

Location **108 Holders Hill Road London NW4 1LJ**

Reference: **16/4234/FUL** Received: 28th June 2016
Accepted: 7th July 2016

Ward: Finchley Church End Expiry 1st September 2016

Applicant: Mr b menahem

Proposal: Conversion of ground floor flat to form 2no self-contained 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; Drawing no. 4621/45/B; Planning Statement by Stuart Henley and Partners.

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 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 shall be implemented in full accordance with the details indicated on the hereby approved Drawing no. 4621/45/B 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 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).

- 5 The layout of the residential units as indicated on the hereby approved plans shall be implemented 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 policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (adopted April 2013).

- 6 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).

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D, E, F and G of Part 1 of Schedule 2 of that Order shall be carried out within the site area or building hereby approved.

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

- 8 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 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 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.

- 11 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.

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 if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's

expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.

- 3 The applicant is advised that there are several conditions of the approved development 15/00565/FUL that still require details to be provided to the Local Planning Authority. The hereby approved scheme has not considered the details required by these conditions.

Officer's Assessment

1. Site Description

The application property is a semi-detached building located on the within the Finchley Church End ward. The property is sited adjacent to a row of terrace properties

Planning permission was recently granted to convert the property into 3 flats (ref 15/00565/FUL dated 1/4/2015). When a site visit for the current application was undertaken, work was being carried out at the premises to start implementing the approved planning consent. A condition attached to the approved consent required that the garage space shown on the approved plans to be implemented and used for the sole purpose of parking a car to provide the required off-street car parking spaces for the proposal.

2. Site History

Reference: 15/00565/FUL

Address: 108 Holders Hill Road, London, NW4 1LJ

Decision: Approved subject to conditions

Decision Date: 1 April 2015

Description: Part single part two storey side and rear extension following demolition of existing side projection with associated alterations to roof, involving enlargement of existing rear dormer, to facilitate conversion into 3no. self-contained flats including alterations to hard/soft landscaping, 2no. off-street parking spaces and refuse/recycling facilities

Reference: 15/03542/FUL

Address: 108 Holders Hill Road, London, NW4 1LJ

Decision: Approved subject to conditions

Decision Date: 5 August 2015

Description: Conversion of garage to habitable room

Reference: 15/04300/HSE

Address: 108 Holders Hill Road, London, NW4 1LJ

Decision: Approved subject to conditions

Decision Date: 14 August 2015

Description: New balcony to existing first floor rear extension

Reference: 16/0451/CON

Address: 108 Holders Hill Road, London, NW4 1LJ

Decision: Approved

Decision Date: 22 June 2016

Description: Submission of details of condition 9 (Refuse) pursuant to planning permission 15/00565/FUL dated 1/04/15

Reference: 16/1971/FUL

Address: 108 Holders Hill Road, London, NW4 1LJ

Decision: Withdrawn

Decision Date: 26 May 2016

Description: Conversion of ground floor to form 2no self-contained flats

Reference: F/04594/14

Address: 108 Holders Hill Road, London, NW4 1LJ

Decision: Lawful

Decision Date: 30 September 2014

Description: Roof extension involving 2No. front facing rooflights, 1No. rear dormer to facilitate a loft conversion.

Reference: F/04585/14

Address: 108 Holders Hill Road, London, NW4 1LJ

Decision: Prior Approval Not Required

Decision Date: 22 September 2014

Description: Single storey rear extension with a proposed depth of 6.0 metres from the original rear wall. Eaves height of 3.0 metres and a maximum height of 3.0 metres

. Proposal description

The applicant seeks planning consent for the conversion of the existing ground floor 3bed flat (approved under reference 15/00565/FUL) into two self-contained flats. The flats would be comprised of:

- 1 x2 bed flat
- 1 x studio unit for 1 person.

There would be no parking provision for the proposed new unit.

4. Public Consultation

Consultation letters were sent to 61 neighbouring properties.

8 responses have been received, comprising 8 letters of objection.

The objections received can be summarised as follows:

- The original front garden has been completely lost.
- New studio would be out of character as none in the area; at Ullswater Court, a number of these studios were unlawfully created and Barnet successfully won a case confirming their enforcement action that all the studio flats must be removed
- Allowing this would make it difficult to refuse future development/ set precedent
- Over intensive use
- If parking spaces occupied, refuse, recycling bins will be on the street and vice versa.
- Plans are misleading and bins are not located there
- Parking pressures
- Precedent for development in upper floors of building
- Puts unreasonable stress on sewers
- Minimum standards not met & unit poorly designed

A site notice was erected on the 14th July.

The Council's Highways team were also consulted.

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, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the 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

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.

- Impact on local highways and parking pressures

5.3 Assessment of proposals

Impact on the character of the area

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 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 dwellings.

It is therefore considered that the proposal would comply with Policy CS5 (Protecting and enhancing Barnet's character to create high quality places) of Barnet's Core Strategy which seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

Policy DM01 of Barnet's Development Management Document states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The area, in particularly Holders Hill Road, has a mixed character comprising of single family dwellings, converted properties and purpose built blocks of flats. As such the principle of the conversion into flats is considered to be acceptable and has already been established on the site given the approved scheme.

There would be no external alterations or manifestations to the proposed conversion of the ground floor unit to create two units at ground floor.

On balance, the conversion of the existing ground floor into two flats is not considered detrimental to the established character of the area and is therefore considered acceptable.

Impact on the amenities of neighbouring and future occupiers

Officers do not object to the principle of the development insofar as the impact to the amenity of neighbouring residential occupiers.

There would be no changes to the building externally and therefore in terms of built form, the building would have no greater impact on the amenities of neighbouring occupiers than currently experienced.

In terms of activity from the occupiers of the future units, the existing flat at ground floor has three double bedrooms which could accommodate up to 6 occupiers. Given that the proposed flats would be a studio flat for 1 occupier and a 2 bedroom flat with up to 4 occupiers, the activity on the site and number of occupiers is comparable. As such it is not considered that the proposal would be detrimental to the amenities of neighbouring occupiers insofar as noise and disturbance.

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the Minor Alterations to the London Plan 2016. In addition, flats are expected to provide suitable outlook and light to all habitable rooms whilst not compromising the amenities of neighbouring occupiers.

Both units would provide sufficient internal floor space to comply with the minimum standards. With regards to outdoor amenity space, all new residential development is expected to provide suitable and useable outdoor amenity space for future occupiers. For flats the required provision of outdoor amenity space is 5sqm per habitable room; both units would exceed this standard.

With regards to the outlook to future occupiers, the studio would be dual aspect. The Sustainable Design and Construction SPD stipulates that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room. The studio would benefit from 3 windows which, when combined, would exceed this standard.

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 proposal would have an acceptable impact on the amenities of both neighbouring and future occupiers.

Highways

The Council's Highways officers have been consulted on the scheme and have provided the following comments:

"The proposal is to change the ground floor of the building from a 3 bed flat into 1x2 bed and 1 studio flat. 3 parking spaces are provided for the property that includes PTAL 1b (poor) CPZ 1-6pm, a parking survey indicated that there was available parking at evening and morning outside controlled hours. The proposal would result in an additional demand of 1 parking space and would have minimal impact to the surrounding highway network. There is no highway objection to the proposal."

Parking space widths comply with the standard and the information indicates that there would be sufficient space to allocate the refuse and recycling bins. Furthermore, the siting of the refuse store for the original scheme has already been approved under reference 16/0451/CON.

The refuse store also complies with the requirements of householder refuse and recycling provision.

Flood Risk

The site falls within a flood risk identified as low. The Sequential Test is not considered to be applicable in this instance. The flood zone 3 falls in the rearmost part of the garden. The proposal comprises no building works but seeks to the existing ground floor flat into 2no flats.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 6% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy

In terms of water consumption, a condition is attached to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm (index related) on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sqm (index related).

The proposal would not result in any increase in the floor area and therefore the development is not CIL liable.

5.4 Response to Public Consultation

It is considered that the comments raised by objectors have generally been addressed in the report above.

"The original front garden has been completely lost"- The application does not involve any changes to the front garden and this is as per previous applications on the site.

"New studio would be out of character as none in the area; at Ullswater Court, a number of these studios were unlawfully created and Barnet successfully won a case confirming their enforcement action that all the studio flats must be removed" - The proposal is part of a one previous house development which would be comprised of four flats of different tenures. It is not considered that the context is the same as the 36 studio units discussed in the appeal inquiry for the development at Ullswater Court (APP/N5090/C/15/3005873). Officers do not consider that the change from a 1 x3 bed unit to 1 x 2bed and 1 x studio

unit would cause demonstrable harm to the character of the area given the mixed tenure of the host site.

"Allowing this would make it difficult to refuse future development/ set precedent" & "Precedent for development in upper floors of building" - every case is assessed on its own merits; the development is considered acceptable in this case of the reasons specified above.

"Over intensive use"- covered in the assessment above.

"If parking spaces occupied, refuse, recycling bins will be on the street and vice versa" - covered in the assessment above.

"Due to position of a parking bay immediately adjacent to the property, cars parked there have to drive out into the carriageway with severely reduced visibility"- covered in the assessment above.

"Plans are misleading and bins are not located there"- If the proposal has not been implemented in accordance to the approval, the Council's enforcement team can investigate; however based on the information provided, officers consider that the scheme is acceptable

"Parking pressures"- Addressed above.

"Puts unreasonable stress on sewers"- This is not a material consideration in the determination of the application.

"Minimum standards not met & unit poorly designed"- addressed above.

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

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for APPROVAL.

