

Location **8 Redbourne Avenue London N3 2BS**

Reference: **15/03795/FUL** Received: 19th June 2015
Accepted: 26th June 2015

Ward: West Finchley Expiry 21st August 2015

Applicant: Mr Ray Gabriele

Proposal: Conversion of a dwelling house into 3 self-contained units associated car parking, amenity space, refuse & recycle storage area

Recommendation: Approve subject to conditions

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

PL01; PL02; PL03; PL04; PL05; PL06; PL07; PL08

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 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) 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 (iii) 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).

- 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 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.

- 6
 - a) Prior to the first occupation the details of the proposed rear fencing hereby approved shall be submitted to and approved in writing by the Local Planning Authority.
 - b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 7 Notwithstanding the details shown on the plans the new fenestration 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).

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 and the Applicant engaged with this prior to the submissions of this application. 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 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.

- 3 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 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 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 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 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.

- 4 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Building 4 North London Business Park, Oakleigh Road South, London N11 1NP, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.

Officer's Assessment

1. Site Description

The application site is located on the northern side of Redbourne Avenue, within close proximity to Ballards Lane and the Finchley Central Town Centre within the West Finchley ward. The site is located within a controlled parking zone (CPZ).

The site is not located within a Conservation Area and holds no individual designation.

The existing building is a two-storey semi-detached residential dwelling house, with rooms in the roofspace.

2. Site History

Reference: F/03344/14

Address: 8 Redbourne Avenue, London, N3 2BS

Decision: Refused

Decision Date: 15 August 2014

Description: Conversion of a dwelling house into 4 self-contained units. Associated works

Reference: F/04858/13

Address: 8 Redbourne Avenue, London, N3 2BS

Decision: Lawful

Decision Date: 30 October 2013

Description: Conversion of the garage into a habitable space including replacement of garage door with window to match existing.

Reference: F/06107/13

Address: 8 Redbourne Avenue, London, N3 2BS

Decision: Prior Approval Not Required

Decision Date: 23 January 2014

Description: Single storey rear extension with a proposed depth of 5 metres, eaves height of 2.87 metres and maximum height of 3 metres.

Reference: F/01781/14

Address: 8 Redbourne Avenue, London, N3 2BS

Decision: Refused

Decision Date: 30 May 2014

Description: Conversion of the existing single family dwelling into 5 self-contained flats with associated front landscaping and refuse/recycling facilities.

Reference: F/03957/13

Address: 8 Redbourne Avenue, London, N3 2BS

Decision: Lawful

Decision Date: 6 September 2013

Description: Extension to roof including hip to gable end and two rear dormer windows to facilitate a loft conversion.

Reference: F/03960/13

Address: 8 Redbourne Avenue, London, N3 2BS

Decision: Prior Approval Required and Refused

Decision Date: 10 October 2013

Description: Single Storey Rear Extension with a proposed depth of 5metres, eaves height of 2.87metres and max height of 3metres.

Reference: F/04852/13

Address: 8 Redbourne Avenue, London, N3 2BS

Decision: Approved subject to conditions

Decision Date: 18 December 2013

Description: Single Storey Rear Extension

3. Proposal

This application seeks consent for the conversion of the existing dwelling house into three self-contained flats; comprising one three-bedroom unit, one two-bedroom and one one-bedroom unit, with associated car parking, amenity space and refuse / recycling storage area.

4. Public Consultation

118 consultation letters were sent to neighbouring properties.

46 objections have been received, including a petition.

The views of objectors can be summarised as follows;

- Over intensive use of site
- Objection in principle to conversion
- Out of character
- Overlooking from side windows
- Layout and stacking issues
- Car parking
- Loss of front garden
- Sets precedent
- Noise disturbance
- Inconsistences in application form
- Appropriate fencing should be provided
- Pigeon mess
- Density
- Bin store
- Potential use as HMO
- Surface water drainage

Internal / other consultations:

Finchley Society - 8 Redbourne Avenue is located in the character area comprising Nos. 6 to 48 and Nos. 3 to 51 that is characterised by single family dwelling houses. Though consent has been given for some conversions into flats and other uses, these do not detract from the predominant character of the road, and it is noted that there have been reconversions locally. This application should therefore be refused, and a clear message sent to the present owner that refurbishing the building and marketing it as a large family house is the best and most financially viable thing to do.

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, CS4, CS5, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM08, DM17.

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:

- The acceptability of the proposed conversion into flats
- 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

Extensions and alterations

The existing property benefits from various consents for extensions, detailed above. The works to the roof appear to have been completed.

No further extensions to the host application property are proposed under this application.

Principle of self contained units

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 an important 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 flatted accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate."

It is recognised that it is not always appropriate to allow the conversion of a single family dwelling house into flatted accommodation. However, in the case of this application it is considered to be acceptable. Both from conducting the site visit and looking at the VOA website it is clear that a number of other properties along the street have undertaken similar works.

As Redbourne Avenue is characterised by single dwelling houses and converted properties it is considered that the proposed conversion of the existing single dwelling house into three self-contained units will not have detrimental impact on the character of the area and the principle of the conversion is considered to be acceptable.

Living conditions of future occupiers

It is considered that the current application for one three-bedroom, one two-bedroom units and one one-bedroom unit complies with the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan 2015 and is considered to provide adequate internal space for future occupiers.

The three bedroom unit would occupy the full ground floor space with a separate, direct access to a private garden. As study is provided as part of the development but this is counted as a three bedroom unit. This unit would have an internal floor area of 113.8m² meeting the minimum gross internal area for a three bedroom unit.

The one-bedroom unit would occupy part of the first floor, with access to a communal amenity space, shared with the other two-bedroom flat. This unit would have a floor area of approximately 65.9m² meeting minimum gross internal area for a one bedroom unit.

The two-bedroom flat would occupy part of the first floor and the attic space, with access to a communal amenity space, shared with the first floor flat. This unit would have a floor area of approximately 80.6m² this meets minimum gross internal area for a studio unit.

Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels; this will be enforced by an appropriate condition attached to the decision. The proposed internal stacking is considered appropriate and acceptable, helping to ensure a minimum of noise disturbance between the units.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room. It is proposed to split the existing rear garden into two, with the ground floor unit being provided the area directly adjacent the dwelling and the other units provided with the area to the rear of the garden. The ground floor unit would be provided with approximately 81m², exceeding the minimum requirement. The communal garden provided for the other units would be 126m², which would be acceptable.

An appropriate area for the storage of recycling and refuse bins has been provided at the side of the site. Due to the concerns raised regarding its suitability a condition is suggested requiring an additional survey and details of cycle storage to be provided.

The site benefits from good accessibility, with close proximity to Finchley Central underground station and has a PTAL rating 4. It is considered to fall within an urban setting; the Finchley Central Town Centre, as defined in the London Plan. The London Plan Density Matrix therefore suggests a range of 45 to 260 units per hectare and 200-700 habitable rooms per hectare. Taking the site area of 0.0472ha, the proposal for three flats would equate to a density of 63.56 units per hectare (233.05 habitable rooms per ha). The proposed density fits within the ranges of the Matrix, it is therefore considered to be an appropriate development in terms of density.

The proposed development offers one parking space for each of the three units. It is therefore considered that the off street car parking provision for this scheme is acceptable.

The proposals are considered to be acceptable. It is considered that subject to compliance with the attached conditions, the proposed development as amended 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.

5.4 Response to Public Consultation

The objections regarding overlooking and loss of privacy are noted. The only window on the flank elevation serves the first floor bathroom and will be obscure glazed, none of the other windows are considered to result in an unacceptable loss of amenity to neighbouring occupiers.

The issues raised in regards to insufficient parking are noted, but the scheme is considered to meet the Council's parking standards and as detailed above, the close proximity to the underground station provides alternative transport solutions.

The concerns raised regarding the internal stacking are noted. However, the only area where the proposals do not adhere to guidance is between the ground floor study / third bedroom and the kitchen above. The other two bedrooms of the ground floor unit are appropriately sited with the master bedroom beneath the master bedroom of the flat above and the ground floor rear bedroom located in the rear extension with no room above. The stacking between the floors of the third flat is considered acceptable as will be used by an individual household. As described in the report the proposed development is required through the imposition of a condition to install adequate sound insulation between units and the neighbouring dwelling.

The objection raised in regards to the property remaining as a single unit is noted. However, the principle of converting these single dwellings into flatted developments along Redbourne Avenue has already been established with consent being given to other sites. It is considered therefore that the precedent has already been set.

To address the concerns raised regarding the property being used as a HMO a condition is suggested restricting this use.

In regards to concerns raised regarding the unsuitability of the proposed bin store area to the side of the property it is required through condition to resurvey the side of the property and provide further details of the proposal or an alternative.

In regards to the concerns raised about the proposed density of the development and that it creates an over intensive use of the host building, the above report sets out how the scheme is in line with London Plan requirements providing an appropriate density for the location. Due to this assessment it not considered that the proposed development will result in any detrimental noise disturbance to nearby occupiers ensuring their residential amenity is preserved.

To address the concerns regarding appropriate fencing for the subdivision of amenity space to the rear of the site a condition is suggested requiring details of the fence to be provided prior to occupation.

In regard to the concerns raised about inconsistencies on the application form, the details provided were considered sufficient to make a proper assessment of the proposals and subject to the attached conditions the proposed development is considered to be acceptable. A condition has been suggested requiring any new fenestration to match the existing. From conducting the site visit it was able to make an assessment of the existing car parking arrangements, the proposed details are considered to be acceptable. In regards to the the signing of the certifiacte, the agent has confirmed that the correct Certificate has been signed.

The concerns raised regarding pigeon mess are noted but do not constitute a material planning consideration.

Whilst there is sympathy with the regret over the loss of the front garden it is acceptable to create a hardstanding on the front of the residential property, and would currently be lawful under a certificate of lawfulness. Furthermore the permitted development requirements for the creation of a hardstanding states that the paving should be laid on a permeable bed to allow for the prevention of surface water drainage.

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 support 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.

