

**LOCATION:** 108 Holden Road, London, N12 7EA

**REFERENCE:** B/02498/14

**Received:** 08 May 2014

**Accepted:** 08 May 2014

**WARD(S):** Totteridge

**Expiry:** 03 July 2014

**Final Revisions:**

**APPLICANT:** Mr & Mrs TANG

**PROPOSAL:** Conversion of existing single family house into two separate dwellings, facilitated by part single, part two storey rear extension. Roof extension including raising eaves height and ridge height to side projection, and insertion of side and rear dormer windows.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 70/01 Existing Plans & Elevations & Site Location Plan. Received - 08/05/2014. Drawing No. 70/02A & 70/03A. Received - 21/08/2014.

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 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 is occupied the parking

spaces/garages shown on Plan 70/02 Proposed Block Plans 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 policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

- 5 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).

- 6 A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

- 7 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.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 8 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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 9 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).

- 10 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.

- 11 A Construction Management Plan must be submitted to and approved by the Local Planning Authority.

Reason: 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 policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

- 12 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 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 £4,550.00 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 £17,550.00 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 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.

- 4 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 5 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day as calculated according to the Code for Sustainable Homes.
- 6 If the development is carried out it will be necessary for modifications to existing vehicle access and a new a vehicle access to be constructed by the Highways Authority. The applicant must submit an application under the Highways Act (1980) for the proposed new vehicular access and modifications to existing access. The proposed access design details, construction and location will be reviewed as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant. There is a highway tree in close proximity to the proposed crossover, therefore the tree section will be consulted as part to this

assessment. The applicant should submit a crossover application to London Borough of Barnet, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

- 7 Any details submitted in respect of the Construction Management Plan shall indicate how the hours of operation will be controlled, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.

## **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, 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:

**Application Number:** B/03958/13  
**Application Type:** Prior Approval Householder Notification  
**Decision:** Prior Approval Required & Refused  
**Decision Date:** 08/10/2013  
**Proposal:** **Single storey rear extension with a proposed depth of 6 metres, eaves height of 3 metres and maximum height of 3 metres.**

**Application Number:** B/04246/13  
**Application Type:** Section 192  
**Decision:** Lawful Development  
**Decision Date:** 11/10/2013



**Proposal:** Extension to roof including rear dormer window with roof lights to facilitate a loft conversion. Two storey rear extension. Conversion of the garage into habitable room.

**Application Number:** B/04932/13

**Application Type:** Full Application

**Decision:** Refuse. **1)** Rear extension would subsume the rear elevation of the existing building, not appearing subordinate to, but dominating the existing building. **2)** Front hardstanding area would dominate the frontage and not reflect the planted and soft landscaped character of neighbouring frontages. **3)** Extension and use would result in overintensive use of the building, resulting in increased comings and goings, to the detriment of the character of the area. **4)** Inadequate unit sizes, floor to ceiling heights and access to rear garden would not provide satisfactory quality of amenity for future occupants. **5)** Proposal would result in the loss of a single family sized house, and the provision of low-priority unit sizes.

**Decision Date:** 18/12/2013

**Proposal:** Conversion of a single family dwelling house into 5 self-contained flats following a two storey rear extension, conversion of garage into habitable space, and roof extension involving 1 side dormer window, 2 rear dormer windows and a total of 7 roof lights to the front and rear elevations, to facilitate a loft conversion. Provision of 5 car parking spaces, refuse facilities and amenity space.

**Application Number:** B/05167/13

**Application Type:** Full Application

**Decision:** Refuse. **1)** Front hardstanding area would dominate the frontage and not reflect the planted and soft landscaped character of neighbouring frontages. **2)** Overintensive use of the building, resulting in increased comings and goings, to the detriment of the character of the area. **3)** Inadequate stacking would not provide satisfactory quality of amenity for future occupants.

**Decision Date:** 19/12/2013

**Proposal:** Conversion of a single family dwelling house into 4 self contained flats including a two storey rear extension and roof extension involving 2no. dormer windows and 2no. rooflights to rear elevation and 5no. rooflights to front elevation.

**Site Address:** 108 Holden Road, London, N12 7EA

**Application Number:** B/00061/14

**Application Type:** Full Application

**Decision:** Refuse

**Decision Date:** 20/03/2014

**Appeal Decision:** Dismissed

**Appeal Decision Date:** 17/07/2014

**Proposal:** Conversion of a single family dwelling house into 3no. self contained flats, including part single, part two storey side/rear extension, conversion of garage into habitable space and extension to roof including 4no. front roof-lights, 1no. side roof-light, 2no. rear dormers and 1no. side dormer to facilitate a loft conversion. Alterations to side fenestration. Refuse facilities, hard and soft landscaping.

#### Consultations and Views Expressed:

Neighbours Consulted: 114 Replies: 9 (Objections)

The objections raised may be summarised as follows:

- There is a shortage of family houses in the Borough, demonstrated by the number of flats deconverted back into houses.
- Proposal has inadequate provisions for parking, and if the front garden is converted then it is a loss of front amenity space.
- The road can be congested and the proposal would compound the parking problems.
- Increased noise levels would be impossible to contain, and would be detrimental to the amenities of neighbours.
- Proposal would not be in keeping with the character and appearance of this property.
- Proposal would be an over intensive use of this building.
- Proposal would overlook neighbouring properties and result in a loss of light.
- The front parking would be detrimental to character of the street scene.
- Valuable green space will be lost.

Internal /Other Consultations:

### **LBB Traffic and Development**

- The proposal is for conversion of single family dwelling into 2 x 4-bedroom self-contained flats. A total of 2 off street parking spaces are proposed at the forecourt of the property.
- The proposed parking provision at this location is acceptable on highways grounds for a development at this location.
- If the proposal is implemented it will be necessary for the existing vehicle crossover to be modified and for a new vehicle crossover to be constructed by the Highway Authority. Any street furniture affected by the proposal will be re located at the applicants' expense. The tree section will be consulted regarding the highways tree in the vicinity of the proposed crossover.
- The application is recommended for approval on highways grounds subject to conditions.

Date of Site Notice: 15 July 2014

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site contains an Edwardian two-storey semi-detached dwelling. The neighbouring buildings to the north are similar pairs of semi-detached buildings, with

many buildings in the area having also been converted into flats. The neighbouring building to the south is a purpose built flatted development.

#### Proposal:

This application proposes extensions to the existing single family dwelling to facilitate the conversion into two dwellinghouses (2 x four bedroom). The extensions comprise a part two storey, part single storey rear extension with a depth of three metres. It would be set 2 metres from the common boundary with the attached neighbouring property. The single storey element would have a flat roof, and would be set 1.3 metres from the boundary with the non-attached neighbouring building. The two storey element would be set approximately 3.9 metres from the non-attached neighbouring building. It is also proposed to replace the roof over the existing two storey side projection with a roof of a greater eaves and ridge height.

The extended dwelling would be split into two separate dwellinghouses, one dwelling with 4 bedrooms, 7 persons and the other with 4 bedrooms 8 persons. An off-street parking area would be created to the front of the site for two cars to park. To the rear, the substantial rear garden would be subdivided to form two separate amenity areas.

This application has been submitted following a previous planning application refused by committee and subsequently dismissed at appeal, as detailed in the History section above. The changes between the previous applications and the current scheme are as follows:

- The rear extension at ground floor level has been extended in width on the side facing Sylvan Court by 0.3 metres.
- The proposal has changed from 3 flats, to 2 separate units, with associated changes to the internal configuration.
- The extent of hardstanding to the front of the site has been reduced in area, with additional soft planting and landscaping proposed.
- The rear dormers have been reduced in height and increased in width.
- Changes to the fenestration on the side elevation facing Sylvan Court, including the removal of a window at first floor level and the insertion of two smaller windows and a door at ground floor level to form a side entrance.
- The entrance and access arrangements have changed from 3 units using the existing access to 2 units each using a separate entrance, one being the existing front entrance and the other on the side elevation facing Sylvan Court.

#### Planning Considerations:

The site circumstances and Development Plan policies have not changed since the determination of the previous planning applications. As such, it is necessary to assess whether the changes made since the previously refused scheme overcome the previous reasons for refusal, and whether the changes made introduce any additional concerns.

### **Impact on the frontage of the plot**

The proposed frontage of the previously dismissed scheme included 3 car parking spaces, 3 units using the existing front entrance and the landscaping between the host property and No. 110 Holden Road had a depth of 1.4 metres to the side and 1.1 metres to the front.

It is noted that the Planning Inspector stated that in the previous application the proposal would result in three households making use of the existing front entrance and the parking area would encompass more of the front garden, bringing it in closer proximity to No 110. The Inspector also stated that the nearest ground and first floor windows at the front of No 110 would serve a study and a bedroom and that the mature flower bed on the No 108/No 110 boundary would not, in itself, be sufficient to ameliorate the noise and disturbance that would occur from the increased levels of activity at the front of No 108. The current scheme includes the formation of a side entrance on the elevation facing Sylvan Court, therefore reducing the number of units using the front entrance to 1 unit. Furthermore, additional soft landscaping is proposed to the front and side of the parking area on the side facing No. 110 of a depth of 2.4 metres to the side and 3.7 metres to the front. There is also additional landscaping between the two proposed properties providing more of a visual break between the hard surfaced areas and the amount of car parking spaces have been reduced from three in the previous scheme to two. Therefore, the latest proposals are considered to address the concerns raised by the Planning Inspector.

### **Nature of the use of the building**

The number of units proposed to be created has been reduced to two units, with the size of the units proposed identified within Policy DM08 of the Development Management Policies DPD as being the highest priority. As such, units of this size are supported by DM08.

### **Quality of internal accommodation**

The stacking has been arranged to ensure that appropriate uses of rooms are adjacent to each other. The room sizes to each proposed unit all meet the minimum requirements, and both units have access to outdoor amenity space. The quality of internal accommodation is therefore considered to be acceptable.

### **Other Matters**

It is noted that a two storey rear extension, projecting 3 metres rear of the original rear wall of the dwellinghouse and set 2 metres from the side boundary of the curtilage of the dwelling has been confirmed as lawful development, thereby not requiring express planning permission. The extensions proposed to the rear of the building are of an identical depth and distance from the boundary of No. 110 Holden Road to that granted a lawful development certificate. The extension has extended closer to the common boundary to the south elevation by approximately 0.3 metres. Extensions of similar massing and in this location can be constructed whilst this building is in use as a single family dwellinghouse. As a result of this, it is still considered that the proposed extensions would have an acceptable impact on the

character and appearance of the dwelling. Furthermore, it is not considered that the proposed extensions would cause any harm to the amenities of the occupants of any neighbouring property.

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

Comments addressed in 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**

The application is considered to accord with the requirements of the Development Plan, and is therefore recommended for approval.

**SITE LOCATION PLAN: 108 Holden Road, London, N12 7EA**

**REFERENCE: B/02498/14**



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