

Location **14 Grosvenor Road, London N3 1EX**

Reference: **16/2970/FUL** Received: 5th May 2016
Accepted: 11th May 2016

Ward: West Finchley Expiry 6th July 2016

Applicant: Dr. BAHAI

Proposal: Conversion of property into 3no self-contained flats following demolition of existing garage and erection of part single, part three storey side extension with 1no proposed roof light to front elevation. demolition and alteration to existing front entrance and creation of a new front entrance. Demolition of existing rear extension and erection of a part single, part-three storey rear extension. Alteration to existing roof including 3no roof lights to front elevation. Provision of 2 no. front parking spaces

Recommendation: Approve subject to conditions

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

07-LP
07-BP
07-ER-Rev1
07-ENWE-Rev1
07-ERE-Rev1.1
07-ESEE-Rev1.1

ZA125/1.3/01A
ZA125/1.3/02

09F-PG-Rev9
09F-PI-Rev1
09F-P2-Rev1
09-PRE-Rev2
09F-PBG-Rev1
09-PNWE
09-PR
09-PSEE
09-PFE

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 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the flank elevations, of the extensions hereby approved, facing 12, 16 and 18 Grosvenor Road.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 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 Development Management Policies DPD (adopted September 2012).

- 6 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).

- 7 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.

- 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 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).

- 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).

- 11 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.

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. 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 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 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 site property is a detached single family dwellinghouse located on Grosvenor Road. The property has an existing two storey flat roof rear extension which extends rearwards from just below the ridge roof level of the original property.

2. Site History

Reference: 15/01472/PNH

Address: 14 Grosvenor Road, London, N3 1EX

Decision: Prior Approval Required and Refused

Decision Date: 20 April 2015

Description: Single storey rear extension with a proposed depth of 8 metres from original rear wall, eaves height of 2.5 metres and maximum height of 2.5 metres

Reference: 15/02729/HSE

Address: 14 Grosvenor Road, London, N3 1EX

Decision: Approved subject to conditions

Decision Date: 24 July 2015

Description: Single storey side and rear extension following removal of existing garage and rear single storey projection

Reference: 15/05351/HSE

Address: 14 Grosvenor Road, London, N3 1EX

Decision: Refused

Decision Date: 19 October 2015

Description: Part single, part three-storey side and rear extension following removal of existing garage and rear single storey projection (AMENDED PROPOSAL)

Reference: 16/0412/HSE

Address: 14 Grosvenor Road, London, N3 1EX

Decision: Approved subject to conditions

Decision Date: 15 April 2016

Description: Demolition of existing extensions and garage and erection of part single part two storey side and rear extension. 3 no. rooflights to front to facilitate loft conversion

3. Proposal

The applicant seeks permission for the conversion of the existing property into 3no. self-contained flats, following the demolition of existing extensions and garage and erection of part single part two storey side and rear extension. 3 no. rooflights to front to facilitate loft conversion.

The proposed ground floor element of the extension would wrap around the existing house and would have a width of 8.8 metres, a depth of 11.5 metres on the side with no. 12 and a depth of 4.2 metres on the side with no. 16 Grosvenor Road.

The roof to the single storey element of the extension would be flat with a height of 3 metres.

The first floor element of the extension would have a width of 1.3 metres, depth of 7.5 metres on the side with no. 12 and 1 metre on the side with no.16 Grosvenor Road.

The proposed flats would be 2no. 2 bedroom flats at ground and first floor levels and 1no. 1 bedroom flat at first floor level.

4. Public Consultation

Consultation letters were sent to 83 neighbouring properties.

5 responses have been received, comprising 5 letters of objection on behalf of 6 properties.

The objections received can be summarised as follows:

- insufficient parking
- pedestrian safety
- loss of light
- overlooking/loss of privacy
- flat to be used as a balcony
- out of character
- removal of side boundary wall to existing driveway

Internal consultation: The Council's Highways Officer has been consulted and raised no objections to the principle of the conversion of the existing property into 3no. self-contained flats. Changes to the proposed parking arrangement had been recommended and the plans have been amended by the applicant.

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:

Principle of conversion of house to self-contained flats

Whether harm would be caused to the character and appearance of the existing building and the character of the area;

Whether harm would be caused to the living conditions of neighbouring residents;
Whether the proposal would provide a satisfactory quality of amenity for future occupants;

- Space standards
- Room sizes
- Layout
- Amenity space
- Bin/refuse facilities;
- Parking;

5.3 Assessment of proposals

Principle of conversion into 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.

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."

In addition, Policy DM01 part h) which seeks to protect the character of Barnet states that the 'conversion of dwellings into flats in roads characterised by houses will not normally be appropriate'.

In addition, reviewing the planning history of all the properties on Grosvenor Road, three properties received permission for the conversion into 2no. self-contained flats, no.36 (ref. C08957- approved in 1985), no. 58 (ref. C09356 - approved in 1987) and no. 41 Grosvenor Road (ref. C00979A/02 - approved in 2002). Properties no. 1, 4, 26, 31, 33, 35, 41, 43 and 58 Road has also been converted into flats according to Council Tax records, but does not benefit from planning permission.

Given the predominant character of the road includes several flat conversions on either side of the host application property, it is considered that the proposal will be in keeping with the established character of the area. Therefore the principle of the conversion of the property into flats is considered to be acceptable.

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

It is noted that planning permission was obtained for the extension of the host property, under reference 16/0412/HSE.

The current proposal has reduced the size of the proposed ground floor extension to accommodate a refuse area and no changes have been proposed to the other approved extensions to the property. The proposed side and rear extension would complement the appearance of the main building in terms of proportion and materials. The extension is subordinate to the original house and would comply with the Residential Design Guidance SPD. It is therefore considered that the proposal would not materially harm the character and appearance of the existing building, the street scene and the wider locality.

As part of the proposal, the applicant seeks permission to extend the depth of the existing dormer by a further 1 metre. This element was previously assessed and found to be acceptable under current Barnet policies and is therefore considered to be within keeping with the character of the host property and wider area.

The proposed front rooflights are considered to be in keeping with the character of the host property and wider area.

Whether harm would be caused to the living conditions of neighbouring residents

The proposed ground floor rear extension would have a depth of approximately 4 metres, projecting a further 0.5 metres from the existing rear conservatory and would occupy the full width of the existing property.

It is also noted that both neighbouring properties have benefited from single storey rear extensions and that the proposed rear element of the extension would be in line with the extension existing at no. 12 and 1 metre further to the rear from the existing building line at no. 16/18 Grosvenor Road. The proposed first floor rear extension would project a further 1 metre from the existing building line. Given the proportions and the relationship between the proposal and the neighbouring properties, it is not considered that the side and rear extension would be detrimental to the amenities of the occupants of any neighbouring property.

The proposed first and second floor rear additions would be of a considerable overall height. However, this addition would only project by a further 1m to the rear of the existing house. Taking into consideration the gap of 2.4m which would remain between the host property and the neighbouring properties it is considered that the proposal would not give rise to any significant loss of residential amenity to the neighbouring occupiers of No.16 and No.18 Grosvenor Road by reason of overdominance, loss of daylight or sunlight over and above that which already exists.

No. 12 Grosvenor Road has no habitable room windows in the flank elevation which face directly towards the proposed first and second floor side and rear additions. No.12 Grosvenor Road benefits from a rear projection of approximately 3 metres deep. The proposed increased height of the proposed ground floor element and proposed gap of 1.6m and 2.6m between the proposed first and second floor side and rear extension respectively is considered to be sufficient to ensure that this element would not adversely impact the upon the residential amenities of neighbouring occupiers by reason of overdominance, loss of daylight or sunlight.

No habitable room windows are proposed in the flanks elevation and the distance from the windows in the proposed rear extension to the properties on Lansdowne Road would comply with the overlooking distances specified in Residential Design Guidance SPD (adopted April 2013). The proposal does not therefore give rise to an unacceptable loss of privacy to neighbouring properties.

The use of the flat roof of the extension would require planning permission and a condition restricting its use is proposed.

Given the proportions and the relationship between the proposal and the neighbouring properties, it is not considered that this scheme would be detrimental to the amenities of the occupiers of any neighbouring property.

Whether the proposal would provide a satisfactory quality of amenity for future occupants

Space standards

Ground floor flat has a floor area of approx. 88sqm which is within minimum standard of internal floorspace for a 2bed 4person flat.

The proposed first floor has a floor area of approx. 64sqm which is within minimum standard of internal floorspace for a 2bed 3person flat.

The proposed second floor has a floor area of approx. 51sqm which is within minimum standard of internal floorspace for a 1bed 2person flat.

Room sizes

The proposed units would meet the space standards as set out in the SPD on sustainable design and construction.

Layout

Consideration should be given to the internal layout of flats. With regards to the stacking of rooms, bedrooms should be stacked above bedrooms and living rooms above living rooms to ensure that the amenities of the residents of each flat are not compromised. In this instance the proposed layout has been amended and no stacking issues are observed, therefore the layout is considered to be acceptable.

The insulation between flats falls within the remits of Building Regulations and a condition is normally attached to the planning permission to ensure this complies with the Building Regulations.

Amenity Space

Barnet's adopted SPD Sustainable Design and Construction requires new residential schemes to provide a minimum level of amenity space which for flats stands at 5 square metres of space per habitable room, with the emphasis being on 'usable amenity space'. The proposals provides a private rear amenity area to the ground floor flat and proposes a shared amenity spaces to first and second floor flats, to be accessed through the entrance hall and side passageway. The amenity space to the ground floor flat at 64 square metres and the shared space for first and second floor, at 147 square metres would meet the criteria of the above policy.

Bin/refuse facilities

Policy DM02 states that proposals for residential conversions must include suitably enclosed storage areas at the rear of the property. If it is not practical, storage areas at the front or side of the property should be adequately screened so as not to become a dominant feature, and to avoid loss of amenity. The application shows that the refuse area will be situated to the side/front of the property and adequately screened.

Parking

The proposed parking arrangements had been amended following the comments of the highways officer and are now considered acceptable. No pedestrian safety issues have been raised by the highways department.

The proposed parking scheme would provide 2 parking spaces and cycle store to the front. It is noted that Grosvenor Road does not have a controlled parking zone. In accordance with LBB Parking Standards the parking demand would be 3 spaces. There is no highway objection to the proposal on the basis that only 2 spaces are provided off street.

Cycle parking is shown on the submitted plans in accordance with standards, the application is considered to be acceptable in terms of parking provision and other highways issues.

5.4 Response to Public Consultation

Covered in the main report.

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.

