

Location	101 Station Road London NW4 4NT	
Reference:	15/00533/FUL	Received: 29th January 2015 Accepted: 29th January 2015
Ward:	West Hendon	Expiry 26th March 2015
Applicant:	Mr Avi Djanogly	
Proposal:	Single storey side extension and conversion of a single family dwelling into 4 no. self contained flats, provision of off-street parking	

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 101STA/L100/15; 101STA/S100/15; 101STA/S101/15; 101STA/S102/15; 101STA/S103/15; 101STA/S300/15; 101STA/S301/15; 101STA/S302/15; 101STA/PL300/15; 101STA/PL301/15; 101STA/PL302/15; 101STA/PL100/15; 101STA/PL101/15/A; 101STA/PL102/15/A.

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 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 Before the development hereby permitted is occupied the parking spaces as shown on plan 101 STA/L100/15 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with policies DM17 of the adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2015.

- 6 a) Before the development hereby permitted is first occupied, details of the subdivision of the amenity area(s) 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).

- 7 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until 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, 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).

- 8 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.

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 £700 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 £2,700 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.

Officer's Assessment

1. Site Description

The application site features a two storey, semi - detached, five bedroom residential dwelling. The area is largely residential in character comprising of single dwellings and flatted development.

2. Site History

Reference: H/00869/14

Address: 101 Station Road, London, NW4 4NT

Decision: Refused. Appeal dismissed.

Decision Date: 29 July 2014

Description: Single storey side extension and conversion of existing single family dwelling into 4no. self contained flats, including alterations to side fenestration, hard and soft landscaping, cycle store and refuse facilities.

Reference: W14473C/07

Address: 101 Station Road, London, NW4 4NT

Decision: Unlawful

Decision Date: 22 June 2007

Description: Loft conversion (incorporating roof extensions).

Reference: W14473B/06

Address: 101 Station Road, London, NW4 4NT

Decision: Refused

Decision Date: 6 December 2006

Description: Conversion of property into 3 No. self-contained flats including two storey side extension, loft conversion including rear facing dormer window and off-street parking.

Reference: W14473A/06

Address: 101 Station Road, London, NW4 4NT

Decision: Refused

Decision Date: 16 August 2006

Description: Conversion of property into 3 No. self-contained flats including two storey side extension, loft conversion including rear facing dormer window and off-street parking.

Reference: W14473/06

Address: 101 Station Road, London, NW4 4NT

Decision: Withdrawn

Decision Date: 14 July 2006

Description: Conversion of property into 4no. self-contained flats including two-storey side extension, loft conversion including rear facing dormer window and off-street parking.

Reference: H/01777/09

Address: 101 Station Road, London, NW4 4NT

Decision: Unlawful

Decision Date: 14 July 2009

Description: Single storey rear extension.

Reference: H/01794/09

Address: 101 Station Road, London, NW4 4NT

Decision: Lawful

Decision Date: 6 November 2009

Description: Retention of rear / side dormer roof extension and loft conversion.

Reference: H/03530/09

Address: 101 Station Road, London, NW4 4NT

Decision: Approved subject to conditions

Decision Date: 20 November 2009

Description: Single storey rear extension.

3. Proposal

The application relates to a single storey side extension to the existing property. The side extension will have a width of 2.1m and will have a depth of 24.5m. A gap of 1m will be maintained between the extension and the common boundary fence to allow access to the rear garden area.

The proposal also seeks to convert the existing property into 4 self contained flats comprising of 2 x studio units, one at ground level and one at the upper level and 2 x 2 bedroom flats.

4. Public Consultation

Consultation letters were sent to 48 neighbouring properties.

5 responses have been received, comprising 5 letters of objection, 0 letters of support and 0 letters of comment.

The objections received can be summarised as follows:

- The site is being overdeveloped, with some of the individual flats being too small for purpose, and also poorly designed.
- There is insufficient parking for an adequate number of cars, and there will also be interruptions to traffic flow.
- The bin storage is too close to the kitchen of No 99 Station Road and there is insufficient space to enable rubbish to be emptied.
- Increased noise and disturbance.
- The proposed garden is not suitable for such a location and is completely out of character with every other garden in the vicinity.
- Loss of single family dwelling.
- No changes to the previous application that was refused
- Loss of light
- Poor design of side extension
- Overlooking
- Noise and disturbance

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.

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 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
- Whether appropriate amenities are provided for future occupiers

5.3 Assessment of proposals

Planning permission has previously been sought for the development under application H/00869/14. The application was refused by the committee for the following reason:

The proposed conversion by reason of the number of units proposed would represent an overdevelopment of the site resulting in increased comings and goings from the additional households within the building and is likely to infringe upon the residential amenities of neighbouring occupiers contrary to Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidanced SPD (adopted April 2013).

This was subject to an appeal which was dismissed in December 2014. The concluding statement of the appeal inspector stated 'I have concluded that the proposed development would not unacceptably harm the living conditions of the occupiers of adjoining properties or the character of the area. Furthermore, on the information available to me, the proposed development would not result in an unacceptable loss of family housing. However, whilst the appeal proposal would not conflict with the development plan in these respects, this does not outweigh the harm caused by the failure of the proposed conversion to provide an adequate standard of accommodation for future occupiers.'

The appeal decision forms a material planning consideration in the determination of the current application.

Since the appeal decision the application has been amended in the following ways:

- The proposed flat in the second floor is now shown as a studio flat with an open plan living room/bedroom 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 a valuable 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 Core Strategy, 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 damages 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 but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use

can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flatbed accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate."

The suitability of flat conversions is assessed on the particular circumstances and sensitivity of the site. Section 6 of the NPPF reinforces that Local Planning Authorities should enable the provision of good quality homes in suitable locations. More acceptable locations include areas in or adjacent to town centres or easily accessible by public transport, along major roads and areas characterised by non-family units such as flats, bed sits or HMO's. In roads characterised by houses in single family occupation, conversions would not normally be appropriate, as it is in these areas that housing meets a need for large homes to balance housing provided in town centres.

Core Strategy Policy CS4: Providing Quality Homes and Housing Choice in Barnet, the aim is to maximise housing choice providing a range of sizes and types of accommodation. Moreover, Policy CS6 states the aim of Barnet to promote town centre locations 'encouraging a mix of compatible uses' including residential 'that add to the vibrancy of the area whilst respecting the character'.

The appeal inspector for the previous planning application stated 'Whilst I accept that the proposed development would result in the loss of a family dwelling, I have no evidence to show that this dwelling is of a size that is a priority for the Council to retain. Consequently, on the information available to me, I conclude that the proposed development would not result in an unacceptable loss of family housing and therefore would not be contrary to Policy CS4 of Barnet's Core Strategy or Policy DM08 of the London Borough of Barnet Development Management Policies Development Plan Document.'

Taking the above into consideration it is considered that the principle of providing flats in this location is acceptable, will not result in harm to the character of the area and the way it functions and has been established as acceptable at appeal.

To accord with Policy DM01 new development is expected to respect the constraints of the site, and that it should not result in overdevelopment or over-intensification.

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'.

In assessing the appeal the inspector noted that 'The proposed conversion would result in very little change to the overall residential character and appearance of the building. I accept that the increase in the number of movements and activity associated with the use of four flats would change the character of the property to some extent but, in the context of the prevailing local character, I do not consider this to be inappropriate. I also accept that much of the forecourt to the appeal property would be used for car parking although this is also the situation at present. In this respect, the proposed development would have the additional benefit of formalising the parking layout and introducing an element of landscaping.'

It is therefore considered that the proposal for four self contained units has been established as acceptable.

Amenity of future occupiers

The appeal decision noted 'the floor area of Flat Four is below the minimum set out in the SPD for a one bedroom, two person flat. I accept that the shortfall against the standard set out in the SPD is just 3m², but this shortfall is compounded by the physical characteristics of this space. In particular, the bedroom is within the roof of the building, such that a significant proportion of the available space is beneath the sloping ceiling where normal ceiling heights are not achieved. Moreover, that room is served only by two rooflights which, although they provide adequate levels of daylight, provide a very restricted outlook for a habitable room. The accommodation provided by this space, and therefore Flat Four as a whole, would therefore not provide an adequate standard of accommodation for future occupiers.'

Since the dismissed appeal the proposal has been amended to provide an open plan living room, dining area and bedroom. The existing wall currently dividing the rooms will be removed as part of the proposal. The proposal is considered to be a studio unit taking into account the layout of the flat and the usable floor area when the eaves are taken into account.

The open plan nature of the proposal now facilitates additional light and outlook to the bedroom area from the rear facing windows. The bedroom no longer relies solely on rooflight windows. In addition, the rooflights are proposed to be enlarged to further allow additional light.

It is considered that the proposal provides adequate amenities for future residential occupiers.

Amenity of neighbouring occupiers

The scheme is not considered to give rise to any amenity issue to neighbouring occupiers. The scheme has already been assessed in regards to impact of the neighbours at both planning application and appeal stage with no concerns raised. The amendments provided under this scheme are not considered to alter this previous assessment.

5.4 Response to Public Consultation

Since the previous refusal at committee the proposal has been subject to appeal. The appeal has established the acceptability of the proposal on grounds which have been objected to. The appeal decision forms a material planning consideration in the determination of the current application.

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.

