>Date:</b>	19/08/2013
<b>Summary:</b>	DIS	<b>Case Officer:</b>	Jo Dowling
<b>Description:</b>	Demolition of existing house and erection of a two-storey building comprising 5x self-contained flats. Associated amenity space and refuse store. (Outline application - landscaping reserved)		

Consultations and Views Expressed:

Neighbours Consulted: 73                      Replies: 5  
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Changing the property from a single family dwelling to flats will cause problems on this busy road which is used as a cut through.
- No parking is proposed and up to 10 cars could be trying to park on the road. In the evening there are not enough parking spaces.
- Disruption from demolition and construction.
- There are a number of disabled residents.
- Out of character.
- Contrary to Policies DM01(h) and DM01(i).

A petition of 95 signatures has been received objecting to the proposal on the following grounds:

- Overdevelopment of the site.
- Loss of a single family dwelling unit detrimental to the prevailing character of this locality and would be harmful to the amenity of the area.
- It would exacerbate existing parking problems on the street.
- The street is used by children to reach schools and nearby colleges, the additional traffic will cause a hazard to these users.
- There are regular incidence's of road rage in the street due to the narrowness of the road.
- Increase in noise and disturbance.

The Finchley Society has made the following comments:

- Two flats at 51sqm and two flats at 53sqm are against the LBB minimum of 50sqm and indicates overcrowding.
- Flats will be unpleasant to live in.
- No parking means that the residents cars will be on the road.

Internal /Other Consultations:

Traffic and Transport - No objection

Date of Site Notice: 19 September 2013

**2. PLANNING APPRAISAL**

Site Description and Surroundings:

39 Churchfield Avenue is a two storey, double fronted end of terraced property located on the north side of Churchfield Avenue close to the junction with Woodhouse Road. The property has a single storey side extension that forms a garage for the property. The property is in a poor state of repair with the front and rear garden overgrown and the garage beginning to decay. The property is currently a 3 bed, single family dwelling unit.

Churchfield Avenue is characterised by Edwardian terraced properties which are predominantly family homes. Due to the short front garden depths, with the exception of no. 45 which has a return frontage, there is no off street parking in the road. A Controlled Parking Zone operates in the area.

Due to its proximity to North Finchley town centre the site has a PTAL rating of 3.

Proposal:

The application is an outline application for the demolition of the existing property and replacement with a two storey building comprising 5 self contained flats. Associated amenity space and refuse store.

The only matter reserved for consideration is landscaping.

The proposed building would extend across the full width of the plot and would be set 0.2m off the boundary with No.41. The proposed building would line through with the front elevation of No.37 and project rearward 9m. A two storey central projecting element is proposed on the rear elevation. This would be set 2.3m off the boundary with No.37 and 2.6m off the boundary with No.41. Dormer windows are proposed in the rear roofslope and rooflights in the front roofslope. A ridged roof with gable end is proposed.

5, one bedroom flats are proposed of the following sizes:

Unit	Floorspace
A	51sqm

B	51sqm
C	53sqm
D	53sqm
E	59sqm

A rear garden would provide shared amenity space of 72sqm which would be accessed directly from the bedrooms of flats A and B and from a communal rear door for the remaining three flats.

5 individual bin stores would be located adjacent to the entrance from the street.

No off street parking is proposed, 5 cycle parking spaces are proposed in the rear garden.

#### Planning Considerations:

The main consideration in determining this application is the difference between the current scheme; the previous refusal and the direction given by the Inspectors decision letter.

Two similar applications (our ref: F/03792/12 and F/00556/13) were refused planning consent for the following reasons:

1. The proposed development by reason of the number and type of units proposed would represent an overdevelopment of the site and result in the loss of a family dwelling unit detrimental to the prevailing character of the locality, harmful to the amenity of the area and contrary to policies DM01, DM02 and DM08 of the Adopted Development Management Policies 2012 and Draft Supplementary Planning Document Sustainable Design and Construction and Residential Design Guidance.
2. The proposal would result in an intensification of the use and noise generating activities at the site such as residents entering and exiting the site and parking on the surrounding road network that would result in an increase in noise and activities that would be out of character with the surrounding area to the detriment of the amenity of occupiers of the adjoining residential properties contrary to Policies DM01 and DM04 of the adopted Local Plan.
3. The proposal would provide substandard accommodation which would be detrimental to the amenity of future residents and fails to meet the requirements of the adopted Local Plan contrary to Policy DM02.

The applicant appealed F/03792/12 and the Inspector dismissed the appeal.

The Inspector highlighted three areas for consideration:

- The character and appearance of the area, having regard to the loss of a family size dwelling and the type and number of units proposed;
- the living conditions of neighbouring residents having regard to the use of the building and associated activities, and
- whether or not acceptable living conditions would be provided for the intended future occupiers of the proposed flats having regard to their size and outlook.



Dealing with each of these in turn:

### **Character and Appearance**

The Inspector concluded that although the proposal would result in the loss of a single family dwelling unit given the character of the area and the presence of other converted properties within the street the proposal would not prejudice the objectives of Policy DM08 of the Local Plan. They also concluded that the proposed flats and bin storage area would not be harmful to the character and appearance of the area as the proposed new building has been designed to reflect other properties within the street and that the street was characterised by small front gardens where bins were stored. As a result they felt that there would be no conflict with the objectives of Policy DM01 of the Local Plan which requires proposals to preserve or enhance the local character. Moreover, the proposal would not undermine the core principles of the NPPF. They concluded that the building would sit comfortably within the streetscene, so avoiding harm to the character or appearance of the area.

The current scheme is the same as was previously submitted and as a result given the conclusions reached by the Inspector it is not considered that the application could be refused on the basis that it would be out of character with the surrounding area.

The proposal is considered to be in accordance with the NPPF and policy DM01 of the adopted Local Plan.

### **Living conditions for existing residents**

The Inspector concluded that the use of the flats and future vehicle movements associated with them would not be harmful to the living conditions of neighbouring residents and therefore found no conflict with Policies DM01 and DM04 of the adopted Local Plan. As the layout and number of units would remain the same as that considered at appeal the proposal is not considered to adversely impact on the amenity of adjoining residents for the reasons outlined by the Inspector to such a level as to warrant a refusal.

### **Living conditions for future occupiers**

Although the appeal scheme was for the same number of units, the proposed units were smaller and fell below the minimum floorspaces standards required by the London Plan. The current scheme amends the layout of the flats so that they all have a GIA of over 50sqm and are thus considered to comply with the requirements of Policy 3.5 of the London Plan.

The Inspector also raised concerns about the layout of the top floor flat (flat E) as although it did comply with the London Plan space standards it was laid out in such a way that the main living accommodation was located at the front of the property and would have been served by three rooflights. As a result the Inspector considered that the outlook for future occupiers of this unit was unacceptable. The layout of the top floor flat has been redesigned so that the living accommodation would be at the

rear of the property and would have the benefit of two dormer windows which would provide both outlook and light to the living room and kitchen.

The proposals are therefore considered to provide suitable living conditions for future residents and would be in accordance with Policy 3.5 of the London Plan and Policy DM02 of the adopted Local Plan. Furthermore, the proposal would be in accordance with the core principles of the framework relating to a good standard of amenity being provided for future occupiers of the land.

### **Community Infrastructure Levy and other contributions**

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 £5,656 for mayoral CIL and £21,816 for Barnet CIL.

Policy DM10 of the local Plan states that all new sites providing 10 or more units or covering an area of 0.4 hectares would be required to provide an element of affordable housing. as the site is less than 0.4 hectares and only 4 units are proposed this policy is not considered relevant and affordable housing is not required.

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

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

- The proposal is for demolition of the existing house and construction of 5, one bedroom flats. No off street parking is proposed. The proposal is not in accordance with the parking standards set out in the Local Plan. Any vehicles associated with the occupancy of the flats would have to be parked on-street. Churchfield Avenue is located within a Controlled Parking Zone (CPZ). However, the Councils Traffic and Transport section consider that subject to future residents of the site being exempted from purchasing permits to park then on balance the proposal is considered to be acceptable on highways grounds. The Inspector considered this matter further at appeal and concluded that whilst flat owners may place further demands on the 'on street' parking spaces, which may inconvenience existing residents, in isolation and having regard to the existing vehicle movements along the road, the vehicle movements of the flat owners would be insufficient to unacceptably disturb neighbouring residents. They did not consider it necessary to exempt future residents from purchasing permits to park. On this basis it is not considered that the impact on on-street parking would form a sustainable reason for refusal.
- If Members are minded to approve the application a condition controlling the hours of working is recommended in order to protect the amenity of existing residents from the noise and disturbance during construction.

#### **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**

The proposed flats are not considered to be harmful to the character and appearance of the area. The proposed flats would not adversely impact the amenity of existing residents or future residents of the proposed units. The proposal is therefore considered to be in accordance with Policy 3.5 of the London Plan and Policies CS1, DM01 and DM02 of the adopted Local Plan. Accordingly, subject to a number of conditions approval is recommended.

**SITE LOCATION PLAN: 39 Churchfield Avenue, London, N12 0NS**

**REFERENCE: F/04079/13**



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