

Location **44 Cotswold Gardens London NW2 1QU**

Reference: **15/04606/FUL** Received: 21st July 2015
Accepted: 27th July 2015

Ward: Golders Green Expiry 21st September 2015

Applicant: Mr Hossein Davoudian

Proposal: Part single, part two storey side and rear extension. Conversion of garage into habitable room and Conversion of existing dwelling house into 2 no. self-contained flats

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - No. 794/CG/01 Rev B, 794/CG/02 Rev B, 794/CG/03 Rev B (received: 02/11/15).
 - No. 794/CG/04 Rev A (received: 15/12/15)

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

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

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

- 3 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting

that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation, of the extension hereby approved, facing either neighbouring occupier.

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).

- 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 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.

- 6 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).

- 7 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).

- 8 Before the development hereby permitted is first occupied turning space and parking spaces shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

- 9 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.

- 10 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 25% 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 Policies document (2012) and policies 5.2 and 5.3 of the London Plan (2015)

- 11 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).

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 £1,610.00 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 £6,210.00 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 a semi-detached single family dwellinghouse.

The property is not listed and does not lie within a conservation area.

2. Site History

Reference: 15/00020/HSE

Address: 44 Cotswold Gardens, London, NW2 1QU

Decision: Refused

Decision Date: 2 March 2015

Description: First floor side and rear extension

Reference: F/05391/14

Address: 44 Cotswold Gardens, London, NW2 1QU

Decision: Prior Approval Required and Refused

Decision Date: 3 November 2014

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 4 metres.

Reference: F/03541/14

Address: 44 Cotswold Gardens, London, NW2 1QU

Decision: Approved subject to conditions

Decision Date: 27 August 2014

Description: Single storey side and rear extension. Conversion of garage into a habitable room

Reference: F/01239/14

Address: 44 Cotswold Gardens, London, NW2 1QU

Decision: Withdrawn

Decision Date: 16 May 2014

Description: Part single, part two storey rear extension. Two storey side extension following demolition of garage. Loft conversion involving insertion of 3no. rooflights into side and rear elevations.

Reference: F/04269/11

Address: 44 Cotswold Gardens, London, NW2 1QU

Decision: Approved subject to conditions

Decision Date: 11 January 2012

Description: Conversion of garage into habitable room with insertion of a window. Single storey rear extension. First floor side extension. Loft conversion with rear dormer window and rooflights to front. Conversion of property into two self-contained flats.

3. Proposal

The proposal includes:

- Two storey side and rear extension
- Conversion of garage into habitable room

- Conversion of property into 2no. self-contained flats

4. Public Consultation

Consultation letters were sent to 41 neighbouring properties.

5 letters of objection were received (summarised and addressed below):

- Loss of light: addressed in 'assessment of proposals.'
- Issues regarding an outbuilding: The application makes no reference to an outbuilding.
- Harm the character of the area: addressed in 'assessment of proposals.'
- Inaccurate plans: The plans are considered sufficient to carefully assess the proposed scheme. A site visit was also carried out to check for inconsistencies.
- Overbearing: addressed in 'assessment of proposals.'
- Loss of privacy: addressed in 'assessment of proposals.'
- Increase in on street parking/congestion: addressed in 'assessment of proposals.'

5. Planning Considerations

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 July 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 and DM04.

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)
Sustainable Design and Construction SPD (adopted April 2013)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- i. The principal of flats in this location
- ii. The Impact on the appearance and character of the area
- iii. The impact on the amenities of neighbouring occupiers
- iv. Whether the proposal provides satisfactory living accommodation for future occupiers.
- v. Parking and highways

5.3 Assessment of proposals

No. 44 has a planning history. Those worth noting are an approval for the conversion to two flats in 2012 (F/04269/11) and a more recent approval for a single storey side and rear extension (F/03541/14). It should be noted that the single storey side/rear extension has been partially built.

The principal of flats in this location :

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."

There are examples of previous planning permissions for conversions in the Golders Green Estate (highlighted below):

8 Cumbrian Gardens - 3 flats in 2012 (F/00671/12)
54 Cumbrian Gardens - 3 flats in 2007 (C17086/07)
34 Pennine Drive - 2 flats in 2010 (F/04132/09)
71 Pennine Drive - 2 flats in 2011 (F/00859/11)
77 Pennine Drive - 2 flats in 2009 (F/00283/09)
119 Pennine Drive - 2 flats in 2013 (F/05158/13)
10 Cleveland Gardens - 2 flats in 2011 (F/04060/11)
57 Cleveland Gardens - 2 flats in 2011 (F/02833/11)
5 Cheviot Gardens - 2 flats in 2007 (C16664A/07)
80 Cheviot Gardens - 3 flats in 2009 (F/01365/09)
113 Cheviot Gardens - 2 flats 2012 (F/03121/12)
145 Cheviot Gardens - 2 flats in 2011 (F/02295/10)
153 Cheviot Gardens - 2 flats in 2012 (F/04564/12)
26 Cotswold Gardens - 2 flats in 2013 (F/02684/13)
44 Cotswold Gardens - 2 flats in 2011 (F/04269/11)
56 Cotswold Gardens - 2 flats in 2009 (F/00284/09)
76 Cotswold Gardens - 2 flats in 2015 (15/02770/FUL)
124 Cotswold Gardens - 2 flats in 2005 (C13222C/05)
147 Cotswold Gardens - 2 flats in 2014 (F/00299/14)

Furthermore, following confirmation from the VOA council tax website it has been established that there are a number of other conversions within the surrounding area which are likely to be lawful through established use. In addition, the host property has previously received consent for the conversion into two residential units (F/04269/11). The principle of one additional dwelling house being converted into flats in this location is therefore considered acceptable.

The Impact on the appearance and character of the area:

A previous application for a first floor side and rear extension was recently refused for the following reasons:

- 1) The two storey side and rear extension by reason of its design, size and siting would be visually obtrusive and detrimental to the character and appearance of the existing house, the pair of semi-detached properties of which it forms part as well as

detracting from this part of Cotswold Gardens, contrary to policies CS NPPF, CS1 and CS5 of the Barnet Core Strategy (2012), policy DM01 of the Development Management Policies DPD (2012), The London Plan (2011) and the Residential Design Guidance SPD (2013).

2) The proposed two storey rear extension by reason of its design, size and siting would have an overbearing impact and result in an increased sense of enclosure, detrimental to the residential amenities of neighbouring occupiers at No. 46 Cotswold Gardens, contrary to Policy CS5 of Barnet's Core Strategy (2012), Policy DM01 of Barnet's Development Management Policies DPD (2012) and Residential Design Guidance DPD (2013).

Through negotiations with the applicant the revised scheme has successfully overcome these concerns through two principle design changes. First, the two storey side extension which was previously 2m wide has been reduced in width to 1.3m and set away from the front wall by 1m. Second, where the flank wall of the two storey rear extension was previously set away from the boundary with no. 46 by only 500mm this distance has now been increased to 2.4m. The single storey side and rear extension has been previously approved under Barnet planning application reference F/03541/14.

Bearing the above points in mind, the proposed exterior changes would indeed conform to Policy DM01 of the Development Management Policies and preserve the character of the area (the potential impact to the amenities of neighbouring occupiers are discussed in more detail below).

Whether the proposal provides a satisfactory living environment for future occupiers :

Floor Area :

The following units are proposed:

2 bedroom 3 person	80m ²
2 bedroom 3 person	70m ²

Both units would exceed the minimum unit size requirements set out in the London Plan (2015).

Amenity Space:

The 1st floor unit would not be provided with access to the garden and therefore contrary to Barnet's Sustainable Design and Construction SPD, yet there are two material considerations which render this acceptable. First, the application site is a short walk away from Clitterhouse Playing Fields and Basing Hill Park, both of which are considered reasonable substitutes to the provision of onsite amenity space. Second, the 1st floor unit exceeds the minimum unit size requirement as set out in the London Plan by approximately 10m² and considered to adequately compensate for the lack of outdoor space.

Internal Stacking:

Policy DM04 part d. states that proposals will be refused if it leads to an unacceptable level of noise and disturbance unless the scheme can demonstrate any mitigation measures. The proposed layout is sufficient to prevent any unnecessary noise.

Light/outlook

All proposed habitable rooms would be provided with sufficient light and outlook to provide future occupiers with a good standard of living.

The impact on the amenities of neighbouring occupiers

The potential impact to both neighbouring occupiers were carefully considered and assessed separately below:

46 Cotswold Gardens:

The neighbouring property is set 1m further forward from the street when compared to the application property and set away from the shared boundary by approximately 2.5m (separated by a single storey garage).

Through negotiations with the applicant the following amendments have been made to the proposed scheme:

- The first floor side extension reduced to a width of 1.2m.
- The two storey rear extension set in from the neighbouring boundary by 2.5m.

As the gardens serving this side of Cotswold Gardens are north facing the proposed extensions are unlikely to affect the light to either the neighbouring garden or rear facing habitable room windows. The amendments have also reduced the scale of the proposed extensions to such an extent so as to mitigate any issues relating to a loss of outlook or increased sense of enclosure to this occupier.

42 Cotswold Gardens:

The proposed ground floor extension measures 3.5m in depth and the 1st floor rear extension has been set in from the boundary by 2.5m. Bearing these points in mind the scheme is unlikely to result in harmful loss of light to or outlook from the property to the detriment of this occupier.

Parking and Highways

Sufficient off street parking has been provided for the proposed units to satisfy Barnet's Planning Policy.

7. 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.

8. Conclusion

The application is recommended for approval.

