

Location **100 Sevington Road London NW4 3RS**

Reference: **16/0890/S73** Received: 11th February 2016
Accepted: 15th February 2016

Ward: West Hendon Expiry 11th April 2016

Applicant: Mr Chaim Gurvitz

Proposal: Variation of condition 1 (plan numbers) pursuant to planning permission H/05806/13 dated 11/02/14 for `Two storey side extension to enlarge the existing 2no. flats. New extended pitched roof above gable feature and formation of a rear dormer, 1no. front and 1no. rear roof-light to facilitate a loft conversion to create 1no. additional self-contained flat`. Variation to include alterations to: roof shape, rear dormer, ground floor side extension, fenestration and two additional front facing rooflights.

Recommendation: Approve subject to conditions

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

100SR-PP2-02 Rev B, 100SR-PP203, 100SR-PP2-04 and location plan (received: 08/04/16).

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 This development must be begun within three years from the date of the original permission (H/05806/13) dated: 11/02/14.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 The property shall be used as self-contained units as shown on 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.

- 5 Prior to the 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 policy DM02 and DM04 of the Adopted Barnet Development Management Policies DPD (2012).

- 6 Before the building hereby permitted is first occupied the 4no proposed windows at first floor and roof level facing 15 Vivian Avenue shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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) and the Residential Design Guidance SPD (adopted April 2013).

- 7 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).

- 8 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02

of the Barnet Development Management Policies document (2012) and policies 5.2 and 5.3 of the London Plan (2015).

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

- 10
- 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).

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 applicant is advised to implement the scheme in accordance with the hereby approved plans within 3 months of the decision, otherwise the Council will consider enforcement action.
- 4 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 £4,995.00 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 £1,295.00 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 site is a semi-detached dwellinghouse located on the eastern side of Sevington Road and attached to No. 98 Sevington Road.

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

2. Site History

Reference: H/05806/13

Address: 100 Sevington Road, London, NW4 3RS

Decision: Approved subject to conditions

Decision Date: 11 February 2014

Description: Two storey side extension to enlarge the existing 2no. flats. New extended pitched roof above gable feature and formation of a rear dormer, 1no. front and 1no. rear roof-light to facilitate a loft conversion to create 1no. additional self-contained flat.

3. Proposal

Variation of condition 1 (plan numbers) pursuant to planning permission H/05806/13 dated 11/02/14.

The variations include:

- Alterations to roof shape and rear dormer
- Alteration to the ground floor layout
- Alteration to the ground floor side extension
- Alteration to the fenestration in the side elevation
- The addition of two front facing rooflights

4. Public Consultation

Consultation letters were sent to 70 neighbouring properties.

15 responses have been received, comprising 5 letters of objection and 10 letters of support.

The objections received can be summarised as follows:

- The extensions were not built in accordance with the approved plans
- Not in keeping with the character of the area
- Loss of outlook
- Increase in the number of occupants to that previously approved
- Increased stress on parking
- Increased noise and disturbance from use

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 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:

- 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.

5.3 Assessment of proposals

The applicant has failed to build the existing extensions in accordance with the previously approved plans (H/05806/13). The following assessment will focus on the differences between the previously approved scheme and the current proposal. The application proposes to retain the rear dormer and front rooflights as built. However the application proposes to lower the roofline of the first floor side extension so that it complies with the previously approved scheme.

For clarity, planners have requested four sets of plans which are available to view online:

- Previously existing
- Previously approved (H/05806/13)
- Existing
- Proposed

Alterations to roof shape and rear dormer:

Barnet's Local Plan Supplementary Planning Document: Residential Design Guidance 2013 (SPD) states that dormer extensions should be set in at least 1 metre on either side, be a subordinate feature and not occupy more than half the width or half the depth of the roof slope.

Although the proposed dormer to the rear is larger than that previously approved it would still adhere to all aspects of the above guidance and would have a similar effect on the character of the area when compared to the previously approved scheme (H/05806/13) .

The roof of the first floor extension is proposed to be lowered so that it complies with the approved scheme.

Alteration to the ground floor side extension:

The previously approved scheme proposed a two storey side extension. The current proposal deviates slightly from this design in that the ground floor element would remain as the previously existing but with a cantilevered first floor, supported by pillars. This amendment would cause no harm to the character of the street and has the benefit of allowing ease of access to the rear garden for the upper flats.

Alteration to the ground floor layout:

While there have been minor changes to the ground floor layout it has reverted back to the previously existing layout and is therefore considered acceptable.

Alteration to the fenestration in the side elevation:

An additional window has been included at first floor level and shown in the proposed plans as obscure glazed and would be secured through a suitably worded condition. As a result, there would be no issues relating to overlooking or a loss of privacy to neighbouring occupiers.

The addition of two front facing rooflights

Sevington Road includes a mixture of single family dwellinghouses and flat conversions. Under permitted development the houses within the street could construct the same number of roof lights as currently proposed (without the requirement for planning

permission). Although the application property does not benefit from permitted development right this point has been given some weight in this instance.

Moreover, it is considered that the proposed rooflights do not dominate the roof slope or significantly harm the appearance of the property and would provide future occupiers with increased levels of daylight and sunlight thus improving their living conditions. Taking into account the points raised above, on balance, the rooflights are considered acceptable in this instance.

Conclusion

Bearing the above points in mind, the proposal would not be harmful to the character and appearance of the host property or the row of properties within which the application site is located and therefore would not conflict with the requirements of Policies CSNPPF, CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012 and Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012. These policies and guidance support sustainable development and require amongst other things that development respects local context and distinctive local character and respects the appearance, scale, mass, height and pattern of surrounding buildings and streets.

In terms of amenity, the living conditions of the occupiers of the adjacent dwellings would not be harmed. The proposal would therefore comply with the intention of Policy DM01 of the Development Management Policies and the Residential Design Guidance SPD to prevent such adverse effects.

5.4 Response to Public Consultation

The extensions were not built in accordance with the approved plans: Addressed in 'assessment of proposals' above.

Not in keeping with the character of the area: Addressed in 'assessment of proposals' above.

Loss of outlook: Addressed in 'assessment of proposals' above.

Increase in the number of occupants to that previously approved: The proposed number of occupiers is identical to that previously approved.

Increased stress on parking: As the number of future occupiers has remained unchanged, so too has the parking requirement (previously found to be acceptable).

Increased noise and disturbance from use: The comings and goings of future occupiers would be identical to that previously approved.

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

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.

