

LOCATION: 5-7 Middleton Road, London, NW11 7NR

REFERENCE: F/00734/14 **Received:** 11 February 2014
Accepted: 10 February 2014

WARD(S): Garden Suburb **Expiry:** 07 April 2014

**Final
Revisions:**

APPLICANT: Mr Levy

PROPOSAL: Variation to condition No.1 (approved plans) and 10 (approved layout) to planning application Ref; F/04396/11 dated 11/1/2012. Amendments to include internal re-configuration of layout and new central entrance.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. MR11-PL-01 Rev C (date received 10-Feb-2014); Drawing no. MR11-EX-01.

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 the permission for the development under Ref: F/04396/11, granted on 11th January 2012.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

3. Before the development hereby permitted is occupied, existing parking spaces shall be retained in accordance with the drawings hereby approved and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the 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.

4. 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).

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. 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).

7. Before the building hereby permitted is occupied the proposed windows in the side elevations, facing 3 and 9 Middleton 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).

8. The extensions hereby approved shall be completed in full accordance with the approved plans within 8 months of the date of commencement.

Reason:

To ensure that harm is not caused by the partial implementation of the planning permission.

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. The layout of the flats hereby approved shall remain as shown on the approved drawings.

Reason:

To protect the amenities of future and neighbouring residential occupiers.

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. In case if any modification is proposed or required to the existing access off the public highway then it will be subject to a detailed investigation by the Crossover Team in Environment and Operations Directorate. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of any existing street furniture. This would need to be done by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on public highway from the Environment and Operations Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

Removal or relocation of any existing street furniture or alteration to road markings or Controlled Parking Bays would be subject to public consultations and would be done at the applicant's expense, under a rechargeable works agreement, by the Council's term contractor for Highway Works.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team/Tree Section as part of the crossover application. The outcome of this assessment cannot be prejudged. Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Environment and Operations Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework (2012):

The determination of planning applications is made mindful of Central Government advice and the Development 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 basic question is whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

'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 NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

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 (Adopted) 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). The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS15.

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

Other Material Considerations:

Residential Design Guidance (April 2013)
Sustainable Design and Construction (April 2013)
Planning Obligations SPD (April 2013)

The basic principles the Local Authority has adopted in respect to different types developments are that they should not unduly reduce light or outlook from neighbouring windows to habitable rooms, overshadow or create an unacceptable sense of enclosure to neighbouring gardens. They should not look out of place, overbearing or bulky from surrounding areas.

The Sustainable Design SPD provides detailed guidance and sets out how sustainable development will be delivered in Barnet. Section 2 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

Chapter 15 of the Council's Guide 'Residential Design' seeks to revise and upgrade Design Guidance Note 7 which deals with Residential Conversions. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants to help them design conversions which would receive favourable consideration by the Local Planning Authority and sets out how the council considers applications for the conversion of single family homes into two or more self-contained units.

Included advice specifies that when conversions seek new exterior alterations, such as replacement windows, doors or porches, these should reflect the prevailing local character and enhance, not disrupt, the streetscape. Conversions in appropriate locations should not have any detrimental effect; they should not raise privacy issues, parking problems or have adverse effects on residential amenity. The council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

The Planning Obligations SPD sets the requirements for different scales of development and obtaining Planning Obligations for open spaces, transport, community facilities and environmental requirements. It has been adopted alongside the Barnet's CIL Charging Schedule in May 2013, which replaces the previous obligations towards Education, Libraries and Health, and is a flat rate charge for all development as specified in the CIL Charging Schedule.

Relevant Planning History:

Application:	Planning	Number:	F/01668/11
Validated:	26/04/2011	Type:	APF
Status:	APD	Date:	13/10/2011
Summary:	Dismissed	Case Officer:	David Campbell
Description:	Conversion of both properties to create 8no self-contained residential units following 3 storey rear infill extension; and roof extensions including increase in ridge height, 2no side dormers to both sides (totalling 4no side dormers), 2no rear dormers and 2no front dormers, to facilitate loft conversions. Alterations to fenestration at both sides and rear elevations. Provision of 6no off-street parking spaces and associated amenity space.		

Application:	Planning	Number:	F/04396/11
Validated:	26/10/2011	Type:	APF
Status:	DEC	Date:	13/01/2012
Summary:	Approved subject to conditions	Case Officer:	David Campbell
Description:	Conversion of both properties to create 8no self-contained residential units following 3 storey rear infill extension; and roof extensions including increase in ridge height, 2no side dormers to both sides (totalling 4no side dormers), 2no rear dormers and 2no front dormers, to facilitate loft conversions. Alterations to fenestration at both sides and rear elevations. Provision of 6no off-street parking spaces and associated amenity space.		

Consultations and Views Expressed:

Neighbours Consulted: 64 Replies: 10
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Since permission granted no work has been carried out, if the approval would grant further time should be refused on these grounds
- Alterations make it clear that road is no longer characterised by single family dwellings.
- Increase in parking problems since approval granted
- Entirely inappropriate development in residential road of predominantly family houses.
- Looks like a block of flats, whereas the original retained the appearance of semi-detached properties.
- The local community have asked to create its own Neighbourhood Forum, question whether the application can be accepted by the Council until the referendum is held.
- Overdevelopment of the site
- Paving over all the front yard unlike any other property and will wreck the aesthetic appeal of the area.
- No consideration has been given to the drop kerb rules that are broken by this application and the fact that the street light will have to go.
- The Council should bill the developer for remedial work due to inaction on the site.

Date of Site Notice: 27 February 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site consists of a pair of semi-detached houses on Middleton Road within the Hampstead Garden Suburb ward. The site does not fall within the conservation area of the same name.

Proposal:

The site was originally granted planning permission in January 2012 by the West Area Planning Sub Committee under planning reference F/04396/11 for the following development:

“Conversion of both properties to create 8no self-contained residential units following 3 storey rear infill extension; and roof extensions including increase in ridge height, 2no side dormers to both sides (totalling 4no side dormers), 2no rear dormers and 2no front dormers, to facilitate loft conversions. Alterations to fenestration at both sides and rear elevations. Provision of 6no off-street parking spaces and associated amenity space.”

It must be noted that at the time of approval, the Local Plan had not been adopted however it had been published and was therefore a material consideration. Since the

approval, the UDP and relevant policies have been superseded by the Local Development Framework.

The applicant seeks to vary conditions 1 (Approved plans) and 10 (Approved layout). The amendments include the reconfiguration of the internal layout and new centrally located entrance to replace the independent and existing entrances. No other changes are proposed.

The schedule of the proposed units will remain as approved, with 6no x 2bedroom flats (4 occupiers) and 2no x 1 bed flats (2 occupiers). However the relocation of a centrally located entrance will provide slightly larger flats.

Planning Considerations:

The main issues in this case are considered to be covered by the following main areas:

- Whether the principle of residential units including the density of the development is appropriate for the area;
- Whether the proposal will provide suitable accommodation for future occupiers;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 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 make a positive contribution to the borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

It is considered that the removal of the existing entrances and insertion of a central core would be acceptable with regards to the impact on the streetscene. Firstly, the roof detailing and fenestration details where the approved entrances are located are being retained. The insertion of the proposed new entrance which will match the existing style of fenestration is not considered to be a significant alteration and it must be noted that the site is outside of the conservation area.

It is not considered that there will be an increase in parking pressures as the same amount of parking spaces will be provided as approved (the schedule of accommodation also remains as approved).

The internal rearrangement will provide more suitable stacking of internal rooms, with all bedrooms located to the rear of the site. In addition, there will no habitable rooms with windows at the side elevation only, therefore the previous condition which was attached to the original approval requiring the obscured glazing of flank windows will also be attached to this application. The amendments also involve the retention of the original flank windows serving bathrooms which under the original approval were to be blocked up- this alteration does not require permission and as

they are existing, it is not considered to result in additional impact to the amenities of neighbouring occupiers.

The proposal would comply with the abovementioned policies and Council's Residential Design Guidance and would be a proportionate addition to the dwellinghouse. It would 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

The objections relating to planning considerations are considered to have been addressed in the report above.

It must be noted that the original conditions will be attached to the recommendation, and therefore the applicant will have the same amount of time to implement the permission, if it is approved by the planning committee.

The proposed formation of a Neighbourhood Forum is not deemed a reason to prevent the approval of this application. Neighbourhood Plans and Forums are not intended to prevent development and it must be noted that they must be in conjunction with the Local Development Framework. Notwithstanding this, the referendum has not been held and therefore does not have any weight on current applications.

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 amended 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: 5-7 Middleton Road, London, NW11 7NR

REFERENCE: F/00734/14



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