

LOCATION: 3 Park Way, London, NW11 0EX
REFERENCE: F/01644/14
WARD(S): Golders Green

Received: 27 March 2014
Accepted: 22 April 2014
Expiry: 17 June 2014

Final Revisions:

APPLICANT: Mr Kut

PROPOSAL: Conversion of a single family dwelling house into to 2 self contained flats, including a rear extension and garage conversion with its roof replacement.

RECOMMENDATION: Refuse

The principle of the conversion into two self-contained flats is considered unacceptable as the development will have a detrimental impact to the character of the area as Park Way consists of single family dwellinghouses. The proposal does not accord with policies DM01 of the Development Management Plan (2012) and Residential Design Guidance SPD (April 2013).

INFORMATIVE(S):

The plans accompanying this application are:
Letter dated 2 June 2014 from Dr J Adler
Letter dated 2 June 2014 from Dr H Berry
Letter dated 20 May 2014 from Martin Saluzzo
Location Plan

3PW-PP-01 - Existing Plans & Elevations

3PW-PP-02 - Proposed Plans & Elevations

In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, 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 applicant did not seek to engage with the Council prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the Council to discuss possible solutions to the refusal reasons.

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.

Equalities Act (2010)

The Mayor's London Plan (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, DM03, 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:

Site Address:	3 Parkway London NW11
Application Number:	C01055
Application Type:	Full Application
Decision:	Approve
Decision Date:	28/07/1966
Appeal Decision:	No Appeal Decision Applies
Appeal Decision Date:	No Appeal Decision Date exists
Proposal:	Construction of front porch.

Site Address:	3 Parkway NW11
Application Number:	C01055A
Application Type:	Full Application
Decision:	Approve with conditions
Decision Date:	16/08/1978
Appeal Decision:	No Appeal Decision Applies
Appeal Decision Date:	No Appeal Decision Date exists
Proposal:	Single storey and two storey rear extension. Single storey front addition of porch and cloakroom. Raised roof, with dormers in all

elevations, and new windows in front elevation.

Site Address: 3 Parkway NW11
Application Number: C01055B
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 18/12/1984
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **First floor rear extension.**
Site Address: 3 Park Way LONDON NW11
Application Number: C01055C
Application Type: Full Application
Decision: Refuse
Decision Date: 17/04/1992
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **First floor side extension**

Consultations and Views Expressed:

Neighbours Consulted: 24 Replies: 2
Neighbours Wishing To Speak 0

Two letters of support were received.

Date of Site Notice: 01 May 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The subject development site contains a two storey semi-detached dwellinghouse, which is located on the eastern side of Park Way in the ward of Golders Green.

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

Proposal:

The proposal seeks planning permission for the conversion of a single family dwellinghouse into two (2) self-contained residential flats, including a rear extension and garage conversion with garage roof replacement.

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

Whether the principle of residential units including the density of the development is appropriate for the area

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

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

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

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

Park Way is characterised by single family dwellinghouses and there are presently no approved flat conversions within the street.

The impact of the ground floor rear extensions and conversion of the garage into habitable space will be covered separately below; however it is considered that they are compliant with council's policies.

However, it is considered that the conversion of the dwellinghouse into two self-contained flats will have a detrimental impact on the character of the area and is not consistent with the direction of council's policies regarding conversions.

Whether the proposal will provide suitable accommodation for future occupiers

Space Standards

With regard to the development standards relating to minimum room sizes, the development is compliant with Table 2.1 and 2.2 in councils adopted Sustainable Design and Construction SPD 2013.

Amenity Space

With regard to the development standards relating to outdoor amenity space, the

development is compliant with Table 2.3 in councils Sustainable Design and Construction SPD 2013.

Daylight, Privacy and Outlook

With regard to the development standards relating to daylight, privacy and outlook, the development is compliant with Table 2.4 in councils Sustainable Design and Construction SPD 2013.

Sound Insulation

Sound insulation between units is important and should be incorporated into the scheme which is 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 units. The applicant should achieve the required sound insulation levels should the proposal be approved as part of an appeal; the Inspector is advised that this should be enforced by an appropriate condition attached to the decision.

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

One of the Councils key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Policies DM01 and DM02, seeks to ensure adequate outlook for occupiers adjoining new development, and that new residential developments should provide and preserve adequate residential amenity. The relevant Residential Design SPD offers guidance for the assessment.

It is considered that the principle of conversion into self-contained flats is not appropriate in this particular circumstance as the predominant local character of Park Way is that of dwellinghouses and not self-contained flats.

Park Way currently enjoys a high level of amenity given the low residential density, privacy and parking availability in the area. It is considered that conversion of the property into flats would have a cumulative impact on the character of the dwelling and street, particularly in relation to the higher densities and greater movements of people and cars, greater parking stress and more refuse for collection.

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

Policy CS5 states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'. Policy DM01 requires 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. 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.

Furthermore, the Residential Design Guidance SPD advises that the design and

layout of new development should be informed by the local pattern of development. The continuity of building lines, forecourt depths, road layout, space about the building and rear garden areas are all likely to be significant factors when redeveloping sites within existing residential areas.

It is considered that although the rear extensions would accord generally with the building line of No. 1 and 5 Park Way, and the length of the rear projection is not inconsistent with the pattern and rhythm of the nearby buildings, the conversion into Flats will result in changes to the front of the building, such that additional space would be required for refuse, cars, and that generally higher movements of people will result in cumulative impact on the character and appearance of the building and wider area.

3. COMMENTS ON GROUNDS OF OBJECTIONS

None.

4. EQUALITIES AND DIVERSITY ISSUES

Information supplied by the agent included a letter from the applicant's doctor detailing the medical conditions of the owner who has difficulty climbing the stairs and is no longer able to manage a large house. The doctor advises that *"she makes adjustments required for her to be able to live in the house. It is not practical for her to move as she has excellent support from her local neighbours on whom she is reliant"*

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to pay regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

Equality duties require Authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different equality groups. It is an opportunity to ensure better decisions are made based on robust evidence.

Section 149 of the Act states that a public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

It is considered that the planning application itself provides an opportunity for an understanding of disabilities to be promoted.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular steps to take account of disabled persons' disabilities.

It is considered that the applicant is within a protected group (disability). Whilst it is acknowledged that the proposals would offer some benefit to the applicant, the benefits brought about by a conversion of the property, will result in harm to the character of this part of Barnet. Furthermore, it has not been demonstrated that there is no other available (ground floor) accommodation within the vicinity of the site where the applicant could move into. It is also not considered that a conversion of the property into flats is necessary to enable the applicant to live at ground floor level (with the extensions that officers are supportive of).

In determining this planning application the Local Planning Authority must have due regard to the equalities impacts of the proposals on those persons protected under the Equality Act 2010. This Act requires the Local Planning Authority to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.

The potential equality impacts have been highlighted above. Any equalities impacts have also to be analysed in the context of the overall planning merits of the scheme and the benefits it will confer particularly on a disabled person.

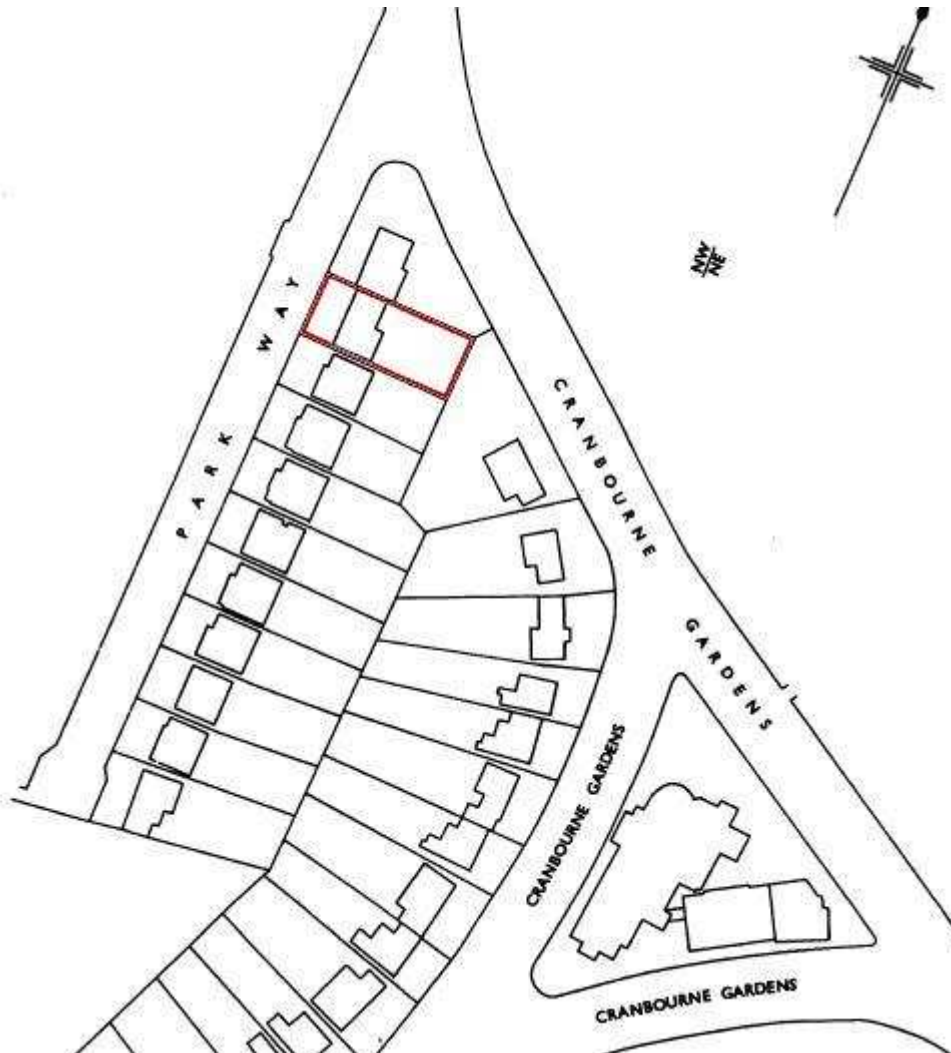
In this instance, the officers consider that the applicant has not demonstrated that the proposed conversion is the only solution to provide suitable accommodation for the applicant. The benefits to the applicant (within a protected group) would not outweigh the harm that a conversion would cause in this part of the Borough as identified in the planning appraisal above.

5. CONCLUSION

Having taken all material considerations into account including the applicant's personal circumstances, the principle of the conversion from one single family dwellinghouse into two self-contained units is deemed unacceptable as it would be out of character with this part of the Borough. Although the proposed extensions are considered acceptable, the application is recommended for **REFUSAL**.

SITE LOCATION PLAN: 3 Park Way, London, NW11 0EX

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