

Location **1 Cumbrian Gardens London NW2 1EB**

Reference: **16/0469/FUL** Received: 25th January 2016
Accepted: 29th January 2016

Ward: Golders Green Expiry 25th March 2016

Applicant: Mr REZA FARD

Proposal: Conversion of property into 2no self-contained flats following first floor rear extension and new front porch

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. T01011603, T01011600, T01011607, T01011606-V1, T01011605-V1, T01011601, T01011602 and T01011604.

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 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. T01011607; 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.

- 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 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).

- 6 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.

- 7 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 flank elevation(s), of the extension(s) hereby approved.

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).

- 8 Prior to the first occupation of the new dwellinghouse (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).

- 9 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).

- 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).

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 £402.50 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 £1552.50 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 site relates to a two storey, semi-detached dwellinghouse, located on the eastern side of Cumbrian Gardens, within the Golders Green Estate. The layout of the site is orientated so that the rear of gardens along Pennine Drive back on to the northern boundary of the site.

There are a number of other properties along Cumbrian Gardens and the wider Golders Green Estate that have been converted into self-contained flats.

2. Site History

Reference: C02869D/06

Address: 1 Cumbrian Gardens, London, NW2 1EB

Decision: Approved subject to conditions

Decision Date: 4 January 2007

Description: Single storey rear and two storey side extension

3. Proposal

This application proposes a first floor rear extension and a front porch extension to facilitate the conversion of the property into two self-contained flats.

The first floor rear extension would have a depth of 3.1 metres, set away 1.9 metres from the common boundary with the gardens on Pennine Drive and 2.3 metres from the common boundary with No. 3 Cumbrian Gardens. The first floor extension would have a width of 3.6 metres. The front porch would have a depth of 1.2 metre and a width of 2.4 metres, located in front of the existing front entrance.

4. Public Consultation

Consultation letters were sent to 53 neighbouring properties.

6 responses have been received, comprising 6 letters of objection.

The objections received can be summarised as follows:

- Too many properties with hard surfacing to front gardens
- Too many flats
- Loss of light
- Outlook
- Increase in vehicles
- Noise and anti-social behaviour
- Overdevelopment
- Overlooking
- Noise and disturbance from construction
- Parking

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, 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.

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:

- Principle of the development;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;

- Impact on parking and highway safety.

5.3 Assessment of proposals

Principle of the development and whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality or the amenity of neighbouring occupiers

The proposed front porch, given its minimal depth and width, is considered to be of a subordinate scale in relation to the host property and would not overly dominant the front elevation of building or appear prominent within the street scene.

The proposed first floor rear extension has been amended and would project 3.1 metres in depth and would be set away a minimum of 1.9 metres from each neighbouring boundary. Given the splayed nature of the host plot in relation to gardens and properties along Pennine Drive and that the extension would be set away from neighbouring common boundaries by a minimum of 1.9 metres at 3.1 metres in depth, it is not considered that this element of the proposal would result in an overbearing impact or loss of light to any neighbouring occupier to an unacceptable degree. The proposed depth and width of the first floor extension would be subordinate in scale to host property and would have an acceptable impact on the character and appearance of the host property.

Given that there are a number of properties along Cumbrian Gardens and the wider Golders Green Estate that have been converted into flats and that the proposal would only increase the number of units on site by 1, it is not considered that the proposed conversion of the property into flats would be out of character with the pattern of development within the area or result in an over intensification of the use of the site to an unacceptable degree.

The Council's Residential Design Guidance states that in new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

The proposed first floor rear extension would not contain any windows in the side elevation and the rear of the extension would be set back from the common boundary with properties on Cheviot Gardens by over 10.5 metres and there would be a distance of over 21 metres from directly facing habitable room windows. As such, it is not considered that the proposal would result in overlooking and loss of privacy to any neighbouring occupier.

Whether the proposed accommodation would provide a satisfactory quality of living accommodation for future occupants.

The proposed ground floor unit would have an internal floor space of approximately 72.7 metres. This would comply with the minimum standard for a 2 bedroom, 3 person unit of 61m². The first and second floor flat would have a minimum floor area of 95.7m² and would be a 3 bedroom, 4 person unit. The minimum requirement for floor space for 3 bedroom, 5 person flats is 86sqm and this unit would meet this requirement. The proposed units would be dual aspect and would also be appropriately stacked.

It is noted that the ground floor unit would only have access to the rear amenity area. However, taking into consideration the considerable internal alterations that would be

necessary to provide access to the rear amenity for the first floor unit and that the site is in close proximity to both Basing Hill Park and Clitterhouse Playing Fields, it is not considered that the lack of provision of rear amenity space for the first floor flat would be a justifiable reason for refusal in itself.

Whether the proposal would be detrimental to highway safety or parking.

The property already benefits from off street car parking on the front forecourt and associated crossover. The proposal would utilise this space to provide a total of two parking spaces. The cross-over is proposed to be widened to 4.8 metres wide to ensure cars have unrestricted access to parking spaces. The proposal would comply with the Council's Policy DM17 in relation to car parking arrangements and considered to be acceptable on highways grounds. As such, the proposal is not considered to result in a detrimental impact on parking or highway safety.

5.4 Response to Public Consultation

Mainly addressed in appraisal above.

The existing front garden comprises of hard surfacing.

Noise and disturbance from construction works is not a material planning consideration.

There is no evidence before the LPA to suggest that the conversion of the property into flats would result in an increase in anti-social behaviour within the area.

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.

