

Location **57A Nether Street London N12 7NP**

Reference: **15/01624/FUL**

Received: 13th March 2015

Accepted: 16th March 2015

Ward: West Finchley

Expiry 11th May 2015

Applicant: Mrs QUING XIA

Proposal: Retention of 2 no. windows to front elevation and 1 no. skylight. Insertion of 4no. windows to side, insertion of 2 no. skylights and reduction in size of window in the side elevation.

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

- 63/01A, 63/02A and location plan (received: 20/04/15).

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 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing 59 Nether Street shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only 2 fanlight openings as shown on drawing 63/02A.

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

Officer's Assessment

1. Site Description

The application relates to a two storey block of flats which was recently converted from office to residential use.

No specific restrictions exist on site.

2. Site History

Reference: F/00322/14

Address: 57A Nether Street, London, N12 7NP

Decision: Prior Approval Required and Approved

Decision Date: 21 March 2014

Description: Change of use from B1 office to C3 residential (3 Units)

3. Proposal

- Insertion of 4 no. new windows to the side elevation
- Retention of 2 no. windows to the front elevation
- Insertion of 2 no. skylights.

4. Public Consultation

Consultation letters were sent to 13 neighbouring properties.
6 responses have been received, comprising 6 letters of objection.

The objections received can be summarised as follows:

- Overlooking
- Issues relating to access
- Harm neighbouring amenity
- Loss of privacy
- Loss of light
- Impact of structural changes
- No mention of parking
- Increased noise and disturbance
- Change of use to residential is not in keeping with the character of the area.
- Issues relating to safety and security.
- Applicants poor conduct
- Fails to conform to the Adopted Barnet Unitary Development Plan (2006)

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 Government's 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.

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.

5.3 Assessment of proposals

The application was withdrawn from the previous committee in order to amend the submitted plans.

The plans have been amended and the neighbouring residents re-consulted. Amended plans have also been uploaded on the Barnet's website.

Any additional comments received will be added to the Addendum to the report.

Insertion of 4 no. new windows to the side elevation:

The original plans submitted failed to show the existing ground floor layout in residential use. Subsequently, the plans have been revised to show the existing layout.

The use of the residential units were the subject of an approval under the Prior Approval procedure, therefore the only considerations under this applicaiton would be the

- Insertion of 4 no. new windows to the side elevation
- Retention of 2 no. windows to the front elevation
- Insertion of 2 no. skylights.

Given that these units are existing and are Lawfully in use, the introduction of additional 4 new windows in the side elevation, albeit obscure glazed, would increase the daylight within these units thus improving the living standards for the future occupiers.

Furthermore, the applicant has also successfully mitigated any overlooking or privacy issues relating to the neighbouring occupiers as these windows will be obscure glazed. To further safeguard the amenities of neighbouring occupiers a condition has been attached to permanently fixed shut the windows in the side elevation. As a result, the amenities of these neighbouring occupiers would remain unaffected.

Retention of 2 no. windows to the front elevation:

The retention of the two windows to the front elevation would be in keeping with the character of the area and unlikely to affect the amenities of neighbouring occupiers.

Insertion of 2 no. skylights:

The 2 skylights would be in keeping with the character of the area and unlikely to affect the amenities of neighbouring occupiers.

5.4 Response to Public Consultation

It should be noted that several of the objections relate to issues associated with the previous change of use and not the changes to external fenestration (the subject of this application).

- Overlooking: Addressed in 'assessment of proposals' above.
- Issues relating to access: Given the application relates to changes in fenestration, issues regarding access are not material considerations in this instance.
- Harm neighbouring amenity: Addressed in 'assessment of proposals' above.
- Loss of privacy: Addressed in 'assessment of proposals' above.
- Loss of light: The introduction of new windows and roof lights are unlikely to lead to any loss of light and not considered sufficient reason for refusal.
- Impact of structural changes: Issues regarding structural integrity would be assessed by building control rather than planning.
- No mention of parking: Given the application relates to changes in fenestration issues regarding parking are not considered as sufficient reason for refusal.
- Increased noise and disturbance: The proposed windows and roof lights are unlikely to lead to significant noise and disturbance and not considered a reason for refusal in this instance.

- Change of use to residential is not in keeping with the character of the area: The residential use has previously been deemed lawful under application F/00322/14.
- Issues relating to safety and security: Given the application relates to changes in fenestration there is unlikely to be any effect on safety and security.
- Applicants poor conduct: this is not considered to be a material consideration.
- Fails to conform to the Adopted Barnet Unitary Development Plan (2006): This policy has been superseded by Barnet's Core Strategy and used to assess the current proposal.

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

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

