

**Location**                                **8 Redbourne Avenue London N3 2BS**

**Reference:**                            **16/1270/FUL**                                Received: 29th February 2016  
Accepted: 8th March 2016

Ward:                                        West Finchley                                Expiry 3rd May 2016

Applicant:                                Mr Ray Gabriele

Proposal:                                Conversion of a dwelling house into 3no self-contained units associated car parking, amenity space, refuse & recycle storage area

**Recommendation:** Approve subject to conditions

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

PL01; PL02; PL03; PL04; PL05; PL06; PL07; PL08; Design and Access Statement

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     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).

- 4     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).

- 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 a) Prior to the first occupation the details of the proposed rear fencing hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 7 Notwithstanding the details shown on the plans the new fenestration 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).

- 8 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 March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 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), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 10 (i) No development shall commence until the final parking arrangements have been submitted to and approved in writing by the Local Planning Authority.

(ii) The layout shall be implemented in accordance with this approval before first occupation.

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.

- 11 Prior to the commencement of the development hereby approved a full scheme of the measures to be installed in the development to minimise the transmission of noise between the proposed units and between the proposed units and the accommodation in the adjoining dwellinghouse shall be submitted to the Local Planning Authority and approved in writing. The scheme of measures approved under this condition shall be implemented and installed in the development in their entirety prior to the first occupation of the new dwellings hereby approved.

Reason: To safeguard the amenities of occupiers of neighbouring residential properties in accordance with policies DM01 and DM04 of the Barnet Local Plan.

### **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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 7294.

- 3 If the proposal is carried out it will be necessary for the existing crossover to be amended by the highways Authority and for new crossovers to be constructed. Any new crossovers or amendments to existing crossovers will be subject to detailed survey assessment as part of the application for crossover under the Highways Act 1980 and would be carried out at the applicant's expense.. Any street furniture including lamp columns, affected by the proposed crossover would be relocated at the applicant's expense.

Relocation of lamp columns may not just relate to the lighting column directly in front of the applicants property. Amendments may also be required to other lighting columns along the road to ensure adequate street lighting coverage is maintained.

The proposal will require alterations to on street parking bays which will be subject to a statutory consultation.

The applicant should submit a vehicle crossover application to;

London Borough of Barnet, NLBP, 11th Floor, Barnet House, 1255 High Road, Whetstone, London N20 0EJ

The applicant is advised that following the outcome of the detailed crossover inspection the position of the proposed crossovers (and parking layout) may need to be amended.

## **Officer's Assessment**

### **1. Site Description**

The application site is located on the northern side of Redbourne Avenue, within close proximity to Ballards Lane and the Finchley Central Town Centre within the West Finchley ward. The site is located within a controlled parking zone (CPZ).

The site is not located within a Conservation Area and holds no individual designation.

The existing building is a two-storey semi-detached residential dwelling house, with rooms in the roofspace.

### **2. Site History**

Reference: 15/03795/FUL

Address: 8 Redbourne Avenue, London, N3 2BS

Decision: Refused

Decision Date: 1 October 2015

Description: Conversion of a dwelling house into 3 self-contained units associated car parking, amenity space, refuse & recycle storage area.

This application was recommended for approval by officers but was overturned by Members at Committee and refused for the following reasons;

1 The proposed conversion to flats, by reason of the number and size of units proposed and associated general activity, would be an over-intensive use of the site which would detract from the established character of the area and would be detrimental to the amenities of neighbouring occupiers by reason of noise and disturbance. The proposals are contrary to policies DM01 and DM04 of the Adopted Barnet Development Management Policies (2012).

2 The development by reason of the proposed internal layout with the location of living rooms at first floor adjacent to the bedrooms of no.6 Redbourne Avenue would result in noise disturbance to the neighbouring occupiers. The proposals would be contrary to policies DM02 and DM04 of the Adopted Barnet Development Management Policies (2012) and Adopted Supplementary Planning Document on Sustainable Design and Construction (2013).

3 The proposals by reason of the size of the bin storage area required would be detrimental to the character and appearance of the streetscene and general locality, contrary to policy DM01 of the Adopted Barnet Development Management Policies (2012) and Adopted Supplementary Planning Document on Sustainable Design and Construction (2013).

4 In the absence of confirmation that the proposed parking spaces can be provided on site to serve future residents, the development would be likely to increase demand for on-street parking in the area, detrimental to the free flow of traffic and highway safety. The proposals would be detrimental to policy DM17 of the Adopted Barnet Development Management Policies (2012).

Reference: F/03344/14

Address: 8 Redbourne Avenue, London, N3 2BS

Decision: Refused

Decision Date: 15 August 2014

Description: Conversion of a dwelling house into 4 self-contained units. Associated works

In relation to application F/03344/14, it should be noted that the decision was subject to an appeal and the appeal was dismissed. The application was refused by officers for the following reasons:

1. The proposed conversion to flats, by reason of the number of units proposed and associated general activity, would be an over-intensive use of the site detrimental to the amenities of neighbouring occupiers. The proposals are contrary to policies DM01 and DM04 of the Adopted Barnet Development Management Policies 2012.

2. The proposals by reason of the ground floor layout with bedroom of flat adjacent to living room of no.6 Redbourne Avenue would provide a poor level of amenity for future occupiers. The proposals would be contrary to policies DM02 and DM04 of the Adopted Barnet Development Management Policies 2012 and Supplementary Planning Document on Sustainable Design and Construction.

3. The proposals by reason of the size of the bin storage area required would be detrimental to the character and appearance of the streetscene and general locality, contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012 and Supplementary Planning Document on Sustainable Design and Construction.

The appeal was dismissed for the following reasons:

1. Four independent households and associated comings and goings would represent an unacceptable intensification of use, giving rise to considerable noise and disturbance to neighbours.

2. Location of a proposed bedroom adjoining a living room in the adjoining property, giving rise to noise and disturbance to future occupiers.

3. The number of bins on the frontage would be unsightly and detrimental to the character and appearance of the area.

Reference: F/04858/13

Address: 8 Redbourne Avenue, London, N3 2BS

Decision: Lawful

Decision Date: 30 October 2013

Description: Conversion of the garage into a habitable space including replacement of garage door with window to match existing.

Reference: F/06107/13

Address: 8 Redbourne Avenue, London, N3 2BS

Decision: Prior Approval Not Required

Decision Date: 23 January 2014

Description: Single storey rear extension with a proposed depth of 5 metres, eaves height of 2.87 metres and maximum height of 3 metres.

Reference: F/01781/14

Address: 8 Redbourne Avenue, London, N3 2BS

Decision: Refused

Decision Date: 30 May 2014

Description: Conversion of the existing single family dwelling into 5 self-contained flats with associated front landscaping and refuse/recycling facilities.

Reference: F/03957/13

Address: 8 Redbourne Avenue, London, N3 2BS

Decision: Lawful

Decision Date: 6 September 2013

Description: Extension to roof including hip to gable end and two rear dormer windows to facilitate a loft conversion.

Reference: F/03960/13

Address: 8 Redbourne Avenue, London, N3 2BS

Decision: Prior Approval Required and Refused

Decision Date: 10 October 2013

Description: Single Storey Rear Extension with a proposed depth of 5metres, eaves height of 2.87metres and max height of 3metres.

Reference: F/04852/13

Address: 8 Redbourne Avenue, London, N3 2BS

Decision: Approved subject to conditions

Decision Date: 18 December 2013

Description: Single Storey Rear Extension

### **3. Proposal**

This application seeks consent for the conversion of the existing dwelling house into three self-contained flats; comprising two two-bedroom and one one-bedroom unit, with associated car parking, amenity space and refuse / recycling storage area.

### **4. Public Consultation**

141 consultation letters were sent to neighbouring properties.

38 objections have been received, including a petition.

The views of objectors can be summarised as follows;

- Over intensive use of site
- Objection in principle to conversion
- Out of character
- Car parking
- Loss of front garden
- Sets precedent
- Noise disturbance
- Inconsistences in submitted documents
- Density
- Bin store
- Layout

Internal / other consultations:

Finchley Society - 8 Redbourne Avenue is located in the character area comprising Nos. 6 to 48 and Nos. 3 to 51 that is characterised by single family dwelling houses. Though consent has been given for some conversions into flats and other uses, these do not detract from the predominant character of the road, and it is noted that there have been reconversions locally. This application should therefore be refused, and a clear message sent to the present owner that refurbishing the building and marketing it as a large family house is the best and most financially viable thing to do.

## **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 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, CS4, CS5, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM08, DM17.

#### 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:

- The acceptability of the proposed conversion into flats
- 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.
- Parking and highway impacts

## **5.3 Assessment of proposals**

### Extensions and alterations

The existing property benefits from various consents for extensions, detailed above. The works to the roof appear to have been completed.

No further extensions to the host application property are proposed under this application.

### Principle of self contained units

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 an important 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."*

It is recognised that it is not always appropriate to allow the conversion of a single family dwelling house into flatted accommodation. However, in the case of this application it is considered to be acceptable. From conducting the site visit and looking at a planning history records it is clear that a number of other properties along the street have undertaken similar works, including numbers; 11, 14, 15, 42, 46 and 48. Furthermore the VOA website notes even more properties are in use as flats, however, as no planning consent was found they are not detailed.

As Redbourne Avenue is characterised by single dwelling houses, converted properties and purpose built flats it is considered that the proposed conversion of the existing single dwelling house into three self-contained units will not have detrimental impact on the character of the area and the principle of the conversion is considered to be acceptable.

#### Living conditions of future occupiers

It is considered that the current application for one one-bedroom, two two-bedroom units complies with the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan 2015 and is considered to provide adequate internal space for future occupiers.

One two- bedroom unit would occupy the full ground floor space with a separate, direct access to a private garden. A separate reception room is proposed in addition to the proposed lounge area and this is regarded as a bedroom space, making this a three bedroom unit. This unit would have an internal floor area of 114.7m<sup>2</sup> exceeding the minimum gross internal area for a three bedroom unit.

The one-bedroom unit would occupy part of the first floor, with access to a communal amenity space, shared with the other two-bedroom flat. This unit would have a floor area of approximately 65.9m<sup>2</sup> meeting minimum gross internal area for a one bedroom unit.

The two-bedroom flat would occupy part of the first floor and the attic space, with access to a communal amenity space, shared with the first floor flat. This unit would have a floor area of approximately 80.6m<sup>2</sup> this meets minimum gross internal area for a two-bedroom.

Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels; this will be enforced by an appropriate condition attached to the decision. The proposed internal stacking is considered appropriate and acceptable, helping to ensure a minimum of noise disturbance between the units.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m<sup>2</sup> per habitable room. It is proposed to split the existing rear garden into two. The ground floor unit would have its own private garden area accessible from the ground floor unit and the other units would have a shared communal garden area to the rear. The ground floor unit would be provided with approximately 81m<sup>2</sup>, exceeding the minimum requirement. The communal garden provided for the other units would be 126m<sup>2</sup>, which would be acceptable.

An appropriate area for the storage of recycling and refuse bins has been provided at the front of the site adjacent to the proposed car parking area. Due to the concerns raised regarding its suitability a condition is suggested requiring additional information relating to the potential enclosure. No details of cycle storage have been provided and this must be sought through condition.

The site benefits from good accessibility, with close proximity to Finchley Central underground station and has a PTAL rating 4. It is considered to fall within an urban setting; the Finchley Central Town Centre, as defined in the London Plan. The London Plan Density Matrix therefore suggests a range of 45 to 260 units per hectare and 200-700 habitable rooms per hectare. Taking the site area of 0.0472ha, the proposal for three flats would equate to a density of 63.56 units per hectare (233.05 habitable rooms per ha). The proposed density fits within the ranges of the Matrix, it is therefore considered to be an appropriate development in terms of density.

The proposed development would provide 3 parking spaces on the front forecourt, with one parking space allocated for each unit. It is therefore considered that the off street car parking provision for this scheme is acceptable. However, the parking provision can only be accommodated if the existing car parking bay to the front of the site is removed and a new crossover is formed. Members decided that in the absence of a consent from Highways to undertake the removal of the existing parking bay the scheme could not be approved.

The applicant has applied to the Highways department to create a new crossover and remove the parking bay. This Highways application is subject to a consultation period and no decision had been made at this time. A condition is suggested requiring that no development shall commence until the final parking arrangements have been submitted to and approved in writing by the Local Planning Authority.

#### Impact on neighbouring amenity

There are no extensions proposed under this application.

Concerns have been raised regarding the overdevelopment of the host single family dwelling due to the number of units proposed and the disturbance from increased comings and goings; the proposed development would see an increase of two additional households, potentially 10 occupiers overall. The existing dwelling could easily accommodate upwards of 7 people and therefore it is not considered that the proposed conversion would be detrimental to the amenities of neighbouring occupiers.

As noted previously, the scheme has been amended at first floor to remove the living room and dining room from the shared party wall with the adjoining neighbour at 6 Redbourne Avenue and bedrooms are now proposed in this location. This is considered to have overcome one of the reasons for refusal in the previous application and will minimise potential noise disturbance resulting from the proposed conversion. This is considered to have addressed the second reason for refusal on the previous application, reference: 15/03795/FUL.

The proposals are considered to be acceptable. It is considered that subject to compliance with the attached conditions, the proposed development as amended 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.

#### **5.4 Response to Public Consultation**

The issues raised in regards to insufficient parking are noted; three car parking spaces are proposed to the front of the site in line with Highways requirements. As detailed previously an application has been made to create an additional crossover and remove part of the existing bay. Highways officers have consulted residents on removal of the bay and this and the proposed crossover are still under consideration.

The concerns raised regarding the internal stacking are noted. However, the scheme has been amended from the previous refusal to show the removal of living and dining rooms at first floor to place bedrooms along the shared boundary with 6 Redbourne Avenue to ensure no noise disturbance to these existing occupiers. It is not considered necessary to amend the ground floor unit. This reason for refusal has now been addressed.

The objection raised in regards to the property remaining as a single unit is noted. However, the principle of converting these single dwellings into flatted developments along Redbourne Avenue has already been established with consent being given to other sites. It is considered therefore that flats are part of the character of the area..

In regards to the concerns raised regarding the unsuitability of the proposed bin store area to the side of the property it is required through condition to resurvey the side of the property and provide further details of the proposal or an alternative.

In regards to the concerns raised about the proposed density of the development and that it creates an over intensive use of the host building, the above report sets out how the scheme is in line with London Plan requirements providing an appropriate density for the location. Due to this assessment it not considered that the proposed development will result in any detrimental noise disturbance to nearby occupiers ensuring their residential amenity is preserved.

In regard to the concerns raised about inconsistencies on the application form, the details provided were considered sufficient to make a proper assessment of the proposals and subject to the attached conditions the proposed development is considered to be acceptable.

The creation of a hardstanding on the front of the residential property, although would result in the loss of soft landscaping area is considered to be acceptable. It should be noted that the dwelling house could currently do this under permitted development rights.

#### **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 support 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.

