

**Location**                            **212 - 216 High Road London N2 9AY**

**Reference:**                        **16/1367/FUL**                            Received: 2nd March 2016  
Accepted: 5th April 2016

Ward:                                    East Finchley                                Expiry 31st May 2016

Applicant:                            Mr Akis Toumazos

Proposal:                                Division of existing ground floor restaurant into two units. Removal of existing staircase at rear and construction of 2no. new staircases to existing flats with associated alterations to rear elevation including a single storey rear infill extension.

**Recommendation:** Approve subject to conditions

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

Site Location Plan; HR/1; HR/01; HR/2; HR/02; HR/RE; HR/S; Planning 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     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     No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

5 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

6 a) Details of any flues or extractors relating to the separate unit at 212 High Road must be formally submitted to and approved in writing by the Local Planning Authority prior to installation.

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).

### **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.

## **Officer's Assessment**

### **1. Site Description**

The application site is located on the north east side of the High Road within the East Finchley ward.

The existing building is two-storey building with restaurants sited at ground floor and flats above. At the rear of the site there is a yard area.

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

### **2. Site History**

212 High Road

C16032A/06 "Change of use from retail to Class A3 (restaurant) for use as extension to existing restaurant." APPROVED (24.04.2006)

C16032/04 "Erection of single storey rear extension to provide additional shop floor space together with an external staircase to provide access to new first floor self-contained flat and associated alterations to rear elevation of first floor." APPROVED (14.12.2004)

### **3. Proposal**

This application seeks consent for the division of existing ground floor restaurant into two units. Removal of existing staircase at rear and construction of 2no. new staircases to existing flats with associated alterations to rear elevation including a single storey rear infill extension.

### **4. Public Consultation**

Consultation letters were sent to 88 neighbouring properties.  
5 objections have been received

The views of objectors can be summarised as follows;

- Unsustainable maximisation of profits
- Overdevelopment
- Rubbish at rear
- Noise and disturbance from additional restaurant
- Inappropriate development
- inconsistencies with the plans
- impact of extension on occupiers in flats
- lack of sufficient parking
- impact of construction work

### **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 July 2011

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.

The Council's approach to extensions as set out in Policy DM01 is to minimise their 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

##### Residential Design Guidance SPD (adopted April 2013)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted April 2013)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

## **5.3 Assessment of proposals**

This application seeks consent to divide the existing ground floor restaurant which was originally three separate units covering 212, 214 and 216 High Road but is now one restaurant unit, into two separate units with 212 High Road as one separate unit to 214 - 216 High Road.

The supporting information submitted with the application indicates that the premises are not financially viable in its present form and the new separated unit will be leased separately. There is no objection to this proposal which would see 212 High Road returning to its original form.

As part of the works it is proposed to erect a new dividing wall internally to separate 212 High Road from the other units, remove the existing external rear staircase and construct a new external rear stair to serve the flatted units above the ground floor.

The current access to the first floor flatted units at the rear of the site is via an external staircase which starts with a circular stair rising to first floor and a first floor walk-way measuring approximately 5m length.

The proposals see the demolition of the existing stair and erection of two new external staircases; one to give access to the first floor of the separated unit at 212A High Road and another to give access to 214A and 216A High Road with a new retaining wall between which is proposed to run through the full development to separate the units. The new access does not include a circular addition but a continuous stair with small landing beneath first floor level and smaller landing area of only 3.3m at first floor level.

It is also proposed to erect a modest infill extension at ground floor to the rear of 214 High Road. It should be noted that the original description was incorrectly entered and no two-storey rear extension is proposed under this application.

The proposed single storey infill extension would effectively "square-off" the rear corner adjacent to the stairs at the rear of 214 High Road. The extension would measure 1.8m in width, 1m in length with a proposed height of 3.5m; the same as the rest of the existing single storey rear projection. There is no objection to this modest and subordinate addition which is not considered to appear out of character with the rest of the host building and would not give rise to any loss of amenity to neighbouring occupiers.

The proposed development is considered to be acceptable and in character with the existing pattern of development in the area. The proposals are not considered to give rise to any loss of neighbouring residential amenity.'

## **5.4 Response to Public Consultation**

The concerns raised by objectors are noted; however, some of the points are not material planning considerations and cannot be considered under this application. These matters include whether or not the proposals are an unsustainable maximisation of profits and the impact of construction work on neighbouring occupiers. A condition limiting the hours of construction has been suggested to ensure that the works do not result in any detriment to neighbouring occupiers.

The issues raised regarding rubbish at the rear should be taken up with the Council's Environmental Health department as it is not clear that the applicant is responsible for the existing mess. Nonetheless a condition is suggested requiring details of the refuse strategy to be submitted prior to occupation to ensure that any rubbish resulting from the proposed development is appropriately disposed of.

The concerns regarding noise and disturbance from an additional restaurant are noted, however, it is considered that a separate restaurant unit would have the same impact as the existing situation with one unit covering three sites.

It is not considered that the proposals represent an inappropriate or overdevelopment of the site. As explained previously the incorrect description has been amended to show that only a single storey rear infill extension is proposed.

There are not considered to be any inconsistencies with the plans.

The concerns regarding the lack of sufficient parking are noted but as the parking situation is not changing from the existing this is not considered to be detrimental to the overall scheme.

As detailed above the original description which notes the inclusion of two-storey rear extension, however, this was incorrectly entered and the proposed extension is in fact a single storey rear infill extension of the rear corner adjacent to the external stairs. It is therefore considered that the proposed development to the rear is an acceptable addition which adheres to guidance requiring extensions to be modest and not overbearing.

## **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 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 recommended for approval.

