

LOCATION: 937 Finchley Road, London, NW11 7PE

REFERENCE: F/02193/13

Received: 31 May 2013

Accepted: 08 July 2013

WARD(S): Childs Hill

Expiry: 02 September 2013

Final Revisions:

APPLICANT: Mr davila

PROPOSAL: Single storey rear extension and alterations to roof with 2no. rooflights to the front roofslope to facilitate conversion of existing house to 4 no.self contained flats

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: DWG.NO.937/FL/500F (Amended); DWG.NO.937/FL/501A (Amended).

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 The materials to be used in the external surfaces of the extension(s) shall match those used in the existing building(s).

Reason:

To safeguard the visual amenities of the building and surrounding area 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).

- 4 Before the building hereby permitted is occupied the proposed window(s) in the side (north) elevation facing 939 Finchley Road 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 Prior to the occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason:

To protect the amenities of future and neighbouring residential occupiers in accordance with policy DM02 and DM04 of the Adopted Barnet Development Management Policies DPD (2012).

- 7 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).

- 8 Before the development hereby permitted is occupied, the amenity area illustrated on DWG.NO.937/FL/501A (Amended) shall be 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).

- 9 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.

- 10 Before the development hereby permitted is occupied the parking spaces shown on DWG.NO.937/FL/501A (Amended) shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

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.

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 £522.58 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 £1957.50 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.

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.

- 3 Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The Council of the London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most

importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via email: street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

- 4 You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The council's supplementary planning document on Sustainable Design and Construction requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and measurement of environmental noise; 2) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 3) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 4) Department of transport: Calculation of road traffic noise (1988); 5) Department of transport: Calculation of railway noise (1995); 6) Department of transport : Railway Noise and insulation of dwellings.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011

Core Strategy DPD (Adopted) 2012: CS NPPF; CS 1; CS 4; CS 5;

Development Management Policies DPD (Adopted) 2012: DM01; DM02; DM04; DM08; DM17

Residential Design Guidance SPD (Adopted) 2013

Sustainable Design and Construction SPD (Adopted) 2013

Relevant Planning History:

Planning applications picked up in spatial search

Site Address: 937 Finchley Road, London, NW11 7PE
Application Number: 04106/09
Application Type: Section 192
Decision: Lawful Development
Decision Date: 30/11/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Extension to roof including a side and rear wrap around dormer window to facilitate a loft conversion. Single storey rear extension.**
Case Officer: Elizabeth Thomas

Site Address: 937 Finchley Road, London, NW11 7PE
Application Number: 01556/11
Application Type: Section 192
Decision: Lawful Development
Decision Date: 20/05/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Two storey rear extension with associated pitch roof.**
Case Officer: Elizabeth Thomas

Site Address: 937 Finchley Road, London, NW11 7PE
Application Number: 01559/11
Application Type: Householder
Decision: Approve with conditions
Decision Date: 16/06/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension.**
Case Officer: Elizabeth Thomas

Site Address: 937 Finchley Road, London, NW11 7PE
Application Number: F/02193/13
Application Type: Full 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: **Single storey rear extension and alterations to roof with 2no. rooflights to the front roofslope to facilitate conversion of existing house to 5 no.self contained flats**
Case Officer: James Stone

Consultations and Views Expressed:

Neighbours Consulted: 35 Replies: 4 letters of objection (1 speaker)
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- Impact on amenity including overpowering; loss of light; loss of outlook; sense of enclosure
- Overdevelopment / overintensification
- 5 flats is out of character for the area
- parking
- refuse
- proposal would result in increased noise

Date of Site Notice: 18 July 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site consists of a semi-detached property on the western side of Finchley Road. There are no special restrictions at the site.

Certificates of proposed lawful development have been granted at the site for a side and rear wrap around dormer window to facilitate a loft conversion, for a single storey rear extension and for a two storey rear extension with associated pitch roof. The extensions and dormers have been constructed at the site.

The scheme also includes the provision of shared amenity space in the back garden and the provision of four parking spaces.

Finally, the provision of front rooflights and minor fenestration changes, including new windows, form part of the scheme.

Proposal:

The application, as amended, seeks permission for a 3m deep single-storey rear extension and for the conversion of the property to four flats, including one duplex flat. Amendments to the original proposal have reduced the number of flats from five to four to ensure the scheme complies with internal space standards.

Planning Considerations:

The application has been brought before West Area Sub-Committee at the request of a ward member (Cllr Jack Cohen). Cllr Cohen is concerned about permitted

development and subsequent add ons.

Policy DM01 states that 'Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate'.

The principle of converting the premises into four self contained flats would not harm the residential character of the area and would not represent the over intensive use of the property. There are examples of conversion permissions for four flats along Finchley Road as follows:

- 943 Finchley Road (Ref: C07183B/06)
- 676 Finchley Road (C/01567/B)
- 504 Finchley Road (F/04678/12)

(It should be noted that there are many more examples of flat conversions along Finchley Road although not necessarily for the provision of four flats)

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

Within Chapter 2 of the Core Strategy, which is a material consideration in the determination of this application, the Council state the following:

"The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flatted accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate."

The proposal is not considered to be out of character within its context and would not result in harm to the surrounding area.

Policy DM01 states 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'.

This policy also explains that 'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'.

All proposed side facing windows would be obscurely glazed to ensure that the scheme does not result in a loss of privacy for neighbours. The depth of the single-storey extension, at 3m, is within the guidelines of the Residential Design Guidance SPD (2013) and would not impact upon the amenity currently enjoyed by neighbours. The scheme has been amended to ensure that all habitable rooms have adequate outlook and would not suffer from loss of privacy.

Policy DM02 explains that where appropriate development will be expected to demonstrate compliance with national and Londonwide standards supported by the guidance set out in the council's Supplementary Planning Documents.

The proposed flats have been stacked as well as is possible to reduce noise disturbance. For example, the first floor bedroom of flat three is located above the ground floor bedroom of flat one.

Flat one would be a 2 bed 4 person flat and would have a floor area of 94m². The duplex flat would be a one bed 2 person flat and have a floor area of 62 m². Flat 3 would be a 2 bed 3 person flat and have a floor area of 68m². Flat 4 would be a 2 bed 3 person flat and have a floor area of 62 m². The floor areas are in accordance with the internal space standards of The London Plan.

In terms of amenity space, the applicant has provided a block plan to illustrate that satisfactory communal amenity space will be provided at the rear of the site and a planning condition will make sure that the space is retained.

Policy DM04 explains that 'Proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted.'

A planning condition will ensure that adequate sound insulation is provided between the proposed flats. This issue will also be addressed at the building regulations stage. The principle of flats in this location is acceptable given that the building is already used for residential purposes.

In terms of parking the applicant has illustrated that four spaces will be provided on site and a planning condition will ensure these spaces are retained. Furthermore, the site is well served by public transport and an existing crossover.

Finally, a planning condition will ensure control hours of construction to avoid there being a detrimental impact on the amenity of neighbours.

3. COMMENTS ON GROUNDS OF OBJECTIONS

- The only extension works that form part of this application are for a single-storey rear extension which would have a depth of 3m. Given that the application site currently contains a semi-detached dwelling a depth of 3m is well within the maximum depth of 3.5m recommended by the adopted Residential Design Guidance SPD 2013.
- Given that the depth of the extension would be less than that recommended by the SPD it is not considered that the proposal would impact upon amenity with regard to being overpowering, loss of light, loss of outlook and creating a sense of enclosure. The height of the proposed extension is also considered sympathetic to neighbours.
- The proposal has been reduced from five to four flats to ensure that the site can accommodate the conversion and meet The London Plan space standards.
- A reduction to four flats will ensure that the proposal is not out of character for the area. There are many flat conversions along Finchley Road including some conversions for four flats.
- A plan submitted with the application illustrates that four parking spaces can be provided on site
- A planning condition will ensure adequate refuse storage is provided at the site
- The proposal is for residential accommodation which is considered compatible with the neighbouring buildings. Furthermore, planning conditions will ensure that any building works only take place during daytime hours and that there is adequate sound insulation between flats.

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 proposal would be in accordance with the above mentioned policies and supporting guidance. The scheme would not be harmful to the residential amenity of the locality or to the character of the area.

SITE LOCATION PLAN: **937 Finchley Road, London, NW11 7PE**

REFERENCE: **F/02193/13**

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