

**LOCATION:** 79 Leicester Road, Barnet, Herts, EN5 5EL

**REFERENCE:** B/04078/13

**Received:** 09 September 2013

**Accepted:** 09 September 2013

**WARD(S):** High Barnet

**Expiry:** 04 November 2013

**Final Revisions:**

**APPLICANT:** Mr Davidian

**PROPOSAL:** Conversion of property into 2 self-contained units following two-storey extension to both sides and rear. Extension to roof including new roof and dormer window.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 1:1250, /SI-000 Site Location Plan 1:500, /SI-000 Site Block Plan 1:500, /PL-000 (Rev A) received 09 September 2013 and /PL-001 (Rev H) received 05 February 2014.

**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 building(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 bathroom windows at ground and first floor level 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 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the east or west elevation(s), of the extension(s) hereby approved, facing either no. 89 or no. 77 Leicester Road

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).

- 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 No siteworks or works on this development shall be commenced before a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.

Reason:

To safeguard the health of existing trees which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet

Development Management Policies DPD (2012), CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 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 A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

- 10 All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Reason:

To ensure a satisfactory appearance to the development 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.

- 11 Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development 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.

- 12 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).

- 13 No development shall take place until a 'Demolition & 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; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution. 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).

#### **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.

ii) In this case, no formal pre-application advice was sought prior to submission of the application however amended drawings were received by the applicant which resulted in the scheme being made acceptable.

- 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 **£3,315.68** 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 **£12,420.00** 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 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:

**Site Address:** 79 Leicester Road NEW BARNET Herts  
**Application Number:** N00014A  
**Application Type:** Full Application  
**Decision:** Approve  
**Decision Date:** 22/05/1968  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of detached house and garage**

### Consultations and Views Expressed:

Neighbours Consulted: 72      Replies: 8  
Neighbours Wishing To Speak: 3

The objections raised under the original consultation may be summarised as follows:

- Parking pressure
- Overdevelopment of site/ Overcrowding
- Out of character, out of scale with neighbouring buildings
- Damage to trees



- Excessive bin storage
- Light Loss / Sun Loss
- Overlooking/ Loss of Privacy
- Noise nuisance
- Design is not wheelchair accessible
- Flooding impact from scheme

Internal /Other Consultations:

None undertaken

Date of Site Notice: 19 September 2013

Neighbours were re-consulted for a period of 14 days on a revised (current) scheme. Any comments under this application will be reported in an addendum.

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site comprises a two-storey, detached dwelling house located on the southern side of Leicester Road. The surrounding area is predominantly residential in nature with a mixture of flats and dwelling houses. A number of large flatted developments are located immediately north and south of the site. Protected Oak trees subject to tree preservation order TPO-N8 sit on the rear boundary of the site to the southwest, however, fall within the curtilage of Barnes Court and therefore outside of the site area of the scheme. The property is not a Listed Building and is not located within a Conservation Area. An alleyway separates the application site and the neighbour to the west at No. 89 Leicester Road.

Proposal:

The application seeks to extend the existing two-storey dwelling to accommodate 2 no. 3 bed flats. The proposal would retain the centrally-positioned, projecting two-storey element, and would have a 1 no. rear dormer roof addition. The proposal would have a similar foot print to the property as existing with extensions at first and second floor level above the existing single storey side elements. The overall depth of the property would increase from 8.5 to 9.7 metres. Two car parking spaces utilising the existing crossover and landscaping are proposed at the front of the property. The scheme includes the provision of cycle and refuse storage along the side boundary to the front. Both flats would have access to a rear garden measuring approximately 67 sqm.

Planning Considerations:

The main planning considerations would be the impact of the proposal on the character and appearance of the area, impact on neighbouring amenity, refuse, parking and landscaping provision and impact on protected trees.

#### Design and appearance:

The existing dwelling is modest in size and stands at approximately 6.8 metres at ridge level. The proposal would result in the property measuring approximately 7.2 metres high which would be of a similar height to no.89 immediately west. The proposal includes a new hipped roof with a crown finish; the roof would retain the central pitched roof feature as per the existing situation with the slope and form of the hipped roof matching that of the pitched roof. The two storey side extension would measure a width of 2.8m and would be set back from the front of the property at first floor level by 1m. At ground floor the side extension would run a depth of 8.7m and at first floor the extension would measure 7.2m in depth along the west elevation. Along the eastern flank the proposal would retain a gap of at least 1m to the shared boundary with No. 77 Leicester Road. The two-storey side extension to the west of the house would measure 2m in width and would be set back from the front of the house by 1m at first floor level. The extension would run a depth of 9.7m, wrapping around the corner of the house at two storey level. The two-storey rear extension would project 1m from the rear of the main house.

The proposed extensions would be sympathetic to the character and appearance of the host property. Whilst the proposed roof features a crown element to accommodate 2 no bedrooms serving the upper flat, this is considered sympathetic to the overall design of the proposal. Additionally it is noted that other properties in the area have a similar roof style. The new roof includes a rear dormer measuring 3.3m in width x 1.2m in height and would be set well into the roof slope and in this regard is considered subservient and sympathetic to the design and appearance of the main house. Overall, the proposal would be of an acceptable scale and form and would respect the character and appearance of the host property and surrounding area and is therefore acceptable in design terms.

#### Size of flats:

The proposal would provide 2 x 3 bedroom family-sized flats which is considered to be acceptable given the character of the area with several of the surrounding buildings housing flats. Both flats would have access to the rear garden. The ground floor flat would measure 80.8 sqm which exceeds the Mayor's Housing SPG figure of 74 sqm for a 3b3p flat. The first floor flat would measure 93.4 sqm which exceeds the minimum figure of 86 sqm. All room sizes would be adequate and both units would have sufficient outlook and receive adequate levels of natural light.

All bedrooms and combined kitchen/ living/ dining areas would meet the Mayor's Housing SPG figures. The scheme includes acceptable stacking of similar rooms for each of the flats. A condition requiring sound insulation can be imposed were the application to be approved. In terms of the size of the flats, internal layout and

configuration and standard of accommodation the proposal is considered acceptable and complies with the Council's relevant policies and guidance.

#### Neighbouring Amenity:

The proposal would retain a distance of 7.2m to the flank wall of No. 77 Leicester Road to the east and 4.8m to the flank wall of No. 89 to the west. The scheme does not propose any windows serving habitable rooms along the flank elevations and any windows serving the landing can be secured by condition to be obscure glazed. Due to the distance to the boundary with No. 77 the proposal is not considered to significantly overbear or overshadow this neighbour's amenity space and in this regard the proposal is considered acceptable and complies with the Council's policies and guidance. Given the sufficient separation distance between the neighbouring properties, it is not considered that any material reduction in light or outlook would arise. The rear dormer would provide views out and reasonable outlook for the occupants of both loft bedrooms. A condition requiring obscure glazing to any proposed bathroom windows would overcome any privacy concerns. In term of its impact on neighbouring properties the proposal is considered acceptable and complies with the Council's relevant policies and guidance.

#### Impact on parking and highways

The site benefits from an existing dropped crossing which would remain unchanged and a driveway capable of accommodating at least 2 no. cars. Policy DM17 states that the council will expect development to provide parking in accordance with maximum standards of 1-1.5 spaces per 2-3 bedroom flat. Based on this standard the proposal provides 2 spaces, one for each of the flats, utilising the existing dropped crossing and is not considered to impact traffic and highways any more than the existing situation. As such the proposal is considered compliant in terms of meeting the Council's parking standards and its impact on highway safety and is therefore acceptable.

#### Refuse and landscaping:

The submitted refuse and recycling is considered adequate and further details of suitable enclosures can be secured by condition. Whilst the scheme proposes a grassed area along the front garden adjacent to the parking, a detailed landscaping scheme can be secured by condition were the application to be approved.

#### Impact on protected trees:

A condition requiring details of tree protection measures to be approved by the Council prior to commencing the works is recommended to be stipulated on the decision notice, were the application to be approved. In this regard the proposal is considered acceptable in terms of its impact on the surrounding protected trees.

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

Generally addressed above. In regards to the impact on trees near the site, conditions requiring details to be agreed by the Council before commencing the proposal are recommended. The site does not fall within a flood zone and therefore the scheme is not considered to increase the risk of flooding. The scheme would need to comply with current building regulations standards which include accessibility standards for wheelchair users.

### **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 provide two family-sized units of accommodation with an acceptable standard of accommodation and amenity. The proposal is not considered to have any material adverse impact on the character and appearance of the area or on the amenity of neighbouring properties. The application is recommended for approval.

**SITE LOCATION PLAN: 79 Leicester Road, Barnet, Herts, EN5 5EL**

**REFERENCE: B/04078/13**



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