

Location **29 Ravenscroft Avenue London NW11 8BH**

Reference: **15/01641/S73**

Received: 16th March 2015

Accepted: 26th March 2015

Ward: Childs Hill

Expiry 21st May 2015

Applicant: Mr Ben Solomon

Proposal: Variation of Condition 1 for F/04631/14 (29/10/2014), for the conversion of the property into three flats, variations to include repositioning of three self-contained units on Ground, First and Second floor each, with ancillary use on Basement level.

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: RAV_P01j, RAV_P02j, RAV_P03j, RAV_P04j
Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 2 This development must be begun within three years from the date of this permission.

Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason:
To safeguard the visual amenities of the building and surrounding area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 4 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 5 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 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 Adopted Barnet Development Management Policies DPD (2012).

- 6 Before the development hereby permitted is occupied, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority, implemented and retained as such on site thereafter.

Reason:

To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Adopted Barnet Development Management Policies DPD (2012).

- 7 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.

- 8 Prior to the occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason:

To protect the amenities of future and neighbouring residential occupiers in accordance with policy DM02 and DM04 of the Adopted Barnet Development Management Policies DPD (2012).

- 9 Before the development hereby permitted is occupied, details of the proposed enclosures to lightwells shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details.

Reason: To ensure a satisfactory appearance to the area in accordance with policy DM01 of the Adopted Barnet Development Management Policies 2012.

- 10 The use of the basement storage areas hereby permitted shall at all times be incidental and used in conjunction with the three flats at ground, first and second floors and shall not at any time be occupied as a separate unit or dwelling.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 11 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.

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. 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 £5,530 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 £21,330 payment under Barnet CIL.

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 Community Infrastructure Levy 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.

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

2. Residential Annexes or Extension

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

Visit:

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

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 7294.

Officer's Assessment

1. Site Description

The site property is a two storey residential dwelling on the south side of Ravenscroft Avenue. The surrounding area is predominantly residential, consisting of houses and houses converted into flats. There are a few notable exceptions such as a hotel opposite the site and a purpose built development of flats currently under construction at the junction with Wentworth Road.

At the time of site visit some of the proposed extensions, namely the rear extension and rear dormer window were under construction, it would appear under 'permitted development'.

2. Site History

F/04631/14 - Retention of 3No self-contained flats involving two-storey side extension and first floor side extension. Creation of basement level and a ground floor rear extension - Approved - 29/10/2014

3. Proposal

The proposals are for a material minor amendment to previously approved plans under reference F/04631/14.

The proposals relate to the conversion of the property to 3 flats. At the time of a site visit the extensions had been constructed.

Approval was previously given for the conversion of the property to three flats with split level flats across basement and ground floor.

The plans submitted differ from the previous scheme in that the basement level would be used for ancillary storage in relation to the above flats. The proposed basement would be accessed through an internal lift, stairs and stairs in the rear garden

There are also alterations to refuse storage arrangements. These would need be sited on the inside of the boundary to no.27 as opposed to facing no.27.

The lightwells have been altered in size to the front and rear of the building and are somewhat larger.

The mix of units has changed to 1no. 1 bedroom unit, 1no. 2 bedroom unit, 1no. 3 bedroom unit.

The applicant has amended the plans to ensure that the proposed ground floor third bedroom is of adequate size.

4. Public Consultation

Consultation letters were sent to 55 neighbouring properties.

2 responses have been received, comprising 2 letters of objection.

The objections received can be summarised as follows:

My quality life has been destroyed by over a year almost two years of continuous noise, 6 days a week from construction by this property and two other large scale construction sites

nearby. The entire area around my house has been overrun by property developers. I am now looking to leave Golders Green because of this, as the construction is likely to carry on for at least another year if not two. I am furious that the council, landlords and developers have been so inconsiderate to residents and are ruining a 1930's period quiet residential area. Its being overly modernised and neighbours are being completely disrespected in terms of noise levels and their views from windows destroyed (Mature Trees removed from gardens, high rise flats erected etc.). I am now seeking legal advice and compensation as i am being forced out of my home (for 20 years), so as to leave this now noisy, stressful residential area.

The division of the unit now breaches the condition the residential use permission in that is was to be multi storey, where both front and back formed a single floor of a multi storey unit, now lost to create a 1 unit per floor arrangement, leaving the entire newly formed basement as spurious 'ancillary' use.

The creation of 3no. units in this density must be equivalent to the scheme previously submitted to form 4no.units and should for consistency be treated accordingly with the same objections.

The application is reported to the Finchley and Golders Green Area Planning Committee at the request of Councillor Jack Cohen, in order for the committee to examine the extent of the changes to the scheme in relation to the original proposals.

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, DM04, 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.

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 the principle of the development is acceptable
- 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 the proposals would harm highway and pedestrian safety.

5.3 Assessment of proposals

- Whether the principle of the development is acceptable

Policy DM01 states that 'Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate.'

The area is characterised by a mixture of residential uses. It is therefore considered that a conversion to flats in principle would not be harmful to the character of the area.

In terms of density the site is located in an suburban area and is located in an area of PTAL rating 4. The London Plan advises that development should be at 55-115 units/hectare. The proposals are within this threshold indicating that the development is appropriate density.

The proposals involve the replacement of a single family dwelling with smaller sized flats however the current proposals include the provision of a three bedroom unit as opposed to the previously refused proposals which did not make provision for larger sized units.

It should be noted that similar proposals for the conversion of the site property to 3 flats have already been approved under reference F/04631/14. In this way, the previous layout could be implemented as a 'fall back' position, and it would not be reasonable to refuse planning permission on the basis of the principle of the development.

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

The external changes to the appearance of the building are considered to be relatively minor in relation to the previously approved scheme.

The changes to the fenestration of the building and increased size to lightwells, including rear access with steps are not considered to materially harm the character of the area.

The proposed increased size to the lightwells would not harmfully impact the appearance of the building or streetscene.

It is not considered that the proposals would harm the character and appearance of the area.

- Whether harm would be caused to the living conditions of neighbouring residents.

The extensions to the building are the same as have been previously approved under planning application reference F/04631/14. The proposals would provide additional glazing across a courtyard lightwell for the ground floor flat and would amend front and rear lightwells, slightly increasing their size.

The room layout would ensure that similar rooms are located above each other and would ensure that there is not harmful internal noise transmission between the units.

The proposals would reduce the proposed amenity space by approximately 20 square metres. This revised arrangement is considered that this would be adequate as it meets the requirements of the Supplementary Planning Document on Sustainable Design and Construction.

The introduction of a rear access to the basement within the communal garden would not cause harmful noise or disturbance to neighbouring residents.

Bin storage has been amended and it is considered that the revised proposals make this less visible to neighbouring residents.

The proposals would not result in harmful loss of privacy, light or outlook to neighbouring occupiers.

- Whether the proposals would harm highway and pedestrian safety.

The proposals consist of 1no. x 1 bedroom unit, 1no x 2 bedroom units and 1no. 3 bedroom unit. The site is located within a Controlled Parking Zone between 11am and 12pm and is close to an all day CPZ nearer Golders Green Road.

The site is located within a moderately accessible area (PTAL Rating 4). Three parking spaces are proposed which would comply with policy DM17 of the Adopted Barnet Development Management Policies. The proposals would leave some scope for soft landscaping a condition is attached securing this.

It is not considered that the proposals would have a harmful impact on highway or pedestrian safety.

5.4 Response to Public Consultation

My quality life has been destroyed by over a year almost two years of continuous noise, 6 days a week from construction by this property and two other large scale construction sites nearby. The entire area around my house has been overrun by property developers. I am now looking to leave Golders Green because of this, as the construction is likely to carry on for at least another year if not two. I am furious that the council, landlords and developers have been so inconsiderate to residents and are ruining a 1930's period quiet residential area. Its being overly modernised and neighbours are being completely disrespected in terms of noise levels and their views from windows destroyed (Mature Trees removed from gardens, high rise flats erected etc.). I am now seeking legal advice and compensation as i am being forced out of my home (for 20 years), so as to leave this now noisy, stressful residential area.

Noise and disturbance during construction is not grounds to refuse planning permission. Trees that have been removed are not subject to any protection.

The division of the unit now breaches the condition the residential use permission in that is was to be multi storey, where both front and back formed a single floor of a multi storey unit, now lost to create a 1 unit per floor arrangement, leaving the entire newly formed basement as spurious 'ancillary' use.

There is no issue in planning terms with this change to the layout. A condition is suggested to ensure that the basement is used for purposes incidental to the flats above.

The creation of 3no. units in this density must be equivalent to the scheme previously submitted to form 4no.units and should for consistency be treated accordingly with the same objections.

The conversion to three flats has already been approved in principle and the current proposals are at a similar density.

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.



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