

**Location**                      **Edgwarebury Court Edgwarebury Lane Edgware HA8 8LP**

**Reference:**                      **15/00654/FUL**                      Received: 4th February 2015  
Accepted: 4th February 2015

Ward:                              Edgware                              Expiry 1st April 2015

Applicant:                      Mr Richard Davidov

Proposal:                      3 no. rear dormers and 15 no. rooflights to facilitate creation of 2nd floor in existing roof space to provide 3 no. self-contained 1 bedroom flats

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: EC/10, EC/100, Parking and Site Layout 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 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.

- 4     a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2011).

- 5 Before the development hereby permitted is first 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 Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

- 6 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).

- 7 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the Second floor flats; as measured within habitable rooms of the First floor flats be no higher than 30dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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 mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or 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 the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and 7.15 of the London Plan 2011.

## **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.

## **Officer's Assessment**

### **1. Site Description**

The site relates to a 2 storey block located on the eastern side of Edgwarebury Lane. The building contains six 2-bedroomed flats with existing parking spaces to the rear including 6 parking spaces and 9 garages.

### **2. Site History**

Reference: W14296A/06

Address: Edgwarebury Court, Edgwarebury Lane, Edgware, HA8 8LP

Decision: Approved subject to conditions

Decision Date: 31 January 2007

Description: Creation of second floor to provide 3No. additional one-bedrooms flats.

Reference: W14296C/08

Address: Edgwarebury Court, Edgwarebury Lane, Edgware, HA8 8LP

Decision: Refused -due to not including a formal undertaking to meet the extra education and libraries services costs together with associated monitoring costs arising as a result of the development and by reason of the inadequate internal unit sizes and unsatisfactory stacking between the first and loft level floors would result in over-intensive use and a cramped form of development which would lead to unacceptable levels of noise and disturbance detracting from the residential character and amenities enjoyed by the occupants of the existing first floor flats and the amenities of the future occupiers of the proposed units.

Decision Date: 16 April 2008

Description: Alterations to roof including 3 No. rear dormers and rooflights to front and side all to facilitate 3 No. additional two-bedrooms flats.

### **3. Proposal**

The proposal is to create three 1-bedroom flats in the roof of the building. This would involve the insertion of 8 rooflights in the front roof slope, five in the rear roof slope and 1 in each side elevation roofslope. The proposal would also include 3 no rear dormer windows that would each measure 2m wide, 1.5m deep 1.2m high with a flat roof. The roof pitch and height to ridge would be unchanged.

#### **4. Public Consultation**

Consultation letters were sent to 111 neighbouring properties.  
6 responses have been received, comprising 6 letters of objection.

The objections received can be summarised as follows:

- Visitor vehicles will add to pressure on parking.
- Issues regarding the repainting of the front of the building.
- The applicant will seek contributions from existing tenants.
- The car parking issue is in contravention with an agreement with the leaseholders.
- The grass areas may be concreted over to accommodate the proposal.
- The roof alterations would be out of keeping with the character of the road.
- The development will result in inconvenience from the inevitable noise and dirt.

#### **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 2015

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, DM08, 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. DM08 states that development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough. DM17 states that The council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

The Council's Residential Design Guidance states that dormer roof extensions should normally be subordinate features on the roof and should not occupy more than half the width or half the depth of the roof slope.

#### 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.

Residential Design Guidance SPD (adopted April 2013)

- States that dormer roof extensions should normally be subordinate features on the roof and should not occupy more than half the width or half the depth of the roof slope.

### **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**

The current application follows previous applications on the site. The current scheme is similar to a previously approved scheme under reference W14296A/06, dated 17/01/2007. The current proposal includes the creation of the same number of flats. Another application under reference W14296C/08, dated 16/04/2008 was refused. However, this differed from the approved scheme as it included the creation of 2 bedroom flats as oppose to 1 bedroom flats.

The current scheme has reverted to the originally approved scheme from 2007 which has expired. Externally the proposal would look the same as the previously approved scheme. The proposed rear dormers would comply with the Council's Residential Design Guidance and given that they are located to the rear of the property, they would have no impact on the character and appearance of the property when viewed from the street. The proposed rooflights would not project beyond the roofslope and are considered to have a minimal impact on the character and appearance of the building.

The rear building line of Edgwarebury Court is sited approximately 27m from the rear boundary whilst the facing residential properties to the rear have rear garden depths of over 19m. In view of the distance it is considered that the dormers would not give rise to an undue loss of privacy or overlooking to residents to the rear of the site in The Drive.

The proposal also includes parking spaces to the rear of the property for the new units. Furthermore, given that the site is within close proximity to a town centre location, it would have good access to public transport.

The proposed 3 flats would all meet the required internal space standards of 37 sqm metres for 1 bedroom 1 person flats. It is noted that the proposed living rooms of the flats would partially be above existing bedrooms. However, it is considered that the potential impacts could be overcome by sufficient sound insulation measures.

#### **5.4 Response to Public Consultation**

Mainly addressed in appraisal above.

Noise and disturbance from construction works is not a material planning consideration.

Any proposals to concrete over existing grassed areas does not form part of this 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.

