

LOCATION: 93 Edgwarebury Lane, Edgware, Middx, HA8 8NA

REFERENCE: H/01698/14

Received: 28 March 2014

Accepted: 23 July 2014

WARD(S): Edgware

Expiry: 17 September
2014

Final Revisions:

APPLICANT: Dr Patel

PROPOSAL: Conversion of house into 3no. self contained units.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement; Site Location Plan; 01; 02; 03; 04; 05; 06; 07.

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 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.

- 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 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).

- 6 The building in question (93 Edgwarebury Lane, HA8 8NA) shall only be used as three separate flats and shall not be sub-divided further to provide additional separate residential units at the site.

Reason:

To ensure that the use of the site is not over intensive.

- 7 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).

- 8 Before development hereby permitted is occupied, turning space and parking spaces shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason:

To ensure that parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free flow of traffic 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.

- 9 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).

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 You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The council's supplementary planning document on Sustainable Design and Construction requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and & measurement of environmental noise; 2) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 3) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 4) Department of transport: Calculation of road traffic noise (1988); 5) Department of transport: Calculation of railway noise (1995); 6) Department of transport : Railway Noise and insulation of dwellings.

- 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 or by telephoning: 0208 359 7294.

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.

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:

Site history for current landparcel :

86559 - 93 Edgwarebury Lane, Edgware, Middx, HA8 8NA

Case Reference: **H/01698/14**

Application: Planning
Validated: 13/02/2012

Number: H/00528/12
Type: HSE

Status: DEC **Date:** 12/06/2012
Summary: APC **Case Officer:** Cathy Munonyedi
Description: Single storey rear and side extension. New front porch. Conversion of existing garage into a habitable room.

Application: Planning **Number:** H/02697/13
Validated: 17/07/2013 **Type:** 192
Status: DEC **Date:** 23/07/2013
Summary: LW **Case Officer:** Komal Gorasia
Description: Extension to roof including rear dormer, 1no. rear rooflight, 1no. side rooflight and 3no. front rooflights, to facilitate a loft conversion.

Application: Planning **Number:** H/02825/13
Validated: 17/07/2013 **Type:** 192
Status: DEC **Date:** 26/07/2013
Summary: ULW **Case Officer:** Harriet Beattie
Description: First floor rear extension.

Application: Planning **Number:** H/03911/13
Validated: 09/09/2013 **Type:** HSE
Status: DEC **Date:** 21/10/2013
Summary: APC **Case Officer:** Komal Gorasia
Description: First floor rear extension.

Application: Planning **Number:** W/06376/A/01
Validated: 16/02/2001 **Type:** APF
Status: DEC **Date:** 02/04/2001
Summary: APC **Case Officer:** Lesley Feldman
Description: Demolition of existing garage and erection of a two storey side extension.

Application: Planning **Number:** W/06376/B/01
Validated: 10/04/2001 **Type:** APF
Status: APD **Date:** 21/05/2001
Summary: DIS **Case Officer:**
Description: Demolition of existing shed and garage and erection of two storey, detached dwelling.

Planning applications picked up in spatial search

Site Address: 93 Edgwarebury Lane Edgware
Application Number: W06376
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 05/03/1980
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **New vehicular access and widening of existing vehicular access.**
Case Officer:

Consultations and Views Expressed:

Neighbours Consulted: 42 Replies: 5
Neighbours Wishing To Speak 0

5 objections received which may be summarised as follows:

- Number of cars on Edgwarebury Lane would increase
- concerns regarding the disruption during building works
- loss of light if the height of the building increases
- Edgwarebury Lane is becoming a street with more flats than houses and its impact on the natural beauty and quietness
- is out of character with the surrounding houses
- with the development of flats around London Academy there is no need for more flats
- the works to the house appear to have been on-going for a considerable time and it appears as if the conversion has taken place
- noise levels will rise
- insufficient car park spaces
- complaints regarding the workmanship of the builders

Date of Site Notice: 31 July 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is a two storey semi-detached single family dwellinghouse located on Edgwarebury Lane; at the corner with Fairview Way.

The property has benefitted from numerous extensions which comprise of single storey side and rear extension; rear roof dormer extension; two storey side extension; first floor rear extension. The total floor area of the property is therefore 268 sqm.

The property is not listed and does not fall within a designated conservation area.

Proposal:

The application seeks permission for the conversion of the property into 3no self-contained flats and no building works are proposed apart from additional windows and door to front, side and rear elevations.

Flat 1 - 2 bedroom unit with an area of 68 sqm and 78 sqm of amenity space
Flat 2 - 2 bedroom unit with an area of 65 sqm and 101 sqm of amenity space
Flat 3 - 3 bedroom unit with an area of 110 sqm and 142 sqm of amenity space

Although no parking provisions have been shown on the plans, the site has an ample front hardstanding area and an existing crossover which is more than adequate to accommodate 3no cars on site. A condition has been attached requesting

details of parking layout to be submitted and approved by the Local Planning Authority.

Planning Considerations:

The main issues in this case are considered to be covered by the following main areas:

- Whether the principle of residential units 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 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 Council's Development Management Policies, 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 is damaging to 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 particularly where they are highly accessible. However, even in such locations they can harm the character of areas by changing external appearance and increasing activity. Such activity can often involve more people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries."

The principle of converting the premises into three self contained flats would not harm the residential character of the area and would not represent the over intensive use of the property. The area has been surveyed and there is evidence that a number of properties have been converted into flats in the vicinity of the application site, these include Nos. 36, 40, 42 and 63. Nos 102 and 113 were granted planning permission over recent years to convert into 5no units and 3no units respectively.

Therefore the proposed conversion is not considered to detract from the mixed character of the area, which accommodates both converted properties and single family dwelling houses. Future conversion of the building into a house of multiple occupation (HMO) would not be supported however. A condition has been attached restricting the conversion into a HMO.

Whether the proposal will provide suitable accommodation for future occupiers:

Policy DM01 states 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.

This policy also explains that 'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'. The extensions to provide for the new self-contained flats are designed to allow for adequate daylight to the proposed unit. The proposal is consistent with the Councils Sustainable Design and Construction SPD (2013) in relation to gross internal area, layout, privacy and access to daylight and the external manifestation of the building respects the constraints of the site and does not detract from the residential amenity of character of the area

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.

In line with Table 2.1 within the Sustainable Design and Construction SPD (and the London Plan Standards), the proposed flats meet the required Gross Internal Area standard in accordance with policy within Council's Development Management Policies.

Flat 1 provides 68 sqm which is in line with the required 61-70sqm for a 2 bedroom flat

Flat 2 provides 65 sqm which is in line with the required 61-70 sqm for a 2 bedroom flat

Flat 3 provides 110 sqm which exceeds the required 74-95 sqm for a 3 bedroom flat

The flats will be stacked (i.e. the bedrooms will be directly above or below each other) as well as is possible to reduce disturbance for occupiers.

Policy DM04 explains that 'Proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted.'

A planning condition will ensure that adequate sound insulation is provided between the proposed and existing flats. These issues will also be addressed at the building regulations stage.

In terms of parking, the site is located adjacent to a bus stop and is in close proximity to good public transport links and so there would be no need for reliance on a private car. However, the site comprises of a large front hardstanding area and an existing crossover. This is considered to be of a sufficient size and would be able to accommodate 3no cars in line with the Councils requirement. A condition has been attached requesting details of parking layout to be submitted and approved by the Local Planning Authority.

With regard to refuse, the property has adequate space for the provision of bin stores.

All the flats will have access to the rear amenity space which is considered to be a sufficient size and accords with the outdoor amenity space Table 2.3 within the Sustainable Design and Construction SPD.

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

Noise can be a significant nuisance in urban areas. Sound insulation between units should be incorporated into the scheme which should be 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 properties. The applicant should achieve the required sound insulation levels and this will be enforced by an appropriate condition attached to the decision. This issue will also be addressed at the building regulations stage.

Given that no extensions are proposed, the proposal is not considered to have a detrimental impact on the visual amenities of the neighbouring occupiers. Impacts to neighbouring visual and residential amenity have been assessed and addressed in the approved applications for the extensions to the property.

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

The application does not propose any external changes to the property apart from an additional door and window to the front, side and rear elevations, and the access to the site for the separate units will remain via 1no entrance door therefore maintaining the appearance of a single family dwellinghouse. The proposal is therefore not considered to have an adverse impact on the character and appearance of the application site or the streetscene.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Addressed in report above.

The workmanship of builders is not a material planning consideration.

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 the attached conditions.**

SITE LOCATION PLAN: 93 Edgwarebury Lane, Edgware, Middx, HA8 8NA

REFERENCE: H/01698/14



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