

LOCATION: 237A Golders Green Road (Also known as 2A Highfield Avenue),
London, NW11 9ES

REFERENCE: F/01133/14

Received: 28 February 2014

Accepted: 14 May 2014

WARD(S): Golders Green

Expiry: 09 July 2014

Final Revisions:

APPLICANT: BS Initiative

PROPOSAL: Conversion of the existing residential use on the upper floors into 5 no. self-contained flats to regularise works undertaken on site. Re-design of existing flats and lowering of parapet to single storey element; alterations to roof. (AMENDED DESCRIPTION)

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 13257 171 Rev A, 13257 174 Rev A, 13257 101 Rev A, 13257 104 Rev A, 13257 100 Rev A, 13257 1001 Rev A, 13257 175 Rev A, 13257 172 Rev A, Design and Access Statement, 13257 106 Rev A, 3257 105 Rev A, 3257 103 Rev A, 3257 102 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).

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.

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.

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.

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.

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.

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

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

Visit:

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

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, DM04, DM08, DM17

Supplementary Planning Documents and Guidance

Relevant Planning History:

Planning applications picked up in spatial search

Site Address: 237 Golders Green Road, London, NW11 9ES
Application Number: 01972/09
Application Type: Full Application
Decision: Refuse
Decision Date: 04/08/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **First floor side and rear extension.**
Case Officer: Neetal Rajput

Site Address: 237 Golders Green Road, London, NW11 9ES
Application Number: 02916/09
Application Type: Full Application
Decision: Refuse
Decision Date: 05/01/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of first floor side and rear extension, second floor rear extension with associated pitch roof above providing additional room in roof space for previously approved self contained residential unit.**
Case Officer: Neetal Rajput

Site Address: 237 Golders Green Road London NW119ES
Application Number: C03565Q/06
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 23/05/2006
Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Ground, first, second and third floor rear extension and ground floor side extension. Use of ground and first floors as retail shops (Class A1) with ancillary basement storage and office space (Class B1). Use of upper floors as residential (Class C3) to provide six self contained units.**
Case Officer: Fabien Gaudin

Site Address: 237 Golders Green Road London NW119ES
Application Number: C03565H/04
Application Type: Full Application
Decision: Refuse
Decision Date: 11/08/2004
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of two-storey side extension and first, second and third floor rear extensions with associated alterations to roof. Use of ground/upper ground floors as retail shops (Class A1) and office space (Class B1). Use of upper floors as residential (Class C3) to provide a total of seven self-contained units.**
Case Officer: Karina Conway

Site Address: 237 Golders Green Road London NW119ES
Application Number: C03565K/04
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 23/12/2004
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Ground, first, second and third floor side and rear extensions. Use of ground and first floors as retail shops (Class A1) and office space (Class B1). Use of upper floors as residential (Class C3) to provide four one bed self contained units.**
Case Officer: Karina Conway

Site Address: 237 Golders Green Road London NW11 9ES
Application Number: C03565L/05
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 25/11/2005
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Ground, first, second and third floor rear extension and ground floor side extension. Use of ground and first floors as retail shops (Class A1) and office space (Class B1). Use of upper floors as residential (Class C3) to provide six self contained units.**
Case Officer: Karina Conway

Site Address: 237 Golders Green Road, London, NW11 9ES
Application Number: 01178/11
Application Type: Retention/ Contin. Use
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Retention of 2no residential units at second and third floor levels (units 5 and 9) including rooflights at all sides.**
Case Officer: Neetal Rajput

Site Address: 237 Golders Green Road, London, NW11 9ES
Application Number: F/02076/11
Application Type: Full Application
Decision: Withdrawn
Decision Date: 15/07/2011

Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Retention of 2no residential units at second and third floor levels (units 5 and 9) including rooflights at all sides.**
Case Officer: Neetal Rajput

Site Address: 237 Golders Green Road, London, NW11 9ES
Application Number: F/03523/11
Application Type: Full Application
Decision: Refuse
Decision Date: 20/10/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Retention of 2no residential units at second and third floor levels (units 5 and 9) including rooflights at all sides.**
Case Officer: Neetal Rajput

Site Address: Zohar Court, 2A Highfield Avenue, London, NW11 9ET
Application Number: F/04159/12
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 14/02/2013
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Change of use of ground floor and basement from A1(shop) to D1 (Dental Practice).**
Case Officer: David Campbell

Site Address: 237 GOLDERS GREEN ROAD, LONDON, NW11 9ES
Application Number: F/00276/08
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 20/06/2008
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Upper ground floor side and rear extension, first and second floor part rear extension. Creation of new pitch roof at rear with rooms in roof space to become 1no.self contained unit**
Case Officer: Alissa Fawcett

Site Address: 237 GOLDERS GREEN ROAD, LONDON, NW11 9ES
Application Number: F/02928/08
Application Type: Full Application
Decision: Refuse
Decision Date: 06/04/2009
Appeal Decision: Dismissed
Appeal Decision Date: 06/04/2009
Proposal: **Proposed first and second floor side and rear extension, third floor rear extension with associated pitch roof above providing additional room in roof space for previously approved self contained residential unit.**
Case Officer: Fabien Gaudin

Enforcement Notices picked up in spatial search

Reference Name	Description
	Enforcement Notice served under part iii of Town and Country Planning Act 1971, (carried out without the grant of planning permission required).

Consultations and Views Expressed:

Neighbours Consulted:	120	Replies:	6
Neighbours Wishing To Speak	4		

The objections raised may be summarised as follows:

- Reduction in number of housing units is unacceptable.
- Removing parapet wall will cause a safety hazard
- There is no problem with existing roof.
- Proposals will increase parking problems in the area
- Loss of privacy
- Overcrowding

Internal /Other Consultations:

N/A

Date of Site Notice: 29 May 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is sited on the corner of Highfield Avenue and Golders Green Road. The site has an existing four storey building with roof level and commercial units at ground floor level. The site is located close to Golders Green town centre.

An existing rear and side extension has been constructed containing 9 self-contained flats which are unauthorised.

Proposal:

The proposals are for conversion of the existing residential use on the upper floors into 5 no. self-contained flats to regularise works undertaken on site, and the re-design of existing flats and lowering of parapet to single storey element; alterations to roof.

Planning Considerations:

The main issues are considered to be:

- Whether the proposals would have an acceptable impact on the character and appearance of the streetscene and general locality.
- Whether the proposals would provide an acceptable level of amenity for neighbouring and future occupiers
- Whether the proposals would have an acceptable impact on highway and pedestrian safety.

Background

This item is presented to the Planning Committee given that the Council has an interest on the land in question. A number of the units have been let under the 'direct let' scheme. Under this process basic checks are made and accommodation needs to comply with housing acts however checks are not made against planning permission.

Barnet Homes have advised that 'A number of Barnet Homes applicants were tenanted at Zohar Court under the direct let scheme. It is unclear whether the landlord approached us himself or the applicants sourced the properties and approached us for deposits/landlord incentives. The applicants would have signed Assured shorthold tenancies for a minimum of a year as with most private lets which come our way via the direct let scheme. Our role would have been as facilitating agents. Barnet Homes would not have any managerial role in managing the tenancy but would in all likelihood have informed the landlord of the need to install Health and Safety features such as smoke alarms, fire doors etc. However due to the private nature of the ownership, would not have been able to enforce all of this. Barnet Homes would not have had cause to check into the planning permission status of the building. I believe the limit in that respect would have been to check ownership of at least the building as a whole.'

Therefore, whilst it is regrettable that Barnet Homes applicants have been tenanted within the development, for such development they do not consider it necessary to check the planning status of developments.

Whether the proposals would have an acceptable impact on the character and appearance of the streetscene and general locality.

The existing development on site is unauthorised.

However, planning permission was granted under reference F/00276/08 for a development of a similar nature on site with smaller roof bulk and with the parapets to the side of the property omitted. This only related to a single additional unit in the roof. Permission was also granted under reference C03565L/05 for a scheme for six flats. The currently proposed scheme is an amalgamation of these two schemes.

The roof appearance was identified within both the 2013 appeal against the extant enforcement notice and the 2009 appeal against refusal of planning permission as being detrimental to the character and appearance of the area. However, it the above planning applications that have been approved should also be given weight, though they have now lapsed. The proposals would reduce the size of the roof at fourth storey, so that there is more of a set back from the edge of the roof and it is considered that the proposals to be retained would not materially harm the character and appearance of the area.

The proposals would also involve the removal of the parapet walls at first floor which also add to the bulk perceptible from the streetscene.

It is considered that the proposed regularisation works would result in a development that would have an acceptable impact on the character and appearance of the streetscene and general locality.

Whether the proposals would provide an acceptable level of amenity for neighbouring and future occupiers

In terms of the environment for future occupiers, the roof units would be converted from two units (unauthorised) to a single unit. This would now have dual aspect. The third floor would be converted from four units (unauthorised) to two units. The second floor converted from three flats (unauthorised) to two.

Second Floor - 50 and 51 sq m.

Third Floor - 50 and 51 sq m.

Fourth floor - 56 sq m

The units as proposed would comply with the internal space standards in the Mayors London Plan. No external amenity would be provided however given the nature and location of the development on a shopping parade this is considered acceptable.

The existing development is subject to an enforcement notice however there was no objection to the impact on neighbouring amenity.

The proposed regularisation works would not harm the visual or residential amenities of neighbouring occupiers.

Whether the proposals would have an acceptable impact on highway and pedestrian safety.

The proposals would retain 5 one bedroom units.

No issue was raised with the impact of the existing development on highway and pedestrian safety. The site does not provide any parking. The site is located within an area of PTAL rating of 4 which is of moderate accessibility. Taking the site location which is close to Brent Cross underground station into account, it is not considered that the proposals would result in a harmful impact on highway and pedestrian safety.

3. COMMENTS ON GROUNDS OF OBJECTIONS

It is noted that a number of residents have commented upon the reduction in the number of flats given the known demand in the area for residential accommodation. However, the existing units are unauthorised and the loss of the units should not be given weight in any consideration.

There is an existing enforcement notice on the site. This requires that '*(1) demolition of ground and first floor side and rear extension, second and third floor part rear extension and fourth floor new pitch roof with roof lights and dormer at rear and filling in of basement level to restore original ground level; and (2) the permanent removal from the property of all constituent materials resulting from the works in (1) above.*'

Therefore the existing residential units will be removed in any case. Whilst it is regrettable that the units have been occupied and that the proposals will result in the loss of residential units, these are unauthorised and there should be no presumption that they would remain.

4. EQUALITIES AND DIVERSITY ISSUES

Under section 149 of the equalities act 2010, the Council has a duty to ensure that it behaves as follows:

- (1) 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.
- (2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).
- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic:
- (b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- (c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (4) 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.
- (5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- (a) Tackle prejudice
- (b) Promote understanding
- (6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(7) The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

(8) A reference to conduct that is prohibited by or under this Act includes a reference to:

- (a) a breach of an equality clause or rule;
- (b) a breach of a non-discrimination rule.

(9) schedule 18 (exceptions) has effect.”

The likely equalities impacts of the development are as follows:

The proposals would result in a reduction in the number of flats on site from 9 to 5. It is noted that some of these residents are housed through Barnet Homes Direct Let scheme. As a result of the implementation of the works, a number of residents would lose their homes.

It is acknowledged that the implementation of the proposals would result in the loss of housing for residents and residents are encouraged to contact Barnet Homes for help in finding new accommodation.

The loss of unauthorised housing is not a reason to withhold planning permission given that the housing would have to be removed in order to comply with the enforcement notice in any event however the equalities impacts of the development need to be considered. No residents have objected on the grounds that they would be disproportionately affected as a result of any protected characteristic they may have. There is no reason to believe that residents would be affected disproportionately as a result of such characteristics, as it is understood that this would be taken into account as part of the re-housing procedure.

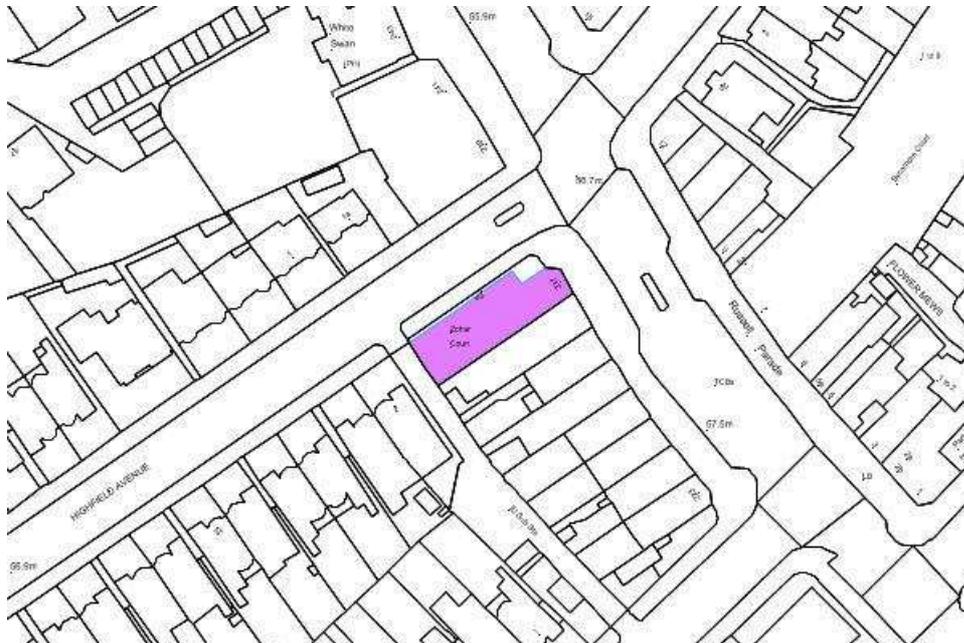
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

The application is recommended for **APPROVAL**.

SITE LOCATION PLAN: 237A Golders Green Road (Also known as 2A Highfield Avenue), London, NW11 9ES

REFERENCE: F/01133/14



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