

Location **108 Holden Road London N12 7EA**

Reference: **16/2571/S73**

Received: 19th April 2016

Accepted: 27th April 2016

Ward: Totteridge

Expiry 22nd June 2016

Applicant: Mrs ANN TANG

Proposal: Variation to condition 1 (Plans) and Condition 11 (Bike storage/Division of Gardens) pursuant to planning permission B/05282/14 dated 26/02/2015 for "Conversion of a single family dwelling house into 3 self contained units. Two-storey rear extension with pitched roof and conversion of garage into habitable room. Extension to roof including rear and side dormer windows and roof lights to all elevation to facilitate a loft conversion.". Variations include changes to gardens layout for flats.

Recommendation: Approve subject to conditions

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

Site location Plan, Planning Statement, Drawing Nos. 80/01A, 80/02 (Proposed Block Plans - April 2016); 80/02A, 80/03 and Site Location Plan.

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 planning permission referenced: B/05282/14 granted 26/02/2015.

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 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No.80/03 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2011.

- 5 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 6 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.

- 7 Before the development hereby permitted commences, 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 and shall be provided at the site in accordance with the approved details before the development is occupied.

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).

- 8 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2011.

- 9 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).

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A to E of Part 1 of Schedule 2 of that Order shall be carried out within the curtilage of Unit 1, as shown on Drawing No. 80/02A, hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 11 a) Before the development hereby permitted is first occupied or the use first commences the sub-division of amenity areas shown in approved Drawing No. 80/02 (Proposed Block Plans - April 2016); and elevational details of the proposed bike storage / sheds 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 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 £4550.00 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 £17550.00 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.

- 3 If the development is carried out it will be necessary for modifications to existing vehicle access and a new a vehicle access to be constructed by the Highways Authority. The applicant must submit an application under the Highways Act (1980) for the proposed new vehicular access and modifications to existing access. The proposed access design details, construction and location will be reviewed as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant. There is a highway tree in close proximity to the proposed crossover, therefore the tree section will be consulted as part to this assessment. The applicant should submit a crossover application to London Borough of Barnet, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.
- 4 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

- 5 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day as calculated according to the Code for Sustainable Homes.

Officer's Assessment

1. Site Description

The application site contains an Edwardian two-storey semi-detached dwelling. The neighbouring buildings to the north are similar pairs of semi-detached buildings, with many buildings in the area having also been converted into flats. The neighbouring building to the south is a purpose built flatted development.

The property is not listed and is not located within a designated conservation area.

2. Site History

Reference: 16/2570/CON

Address: 108 Holden Road, London, N12 7EA

Decision: Split Decision

Decision Date: 31 May 2016

Description: Submission of details of condition 7 (Refuse Screening) 8 (Landscaping) 11 (Sub-division) pursuant to planning permission B05282/14 dated 27/03/15

Refused: Insufficient information has been submitted regarding the proposed refuse and recycling enclosures to enable a full and proper assessment of this condition. It is therefore considered that the applicant has failed to demonstrate that the proposals would ensure a satisfactory appearance for the development, satisfactory accessibility and protect the amenities of the area. The information submitted is found to be unacceptable, inadequate for the discharge of the condition.

Approved: The following elements of the proposal be *APPROVED* (i) Landscaping plans submitted pursuant to Condition 8. (ii) Subdivision plan details pursuant to Condition 11.

Reference: B/05282/14

Address: 108 Holden Road, London, N12 7EA

Decision: Approved subject to conditions

Decision Date: 27 March 2015

Description: Conversion of a single family dwelling house into 3 self contained units. Two-storey rear extension with pitched roof and conversion of garage into habitable room. Extension to roof including rear and side dormer windows and roof lights to all elevation to facilitate a loft conversion.

3. Proposal

This application proposes a variation to condition 1 (Plans) pursuant to planning permission B/05282/14 dated 26/02/2015 for "Conversion of a single family dwelling house into 3 self contained units. Two-storey rear extension with pitched roof and conversion of garage into habitable room. Extension to roof including rear and side dormer windows and roof lights to all elevation to facilitate a loft conversion." Variations include changes to gardens layout for flats.

The garden area for: Flat 1 would be 208sqm; Flat 2 would be 100sqm; and, Flat 3 would be 100sqm.

4. Public Consultation

Consultation letters were sent to 87 neighbouring properties and a Site Notice was issued 5th May 2016.

15 responses have been received, comprising 11 letters of objection and 4 letters of comment.

The objections received can be summarised as follows:

- Objection to two bungalows / outbuildings at the rear of the gardens which are not shown on the plans. They are not in keeping with the character and appearance of the property, street scene or wider locality.
- Parking and noise issues from the occupiers of 108 Holden Road
- The design alters the view/layout of the gardens for local residents
- The changed use of garden overlooks the neighbours

The comments neither objecting to nor supporting the application can be summarised as follows:

- There are two outbuildings / bungalows constructed to the rear of the property - how are these to be accessed?
- The outbuildings / buildings are not shown on the plans

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 2016

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.

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.
- Whether the proposed changes would have an acceptable impact on the living conditions of future occupiers.

5.3 Assessment of proposals

The amended proposed configuration of the outdoor amenity spaces is considered to be acceptable and will not have an impact on the character and appearance of the host property, streetscene or wider locality. The originally approved garden sizes and proposed gardens are as follows:

Flat 1 - As originally approved: 157sqm

As proposed: 208sqm

Flat 2 - As originally approved: 146sqm

As proposed: 100sqm

Flat 3 - As originally approved: 220sqm

As proposed: 100sqm

The size of the re-configured gardens for Flats 1, 2, and 3 will still offer a satisfactory level of outdoor amenity space for the development in accordance with the space standards contained in the Council's adopted Sustainable Design and Construction Guidance SPD (2013). It is considered that the proposed division of outdoor amenity space will not have a detrimental impact on the residential amenities of any neighbouring occupier to an extent that would warrant a reason for refusal as the use and location are not dissimilar from what was originally approved.

Within the enclosure of the proposed garden areas provision will be made for cycle storage, elevation details of which are recommended to be secured by condition.

5.4 Response to Public Consultation

A number of comments were received regarding the two outbuilding structures constructed in the area to the rear of the garden outside of the area proposed to be subdivided as part of this application. The outbuildings are not considered under this application as this scheme solely relates to an amendment of the private outdoor amenity space configuration for Flats 1, 2 and 3 of application site. As such, approval of this scheme does not confer any form of permission for the outbuildings referred to in the consultation comments and these would therefore need to be assessed as part of a separate formal planning application.

Matters relating to noise and parking with respect to the current occupiers are outside the scope of assessment for this application as the application solely relates to the garden configuration for Flats 1, 2 and 3 of the originally approved application (Ref: B/05282/14) granted permission 27 March 2015.

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.

Appendix 1 – Site Location Plan

Appendix 1 – Site Location Plan

