

Location **4 Clifton Gardens London NW11 7EL**

Reference: **16/0566/FUL** Received: 28th January 2016
Accepted: 29th January 2016

Ward: Garden Suburb Expiry 25th March 2016

Applicant: Mr Joey Ben Yoav

Proposal: Two-storey side and rear extension and extensions to the roof including a hip to gable and a rear dormer to facilitate the conversion of an existing single family dwelling into 3 self-contained flats.

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - No. 1 of 1 Rev 2, 2 of 2 Rev 2 (received: 07/03/16).
 - Parking Survey - received: 27/04/16.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

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

- 3 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 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.

- 5 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.

- 6 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).

- 7 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 10% 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).

- 8 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).

- 9 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).

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 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 £853.00 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 £3,213.00 payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

Officer's Assessment

1. Site Description

The application relates to a single family dwellinghouse.

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

2. Site History

Reference: 15/07329/HSE

Address: 4 Clifton Gardens, London, NW11 7EL

Decision: Approved subject to conditions

Decision Date: 26 January 2016

Description: Two storey rear extension. Rear dormer with 3 no. rooflights to front to facilitate hip to gable loft conversion.

3. Proposal

- Two-storey side and rear extension
- Extensions to the roof including a hip to gable and a rear dormer
- Conversion into 2no self-contained flats.

4. Public Consultation

Consultation letters were sent to 127 neighbouring properties.

10 letters of objection have been received.

Summary and comments below:

- Loss of light
- Lack of parking
- Noise and disturbance
- Out of character with the area
- Loss of a family house
- No refuse storage

5. Planning Considerations

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan July 2015

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08 and DM17

Supplementary Planning Documents

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

The principle of flats in this location :

Clifton Gardens is characterised by a mixture of single family dwellinghouses and conversions. A search of the council tax records shows the following properties have previously been converted to flats: no. 1, 2, 5, 6, 7, 11, 12, 13, 16, 17, 22, 24, 28, 30, 32 and 34. Bearing these points in mind, the principle of one additional conversion in this location is considered acceptable.

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

Floor Area :

The following units are proposed:

Flat 1	2 bedroom 4 person	70.5m ²
Flat 2	2 bedroom 4 person	69.2m ²
Flat 3	1 person	40.0m ²

Units 1 and 2 would exceed the minimum unit size requirements set out in the London Plan (2015). Although Flat 2 fails to meet this requirement the shortfall of 800mm² is negligible and unlikely to harm the living conditions of future occupiers and therefore considered acceptable in this instance.

Density

With regard to the London Plan 2015 and the Density Matrix found in Table 3.2, it is considered that the site can be defined as 'urban' according to the London Plan definition and has a PTAL score of 2. The site is approximately 0.0168 hectares in size and the development includes 3 self-contained flats. Calculations show that the proposed scheme's density is approximately 166 units per hectare, and this is consistent with the density range for its context and the guidelines in the London Plan. All matters considered, the density of the development is considered to be appropriate for the area and therefore the Council has no objections on this matter.

Amenity Space:

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room (definition of a habitable room is set out in the glossary including the maximum size considered before a room is counted as two (20 sqm)).

The ground floor unit would be provided with a private garden meeting the above standard and Flats 2 and 3 would be provided with a separate communal garden to the rear all of which would meet the above standards and considered acceptable.

Internal Stacking:

Policy DM04 part d. states that proposals will be refused if it leads to an unacceptable level of noise and disturbance unless the scheme can demonstrate any mitigation measures. The stacking is considered acceptable and would limit noise transfer between flats.

Light/outlook:

All habitable rooms are considered to benefit from sufficient light and outlook to provide future occupiers with a good standard of living which meet the requirements set out in Barnet's Sustainable Design and Construction SPD (2012).

The impact on the amenities of neighbouring occupiers

As the road is characterised by a mixture of conversions and single family dwellinghouses the comings and goings associated with the proposed units are unlikely to cause

significant noise and disturbance likely to harm the living conditions of neighbouring occupiers.

The impact of the extensions on the amenities of neighbouring occupiers was previously assessed under application reference 15/07329/HSE and considered acceptable.

The Impact on the appearance and character of the area:

The proposed extensions were previously approved under application reference 15/07329/HSE where the impact on the character of the area and impact on the living conditions of neighbouring occupiers were considered acceptable.

Parking and Highways

The applicant has submitted a parking survey undertaken on two separate typical weekday nights between the hours of 0030 and 0530 to determine the current parking uptake on the streets within the study area. The report concludes that the observed average overnight parking stress within the survey area is 66% which is low. The site is therefore not in an area of on-street parking stress.

In light of this survey, Barnet's Highways officers made the following comments:

Clifton Gardens can accommodate approximately 45 parking spaces, 85 parking permits have been issued in Clifton Gardens and therefore it is unlikely that a development with additional permit demand can be accommodated in Clifton Gardens.

In accordance with the Council Policy a residential unit within a CPZ is entitled to a maximum of 4 permits. This without any permit exemption could potentially result in a demand for 12 permits that cannot be accommodated in Clifton Gardens.

However, taking into consideration the following:

- The parking survey conducted by the applicant shows that parking spaces are available on roads in the vicinity of the site
- The proposal is for a conversion of the existing 4 bedroom dwelling;
- Site is located in a town centre location and within a CPZ;

The proposed conversion is acceptable on highway grounds.

7. Response to public consultation

Loss of light: The proposed extensions were previously approved under application reference 15/07329/HSE.

Lack of parking: Addressed in 'assessment of proposals'.

Noise and disturbance: Addressed in 'assessment of proposals'.

Out of character with the area: Addressed in 'assessment of proposals'.

Loss of a family house: Both the ground and first floor units area could appeal to a small family. The introduction of 2no new flats is considered to compensate for the loss of one family house.

No refuse storage: Sufficient space exists in the front garden to accommodate a suitably sized refuse store and has been secured by condition.

8 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.

9. 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.



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