Location	78 Ballards Lane London N3 2BU		
Reference:	15/03731/FUL		17th June 2015 14th July 2015
Ward:	West Finchley	Expiry	8th September 2015
Applicant:	Mr James Frost		
Proposal:	Partial demolition of the existing building at the rear. Part two, three and four storey rear extension to provide 7no. self-contained flats with retention of the existing retail unit to the front of the property		

Recommendation: Approve subject to conditions

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

1270 S01 Survey Site Plan; 1270 S02 Survey Plans; 1270 S03 Survey Sections; 1270 S04 Survey Elevations; 1270 AP01 Proposed Site Plan; 1270 AP02 Proposed Plans; 1270 AP03 Proposed sections; 1270 AP04 Proposed Elevations; 1270/Demo1 Proposed demolition plans; 1270/Demo2 Proposed demolition elevations; Planning Statement

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) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been 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. 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 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 roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

7 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 pm 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 Development Management Policies DPD (adopted September 2012).

8 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

9 Prior to the first occupation of the new dwellinghouses (Use Class C3) hereby approved they shall all have been constructed to meet and achieve all the relevant criteria of 'The Lifetime Homes' standard (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason:

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8 and 7.2 of the London Plan (2015) and policy DM02 of the Barnet Development Management Polices document (2012).

10 Prior to the first occupation of the new dwellinghouses (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures so that mains water consumption would meet a standard of 105 per head per day or less. The development shall be maintained as such in perpetuity thereafter.

Reason:

To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy 5.15 of the London Plan (2015).

11 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 40% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason:

To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Polices document (2012) and policies 5.2 and 5.3 of the London Plan (2015).

12 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 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

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

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

visit

Officer's Assessment

1. Site Description

The application site is located at the corner of Ballards Lane and Princes Avenue within the West Finchley ward. The site is within the primary retail frontage of the Finchley Central Town centre.

The existing property on site is three storey building with three storey rear projection and additional one and half storey rear extensions. A retail unit exits at ground floor and residential units above known as Gunner House. The building is an end-of-terrace property with five similar premises adjacent. The existing one and half storey rear extensions were previously used as warehouse but are now vacant.

At the rear of the site lies a small service road which used to serve the Newton Wright factory, which has been replaced by Dorset Mews. Three parking spaces are sited to the rear. The adjoining properties have similar three-storey rear projections, with attached single storey elements of less depth than the application property, facing in to the rear service yard. Beyond the service road the Edwardian houses of Princes Avenue which are two-storey with pitched roofs.

The site is not located within a Conservation Area and is not a statutory listed building.

2. Site History

Reference: F/00469/14 Address: 78 Ballards Lane, London, N3 2BU Decision: Withdrawn Decision Date: 11 April 2014 Description: Change of use of warehouse to a 1no. self-contained unit. Alterations include changing garage doors to windows.

Reference: C01405G/02 Address: 78 Ballards Lane, London, N3 2BU Decision: Refused Decision Date: 11 November 2002 Description: Change of use of shop (Class A1) to restaurant (Class A3) with extraction flue at rear and minor alterations to side elevation.

3. Proposal

This application seeks consent for the partial demolition of the existing building to the rear. Part two, three and four storey rear extension to provide 7 self-contained flats; comprising six one-bedroom units and one two-bedroom unit, with retention of the existing retails unit to the front of the property.

4. Public Consultation

124 consultation letters were sent to neighbouring properties. 8 responses have been received, comprising 7 objections and 1 comment. The views of objectors can be summarised as follows;

- Overlooking
- Loss of light
- Impact on amenities
- Development will exacerbate parking problem
- Disturbance from building works

Internal / other consultations:

Finchley Society - Do not object to the principle of the redevelopment proposed, and think the Princess Avenue front an improvement on the present. But though the Planning and Design and Access statements are in most respects clear and good, they fail to explain how the proposals comply with Policy DM17 on car parking, or with 2.3 of the Design and Construction SPD on amenity space. Unless these omissions are satisfactorily addressed, the Council should not grant the permission sought.

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, DM04, DM08, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their 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

Residential Design Guidance SPD (adopted April 2013)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

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 extensions
- 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

To accommodate the additional units on site part two, three and four storey rear extensions are proposed, following the demolition of the existing, part one and half-two

storey, part three storey rear extensions. The entrance to the flats would be provided on the Princes Avenue frontage. The main building on Ballards Lane would be retained and the frontage would remain as existing resulting in no impact to the Ballards Lane street scene.

As existing the building projects 27.5m from front to rear. The main building is three storeys with a three storey rear projection common to the host property and its neighbours covering nos. 78 -70 and an additional one and half storey rear projection; single storey with storage above. This rearmost extension measures 11.3m depth from the rear of the three storey element.

It is proposed for the ground and first floor element of the redeveloped site to continue to the rear building line at the same positon as the existing ground and first floor element.

At third floor the proposed development would extend 12.7m in length. It would however extend only across 3.9m width (on a total width of 6.7m), 5m beyond the fourth storey element. It is considered that the reduced width helps to reduce the impact on the adjoining neighbour at 76 Ballards Lane as the proposed development is 2.7m away from its shared boundary with the application property.

The proposed four floor extension would effectively replicate the existing third storey element which is common to this group of properties along Ballards Lane, with a minor increase in height of 0.5m.

The positioning of the proposed development in comparison to the neighbour at the rear; 1 Princes Avenue is forwards of the main front building line and its width does not extend the full width of the main dwelling. Whilst it is noted that there are windows in the flank elevation of this neighbouring building; one at ground floor on the main building, and others at both ground and first floor of the rear projection, these are positioned beyond the proposed extension and are not considered to be detrimentally impacted by the proposed development.

In regards to the impact of the proposed extensions on the adjacent neighbours at 76 Ballards Lane, although larger than other rear extensions overall, the ground and first floor elements are similar to the existing rear extensions with an additional 2m in height. As detailed previously the proposed third floor extension covers approximately half the width of the application site, helping to reduce its visual impact on neighbouring occupiers. The proposed fourth floor, replicating the existing building form, with a minor increase in height is not considered to detrimentally impact upon the host building or the occupiers of neighbouring sites.

The proposed rear extensions are not considered to be harmful to the character of the host property or wider area. The design of the proposed development is considered to improve the appearance of the existing host building and enhance the area. The comments from The Finchley Society detailed above support the principle of the scheme in design terms and also consider the development an improvement on the existing building.

The proposed rear extensions are considered to be acceptable additions to the host residential property, as offer a scheme which is considered to be appropriate in the street scene. As such the proposed extensions are considered to be in character with the established vernacular.

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.

The existing building already provides flatted accommodation on its upper floors, as with the adjacent properties along both sides of Ballards Lane. The proposed development is therefore considered to be acceptable in principle, with no detrimental impact to the character and appearance of this part of Ballards Lane.

Living conditions of future occupiers

It is considered that the current application 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.

At ground and first floor levels three one-bedroom, two person, duplex flats would be provided (Units 1-3), with an additional one-bedroom, one person unit provided at first floor (Unit 4).

At second floor level one one-bedroom, one person would be provided (Unit 5) and one two-bedroom, three person duplex unit, taking part of the floor above (Unit 6). On the third floor an addition one bedroom, one-person unit would be provided (Unit 7).

Unit 1	(1b2p)	60sqm
Unit 2	(1b2p)	50sqm
Unit 3	(1b2p)	67sqm
Unit 4	(1b1p)	45qsm
Unit 5	(1b1p)	48sqm
Unit 6	(2b3p)	66sqm
Unit 7	(1b1p)	48sqm

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 0.018ha, the proposal for three flats would equate to a density of 900 habitable rooms per ha. Whilst higher than the suggested density it is considered that the town centre location with good accessibility helps to justify the proposal and the provision of smaller units.

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.

The proposed development has been designed to ensure that it meets the 20% glazing requirement. The duplex units at ground and first floors have been designed as such as it was considered inappropriate to have the windows of habitable rooms facing out on the street level along Princes Avenue, as this would potentially result in overlooking into these windows from passers-by. The resultant scheme shows the kitchens and bathrooms of these units to be positioned at ground floor with obscure glazing to the lower parts of the windows and then living rooms and bedrooms provided upstairs at first floor, to protect the residential amenity of future occupiers.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room. Whilst it is noted this development does not meet the guidance, it is recognised that the existing flatted development on site, as with its neighbours along the rear of Ballards Lane does not provide outdoor amenity space. However, given the sites close proximity to Victoria Park, further along Ballards Lane the proposed development is considered to be acceptable.

An appropriate area for the storage of recycling and refuse bin, as well as cycle store, has been provided internally at ground floor adjacent to the communal entrance. This is considered to be acceptable.

The proposed development does not propose any car parking provision, similar to the existing situation and its neighbours along Ballards Lane. Given the sites close proximity to Finchley Central underground station, and the sites PTAL rating of 4 this is considered to be acceptable.

The proposals are considered to be acceptable. 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.

5.4 Response to Public Consultation

The number of objections has resulted in this application being referred to the Planning Sub-Committee. The objections regarding overlooking and loss of privacy are noted. However, the positioning of new windows away from neighbouring sites ensures the proposed development does not result in an unacceptable loss of amenity to neighbouring occupiers.

The issues raised in regards to insufficient parking are noted. However, as detailed previously 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. Furthermore, the existing development does

not provide any off-street parking, in common with other flatted units along the rear of Ballards Lane. For these reasons it is considered acceptable in this case for future occupiers of the proposed developed to utilise the easily accessible local public transport links available.

In regards to the objection raised regarding loss of light it is considered that the proposed development will not result in a detrimental loss of light to occupiers of neighbouring sites.

The objection raised in regards to noise and disturbance during building works is noted and a condition is suggested limiting the hours of construction to ensure the residential amenity of neighbouring occupiers is preserved.

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.

