

Location	Whitegates, 100 Station Road, Barnet, Herts, EN5 1QB	
Reference:	B/04866/14	Received: 04.09.2014 Accepted: 10th September 2014
Ward:	High Barnet	Expiry 5th November 2014
Applicant:	Mr	
Proposal:	Creation of an additional third floor to provide 2 self-contained flats. Alterations to parking layout at the rear of the site.	

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan; SE1134_01; SE1134_02; SE1134_03; SE1134_04; SE1134_05A; SE1134_06; SE1134_07; SE1134_08A.

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 CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 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 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 4 Prior to the first 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 Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 5 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development have been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted September 2012).

- 6 The property shall be used as self-contained units as shown in 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.

- 7 a) The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (November 2010) (or such national measure of sustainability for house design that replaces that scheme) and achieve full Lifetime Homes credits.

b) No dwelling shall be first occupied until evidence that the Lifetime Homes credits have been achieved and a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the development is sustainable and complies with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.2 and 5.3 of the London Plan (2011).

- 8 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2011.

- 9 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 pm 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 Development Management Policies DPD (adopted September 2012).

- 10 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. DE1134_05A 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 Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2011.

- 11 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 or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation(s), of the extension(s) hereby approved, facing 98 or 102 Station Road

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

- 12 Before the development hereby permitted commences, details of the materials to be used for the balconies including plans at 1:20 showing the details of the balconies and balustrades. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed 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) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 14 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2011.

- 15 a) No site works or works in connection with the development hereby approved shall be commenced until details of the no-dig construction technique for the construction of the hereby approved new hardstanding and driveway have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the approved details.

Reason: To safeguard the health of existing trees which represent an important amenity feature.

- 16 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 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. Your planning application has been assessed at this time as liable for a £4900 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 £189000 payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

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 CIL 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 at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extensions: 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

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

3 The plans and particulars submitted in accordance with Conditions 14 and 15; above shall include:

(a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees

are to be retained and the crown spread of each retained tree and which trees are to be removed;

(b) details of the species, diameter (measured in accordance with paragraph (a) above), root protection area (as defined in BS5837:2012 Trees in Relation to design, demolition and construction-Recommendations), the approximate height, and an assessment of the general structural and physiological condition, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;

(c) details of any proposed pruning of any retained tree, and of any tree on land adjacent to the site;

(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the recommended protective distance referred to in BS5837: 2012.

(e) details of the specification and position of fencing [and of any other measures to be taken] for the protection of any retained tree from damage before or during the course of development.

In this connection 'retained tree' means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

Officer's Assessment

1. Site Description

The application site is an existing block of flats on Station Road, this is a classified road. The existing building has a flat roof and is set lower than the two neighbouring buildings.

2. Site History

None relevant.

3. Proposal

The application relates to the creation of an additional storey by way of a flat roof top extension to provide 2 additional 2 bedroom self contained flats. The proposal will also incorporate balconies to provide amenity space for the new residential occupiers. The extension will be 11.5m at its deepest and 15.8m wide. The proposal will have a flat roof with a height of 2.5m. The balustrade to provide the external amenity area will be 1.6m high to prevent overlooking. The parking to the rear of the site will be re-orientated to provide two additional parking spaces in a revised layout.

4. Public Consultation

Consultation letters were sent to 153 neighbouring properties.

14 responses have been received, comprising 14 letters of objection, 0 letters of support and 0 letters of comment.

The objections received can be summarised as follows:

- Impact on neighbouring amenities.

noise and disturbance.

loss of privacy and overlooking.

loss of light.

increased dirt and disturbance during works.

- Impact on character and appearance

property itself is in need of maintenance and the maintenance money is not being used to improve the property.

the block is ugly and not in keeping with surrounding area, better to demolish existing block and start again.

- Effect on traffic, access and parking

Property is on an a busy A road and already congested.

Cars often double park on Station Road.

Parking to the rear is heavily used and hard to manoeuvre cars to allow for the spaces to be used.

- Developers did not notify leaseholder of the application.

- Protected trees may be effected if scaffolding required.

Further consultation was carried out following amendments to alter the layout of the existing car park. One further objection was received following this re-consultation. The summary of this objection is listed below:

Impact on traffic and potential for on street parking to be used by development.
Potential loss of trees.
No tree information submitted with application.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main considerations are:

- o The principle of the proposed development
- o The impact on the character and appearance of the application site and surrounding area
- o The impact on the amenity of future and neighbouring residents
- o The impact on highway safety and whether the proposal would provide a sufficient parking allocation
- o Other material planning considerations

The principle of the proposed development

The principle of the creation of an additional storey is considered to be acceptable. The two neighbouring blocks are each higher than the application site and as such it is not considered that the additional height would be out of character within its context. The property is already in use as flats and it is not considered that two additional units would represent an overdevelopment of the site or increase the intensity to an unacceptable degree.

The impact on the character and appearance of the application site and surrounding area

The 2012 National Planning Policy Framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

In addition to the NPPF, Policy CS5 of the Core Strategy states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design. In addition to this, Policy DM01 of the Council's Development Management Policies 2012 states that development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused.

The proposed extension is considered to be acceptable. The extension has been set in from the main building lines to reduce the visual impact the proposal will have. By virtue of the size, design and siting of the extension it is considered to be acceptable in terms of the character and appearance of the host property and surrounding area. The proposal has been amended since its initial submission to reduce the balustrading to the roof to limit its visual impact. The balustrade has been set back from the front building line.

The impact on the amenity of future and neighbouring residents

Policy DM01 of the Development Management Policies 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Section 8.4 of Barnet's Local Plan SPD: residential design guidance states: "in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy". In addition to this, section 2.4 of the SPD for sustainable design and construction states that "the impact of development on the availability of daylight / sunlight and privacy to the occupants of existing buildings and the occupants of new development is strongly influenced by design and contributes significantly to the quality of life. The amount of daylight available in buildings enhances people's quality of life and reduces energy use. The Mayor's Housing SPG standard 5.5.2 recommends that development should preferably have direct sunlight in living areas and kitchen dining spaces and all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Overheating should be considered when designing for sunlight".

The proposed extension is not considered to result in harm to neighbouring occupiers

The proposed flats meet the minimum space standards as set out in the London Plan and would provide sufficient outlook and access to light for habitable rooms. It is also considered that the proposed flats would have access to sufficient amenity space with terrace areas on the rooftop. Details of the balustrading for this is to be secured by way of condition. It should also be noted that there is a communal garden at the rear of the site and as such future occupiers would be able to access this area. The parking at the rear of the site will be re-orientated to allow an additional 2 parking spaces to be provided. Sufficient amenity space will still be provided with despite the changes to the parking layout.

In terms of noise it is not considered that the proposal will give rise to significant comings and goings in close proximity to surrounding residential occupiers to an unacceptable degree. The property is located on a busy main road and as such the additional units are not considered to result in appreciable increase in noise and disturbance by way of comings and goings which is out of character within its context.

Details of noise from ventilation and extraction equipment for kitchens and bathrooms will be secured by way of condition.

By virtue of its scale, siting and design it is considered that the development would not impact adversely on any neighbouring properties access to light or have an overbearing impact on neighbouring properties to an extent that would warrant the refusal of the application on these grounds. It is acknowledged that there are side windows in the neighbouring properties, however, these appear to be obscure glazed. Furthermore, it is considered that the proposed fenestration would not result in any direct overlooking to the neighbouring properties to an extent that would warrant the refusal of the application on these grounds.

Highways and parking

The parking to the rear will be re-orientated to allow for an additional 2 parking spaces to be provided at the rear of the site. It is considered that this will enable satisfactory manoeuvring space for vehicles.

Trees and landscaping

It is noted that there are TPO trees on the site including to the front of the site, side boundary with no.98 Station Road and the rear boundary with Leicester Road as such conditions have been imposed on the application to ensure that the proposed development does not result in harm to the protected trees and ensure that works can be carried out without resulting in harm to the protected trees during construction. Full arboricultural details will be required pre-commencement of any works being carried out.

5.4 Response to Public Consultation

The proposal is not considered to result in demonstrable harm to neighbouring residents. It should be noted the windows in the neighbouring property appear to be obscure glazed.

To the rear a distance in excess of 21m is maintained between facing windows and as such complies with council policy in regards to overlooking distances.

The current condition of the existing building can not be controlled by way of planning, however, a condition seeking details of the materials to be used in the development has been imposed to ensure the development is of high quality and respect its context.

The agent had signed Certificate B within the application form confirming notice had been served on the freeholder of the property. Further clarification was then sought from the Local Planning Authority that no further notifications were required. The agent has confirmed in writing that all the necessary notifications have been sent to the anyone with an interest in the land. If, this is found to be inaccurate information this would invalidate any planning application. The Local Planning Authority have consulted the existing occupiers of the flats of the application and as such the residents are aware of the application.

Conditions have been imposed for a tree method statement, protective fencing and a no dig technique to be used for the development to ensure the proposed development does not result in harm to trees at and adjacent to the site.

6. Equality and Diversity Issues

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

7. Conclusion

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

Site Map

