

**LOCATION:** 79 Friern Park, London, N12 9UA

**REFERENCE:** F/01104/14

**Received:** 26 February 2014

**Accepted:** 25 March 2014

**WARD(S):** Woodhouse

**Expiry:** 20 May 2014

**Final Revisions:**

**APPLICANT:** Henry Charles Investments Ltd

**PROPOSAL:** Conversion of existing single family dwelling into two self-contained flats. Two-storey rear extension. Formation of new basement. Creation of one additional off street parking to front elevation. (amended description)

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

2001410-PL01D - existing and proposed plans, elevations  
Site Location Plan

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 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).

- 5 Before the development hereby permitted is occupied, details of the sub-division of the amenity area(s) as shown on the plans 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).

- 6 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.

- 7 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).

- 8 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 £2,643.75 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 £10,197.32 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.

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 at: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

### Relief or Exemption from CIL

If social housing or charitable relief applies to your development or your development falls within one of the following categories 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 can apply for relief or exemption under the following categories:

#### 1. Charity

If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

#### 2. Residential Annexes or Extension

You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

#### 3. Self Build

Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)

Visit:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

3      If the proposal is carried out it will be necessary for the existing crossovers

to be amended and for new crossovers to be constructed by the highways Authority. Any new crossovers or amendments to existing crossovers will be subject to detailed survey assessment as part of the application for crossover under the Highways Act 1980 and would be carried out at the applicant's expense. The applicant should submit a vehicle crossover application to London Borough of Barnet, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP. Any street furniture including lamp columns affected by the proposed crossover would be relocated at the applicant's expense. Relocation of Lamp column works may not just relate to the lighting column directly in front of the applicants property. Amendments may also be required to other lighting columns along the road to ensure adequate street lighting coverage is maintained along Friern Park.

The applicant is advised that the proposed vehicular crossover would involve alterations to the existing on-street parking bays. Alterations to on-street parking bays will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process.

The applicant is advised that following the outcome of the detailed crossover inspection the position of the proposed crossovers (and parking layout) may need to be amended

- 4 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](mailto:street.naming@barnet.gov.uk) or by telephoning: 0208 359 7294.

## **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 Government's 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 DPD (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, DM04, DM08, 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:

Nil

#### Consultations and Views Expressed:

Neighbours Consulted: 103 Replies: 9  
Neighbours Wishing To Speak: 5

The following matters were raised in the submissions:

- Scale and appearance of the proposal and its impact to the surrounding area
- Concern building basement will affect the structural integrity of the buildings adjoining and concern about who may be liable for compensation if damage occurs.
- Concern basement will have insufficient floor to ceiling heights
- Light and ventilation in the proposed basement will be inadequate
- Rear projection will increase overlooking to immediate neighbours
- Reduced privacy to adjoining neighbours gardens
- Concern relating to the internal layout of the flats
- Parking, traffic and congestion

- Loss of on street parking
- Waste disposal
- Character of area
- Shortage of four bedroom houses in Finchley
- Mass and scale, concern about overdevelopment
- Noise and disturbance
- Impact to trees
- Surface water and drainage
- Alternative development location
- Loss of light
- Pollution from works

Date of Site Notice: 24 April 2014

Consultation with Highways

The proposed parking provision is considered to be acceptable for the proposed conversion at this location. Please note the following comments:

*If the proposal is implemented it will be necessary to amend the existing crossover in order to provide access to the additional car parking spaces. The applicant should submit an application to the Highways Authority for widening of the existing crossover. Any costs for necessary works on the public highways will be borne by the applicant. The proposed crossover will affect an existing on street parking bay and will therefore be subject to statutory consultation as part of the crossover assessment.*

*The proposed crossover is in close proximity to a lamp Column and may require Lamp Column re-location. These works may not just relate to the lighting column directly in front of the applicants property. Amendments may also be required to other lighting columns along the road to ensure adequate street lighting coverage is maintained along Friern Park.*

An informative has been included addressing the above matter.

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site contains a two storey terraced dwellinghouse. The property is the centre building in the terrace and is located on the northern side Friern Park in the ward of Woodhouse.

The site is not within a conservation area and it is not a listed building.

### Proposal:

Initially the proposal included:

*Conversion of existing single family dwelling into three (3) self-contained flats, including two storey rear extension and the formation of new basement and the creation of one additional off street parking to front elevation.*

However, concerns were raised regarding the proposal and amended plans were



submitted. The scheme was reduced to include only two (2) self-contained flats. The scheme still includes works to the basement, two storey rear extension and parking are still included.

The amended plans are the subject of this report. Measurements:

- The basement extension is proposed to measure approximately 5 metres wide and 4.2 metres deep and includes a lightwell at the rear.
- The two storey rear extension is proposed to measure approximately 4.2 metres deep and 6.5 metres wide.
- Flat A includes 3 bedrooms (5 person) and has a total internal area of 135sqm.
- Flat B includes 2 bedrooms (3 person) and has a total internal area of 77sqm.

#### Planning Considerations:

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

- Whether the principle of residential units 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 area and street scene, having regard to the size and siting of the proposal.

#### Principle of self-contained units

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.

There are a significant proportion of converted residential properties in the locality. Therefore the proposed self-contained flat is not considered to detract from the mixed character of the area, which accommodates both converted properties, purpose built flats and single family dwelling houses.

### Living conditions of future occupiers

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'. The extensions to provide for the new self-contained flats are designed to allow for adequate daylight to the proposed unit. The proposal is consistent with the Council's Sustainable Design and Construction SPD (2013) in relation to gross internal area, layout, privacy and access to daylight and the external manifestation of the building respects the constraints of the site and does not detract from the residential amenity of character of the area

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

In line with Table 2.1 within the Sustainable Design and Construction SPD (and the London Plan Standards), the proposed flats meet the required Gross Internal Area standard in accordance with policy within Council's Development Management Policies, the external manifestation of the building respects the constraints of the site.

The proposed habitable room windows in the building are in line with Table 2.4 of the Council's Sustainable Design and Construction SPD which advocates that there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms and 10.5 metres to neighbouring gardens.

In accordance with the Table 2.4 of the Council's Sustainable Design and Construction SPD, all habitable rooms proposed will have a reasonable outlook and be sufficiently large enough for light and ventilation to serve the varying room sizes. It is considered that the habitable rooms will provide a suitable level of amenity for future residents in accordance with Policy DM02 of Council's Development Management Policies.

The proposal accords with the outdoor amenity space Table 2.3 within the Sustainable Design and Construction SPD. The development includes two areas of outdoor amenity space for the new flats. The space connected with Flat A is approximately 45sqm and space connected to Flat B is approximately 31.2sqm.

In terms of meeting the requirements for waste from the site, the development includes a refuse area at the front of the building, and a planning condition has been included require an appropriate supply of and accessibility to refuse bins at the site.

### Noise Transmission

Noise can be a significant nuisance in urban areas. Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential properties. The applicant should achieve the required sound insulation levels and this will be enforced by an appropriate condition attached to the decision. This issue will also be addressed at the building regulations stage.

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

### Parking

DM17 states that parking should be provided in accordance with the London Plan standards, except in the case of residential development, where a maximum of 1.5-1 space per unit for development consisting of two bedroom flats may be acceptable. The development site indicates space for two off street parking spaces. This is considered to be acceptable level of parking for the units.

### Whether harm would be caused to the living conditions of neighbouring residents

The proposal would not result in a loss of privacy, loss of outlook or loss of light for neighbouring properties. The new two storey rear extension aligns with the rear building line of the adjoining buildings at 77 and 81 Friern Park. There are no side windows proposed in the development and all new windows proposed at the rear of the building will overlook the outdoor amenity space at No. 79 Friern Park.

### Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

The proposed extensions are considered to be subordinate to the original building and the conversion into self-contained units is considered to be acceptable in principle, given the range of dwelling types in the nearby area. It is considered that the extensions respect the overall character of the street and align with council's policy DM01 within the Development Management Policies 2012.

### Community Infrastructure Levy

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 sqm. 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 £36.04 per sqm on all forms of development in Barnet except for education and health developments which are exempt from this charge.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sqm on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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.

**3. COMMENTS ON GROUNDS OF OBJECTIONS**

Planning matters have been addressed in the main body of the report.

**4. EQUALITIES AND DIVERSITY ISSUES**

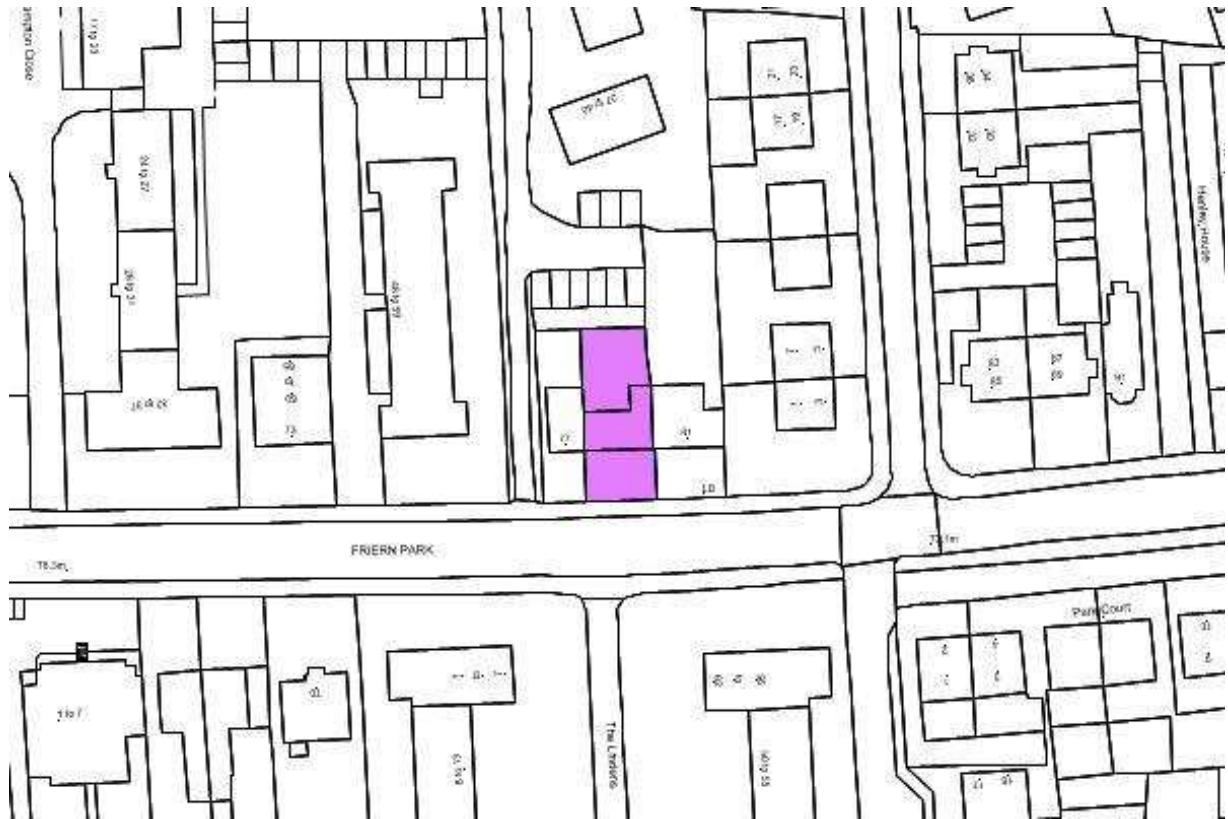
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

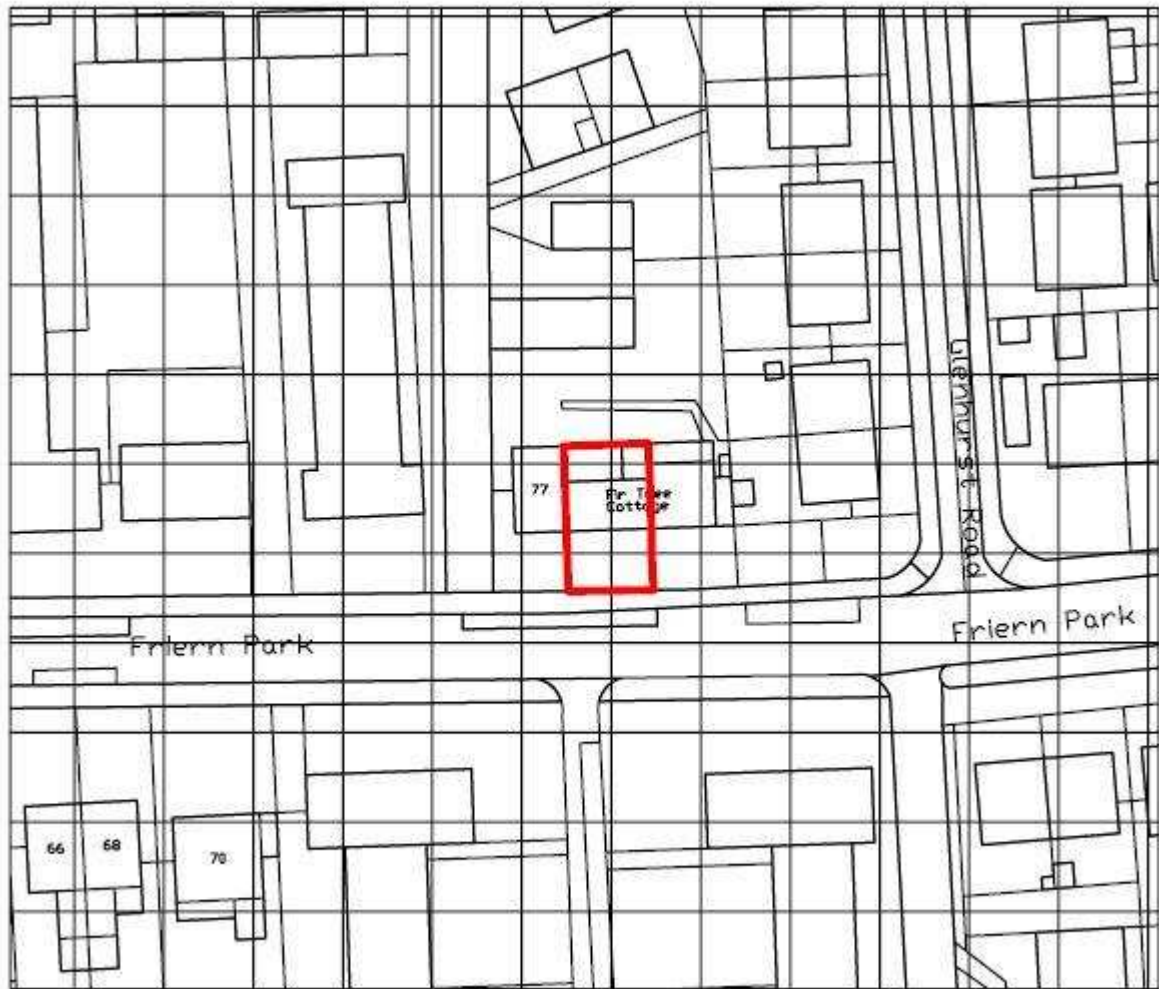
**5. CONCLUSION**

The proposal is in accordance with the guidance and policies contained in the Barnet Local Plan and so is recommended for **APPROVAL**.

**SITE LOCATION PLAN: 79 Friern Park, London, N12 9UA**

**REFERENCE: F/01104/14**





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