

LOCATION: 4 Beaconsfield Road, London, N11 3AB

REFERENCE: B/06071/13

Received: 22 December 2013

Accepted: 14 January 2014

WARD(S): Coppetts

Expiry: 11 March 2014

Final Revisions:

APPLICANT: Mr T Zorbis

PROPOSAL: Single storey rear extension with provision of 3no. off-street parking spaces in the front; refuse and recycling; landscaping and associated works to facilitate conversion of a single family dwelling into 3no. self contained flats.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 1239-E01-00 P2, E01-01 P2, E02-00 P1, E03-00 P1, E03-01 P1, E03-02 P1, Drawing Nos. 1239-P01-01 P2, P03-00 P2, OP03-01 P2, P03-02 P2 (received 23 December 2013). Drawing No. 1239-P02-00 P3 (received 7 May 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 a) No development shall take place on site until a detailed specification, including scaled drawings/sections at an appropriate scale as necessary, carried out by an approved acoustic consultant, which details the noise and vibration mitigation methods proposed to be implemented as set out in the Sharps Redmore technical note 1313901 has been submitted to and approved in writing by the Local Planning Authority. The detailed specification shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit and critically analyse the content and recommendations.

b) The measures approved under this condition shall be implemented in their entirety prior to the first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2011.

- 4 Before the development hereby permitted is first occupied the parking spaces shown on Drawing No. 1239-P01-01 P2 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 Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2011.

- 5 a) Before the development hereby permitted is first occupied, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such 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 Development Management Policies DPD (adopted September 2012).

- 6 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).

- 7 a) No development shall take place until a scheme of hard and soft landscaping to the front forecourt area, including size, species, planting heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the Local Planning Authority.

b) 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.

c) 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 CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and 7.21 of the London Plan 2011.

- 8 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

INFORMATIVE(S):

- 1 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 applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Building 4 North London Business Park, Oakleigh Road South, London N11 1NP, by telephone on 020 8359 3018, or via crossovers@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 NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people". The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

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 and is recognised in the NPPF as part of the development plan.

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.

The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.

Relevant Development Management DPD (2012): Policies DM01, DM02, DM03, DM04, DM08 and DM17.

Supplementary Planning Documents and Guidance

The Council's Residential Design Guidance SPD was adopted in April 2013. This sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation.

Included advice states that large areas of Barnet are characterised by relatively low

density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

In respect to amenity, development should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

The Council adopted a Sustainable Design and Construction SPD in April 2013, following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

Relevant Planning History:

Site Address:	4 Beaconsfield Road, London, N11 3AB
Application Number:	B/02268/12
Application Type:	Full Application
Decision:	Refuse
Appeal Decision:	Dismissed
Appeal Decision Date:	14/06/2013
Proposal:	Single storey rear extension with provision of 3no. off-street parking spaces in the front; refuse and recycling; landscaping and associated works to facilitate conversion of a single family dwelling into 3no. self contained flats.

Consultations and Views Expressed:

Neighbours Consulted:	111	Replies: 5 letters of objection received.
Neighbours Wishing To Speak	1	

The objections raised in respect of the original consultation and drawings may be summarised as follows:

- The applicant has not submitted a scheme with detailed analysis supporting the proposal.
- The applicant has not carried out tests to prove the existing noise levels in order to be able to demonstrate that the proposal is a solution.
- The layout has not been changed and remains directly contrary to the Inspector's view.
- The applicant has conceded they will not even try to insulate the chimneys which are known to be serious noise conduits.
- Currently there is a substantial noise problem arising from acoustic penetration of the party wall as the houses are old and not of particularly good quality construction.
- The building is totally unsuited to intensification of use without substantial noise and vibration attenuation measures to the party wall as well as complete isolation of all floors and joists.
- Proposed rear living area at ground floor would have a more intensive use than existing, resulting in additional noise and disturbance to neighbour.

- The internal arrangement of the first floor living accommodation would result in significant noise and disturbance being experienced by neighbouring property.
- There is already parking chaos on the road and parking must be provided as part of the development.
- Proposal would result in more on-street car parking.
- Loss of a single family house would not be appropriate in a road characterised by single family houses.
- Internal accommodation would not be appropriate.

Following the receipt of amended drawings, which detail the proposed internal room layout and insulation to be installed, additional consultation letters were issued.

- Any comments received as part of this additional consultation will be reported at the Committee meeting in an addendum to the main report pack.

Consultations:

Scientific Services: Satisfied with the proposed methods to reduce the impact of noise between the proposed flats and the attached dwelling.

Date of Site Notice: 30 January 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site contains one of a pair of three storey semi-detached properties, located on the north-eastern side of Beaconsfield Road. Beaconsfield Road is residential in character, containing a mixture of single family dwellings, flat conversions and purpose built flats. The buildings have a range of different architectural styles.

Proposal:

This application proposes a single storey side/rear extension, the provision of three car parking spaces, additional landscaping and a refuse store, and the conversion of the existing single family dwelling into three flats.

The extension would have a maximum depth of 10.9 metres and occupy the space between the flank wall of the existing building and the flank boundary of the curtilage of the site. It would have a flat roof 2.9 metres high.

This application follows the refusal of planning application B/02268/12 (which was also dismissed at appeal). The changes between the previous application and the current application are as follows:

- The previously proposed bedroom 2 to the rear unit at ground floor level (Flat 3) adjacent to the attached neighbouring property has been changed to a living/dining room.
- The previously proposed living/dining room to the rear unit at ground floor level (Flat 3) has been changed to a bedroom.
- The bathroom to the first floor unit (Flat 2) has been repositioned following a reduction in the size of the kitchen. A study room has also been introduced.
- Details of a proposed independent acoustic stud wall have been supplied and

shown on the drawings, to be installed in the ground and first floor rooms which abut the party wall with the attached neighbouring property.

Planning Considerations:

Background

Planning application B/02268/12 was refused planning permission in August 2012. It proposed extensions to the existing building and the conversion of the existing single family dwelling into three flats. The application was refused planning permission for three reasons. The first states that the room layout in relation to each other and to the adjoining property would give rise to increase noise and disturbance which would be detrimental to the amenities of future occupiers. The second states the development, by reason of the arrangement of boundary treatments and resultant sub-division would be out of keeping with the established character and appearance of the surrounding locality. The third states that the location of the crossover, in close proximity to an existing lamppost and highway tree would not allow adequate access to the proposed parking spaces, resulting in inadequate parking provision for the site.

The decision was appealed and the appeal dismissed. In respect of the first reason for refusal, the Inspector stated that it is clearly the intention of policy that concerns in respect of noise and disturbance between units should be addressed by an appropriate layout to minimise the potential for such disturbance in the first instance, and concluded that the scheme would be unacceptable in relation to the living conditions of the occupiers of the adjacent dwellings and new flats.

In respect of the second reason for refusal, the Inspector stated that the subdivision would not be readily apparent from the street, and that on this side of the street the back gardens are not part of a significant pattern of consistent sizes and shapes. The Inspector concluded on the second matter that the subdivision would not be detrimental to the character and appearance of the locality.

In respect of the third reason for refusal, the Inspector stated that it had not been shown that the parking spaces would constitute inappropriate provision, and that the scheme would not add to the burden of kerbside parking in the locality.

Given that the current application follows the appeal discussed above, it is necessary only to assess whether the changes between the previous scheme and the current scheme overcome the one remaining reason for refusal, and whether they introduce any additional concerns.

It should be noted that at the time the previous appeal was assessed in light of the Unitary Development Plan for the Borough, and Design Guidance Note No. 7: Residential Conversions. The current application falls to be assessed under the current Development Plan, comprising the Local Plan Core Strategy and Development Management Policies Development Plan Documents, the Residential Design Guidance Supplementary Planning Document and the Sustainable Design and Construction Supplementary Planning Document.

Impact on the amenities of future occupants and neighbouring occupants.

At the time the previous application was refused, the application was considered to not

comply with Policy H26 of the Unitary Development Plan, and the requirements of Design Guidance Note No. 7. This guidance note stated that 'you should ensure that the layout of each unit means that bedrooms are not located above or below living rooms of another unit, and first floor living rooms are not adjacent to bedrooms in a neighbouring family house'. That guidance has since been replaced by the Residential Design Guidance.

The Residential Design Guidance SPD states that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. Where possible, the horizontal arrangement of rooms between flats in a block should also avoid bedrooms adjoining neighbouring living rooms, kitchens and bathrooms, as well as communal areas such as halls and stairs. The implication of this change is that whilst the previous guidance stated this should be undertaken, the current guidance states that the layout should be arranged 'as far as practical' and 'where possible'. This gives some additional flexibility to the internal arrangement of units.

In terms of changes to the internal layout, at ground floor level a bedroom and living/dining room have been swapped, such that a living/dining room would now be adjacent to the party wall with the attached neighbouring property. The room of the immediately adjoining house is a noise-generating living room. Given the repositioned rooms, a bedroom would no longer be positioned adjacent to a noise-generating room, and this arrangement is considered acceptable.

At first floor level, the first floor bathroom has been repositioned to be directly above the ground floor bathroom, with a study area above the ground floor flat 1 bedroom 1. This internal arrangement would minimise noise disturbance between these two units and the revised vertical stacking is considered to be acceptable.

The final concern raised in the previous application related to the horizontal stacking between the living/dining area of flat 2, which would be adjacent to a bedroom at the attached neighbouring property, No. 6. Concerns were raised that this arrangement would result in noise and disturbance to the occupiers of No. 6. In the current application, the horizontal arrangement remains the same. However, the submitted drawings include details of an independent acoustic stud wall to be installed at the party wall. The application has been accompanied by a report from an acoustic consultant, which states that the current wall construction would on its own be building regulations compliant and states that the depth and performance of the brick fireplace would far exceed that of the existing standard brick wall. The report recommends the use of an independent acoustic stud wall which would result in improvements in excess of 10dB from that currently experienced. The report states that this would provide a very high level of sound insulation for a domestic premises.

In addition, the internal layout of this first floor kitchen/living area has been arranged to ensure fitted cupboard doors would not be attached to the party wall, but would be on other walls, thereby minimising possible disturbance by the noise/vibration of these being used. This is also suggested by the acoustic report.

Furthermore, the Inspector noted that the previously proposed first floor front-facing window which would have served the kitchen/living area to the first floor flat would be

close to the bedroom window at No. 6, resulting in the potential for disturbance which could not be mitigated against by insulation. In response to this, the applicant has proposed that this window be fixed shut. An additional window is proposed to be inserted serving this room on the flank wall of the existing building, facing No. 2 Beaconsfield Road. This window would provide an additional source of light and ventilation to this room, but would not be detrimental to the privacy of the occupants of any neighbouring property.

It is considered that as a result of the combination of amendments noted above, with the installation of an acoustic partition, the internal reconfiguration of the room's layout and the fixing shut of the front window, that the proposed living accommodation at first floor level would not cause any noise or disturbance which would be detrimental to the amenities of the occupants of the neighbouring residential property. It is therefore considered that the previous reason for refusal has been overcome.

Other matters

The Local Planning Authority and Planning Inspector raised no objections in the previous application to the impact of the proposed extension and alterations on the character and appearance of the street scene, or on the amenities of the occupants of the neighbouring properties. Given that the size, appearance and position of the proposed extensions remains identical to those previously proposed, no objections are raised to these elements in the current scheme.

The Planning Inspector raised no objections with regard to the appropriateness of the quality of internal accommodation provided. The size of the proposed rooms and units is unchanged since the previous submission, and therefore no objections are raised in the current application to these matters.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The objections raised have been addressed in the appraisal above.

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

It is considered that the amended proposal would accord with the provisions of the Development Plan and this application is therefore recommended for approval.

SITE LOCATION PLAN: 4 Beaconsfield Road, London, N11 3AB

REFERENCE: B/06071/13



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