

Location **28 Heriot Road London NW4 2DG**

Reference: **16/00049/FUL** Received: 5th January 2016
Accepted: 5th January 2016

Ward: Hendon Expiry 1st March 2016

Applicant: Mr MARIA LAZARUS

Proposal: Conversion from single family dwelling into 3 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: site location plan, ABC14/8000, ABC14/8001, ABC14/8002, ABC14/8003, ABC14/8004, ABC14/8005, ABC14/8006, Design and access statement (received: 05/01/2016)

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) 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).

- 5 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).

- 6 The approved development shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. Such spaces shall be permanently retained thereafter.

Reason:

In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 7 a) Before the development hereby permitted is first occupied, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 8 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. ABC14/8006 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 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 In case if any modification is proposed or required to provide access off the public highway then it will be subject to a detailed investigation by the Development and Regulatory Services. This may involve relocation of any existing street furniture and would need to be done by the Highway Authority at the applicant's expense. Estimate for this and any associated work on public highway may be obtained from the Development and Regulatory Services, Barnet House, 11th Floor, 1255 High Road, Barnet, Greater London N20 0EJ.
- 4 The applicant is advised that for construction works adjacent or affecting the public highways, the Highways Authority should be contacted for any necessary Highways Licenses or any highway approvals deemed necessary.
- 6 Unobstructed access needs to be provided to the refuse vehicle on the day of the collection. The dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

Officer's Assessment

1. Site Description

The application property is a semi-detached dwelling located on the northern side of Heriot Road. The property is in a predominately residential location, but it is not listed and not part of a conservation area.

The property has been extended at the ground floor and roof level through the implementation of the scheme previously deemed lawful under the reference no 15/05737/192.

2. Site History

Reference: 15/05737/192

Address: 28 Heriot Road, London, NW4 2DG

Decision: Lawful

Decision Date: 28 September 2015

Description: Demolition of existing rear extension and erection of 2 no. single storey rear extensions. Rear dormer with 2 no. rooflights to front and 1 no. rooflight to side to facilitate hip to gable loft conversion

3. Proposal

The applicant seeks planning permission for the conversion of the property into 3 self-contained flats. A two bed unit is proposed at ground floor, a one bed unit at first floor and a studio within the loftspace.

4. Public Consultation

Consultation letters were sent to 78 neighbouring properties.

10 responses have been received, comprising 10 letters of objection, 0 letters of support and 0 letters of comment.

The objections received can be summarised as follows:

- increase the number of households in the road and lead to increased demand for services, traffic and parking
- impact on emergency access
- Unsustainable and dangerous parking
- breakdown of the community
- other properties that will be converted
- unsustainable expansion
- front gardens paved for parking
- parking issues affects the emergency and refuse vehicles
- misleading and false information by the applicant saying that the property is still occupied
- application based on developmental grounds for profit
- does not take into account local amenities
- incorrect measurements on floor plans
- no provision of a fire exit
- split garden out of character
- extensions to the property determine loss of light to the neighbouring properties
- the reduction of family houses increases the price of properties
- reduce the quality of life
- breached the boundary wall regulations - boundary wall higher than in the original design.

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 2050. 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.

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.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether the development provides adequate amenities for future occupiers;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

The principle of the proposed development

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 a valuable 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."

The suitability of flat conversions is assessed on the particular circumstances and sensitivity of the site. Section 6 of the NPPF reinforces that Local Planning Authorities should enable the provisions of good quality homes in suitable locations. More acceptable locations include areas in or adjacent to town centres or easily accessible by public transport, along major roads and areas characterised by non-family units such as flats, bed sits or HMO's. In roads characterised by houses in single family occupation, conversions would not normally be appropriate, as it is in these areas that housing meets a need for large homes to balance housing provided in town centres.

Core Strategy Policy CS4: Providing Quality Homes and Housing Choice in Barnet, the aim is to maximise housing choice providing a range of sizes and types of accommodation, Moreover, Policy CS6 states the aim of Barnet to promote town centre locations 'encouraging a mix of compatible uses' including residential 'that add to the vibrancy of the area whilst respecting the character'.

Although the proposal would result in the loss of a single family dwelling ; given that many of the adjoining units have been sub-divided into flats; the location of the site within close proximity of the Brent Street Town Centre; the proposed conversion is considered acceptable in principle.

The proposal will not result in harm to the character of the area and the way it functions

To accord with Policy DM01 new development is expected to respect the constraints of the site, and that it should not result in overdevelopment or over-intensification. The creation of 3 flats is not considered to be over intensive within this location.

The impact on the character and appearance of the application site and surrounding area

The 2012 National Planning Policy Framework states that 'the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'.

In addition to the NPPF, Policy CS5 of the Core Strategy states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'. In addition to this, Policy DM01 of the Council's Development Management Policies 2012 states that 'development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets' development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused'.

No external changes are proposed as a result of the conversion. The property has previously implemented a large roof extension including hip to gable and rear dormer as well as rear extensions, being in compliance with the Permitted Development requirements under the certificate reference no 15/05737/192.

The impact on the amenity of future and neighbouring residents

The proposed works would result in the creation of three flats. Policy DM01 of the Development Management Policies 2012 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.

Section 8.4 of Barnet's Local Plan SPD: residential design guidance states: "in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy". In addition to this, section 2.4 of the SPD for sustainable design and construction states that "the impact of development on the availability of daylight / sunlight and privacy to the occupants of existing buildings and the occupants of new development is strongly influenced by design and contributes significantly to the quality of life. The amount of daylight available in buildings enhances people's quality of life and reduces energy use. The Mayor's Housing SPG standard 5.5.2 recommends that development should preferably have direct sunlight in living areas and kitchen dining spaces and all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Overheating should be considered when designing for sunlight".

The proposed flats meet the minimum space standards as set out in the London Plan and would provide sufficient outlook and access to light for habitable rooms. It is also considered that the proposed flats would have access to sufficient amenity space with access to the rear garden from the side passage for the upper units. The ground floor flat has access from the rear doors and/or side passage, the flats at the first floor level will have a shared garden at the rear with access from the side of the property.

In terms of noise it is not considered that the proposal will give rise to significant comings and goings in close proximity to surrounding residential occupiers to an unacceptable degree. It is not considered that additional movement from 3 separate households will be harmful in this location.

Highways and parking

The drawings show the provisions of 3 parking spaces at the rear of the property with access along the side of the dwelling towards the boundary with the neighbouring property at no 30 Heriot Road.

The continued provision of 3 parking spaces for use by the occupants of the proposed development is in accordance with highways parking standards, as the property is located very close to transport links such as Hendon Central Tube Station which is just over a 10 minute walk away.

The proposal is acceptable on highway grounds subject to conditions.

5.4 Response to Public Consultation

- increase the number of households in the road and lead to increased demand for services, traffic and parking; unsustainable and dangerous parking; impact on emergency access; front gardens paved for parking; parking issues affects the emergency and refuse vehicles - the proposal includes the provision of parking at the rear of the property
- breakdown of the community -this does not constitute a material planning consideration - other properties that will be converted - each case is considered on its merits
- unsustainable expansion - this does not constitute a material planning consideration
- misleading and false information by the applicant saying that the property is still occupied - this does not constitute a material planning consideration
- application based on developmental grounds for profit - this does not constitute a material planning consideration
- does not take into account local amenities - officers consider proposal, given its location, would not affect the provision of amenities
- incorrect measurements on floor plans - the floor plans are in accordance with Barnet's Sustainable Design and Construction SPD
- no provision of a fire exit - this does not constitute a material planning consideration
- split garden out of character - the provision of amenity space for the proposed flats would lead to the split garden. As numerous properties that have been already converted into flats along the street with split gardens, it can be considered that now it is part of the character of the area
- extensions to the property determine loss of light to the neighbouring properties - the previous extensions to the property have been made lawful under a Certificate of Lawful Development which is assessed in accordance with the national legislation and it is not subject to neighbouring consultation
- the reduction of family houses increases the price of properties - this does not constitute a material planning consideration

- reduce the quality of life - this does not constitute a material planning consideration
- breached the boundary wall regulations - boundary wall higher than in the original design
- this does not constitute a material planning consideration

Although the proposal will result in the loss of a family house, given the number of properties already converted in both Heriot Road it is considered that the character of the area is not one predominately of single family dwellings and as such accords with policy DM01.

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 supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

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

