

Location **Melvin Hall Golders Green Road London NW11 9QB**

Reference: **15/07820/FUL** Received: 21st December 2015
Accepted: 4th January 2016

Ward: Golders Green Expiry 29th February 2016

Applicant: Mr Stephen Undsorfer

Proposal: Roof extension to accommodate 1no self-contained flat with external balcony. Parking area to the northwest side.

Recommendation: Approve subject to conditions

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

- 716/101 Rev A, 716/102 Rev A, 716/103 Rev A, 716/104 Rev A, 716/105 Rev A, 716/106 Rev A, 716/107 Rev A, 716/108 Rev A, 716/109 Rev A,

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 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 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 Adopted Barnet Development Management Policies DPD (2012).

- 5 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.

- 6 No site works or works on this development including demolition or construction work shall commence until a Demolition, Construction and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of deliveries, access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 7 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)."

- 8 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 6% 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).

- 9 a) Before the development hereby permitted is first occupied, details the refuse collection point 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).

- 10 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).

- 11 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. 716/108 Rev A; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 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 £3,465.00 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 £13,365.00 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

Melvin Hall is a residential apartment block that contains a total of 37 flats and 25 car parking spaces. The building was constructed in the 1960s/1970s and is characterised by its protruding terraces and a flat roof with sets backs to the 7th floor.

Vehicular access to the site is via Golders Green Road with a secondary access via Highfield Road. These are controlled with a barrier and drop down bollards providing access to 25 car parking spaces at the rear. There is a small area of hard standing to the rear of Ray Court fronting Highfield Road that would provide four additional car parking spaces. There is no cycle parking on site currently.

The property is not listed and does not lie within a Conservation Area.

2. Site History

Reference: C00409AG

Address: Melvin Hall Golders Green Road London NW11

Decision: Refused

Decision Date: 07 Feb 1990

Description: Extensions at 6th and 7th floors and an additional 8th floor to provide 4 additional flats, with additional parking accessed from Highfield Road (Outline)

3. Proposal

The proposal is to construct a roof extension to accommodate an additional 1x 2 bed flat with a floorspace of 98.4m²

The extension would be constructed on the 7th floor. Currently there is only one flat on this floor and the proposal would be constructed alongside Flat No 37 towards the northern part of the building. The extension would be constructed with matching materials to complement the existing block and will be the same height as the existing 7th floor.

4. Public Consultation

Consultation letters were sent to 183 neighbouring properties.

13no responses have been received. 12no objections have been received, and 4no comments have been submitted, all of which are summarised below.

- Out of character
- Affect property values
- Loss of privacy
- Noise and disturbance and Damage from construction works
- Structural issues
- Loss of light from scaffolding
- Notice not given to all freeholders
- Overlooking
- Effect of parking cars close to habitable rooms
- Car parking space will limit access for emergency vehicles

- Increase in road traffic and increase in off street parking
- Possibility of future development
- The roof is for an assembly point for fire
- No affordable housing
- The lift will take longer to travel thus increasing waiting time

Comment in support summarised as follows:

- Designed carefully and sensitively
- In keeping with the character of Melvin Hall

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 March 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 (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, DM03, DM08 and DM17.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)
Residential Design Guidance SPD (adopted April 2013)

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 surrounding area;
- Whether the proposal would provide good quality accommodation for future occupants;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to highway safety.

5.3 Assessment of proposals

Impact of the proposal on the character and appearance of the area

The proposed extension would incorporate 1x2 bed unit which would be constructed in matching design/materials that would complement the established character and appearance of the existing building. Given that there is an existing unit on the 7th floor the proposed extension to create an additional unit would be seen as a subordinate and proportionate addition to the existing building and would not have an harmful impact on the character and appearance of the host building or the wider street scene. There are similar high intensity purpose built flats in the vicinity and it is considered the development proposed would have an acceptable impact on the character and appearance of the area.

The quality of accommodation for future occupants

The proposed unit would have a floor area of 98.4m². It is considered the proposed unit would comply with the London Plan space standards for new development as outlined in Policy 3.5 (table 3.3) of the London Plan 2015 and will provide an adequate internal space for future occupiers use.

Having carefully considered the proposal, officers consider that the scheme would provide adequate amenities for the future occupiers of the proposed unit. The design and layout of the proposed unit is considered adequate with an internal floorspace which meets with the relevant London Plan space standards. The flat would also have adequate daylight, sunlight, outlook and privacy for the future occupiers of the unit.

Impact the proposal would have on the amenities of neighbours

As the development would be no higher than the existing building, it is considered that the works proposed would not have a significant impact on the residential amenity of neighbours in terms of overlooking, loss of privacy, overshadowing or lead to a loss of light.

Conditions have been added to ensure that there is no undue nuisance caused to existing residents during the construction of the new flat.

Taking the above into account it is the officer opinion that the proposed development would have an acceptable impact on the amenities of neighbours.

Overall it is considered that the design, size, bulk and siting of the proposed development is such that it would be in keeping with the objectives of development plan policies and planning guidance that seek to preserve and protect the amenities of neighbouring occupiers. It is found that the development would not be overbearing, visually obtrusive or cause unacceptable overlooking, overshadowing or losses of daylight, sunlight, aspect, privacy or outlook. The application is found to be acceptable and compliant with the objectives of development plan policies on the protection of the amenities of neighbouring occupiers subject to the conditions recommended.

Impact of the proposal on highway safety

Policy DM17 states that for flats of 2 to 3 bedrooms, 1.5 to 1 parking space should be provided per flat. The scheme proposes 4no additional off-street parking spaces along the existing hardstanding area to the rear of Ray Court which is accessed from Highfield Road. Taking this into account, this would accord with the requirements of Policy DM17.

6. Response to public consultation:

Out of character: *Addressed in 'assessment of proposals'.*

Affect property values: *While this has been considered this is has been attributed limited weight and not considered to be a reason for refusal in this instance.*

Loss of privacy: *Addressed in 'assessment of proposals'.*

Noise and disturbance and Damage from construction works: *A certain degree of noise and disturbance from any building works is to be expected. A construction method statement would need to be agreed by the council before works commence on site and will address.*

Structural issues: *Structural issues would be addressed through building control and not considered as a reason for refusal in this instance.*

Loss of light from scaffolding: *While this is a material consideration the scaffolding would only be temporary and therefore not sufficient reason to refuse the application.*

Notice not given to all freeholders: *All the freeholders were given the relevant notice. The online form however only allows 5 people to be included.*

Overlooking: *Addressed in 'assessment of proposals'.*

Effect of parking cars close to habitable rooms: *The existing area of hardstanding is located adjacent to the existing road and connects to an exciting access points for cars. The existing situation is therefore not dissimilar to that proposed.*

Car parking space will limit access for emergency vehicles: *The use of this area of hardstanding is likely to affect the access of emergency vehicles as their existing driveway would remain unobstructed.*

Increase in road traffic and increase in off street parking: *The proposed parking would meet Barnet's requirements and therefore is unlikely to create an increase in on street parking.*

Possibility of future development: *The application can only be assessed against the proposed scheme and not what could be applied for in the future.*

The roof is for an assembly point for fire: *Issues relating to the means of escape in the event of a fire would be addressed by building control.*

No affordable housing: *The proposed unit would not require an affordable housing contribution.*

The lift will take longer to travel thus increasing waiting time: *This has been taken into account but is not considered as sufficient reason for refusal.*

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

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.

