

Location **1 Victor House Marlborough Gardens London N20 0SH**

Reference: **15/06747/FUL** Received: 3rd November 2015
Accepted: 11th November 2015

Ward: Oakleigh Expiry 6th January 2016

Applicant: Mr

Proposal: Alterations to roof including front and rear dormer windows and 2no rooflights to front to facilitate conversion into 3no self contained flats. Extension to walkway and stairs

Recommendation: Approve subject to conditions

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

- Proposed floor plans, elevations and section - GA 01/B
- Existing and proposed part ground floor plans - GA 02

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 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).

4 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details

of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 5 Prior to the first occupation of the new dwellinghouse(s) (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 that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. 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).

- 6 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)

- 7 Prior to the first occupation of the units, details of the number of spaces, location and enclosures for cycle storage shall be submitted to the Local Planning Authority for approval.

Reason: To ensure that the works are provided in accordance with the Standard 3.4.1 of the Mayors Housing SPG (November 2012).

- 8 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).

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. 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 £5,600.00 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 £21,600.00 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.

0 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

Officer's Assessment

1. Site Description

The application site is located at Victor House, Marlborough Gardens, London, N200SH, at the junction of Oakleigh Road North and Marlborough Gardens. This site currently contains a three storey building which comprises commercial use at ground floor level and two storeys of residential use at first and second floor levels. The building is set back approximately 15 metres from Oakleigh Road North and approximately 2 metres from Marlborough Gardens.

The area surrounding the application site has a mixed character in terms of use and appearance. At ground floor the immediately surrounding buildings are used as commercial premises, while residential use exists on the upper floors of surrounding buildings. In the wider vicinity, a mixture of flatted development, dwellings converted into flats and single family dwellings are present. Buildings in this area are predominantly two and three storey in height.

The site does not contain any planning restrictions.

2. Site History

Reference: N06611B/05

Address: Victor Court 406-412 Oakleigh Road North London N20 0SG

Decision: Refused

Decision Date: 20 June 2005

Description: Alterations to roof including front and rear dormer windows and roof lights. Staircase extension at rear, all to facilitate conversion of roofspace to form 4 no. self-contained flats.

The reasons for refusal of Planning Application N06611B/05 are outlined below:

1. The proposal does not provide adequate off street parking in accordance with the Council's parking standards such that the proposal would cause harm to the free flow of traffic detrimental to highway and pedestrian safety contrary to policies M2.1 and M6.1 of the Adopted Barnet Unitary Development Plan (1991) and M11 and M14 of the Revised Deposit Draft Unitary Development Plan (2001).

2. The proposal would lead to an increase in demand for kerbside parking in surrounding streets which are already heavily parked. This would cause harm to the amenity of surrounding residential occupiers who already compete for these limited spaces, contrary to Policies T1.1, H5.3 M2.1 of the Adopted Barnet Unitary Development Plan (1991) and Policies H26 and M14 of the Revised Deposit Draft Unitary Development Plan (2001).

Planning Application N06611B/05 was dismissed at appeal under reference APP/N5090/A/05/1187583 on 22 November 2005.

Reference: N06611A

Address: 410-412 Oakleigh Road North London N20

Decision: Approved subject to conditions

Decision Date: 8 July 1987

Description: Change of use from light industrial workshop to warehouse, ancillary office and retail space

Reference: N06611

Address: 410/412 Oakleigh Road North N20

Decision: Approved subject to conditions

Decision Date: 17 June 1980

Description: Change of use from light industrial to storage with ancillary office and showroom and alterations to front elevation

3. Proposal

This application seeks approval to undertake alterations to the roof of the existing building including the construction of 8 front dormer windows and 3 rear dormer windows, as well as 6 rooflights to the rear to facilitate the addition of three 1 bedroom 2 person self-contained units in the roof space. The application also includes extensions to the walkway and stairs at the rear of the building.

It should be noted that the scale and siting of the rear dormer located at the southern side elevation of the building was revised following discussion between the applicant and officers. In particular, this dormer was reduced in depth and shifted marginally away from the southern side elevation in order to reduce the effect of additional built mass in this area of the host building.

It is noted that a similar suite of works was proposed under Planning Application N06611B/05. This application was refused as it was determined that the proposal would not provide adequate off street parking and result in an increased demand for kerbside parking in surrounding streets. It was also stated that this would cause harm to the free flow of traffic, be detrimental to highway and pedestrian safety, and cause harm to the amenity of surrounding residential occupiers. The full reasons for refusal of Planning Application N06611B/05 are outlined above under the section 2 of this report. This decision was upheld under appeal APP/N5090/A/05/1187583.

In regard to this previous application, it is noted that the current scheme proposes one less self-contained unit.

4. Public Consultation

Consultation letters were sent to 111 neighbouring properties and a site notice was posted on 19.11.2015. Thirteen letters of objection have been received in regard to this application. These objections have been summarised below:

- There is a rubbish issue at Victor House which will be amplified by 3 additional flats
- There is insufficient parking in this area and roads become blocked
- The building is not maintained properly
- The site is a long distance from a station
- The premises has been used for antisocial behaviour which creates safety concerns
- There is not suitable fire escape system associated with the building
- It is not clear if the existing structure can support roof additions
- The new flats would occupy storage space in the existing building
- Three more flats will produce additional noise in the area

- The proposal represents an overdevelopment of the site
- The parking survey is flawed
- Construction work would have a negative impact on ground floor businesses
- The size and bulk of the development is not in keeping with the character of the building
- The extensions will appear overbearing

This application has also been assessed by the Council's Traffic and Development staff who have not raised any objection to the application.

This application was requested to be called in to committee by Cllr Brian Salinger and Cllr Sachin Rajput for the following reasons:

- The proposal represents an over-development of the site
- The refuse arrangements are inadequate
- The parking survey is flawed

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 July 2011

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, DM04, DM08, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design. Policy DM17 outlines the Council's approach to parking and traffic safety.

Supplementary Planning Documents

Residential Design Guidance (2013)

- This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

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:

1. Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality
2. Whether harm would be caused to the living conditions of neighbouring residents.
3. Whether the proposal would provide a suitable level of accommodation for future residents
4. Whether the proposal would impact parking provision and traffic safety in the area
5. Refuse storage

5.3 Assessment of proposals

1. Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

Principle of flats - The determination for Planning Application N06611B/05 did not raise any objection to the creation of 4 additional self-contained residential units within the existing building. The current application proposes the addition of 3 self-contained units. It should be noted in regard to this matter that the existing building already contains a number of self-contained units and that other flatted developments are located within close proximity to the application site. As such, it is not considered that the additional units would cause harm to the character of this area.

In regard to this matter that the need for all forms of new housing in London is emphasised within the NPPF which contains specific policies relevant to the delivery of housing in Section 6 at paragraphs 47 - 55. These paragraphs outline that local planning authorities should significantly boost the supply of housing in London. This approach is also accentuated within Policy 3.3 of the London Plan (March 2015) relating to increasing housing supply. The Council's Local Plan Core Strategy outlines that there is an increasing demand for housing within the borough. Policy CS3 of the Core Strategy expects approximately 28,000 new homes to be provided within the borough between 2011/12 and 2025/26 and Policy CS4 confirms that it is the Council's aim to increase housing choice and supply. This application assists the Council in meeting these national and local policy directives through the provision of additional housing units.

Roof alterations -Planning Application N06611B/05 did not raise any objection to the addition of front and rear dormer windows and roof lights and other associated external alterations to the existing building. The current scheme proposes to add eight dormer windows to the front roof slope of the building and three dormers as well as 6 rooflights to the rear elevation.

The Council's Residential Design Guidance SPD outlines that front dormer windows are generally not considered acceptable. This SPD further outlines that dormers should reflect the style and proportion of windows on the existing building, should not overlap or wrap around the building, should leave adequate space above and below the dormer, and should be subordinate features.

Although this application proposes the addition of front dormer windows, it is not considered that these dormers would harm the character or appearance of the existing building, the street scene or the wider locality. This determination is based on the design, scale and siting of the front dormers. In particular, it is noted that they are limited in size, appear balanced within the roof slope and correspond positively with those windows located in the first and second storeys. Further, they appear smaller than the windows below, and adequate space has been left above and below each structure, thus making them subordinate features in the context of the existing building. Additionally, it should be acknowledged that buildings in the surrounding area have no defined structural form or character and that other front dormers are located within this area, including at Joiners Court (418 Oakleigh Road North) and Frinton Court (441 Oakleigh Road North).

The rear dormers, although larger in size than those proposed on the front roof slope, are not considered to generate any adverse harm to the character or appearance of the existing building, the street scene or the wider locality. This determination is based in recognition that they will not be visible from Oakleigh Road North and that they will not be prominent when viewed from Marlborough Gardens, particularly when considering the scale of Victor House and the immediately surrounding buildings. Further, it is noted that the dormer closest to Marlborough Gardens has been reduced in scale and set back marginally from Marlborough Gardens in order to mitigate the effect of the additional built mass when viewed from Marlborough Gardens.

2. Whether harm would be caused to the living conditions of neighbouring residents.

In terms of noise and other general disturbance, it is not considered that three additional 2 person flats would give rise to any materially significant change to the nature of comings and goings in close proximity to surrounding residential occupiers. This determination is

based in recognition that the use of the building will remain residential in nature and that a number of large flatted development buildings are located within close proximity to the application site, including Marlborough House (Marlborough Gardens) and Joiners Court (418 Oakleigh Road North).

It is not considered that the proposed roof alterations would result in a loss of privacy or outlook, create a sense of enclosure or block daylight enjoyed by adjoining occupiers. In particular, it is noted that the front dormers overlook Oakleigh Road North, while the rear dormers overlook a car park at the rear of the property.

3. Whether the proposal would provide a suitable standard of accommodation for future residents

Each of the three flats have 1 double bedroom and are intended to accommodate two people. The Council's Sustainable Design and Construction SPD states that the minimum internal area for 1 bedroom 2 person flats is 50 m². Flat 1 has an internal floor area of approximately 47 m². Flat 2 has an internal floor area of approximately 56 m². Flat 3 has an internal floor area of approximately 57 m².

It is noted that Flat 1 falls short of the minimum internal area by approximately 3 m², and the bedroom falls short of the minimum 12 m² area by approximately 0.5 m², however, it is not considered that this marginal shortfall in internal floor space would cause any material harm to potential future occupants of Flat 1, and as such, should not form a reason for refusal. Further, it is noted that this shortfall has come about as a result of the Council requesting that the rear dormer located at the eastern side elevation be reduced in size in order to mitigate the visual effect of this feature on the host building and the street scene.

Each of the proposed units has a dual aspect outlook, as each are associated with at least two front dormer windows and 1 rear dormer window allowing for adequate levels of natural light and outlook.

Although no outdoor amenity space has been provided for future occupiers of the three flats, it is not considered that this should form a reason for refusal in this instance. This determination is based on the location of the application site to a number of local parks in the surrounding area. According to the Barnet Open Space, Sports and Recreational Facilities Assessment (December 2009), the application site is located within the catchment area of a local park and in close proximity to a second local park catchment area. The site is located approximately 500 metres from two local parks, including Friary Park to the southwest and Brunswick Park to the east. It should also be noted that the proposed flats are not intended to accommodate whole family units whose demand for outdoor amenity space would be greater, and that no specific outdoor amenity area has been provided for the existing occupiers of Victor House.

It is noted that the living and kitchen areas of the proposed units are located above bedrooms located in the second floor of the existing building. However, it is not considered that this stacking arrangement should form a reason for refusal in this instance as any potential noise related effects can be controlled by way of a condition.

4. Whether the proposal would impact parking provision and traffic safety in the area

It is noted that Planning Application N06611B/05 for an additional 4 units was refused as the proposal did not provide adequate off street parking and as a result would lead to an increase in demand for kerbside parking in surrounding streets. It was also stated that this situation would cause harm to the free flow of traffic, be detrimental to highway and pedestrian safety and cause harm to the amenity of surrounding residential occupiers.

No additional off-street parking is provided in association with the current scheme for 3 additional 1 bedroom flats. Policy DM17 of the Council's Development Management Policies concerning travel impact and parking standards states that 1 to less than 1 space should be provided for flats consisting of 1 bedroom. Further, Policy DM17 states that development may be acceptable where it can be demonstrated through a survey that there is sufficient on street parking capacity.

A parking study was submitted with the application. This survey comprised of a night time parking assessment between the hours of 1.00 am and 2.00 am of Friday 18th and Tuesday 22nd July 2014 within streets located approximately 200 metres from the application site. The survey confirms that "there is substantial parking at night in this area there is still significant spare capacity, and there would be no problem in accommodating any additional parking". Further, this survey states that a "visual inspection during weekday mid-morning and mid-afternoon periods confirmed lower parking pressure in the area with substantial vacant space at unrestricted kerbside close to the site". The survey concludes that "the proposed development would not unacceptably impair parking conditions on street even if all the occupying households were car owning".

This application has been assessed by the Council's Traffic and Development Department staff who have not raised any concerns in regard to the parking or the effect that the proposal would have on the safe and efficient use of the public highway.

In this instance, it is not considered that the lack of off-street parking provided by way of this scheme should form a reason for refusal as it would satisfy the requirements of Policy DM17 and a parking survey has been provided which indicates an adequate supply of off-street parking. Further, it is not considered that any additional off-street parking generated by the proposal would result in a material change to the amenities of residential occupiers in the surrounding area. Additionally, it is acknowledged that one less residential unit is proposed under the current scheme than the previously refused scheme, thus resulting in a reduced parking demand.

5. Refuse storage

It is noted that a number of objectors made comments in regard to the amount of refuse on the property and the poor management of onsite refuse. It is noted that the applicant has volunteered to modify the existing refuse arrangement in order to mitigate these concerns. The existing refuse store is located at ground floor level adjacent to Marlborough Gardens. This area is currently only accessible from outside the building at the rear elevation. Plans submitted with the application indicate that this refuse area will now also be accessible from within the building at a stairwell positioned within the eastern elevation.

It is considered that increasing the accessibility of this bin store will assist in refuse management on the site. It is not considered that 3 additional units of the size proposed would require any additional refuse storage area.

It should also be noted that it is the responsibility of the building owner and tenants to ensure that refuse is deposited into the refuse store and to maintain the cleanliness of the site.

6. Response to Consultation

A number of those matters raised in the letters of objection have been addressed above and will not be further discussed in this section.

The maintenance of the building is not a planning matter and has not been taken into consideration in assessing this application.

Antisocial behaviour of concern on the application site is not a planning matter and should be reported to police.

Fire escape arrangement and control are not planning matters.

It is not considered that construction work will be on-going for a significant period of time and thus it should not generate adverse harm for surrounding occupiers or businesses. Conditions and informatives concerning hours of construction and considerate contractors have been recommended for any approval associated with this activity.

No evidence is contained in the application demonstrating that storage space would be removed by the proposed works.

It is noted that the site is located within a PTAL level 2 area. However, it is considered that this should not form a reason for refusal as the proposal satisfies Policy DM17.

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 proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval subject to conditions.

Site Plan

