

Location **76 Vivian Avenue London NW4 3XG**

Reference: **15/02273/FUL**

Received: 10th April 2015

Accepted: 24th April 2015

Ward: West Hendon

Expiry 19th June 2015

Applicant:

Proposal: Conversion of upper floor levels into 3no. self-contained flats including first floor rear extension; extension to roof involving raising of height, 1no. rear dormer, 1no. side dormer and 3no. rooflights to facilitate a loft conversion; alterations to soft/hard landscaping, refuse/recycling facilities and 2no. off-street parking spaces

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 15866/01 RevA; 15866/02 RevB.

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 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, and Plans showing satisfactory points

of collection for refuse and recycling, 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).

- 5 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).

- 6 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 £2251.17 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 £8683.09 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 relates to no.76 Vivian Avenue.

The site formerly was part of a pair of semi-detached dwellinghouses however the building at no.78 collapsed. No.78 has been reconstructed under the terms of planning permission H/03137/11 and is now occupied.

No. 76 is currently in use as three flats, divided as two at ground floor and one at first floor.

2. Site History

Reference: H/02829/13

Address: 76 Vivian Avenue, London, NW4 3XG

Decision: Approved subject to conditions

Decision Date: 2 September 2013

Description: Conversion of first and second floors in to 3 no. studio flats from 1 no. existing unit. Extension to roof including 1 no. side dormer window, 1 no. rear dormer window and 2 no. front facing rooflights to facilitate a loft conversion.

Reference: H/00775/12

Address: 76 Vivian Avenue, London, NW4 3XG

Decision: Refused

Decision Date: 17 May 2012

Description: First floor rear extension. Alteration and extension to roof including side and rear dormers to facilitate further rooms in roofspace in association with conversion of first floor and roofspace to create additional 2x2 bedroom flats and 1x1 bedroom flat. (A total of 4 flats within no 76 Vivian Avenue)

Reference: H/01656/12

Address: 76 Vivian Avenue, London, NW4 3XG

Decision: Application Invalid On Receipt

Decision Date: No Decision Made.

Description: Alteration and extension to roof including side and rear dormers to facilitate further rooms in roofspace in association with conversion of first floor into three self contained studio flats., , First floor extension above existing roof including side and rear dormers and conversion of the upper floor flat and loft to form 2 self-contained flats together with existing ground floor flat.

Reference: H/04246/11

Address: 76 Vivian Avenue, London, NW4 3XG

Decision: Withdrawn

Decision Date: 28 November 2011

Description: First floor rear extension. Conversion of property to create 1no additional flat (totalling 3no flats) following extension to roof including 1no side dormer, 1no rear dormer and removal of existing chimney stacks. Provision of 2no off-street parking.

Reference: H/02984/08

Address: 76 Vivian Avenue, London, NW4 3XG

Decision: Approved subject to conditions

Decision Date: 11 November 2008

Description: Excavation of basement at 78. Erection of part single, part two-storey rear extension to 76 and 78. Alterations to roof including side dormers to both properties to facilitate one additional flat (a total of seven flats within the two properties). Four off-street parking spaces.

Reference: H/00233/08

Address: 76 Vivian Avenue, London, NW4 3XG

Decision: Refused

Decision Date: 9 June 2008

Description: Excavation of basement at 78. Erection of part single, part two-storey rear extension to both properties. Alterations to roof including side and rear dormers to both properties to facilitate one additional flat (a total of eleven flats within the two properties) four off-street parking spaces.

Reference: W12148/00

Address: 76 Vivian Avenue, London, NW4 3XG

Decision: Lawful

Decision Date: 7 August 2000

Description: Use as two self contained flats.

3. Proposal

The application relates to the conversion of upper floor levels into 3no. self-contained flats including first floor rear extension; extension to roof involving raising of height, 1no. rear dormer, 1no. side dormer and 3no. rooflights to facilitate a loft conversion; alterations to soft/hard landscaping, refuse/recycling facilities and 2no. off-street parking spaces

4. Public Consultation

Consultation letters were sent to 87 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:

- Already a planning permission granted at the site.
- Current proposal is more extensive, visually obtrusive
- Domineering.
- Block light.
- Overlooking and loss of privacy.
- Ruin character of road by allowing so many flat conversions.
- Increased intensification.
- No need for bigger dormers which are unduly bulky.

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 2050. 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.

5.3 Assessment of proposals

Planning permission was approved under application H/02829/13 for the conversion of first and second floors into 3 no. studio flats from 1 no. existing unit. Extension to roof including 1 no. side dormer window, 1 no. rear dormer window and 2 no. front facing rooflights to facilitate a loft conversion.

The current proposal now incorporates:

- 2 x 1 bedroom flats and 1 x studio flat for single occupation.
- New first floor rear extension.
- Raising of ridge height of property.
- New rear dormer window.
- New side dormer window.

The proposal has been amended since its initial submission to reconfigure the internal arrangement of the units and incorporate a hipped roof over the first floor rear addition to reduce the overall bulk of the roof.

Principle and Impact on the Established Character of the Locality, Impact on neighbouring amenity.

Permission was previously granted for 5 flats at no.78 under permission reference H/03137/11. Planning permission was granted at 76 Vivian Way in 2013 under permission reference H/02829/13 for the upper floors to be converted into 3 x studio flats. As such the principle of the conversion has already been accepted as appropriate. The only difference is the extension to the property will facilitate larger units with 2 flats now being 1 bedroom units with the potential for double occupation as opposed to the previously approved single occupation units.

Vivian Avenue is a busy classified road. It is not considered that the proposals would harm the established character of the area.

Whether the proposals would have an acceptable impact on the amenities of neighbouring and future occupiers

The first floor rear extension has been amended since the initial submission of the application to amend the gable roof to a hipped roof to reduce the overall bulk. The first floor extension is set approximately 3.4m from the common boundary with 78 Vivian Avenue and will project 1.7m. Given the projection and distance maintained it is not considered that the proposed extension will have a harmful impact on the neighbouring residential occupiers.

Whilst the proposal will be sited in close proximity of the glazed door of the lounge of flat 1 it is considered that given there is already a 4.6m brick wall along this line, it is not considered that the additional projection would have any further impact on the windows.

In relation to the London Plan policy 3.5 on minimum standards for new development, all units would meet the standards required.

Furthermore, the internal layout would result in the living rooms of no.76 being adjacent to the bedrooms of no.78, and that there is potential for noise and disturbance between the

two proposed first floor units. This is likely to generate additional noise and disturbance for future residents. It is noted that no.76 is currently divided into shared accommodation at present. However, it is considered that the majority of this disturbance could be addressed by a condition ensuring that adequate sound insulation is provided.

It is considered that the proposals would result in a satisfactory level of amenity for future residents.

Whether the proposals would have an acceptable impact on highway and pedestrian safety.

The proposals follow previous applications in conjunction with no.78 which has now been developed separately.

A previous application H/03137/11 for 5 additional flats at number 78 with 2 parking spaces has been previously approved. At number 76 an application (H/04246/11) for conversion of the upper floor flat into 2 x 2 bedroom flats has also been previously approved.

The site is at the edge of the CPZ adjacent to several roads outside of CPZ controls. Although the Council can recommend a restriction to exempt residents of a development from obtaining parking permits for a CPZ when assessing proposals, it was considered that preventing the residents of this property from obtaining permits would encourage them to park on the uncontrolled roads, which suffer from very high levels of parking stress.

Site visits have shown that while there is parking stress in roads outside the CPZ is very high, there are spaces available within the CPZ bays in the vicinity of the property. Therefore no highways objections are raised on parking grounds in this case given the availability of on street parking and the size of the proposal.

The current application is similar to the previously approved proposals for these properties and therefore not expected to have additional impact on the public highways compared to the previously consented proposals.

In view of the above, the proposal is considered acceptable on highways grounds.

Any changes to existing crossovers or provision of new crossover will require separate crossover approvals.

Whether the proposals would have an acceptable impact on the character and appearance of the streetscene and general locality

The dormers are now considered to fit acceptably on the roofslope and are not considered to harm the character and appearance of the streetscene and general locality.

The proposals would be liable to provide Mayoral and Barnet Community Infrastructure Levy based on the extensions proposed.

5.4 Response to Public Consultation

The first floor extension by virtue of its siting, projection and design is not considered to be domineering and is not considered to result in a loss of amenity to neighbouring occupiers.

The principle of flats at this property has been established as acceptable within its planning history.

All planning related matters are considered to be covered in the above appraisal.

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.

