

Location **108 Holden Road, London, N12 7EA**

Reference: **B/05282/14**

Received: 25th September 2014

Accepted: 10th October 2014

Ward: Totteridge

Expiry 5th December 2014

Applicant: Mr & Mrs Tang

Proposal: Conversion of a single family dwelling house into 3 self contained units. Two-storey rear extension with pitched roof and conversion of garage into habitable room. Extension to roof including rear and side dormer windows and roof lights to all elevation to facilitate a loft conversion.

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location Plan, Planning Statement, Drawing Nos. 80/01A, 80/02A, 08/03 and Site Location Plan.

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 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 Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No.80/03 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.

- 5 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).

- 6 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.

- 7 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).

- 8 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

b) 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.

c) 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 CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A to E of Part 1 of Schedule 2 of that Order shall be carried out within the curtilage of Unit 1, as shown on Drawing No. 80/02A, hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 11 a) Before the development hereby permitted is first occupied, details of the sub-division of the amenity area(s), and details of the proposed bike storage / shed area shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such 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 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. 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 £4550.00 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 £17550.00 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 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.
- 4 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (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.

Officer's Assessment

1. Site Description

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.

2. Site History

Reference: B/02498/14

Address: 108 Holden Road, London, N12 7EA

Decision: Approved subject to conditions

Decision Date: 8 September 2014

Description: 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.

Reference: B/00061/14

Address: 108 Holden Road, London, N12 7EA

Decision: Refused

Decision Date: 20 March 2014

Description: 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.

Reference: B/04932/13

Address: 108 Holden Road, London, N12 7EA

Decision: Refused

Decision Date: 18 December 2013

Description: 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.

Reference: B/05167/13

Address: 108 Holden Road, London, N12 7EA

Decision: Refused

Decision Date: 19 December 2013

Description: 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.

Reference: B/04246/13

Address: 108 Holden Road, London, N12 7EA

Decision: Lawful

Decision Date: 11 October 2013

Description: 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.

Reference: B/03958/13

Address: 108 Holden Road, London, N12 7EA

Decision: Prior Approval Required and Refused

Decision Date: 8 October 2013

Description: Single storey rear extension with a proposed depth of 6 metres, eaves height of 3 metres and maximum height of 3 metres.

3. Proposal

This application proposes extensions to the existing single family dwelling to facilitate the conversion into three self-contained units including (1 x four bedroom dwellinghouse, 1 x three bedroom flat and 1 x 2 bedroom flat). 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 1.4 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 three separate dwellinghouses, one dwelling with 4 bedrooms, 5 persons and the other with 4 bedrooms 8 persons. An off-street parking area would be created to the front of the site for three cars to park. To the rear, the substantial rear garden would be subdivided to form three separate amenity areas.

This application has been submitted following a previous planning application, reference B/02498/14 approved by committee, as detailed in the History section above.

The changes between the previous application and the current scheme are as follows:

- The proposal has changed from 2 dwellinghouses, to 1 dwellinghouse and 2 self-contained flats, with associated changes to the internal configuration.
- The proposed parking arrangement has changed from 2 cars to 3 parking spaces, however this has not resulted in any changes to the proposed landscaping.
- The entrance and access arrangements have changed from 2 units each using a separate entrance to one unit using the existing front entrance and two units using the side elevation facing Sylvan Court.
- The rear amenity area has now been subdivided into 3 separate areas, with the amenity area for flat 3 located towards the rear of the property.

4. Public Consultation

86 consultation letters were sent to neighbouring properties.

12 responses have been received, comprising 10 letters of objection, 1 letter of support and 1 letter of comment.

The objections received can be summarised as follows:

- The proposal will result in a crowded road
- It will result in insufficient off-street parking places
- It will result in overlooking
- It would be out of keeping with family housing in the road
- Create over intensive use of road.
- Create a feeling of enclosure for us at 110 and 112
- Block sunlight to neighbouring garden/house
- It will look aesthetically displeasing

- It will remove a family home
- It does not provide sufficient amenity space
- It will create concerns regarding vertical stacking
- It will create concern horizontal stacking standards being followed
- It will result in over development of a small plot.
- The additional traffic in the area would be adversely affecting the residents in the surrounding area.
- The excessive number of units is out of character with its surrounding neighbourhood.

The representations received can be summarised as follows:

- Support this as it will provide jobs and housing.

Internal Consultation

LBB Traffic and Development

- A total of 3 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.

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, DM03, DM08 and DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their 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

Residential Design Guidance SPD (adopted April 2013)

- 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. The SPD 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.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that 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.

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 issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

This application has been submitted following a number of previous planning applications. Application B/00061/14 proposed the conversion of the single family dwelling house into 3no. self contained flats dividing the building horizontally, including part single, part two storey side and rear extension and 2no. rear dormers and 1no. side dormer to facilitate a

loft conversion and was refused by the planning committee and subsequently dismissed at appeal, due to the resulting noise and disturbance created from the levels of activity in close proximity to neighbouring property No. 110 Holden Road. A subsequent planning application under reference B/02498/14, for the conversion of the existing single family house into two separate dwellings, dividing the building vertically, facilitated by part single, part two storey rear extension and a roof extension was approved by committee as detailed in the History section above.

The site circumstances have changed since the determination of the latest planning application as the approved extensions are currently under construction. Therefore it is necessary to assess whether the changes made to the access arrangements and the use of the building, including one extra unit, are acceptable.

Impact on the frontage of the plot

The proposed frontage of the previously dismissed scheme included 3 car parking spaces with the 3 units using the existing front entrance. 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. In dismissing that scheme, the Planning Inspector stated 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 Inspector noted that the proposal to make use of the existing front door and the size and position of the parking area would have an adverse effect on the living conditions of the occupiers of No. 110.

However, the most recent application, reference B/02498/14 which was approved by the planning committee, overcame the concerns of the Inspector noted above by including the formation of a side entrance on the elevation facing Sylvan Court, therefore reducing the number of flats using the front entrance to unit 1. Furthermore, it included additional soft landscaping 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. It also included additional landscaping between the two proposed properties providing more of a visual break between the hard surfaced areas. As such, the proposal was considered to address the concerns raised by the Planning Inspector and not have an adverse effect on the living conditions of the occupiers of No. 110.

The current scheme includes the formation of one additional unit which would also use the entrance on the side facing Sylvan Court. Therefore the number of flats using the front entrance to unit 1, would still remain as the previously approved scheme. The arrangement of landscaping to the frontage is very similar to that of the previously approved scheme.

Furthermore, the use of the rear amenity area for 3 separate households was considered by the Planning Inspector to not be that noticeable for the occupiers of No 110. as there would only be one additional garden on the boundary with No 110 and this would be at some distance from the rear of the house.

Nature of the use of the building

The number of units proposed to be created has been increased to three units comprising of 1 no. 4 bedroom dwellinghouse, 1 no. 3 bedroom flat and 1 no. 2 bedroom flat, with the

size of the proposed dwellinghouse 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.

In dismissing the previous appeal, the Planning Inspector commented on the stacking between the existing building at No. 110 and the proposed flats at No. 108, noting that additional insulation could be required by condition to ensure the additional use of No. 108 does not result in noise and disturbance to No. 110. In the current scheme, a new dwellinghouse is proposed adjacent to No. 110. That dwellinghouse already benefits from planning permission, and has been internally arranged to ensure that quiet rooms are adjacent to quiet rooms at No. 110, with noise generating living rooms sited at ground floor level. The proposed additional flat would be adjacent to the approved dwellinghouse adjacent to No. 110, and would not directly abut No. 110. As a result of this, and the access to the additional flat being to the side of the building, it is not considered that this proposal would result in any additional noise and disturbance to the occupants of No. 110.

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. 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. In addition, 3 no. the off-street parking provision would be acceptable at this location is acceptable on highways grounds and would have a minimal impact on parking demand.

5.4 Response to Public Consultation

Comments addressed in appraisal above.

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.