

LOCATION: 35A Woodstock Avenue, London, NW11 9RG

REFERENCE: F/04616/14

Received: 22 August 2014

Accepted: 22 August 2014

WARD(S): Childs Hill

Expiry: 17 October 2014

Final Revisions:

APPLICANT: Morphuse Ltd

PROPOSAL: Conversion of 1no one bedroom flat into 2no two bedroom flats. Construction of single storey rear extension with basement level and patio above. Changes to windows and doors to side and rear elevation including new Juliet balcony at first floor level.

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans:

- No. 2013-0797 EX and 2013-0797 PR REV 2 (received: 30/09/14).

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 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the side elevation, of the extension(s) hereby approved, facing 33 Woodstock Avenue.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 6 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.

- 7 Prior to occupation the approved development shall make provision for cycle parking and cycle storage facilities in accordance with details submitted to and approved by the Local Planning Authority. The cycle parking spaces shall be permanently retained thereafter.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 8 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).

- 9 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.

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 Londoner's benefit from sustainable improvements to their quality of life.

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, and DM02

Supplementary Planning Documents and Guidance

- Residential Design Guidance SPD (April 2013)
- Sustainable Design and Construction SPD (April 2013)

The Residential Design Guidance 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, extensions 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.

Relevant Planning History:

Site history for current landparcel :

41363 - 35A Woodstock Avenue, London, NW11 9RG

Case Reference: **F/04616/14**

Application:	Planning	Number:	F/02980/14
Validated:	02/06/2014	Type:	APF
Status:	DEC	Date:	14/07/2014
Summary:	REF	Case Officer:	Dominic Dear
Description:	Conversion of 1No one bedroom flat into 2no.two bedroom flats. Construction of single storey rear extension with basement level and patio above. Changes to		

windows and doors to side and rear elevation including new Juliet balcony at first floor level.

Consultations and Views Expressed:

Neighbours Consulted: 65 Replies: 6 Against: 6

Neighbours Wishing To Speak 1

Summary of objections

- New side entrance would create a loss of privacy
- Juliet balcony would create a loss of privacy
- Potential structural impacts due to construction works (basement
- Insufficient amenity space provided
- Excessive noise due to construction works
- Loss of light

Date of Site Notice: 04 September 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site is a ground floor flat located within a house to flat conversion on Woodstock Avenue.

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

Proposal:

The proposal seeks to:

- Conversion of existing flat into 2 x two bedroom flats
- Single storey rear extension (w: 6.8m, h: 3.0m, d: 4.0m)
- Creation of a full footprint basement with associated sunken terrace
- New Juliet balcony at first floor level

Planning Considerations:

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

- Whether the principle of residential units including the density of the development is appropriate for the area;
- Whether the proposal will provide suitable accommodation for future occupiers;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

Principle of self-contained units

This property as well as several others in the street have already been converted to flats. The principle of flats in this location has therefore been established.

Density

With regard to the London Plan (2011) Density Matrix found in Table 3.2, it is considered that the site can be defined as 'urban' and has a PTAL score of 4. The site is approximately 350 m² in size and the development includes 2 self-contained flats. Calculations show that the proposed scheme's density is approximately 60.61 units per hectare, and this is consistent with the density range for its context and the guidelines in the London Plan.

All matters considered, the density of the development is considered to be appropriate for the area and therefore the Council has no objection on this matter.

Living conditions of future occupiers

Space standard

With regard to the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan (July 2011), it is advocated that two bedroom (3 person) units should have a minimum of 61 m² of internal space and studios should have a minimum of 37 m². It is considered that the units do provide adequate internal space for future occupiers.

With regard to Table 2.2 of the Sustainable Design and Construction SPD, it is advocated that for a 3 person unit, the internal living/kitchen/dining room have an area of 25 m². Both proposed flats exceed this requirement.

Amenity space

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room [definition of a habitable room is set out in the glossary including the maximum size considered before a room is counted as two (20 sqm)]. With regard to this matter, a 21 m² sunken terrace has been provided to serve the rear ground/ basement flat. The second unit would have access to a 48 m² private garden. It has therefore been concluded that sufficient amenity space exists to serve both flats.

Daylight, Privacy and Outlook

Policy DM01 (Barnet's Local Plan, 2012) states that 'development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.'

A lack of outlook was the principle reason why the previous planning application was

refused. The layout has since seen substantial changes. The rear flat now benefits from glazed windows to the ground floor and a 3m deep sunken terrace with French doors serving the basement bedrooms. These changes allow for all habitable rooms to have both outlook and daylight.

In the studio flat, both the bedroom and lounge have sufficient outlook and daylight. Although it has been noted that the kitchen, located in the basement, has limited outlook, the space is not considered to be a habitable as it has an area of only 12 sq m. The applicant has however included a large light well measuring 4m deep allowing for adequate daylight.

The side access has raised concerns over privacy. This has been resolved through negotiations with the applicant as all flank wall windows will now be obscure glazed.

Sound Insulation

Sound insulation between units is important and should be incorporated into the scheme which is in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels should the proposal be approved as part of an appeal; the Inspector is advised that this should be enforced by an appropriate condition attached to the decision.

Living conditions of neighbouring occupiers and impact on character

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours amenity is unlikely to be supported. Good neighborliness is a yardstick against which proposals can be measured. Policies DM01 and DM02, seek to ensure adequate outlook for occupiers adjoining new development, and that new residential developments should provide and preserve adequate residential amenity. The relevant Residential Design SPD offers guidance for the assessment.

The Council's SPD *Residential Design Guidance* states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. The proposed rear extension has a depth of 4m which is over the 3.5m guide set out in Barnet's residential design guidance. In this case however this is justified because both neighbouring properties benefit from similar rear extensions, mitigating any potential impact on the amenity of neighbouring occupiers.

The proposed basement also adheres to Barnet's Residential Design Guidance as the exposed area of basement (rear light well) is a subordinate feature of the dwellinghouse and does not take up more than 50% of the garden. The light wells to the side are also discrete and unlikely to affect the character of the area.

Parking

With regards to provision of parking, LBB's Policy CS9 within the DM17 (Travel impact and parking standards), sets the local policy for residential parking provision:

- A maximum of two to one and a half space, for detached and semi detached houses and flats (4 or more bedrooms)
- A maximum of one and a half to one space, per unit (2 to 3 bed)
- A maximum of one to less than one space, per unit (1 bed)

for 1 bed flat=1 parking space and for 2 bed flat=1.5, thus the total parking provision is 2.5 which is the higher limit of the maximum.

The proposed car parking provision for a new development should comply with local policies and have a consideration of the policies within the London Plan. Although a restraint based approach is encouraged the applicant must provide justification that any over spill parking will be mitigated and will not unduly affect the free flow of traffic, operation of bus routes nor that the existing residential parking is unduly affected.

The existing house benefits from a dropped curb with sufficient space for 2 x off street parking spaces (parked at 90 degrees to the pavement) and considered acceptable. Details with regards to parking however were not included with the current application. A condition requiring the applicant to provide further details has been attached.

Impact on character and appearance of the existing building and the wider locality

As discussed, the property has already been converted to flats and other conversions exist in the street. Furthermore most properties in the street benefit from rear extensions. This coupled with the fact that no changes are proposed to the principal elevation lead to the conclusion that the scheme would indeed maintain the character of the area in accordance with policy DM01.

3. COMMENTS ON GROUNDS OF OBJECTIONS

New side entrance would create a loss of privacy: All side windows will be obscured to deal with this issue

Juliet balcony would create a loss of privacy: Juliet balconies are unlikely to create overlooking issues as they offer the same outlook as any window.

Potential structural impacts due to construction works (basement): All building works will need building regulations which assess the impact of the works on other properties.

Such objections however are not planning concerns.

Insufficient amenity space provided: The amenity space provided satisfies Barnet's Planning Policy (addressed in planning concerns).

Excessive noise due to construction works: This is not a planning concern.

Loss of light: The amenity of neighbouring occupiers has been dealt with under planning considerations.

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.

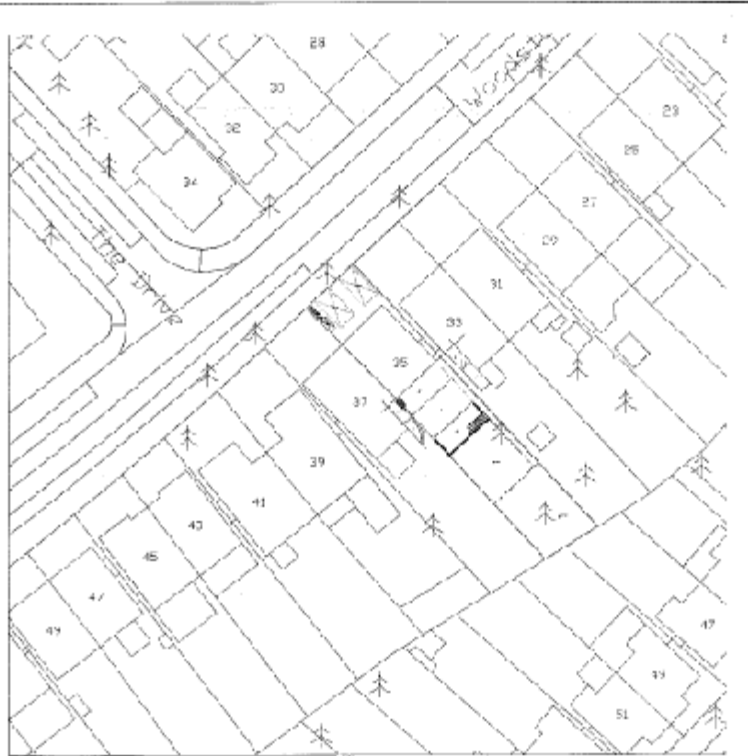
5. CONCLUSION

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.

SITE LOCATION PLAN: 35A Woodstock Avenue, London, NW11 9RG

REFERENCE: F/04616/14

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Proposed Block Plan 1:500

