

**LOCATION:** 90 Audley Road, London, NW4 3HB

**REFERENCE:** H/01741/14

**Received:** 30 March 2014

**Accepted:** 11 April 2014

**WARD:** West Hendon

**Expiry:** 06 June 2014

**Final Revisions:**

**APPLICANT:** Mr Kadiwar

**PROPOSAL:** Single storey rear extension and conversion of existing house into 2no. self-contained flats

**Approve Subject to S106**

**Subject to a Section 106 Agreement**

**RECOMMENDATION I:**

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Highways (traffic order) £2,000.00**  
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.
- 4 **Monitoring of the Agreement £100.00**  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

**RECOMMENDATION II:**

That upon completion of the agreement the Assistant Director of Development Management & Building Control approve the planning application reference: H/01741/14 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement; Planning Statement; Sustainability Report; 805/01 (Site Location Plan); Block Plan; Proposed Block Plan Rev A; 01A Rev A; 02A Rev A; 03A Rev A; 04A Rev A; 05A Rev A.  
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 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).

- 6 Before the development hereby permitted is occupied, details of the sub-division of the amenity area(s) shall be submitted to and 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).

- 7 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.

- 8 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).

#### **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.

### **RECOMMENDATION III**

**That if an agreement has not been completed by 19/09/2014, that unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application H/01741/14 under delegated powers for the following reasons:**

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

#### **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 London Plan is recognised in the NPPF as part of the development plan.

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."

NPPF retains 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.

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.

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 11th September 2012

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

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

Supplementary Planning Documents and Guidance

The Council has adopted the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations. The Residential Design Guidance SPD (April 2013) and Sustainable Design and Construction SPD (April 2013) are now material considerations.

Relevant Planning History:

**Planning applications picked up in spatial search**

<b>Site Address:</b>	90 Audley Road LONDON NW4
<b>Application Number:</b>	W09905
<b>Application Type:</b>	Full Application
<b>Decision:</b>	Refuse
<b>Decision Date:</b>	10/03/1992
<b>Appeal Decision:</b>	No Appeal Decision Applies
<b>Appeal Decision Date:</b>	No Appeal Decision Date exists
<b>Proposal:</b>	<b>Conversion of house into two self-contained flats.</b>
<b>Case Officer:</b>	

Consultations and Views Expressed:

Neighbours Consulted: 88                      Replies: 4 + 1 petition with 30 signatures.

Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

- proposal will have an adverse impact on the character and appearance of the area
- adverse impact on the living conditions of occupiers and of adjoining residential properties
- demand for car parking in the area and the consequent effect on highway safety

- planning statement states that several houses have been converted into flats on Audley Rd, this is not the case, only a 'few' houses have been converted
- the house is not 8bed, it is originally 6bed with a recent loft conversion
- application proposed 3 flats, whereas 2 may be acceptable
- disproportionate and out of keeping with the surrounding area
- overcrowding in number of people/overpopulation
- increased littering and uncleanliness
- negative impact on the Borough services
- the proposed extension will set a precedent for extensions
- the proposed windows facing No. 92 Audley Rd would be poorly lit

#### Internal /Other Consultations: Traffic & Development:

The proposal with no off street parking is not in accordance with the parking standards in the Local Plan.

However, in view of the site's close proximity to underground and bus services, shopping amenities and position within a controlled parking zone and that the existing dwelling has a large number of bedrooms and no off street parking; it is considered appropriate to amend the traffic order to exclude the proposed new flats from the schedule of addresses eligible for resident parking permits in the CPZ, in order to mitigate the on street parking impact in the vicinity of the site.

To effect this exemption it will be necessary to amend the Traffic Regulation Order that covers the Controlled Parking Zone. A Legal Agreement to include a contribution of £2,000 will be required towards the cost of amending the Traffic Order.

This is consistent with other highways recommendations for residential developments in this road in close proximity to the site and with the inspector's appeal decision for a neighbouring property (ref H/00318/10) which included lack of an agreement to amend the Traffic Order as a reason for dismissing the appeal, but stated that such an agreement would be sufficient to protect the highways from further on-street parking caused by that development.

Date of Site Notice: 24 April 2014

## **2. PLANNING APPRAISAL**

#### Site Description and Surroundings:

The site property is a two storey semi-detached single family dwellinghouse located on Audley Road; a residential street which falls within the West Hendon area of the Hendon area.

The property is not listed nor does it fall within a designated conservation area.

#### Proposal:

The application seeks to convert the existing single family dwellinghouse into 2no self-contained units facilitated by a single storey rear extension

The 2no units would comprise of:

- 1no 3 bed flat
- 1no 4 bed flat

The plans have been amended since the original submission to reduce the number of proposed self-contained units from 3 no to 2no, omit the first floor rear terrace from existing and proposed plans and reduce depth of ground floor rear extension at adjoining boundary.

### Planning Considerations:

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

- 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.

Policy DM01 of the Development Management Policies (Adopted) 2012 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 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.

### **Size of Flats**

Policy 3.5 of the London Plan states that 3 bedroom flats should be between 74-95 sqm and 4 bedroom flats should be between 90-99 sqm in floorspace area. Both flats proposed would exceed these standards.

### **Impact on Character of Area**

The application proposes a single storey rear extension which has a maximum depth of 4 metres, however, given that both neighbouring properties have been extended at ground floor level, it is considered that the proposed extension would not have a detrimental impact on neighbouring amenity or the character and appearance of the area.

Flat conversions have become an established characteristic of Audley Road with a number of properties having been converted with the benefit of planning permission. Given the character of the street, the principle of the proposed conversion is therefore considered to be acceptable. It is considered that the refuse storage for 2 flats could be accommodated within the front garden area, without undue harm to the appearance of the area.

## **Amenity Space**

The proposal results in 10 habitable rooms. Barnet's Sustainable Design and Construction SPD requires 5 sqm of amenity space per habitable room. This would make a total requirement of 50 sqm and the rear garden area is therefore of a sufficient size. However, details of the subdivision of the garden space have not been submitted. A condition is recommended to be attached to the permission requiring these details to be agreed. Each flat will have their own access via the existing shared access at the side of the property.

## **Parking**

The plans do not comply with the Council's Parking Standards as no off-street car parking has been provided. A site visit to the area suggests that there is pressure for on-street parking and residents are concerned that the subdivision of the property into flats will contribute to the already strained parking problems.

The site lies in close proximity to underground and bus services and shopping amenities and is within a controlled parking zone. It is also noted that the existing dwelling has a large number of bedrooms and no off street parking.

Following comments received from the Council Traffic & Development Team, it was suggested that the applicant enter into a Section 106 legal agreement whereby the applicant would contribute towards the costs of amending the relevant Traffic Regulation Order to exclude the proposed new flats from the schedule of addresses eligible for resident parking permits in the CPZ.

Taking all these factors into account it is considered on balance that this would mitigate the on street parking impact in the vicinity of the site.

## **Impact on residential amenity of neighbouring residents**

Both adjoining properties are in use as flats. It is considered that the increased activity associated with the use of the property as 2 flats would not be so great as to cause harm to the amenities of neighbouring residents through noise and disturbance. A condition is proposed with regards to ensuring that adequate sound insulation is provided to meet the Building Regulations.

The rear extension proposed would extend no further rearward than an existing extension at no. 88 (the adjoining property) and only 2m rearward of no. 92 at a distance of 1.1m from the side wall of that property. It is considered that the extension would not have an adverse impact on the amenities of the occupiers of those properties.

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

Planning matters addressed 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**

The application is recommended for **Approval subject to conditions and a Section 106 legal agreement.**



**SITE LOCATION PLAN:** 90 Audley Road, London, NW4 3HB

**REFERENCE:** H/01741/14



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2013. All rights reserved. Ordnance Survey Licence number LA100017674.