

Location **Site Of Former 22 Buxted Road London N12 9AS**

Reference: **16/0159/FUL** Received: 11th January 2016
Accepted: 15th January 2016

Ward: Coppetts Expiry 11th March 2016

Applicant: Mr Karsan Dabasia

Proposal: Insertion of 7 rooflights in the front, rear and both side roofslopes together with one rooflight on the top of the roof to facilitate the conversion of the roofspace to create 1no. self-contained flat. (Retrospective permission) [Amended Description/Amended Plans]

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. DW 1B - Proposed Ground Floor
- Drawing No. DW 2A - Existing First Floor and Loft
- Drawing No. DW 3A - Existing Elevations
- Drawing No. DW 4D - Existing First Floor and Proposed Loft
- Drawing No. DW 5D - Existing and Proposed Elevations

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 loft unit 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 If the proposal is implemented, the applicant must submit an application under the Highways Act (1980) for the required modification to the existing vehicular crossover. 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, including relocation of lamp columns, will be borne by the applicant. The applicant is advised that a maximum width allowed for each crossover is 4.8 metres with a minimum separation of 1.8m of raised footway between crossovers . A crossover application should be submitted to, London Borough of Barnet, 11th Floor, Barnet House, 1255 High Road, Whetstone, London N20 0EJ

- 2 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.

Officer's Assessment

1. Site Description

The application site is located at 22 Buxted Road, London, N12 9AS. This site is located on the northern side of Buxted Road opposite its intersection with Horsham Avenue. It currently contains a two storey building with a crown roof and a hardstanding at the front with parking provision for four cars. It comprises a total of five flats; two x two bed flats on both ground and first floor and a further flat in the roof (the subject of this application)

The site is not located within a designated conservation area, does not contain any listed buildings or protected trees, and is not within an area subject to flooding hazard.

2. Site History

Reference: 15/03928/FUL

Address: 22 Buxted Road, London, N12 9AS

Decision: Withdrawn

Decision Date: 12 November 2015

Description: Insertion of 8no rooflights in front, side and rear roofslopes to facilitate a loft conversion to create 1no self-contained flat. (ADDITIONAL PLANS)

Reference: B/04052/13

Address: 22 Buxted Road, London, N12 9AS

Decision: Approved

Decision Date: 12 November 2013

Description: Submission of details of conditions 3 (Levels), 4 (Materials), 5 (Cycle Shelter - Details), 6 (Boundary Treatment - Details), 7 (Refuse) and 9 (Construction Method Statement) pursuant to appeal decision APP/N5090/A/11/2145163 (planning ref. B/02306/10) dated 24/05/11.

Reference: B/02306/10

Address: 22 Buxted Road, London, N12 9AS

Decision: Refused:-

(i) The proposed flatted development would result in an excessive area of hardstanding at the front of the proposed building that would detract from the appearance of the development as well as being detrimental to the street scene in this part of Buxted Road and the character and appearance of the area contrary to policies GBEnv1, GBnv2, D1, D2, D3, H16 of the Adopted Unitary Development Plan (2006).

(ii) The proposed flatted development would constitute an over intensive use of the site resulting in levels of noise and general disturbance detrimental to the residential amenities of neighbouring residents and the character of the area contrary to policies Env12, D2, D4 and H16 of the Adopted Unitary Development Plan (2006).

(iii) The proposed development does not include a formal undertaking to meet the costs of extra education, libraries, health and social care facilities and associated monitoring costs arising as a result of the development and therefore would not address the impacts of the development contrary to Barnet supplementary Planning Documents - Contributions to Education (2008), Libraries (2008) and Monitoring (2007) and policies CS8, CS2, CS13, IMP1 of the Adopted Unitary Development Plan (2006).

Decision Date: 28 July 2010

Description: Demolition of existing building and erection of new two-storey building providing 4 no. 2 bed flats associated parking.
Appeal Decision: Appeal Allowed (Appeal Reference: APP/N5090/A/11/2145163 - Date: 24.05.2011)

Reference: B/03309/08

Address: 22 Buxted Road, London, N12 9AS

Decision: Finally Disposed Of

Decision Date: 28 July 2009

Description: Demolition of existing bungalow. Erection of a two storey building comprising of 4 x 2 bedroom flats with associated landscaping, refuse storage and cycle shelter. Provision of 4 No. car parking spaces to front.

Reference: B/01044/08

Address: 22 Buxted Road, London, N12 9AS

Decision: Withdrawn

Decision Date: 20 June 2008

Description: Demolition of existing bungalow. Erection of a two storey building comprising of 5 x 2 No. bedroom flats with associated landscaping. Provision of 5 No. car parking spaces to front.

3. Proposal

This application seeks retrospective approval to insert 7no rooflights in the front, rear and both side roof slopes together with one roof light on the top of the roof to facilitate the conversion of the roof space to create 1 no. self-contained flat. The flat comprises currently comprises three bedrooms, bathroom and living/kitchen area and it is proposed to incorporate bedroom three at the rear of the flat into an enlarged kitchen / living / dining area

4. Public Consultation

There have been two rounds of consultation, letters were sent to 73 neighbouring properties. 5 local residents have raised objections together with objections having been received from the Friern Barnet and Whetstone Residents Association. The following points provide a summary of the objections received:

- Insufficient parking is provided for the additional unit
- The extra traffic demand created by the new unit will create congestion along Buxted Road
- This application represents an over-intensification and overdevelopment of the application site
- Flatted development is out of keeping with the character of the area
- This development will impact the amenity of neighbouring residents and existing/potential residents occupying the existing flats
- The development would provide a substandard level of accommodation
- The rear rooflight/Juliette balcony provides views to all neighbouring properties by overlooking, impacting privacy
- The flat has been built already without planning permission

- The development could provide low cost housing which could create social problems in the area
- The development could diminish the value of surrounding properties
- The building will block sunlight
- The development would have implications on the sewerage system
- The stacking of the proposed unit is unacceptable
- The development would create additional noise impacts generated by comings and goings

One of the objections received drawn attention to the previous applications and to the fact that three petitions have previously been submitted as part of the consultation process for those applications. Those petitions pre-date the current application and refer to different applications to the one the subject of this report.

There have been three requests to speak at the meeting

4.1 Internal Consultation

This application has been assessed by Council's Traffic and Development Management Department who have confirmed that they have no objection to the application subject to conditions.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2015

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 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, CS4, CS5, CS9.
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, 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.

Policy DM04 outlines environmental considerations which should be considered for all development.

Policy DM08 sets out the Council's approach for ensuring sufficient housing choice in terms of size and types of accommodation.

Policy DM17 sets out Council's approach to travel and parking related matters, and indicates minimum standards which should be met.

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.

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.

5.2 Main issues for consideration

The main issues for consideration in this case are:

1. Whether harm would be caused to the character and appearance of the existing building, the street scene or the wider locality.
2. Whether harm would be caused to the living conditions of neighbouring residents.
3. Whether the unit would provide quality living standards for any potential occupiers.
4. Whether the additional unit would adversely impact parking availability and traffic safety.

5.3 Assessment of proposals

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

The insertion of the roof lights has not adversely affected the character or appearance of the building. Rooflights are relatively common features and as such the impact on the character and appearance of the area is acceptable.

The building is already in use as flats and the principle of adding a further flat is considered to be acceptable

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

Whilst the proposal would result in additional activity at the site it is not considered that the introduction of this additional unit has resulted in levels of noise and general disturbance such as to warrant refusal of its retention. The access to the building is centrally located away from the boundaries with neighbours of the adjoining properties which mitigates any such impacts. Given that the building is of modern construction it is not considered that the stacking would result in a significant loss of amenity for occupants of the ground or first floor or result in substandard accommodation for occupants of this unit. It is acknowledged that neighbouring properties at the rear are overlooked from the rear facing rooflights, overlooking does, however, already exist from the rear windows at first floor level and in the context of this suburban area where there is already a degree of overlooking between properties the relationship is considered to be acceptable.

3. Whether the unit would provide quality living standards for any potential occupiers

Whilst it is accepted that the habitable rooms are served by rooflights they do nevertheless provide a satisfactory outlook and standard of accommodation. The floor area is policy compliant, as is the amenity space provision at the rear of the building. The stacking is considered to be acceptable.

4. Impacts on parking availability and traffic safety

Whilst there is no additional off street parking proposed as part of this application it is considered that the provision of this additional flat has not resulted in demonstrable harm to highway or pedestrian safety in the area. Cycle storage provision is acceptable and accordingly the application is considered to be acceptable on highways grounds.

8. Response to Public Consultation

The majority of the points raised have been addressed elsewhere in the report.

The Juliette balcony has been omitted from the application.

Other than the roof lights the building envelope remains as allowed at appeal. The proposal does not result in any additional impacts in respect of the outlook of neighbouring residents or loss of sunlight. It is not considered that the additional flat would adversely impact the existing sewage infrastructure nor would it adversely affect social cohesion in the area.

It is acknowledged that the application seeks retrospective permission but this does not affect the planning merits of the development.

7. 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.

8. Conclusion

Having assessed all relevant matters, it is not considered that the development sought by way of this application would adversely affect the character or appearance of the existing building, the street scene or the wider locality, nor would it harm the living conditions of neighbouring residents. Further, the development would provide a suitable standard of accommodation for future occupiers, and would not adversely impact parking availability or traffic safety. This application is therefore recommended for approved subject conditions.

Appendix 1: Site Location Plan

