

**Location**                      **129 The Vale London NW11 8TL**

**Reference:**                      **16/7691/FUL**                      Received: 2nd December 2016  
Accepted: 2nd December 2016

Ward:                              Childs Hill                              Expiry 27th January 2017

Applicant:                      Mr B. Glass

Proposal:                      Conversion of the existing single family dwelling into 4no. self-contained units including part single, part two-storey side and rear extension following demolition of existing garage. New bay windows to front elevation and relocation of front entrance. Extension to roof including 1no rear dormer window and 1no dormer window to both sides. Associated site works including bin store area at front and cycle storage at rear garden.

**Recommendation:** Approve following legal agreement

- 1     The development hereby permitted shall be carried out in accordance with the following approved drawing and document: 129TV-PP3-03A Proposed Floor Plans and Elevations and the Design and Access statement by Tal Arc.

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 occupied, the screened facilities for the storage and collection of refuse containers as shown on drawing 129TV-PP3-03A Proposed Floor Plans and Elevations shall be provided in accordance with the approved details.

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     The flat roof 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).

- 5 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 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 Adopted Barnet Development Management Policies DPD (2012).

- 6 The approved development shall make provision for cycle parking and cycle storage facilities in the location shown on drawing no. 129TV-PP3-03A Proposed Floor Plans and Elevations . Such spaces shall be permanently retained thereafter.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 7 The amenity space shall be subdivided as shown on 129TV-PP3-03A Proposed Floor Plans and Elevations 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).

- 8 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).

- 9 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.

**Informative(s):**

- 1 Refuse collection points should be located within 10 metres of the Public Highway; unobstructed and suitable access needs to be provided to collection personnel. Dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 2 The applicant must ensure that any gate operation equipment is located within the site boundaries and does not encroach onto the public highways.
- 3 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 and the Applicant engaged with this prior to the submissions of this application. 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.
- 4 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](http://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.

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.

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](mailto: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](http://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](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](http://legislation.gov.uk)

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 5 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries.

Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 7294.

## **Officer's Assessment**

### **1. Site Description**

The site features 2 storey a single detached dwelling. It was observed during a site visit on 12 December 2016 that the extensions previously approved appeared to be under construction (refer Section 2 for further information). The site is not located within a Conservation Area, nor is a Local or Statutorily Listed Building. The site is within a Controlled Parking Zone (CPZ) that operates between 10-11am Monday-Friday, and features a Public Transport Accessibility Level (PTAL) rating of 2.

### **2. Relevant Site History**

Ref: 16/0212/192

Type: Section 192 (Certificate of Lawfulness)

Description: Single storey side extension

Decision: Lawful

Date: 11 February 2016

Ref: 16/4086/PNH

Type: Prior Notification (Householder)

Description: Single storey rear extension with a proposed depth of 7 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Decision: Prior Approval Not Required

Date: 19 July 2016

Ref: 16/4913/HSE

Type: Householder application

Description: Part single, part two-storey side and rear extension with pitched roof following demolition of existing garage. New bay window to front elevation and relocation of front entrance. Extension to roof including 1no rear dormer window and 1no dormer window to both sides

Decision: Approve

Date: 8 September 2016

### **3. Proposal**

The applicant proposes to convert an existing house into 4 flats, featuring 3 x 2B flats and 1 x 1B studio (in roof), 8 x cycle parks, 3 x car parks, 60m<sup>2</sup> of communal outdoor amenity space, and refuse storage.

It was observed during a site visit on 12 December 2016 that the construction of the previously approved extensions has commenced (refer Section 2 for further information). There are no proposed changes to the building envelope from consents 16/0212/192, 16/4086/PNH, or 16/4913/HSE. However, it should be noted that there are 3 additional windows. One obscured glazed window on the flank elevation to the first floor ensuite, one on the front elevation to Bedroom 2 in Flat 3, and one observed glazed section to the Kitchen/Living/Dining of Flat 1. Further, the rear of the first storey has been extended 0.5m to enlarge the proposed Kitchen/Living/Dining of Flat 3.

Note that the overall envelope was consented under 16/4913/HSE which was being implemented at the time of writing this report.

## 4. Public Consultation

37 consultation letters were sent to neighbouring properties.  
A site notice was erected on 5 December 2016.

7 objections have been received.

The objections received can be summarised as follows:

- Adverse impacts on traffic flow
- Adverse impacts on amenity as a result of increased noise
- Adverse impacts on amenity as a result of increased overlooking
- Insufficient parking provided
- Adverse visual impact as a result of proposed refuse storage
- Adverse impacts on amenity as a result of increased traffic and parking demand during construction
- Loss of family housing
- Adverse impacts on drainage
- The proposed building does not positively contribute to the street architecturally
- The proposed flats do not offer a sufficient level of amenity to future occupiers

## 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, DM08, DM17.

### Supplementary Planning Documents

- Residential Design Guidance SPD (adopted October 2016)
- Sustainable Design and Construction SPD (adopted October 2016)

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the principle of flats is acceptable
- Whether the proposal would be a visually obtrusive form of development which would detract from the character and appearance of the street scene
- Whether harm would be caused to the living conditions of neighbouring residents
- Whether the provision of parking is acceptable
- Whether there is a sufficient level of amenity for future occupiers
- Whether the development would be sustainable

## **5.3 Assessment of proposals**

Whether the principle of flats is acceptable

Assessment: Clause i of DM01 states that the "Loss of houses in roads characterised by houses will not normally be appropriate". 18, 85, 117, 133, 183, and 220 The Vale feature flatted development. It is therefore considered that The Vale is not necessarily characterised by houses and that there is a demand for flats in this area. As such, the principle of losing a single family house and converting 129 The Vale is considered acceptable on this basis.

Whether the proposal would be a visually obtrusive form of development which would detract from the character and appearance of the street scene

Assessment: The envelope of the building has previously been granted by virtue of previous planning consents (LPA ref# 16/0212/192, 16/4086/PNH, 16/4913/HSE) which were being implemented at the time of writing this report. Given that these permissions are being implemented and no objection was raised previously with respect to the design, the proposal is not considered to be a visually obtrusive form of development which would detract from the character and appearance of the street scene. Therefore, it is considered acceptable in this respect.

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

Assessment: Arguably the most affected properties in this regard are those directly adjoining. During a site visit on 12 December 2016 it was observed that both adjoining properties featured limited openings to the side elevations facing the subject site. Further, on the ground floor obscured glazing is proposed to limit the outlook of future residents onto these properties. Further, windows on the second floor and in the roof are either obscured, or do not face a window of a habitable room or adjoining rear garden. With respect to the properties to the rear the proposal is between 28m and 50m to the closest



buildings. This is significantly greater than the 21m setback required by the adopted Residential Design Guide SPD. Moreover, the previously consented building envelope is already being implemented with the only changes being three additional windows which are either obscured or face the street. Therefore, the proposed is considered acceptable in this respect.

Whether the lack of onsite parking is acceptable

Assessment: The applicant is proposing 3 x 2B flats and 1 x 1B studio. Policy DM17 suggests that between 3 and 6 car parking spaces should be provided for a development such as this. The applicant has proposed 3 car parking spaces. Given the PTAL rating of 2, the parking provision should generally be towards the higher end. However, the site is also within a CPZ and the applicant has agreed to enter into a s106 agreement to restrict future occupiers from obtaining parking permits. Therefore, subject to the execution of the aforementioned s106 agreement, the development is considered acceptable in this respect.

Whether there is a sufficient level of amenity for future occupiers

Assessment: The proposal complies with the internal space standards and outdoor amenity space standards prescribed by the Sustainable Design and Construction SPD (adopted October 2016) and the current London Plan. Further, all units are double aspect allowing sufficient opportunities for light and cross-ventilation. Moreover, all units have access to outdoor amenity space, whether communal or individual as shown on dwg no. 129TV-PP3-03A. It is recommended that a condition be imposed to retain the outdoor amenity space in this configuration to ensure on-going access to this space for all future occupiers. Therefore, the proposal is considered acceptable in this regard.

Whether the development would be sustainable

Assessment: It is recommended that the application is conditioned to ensure that a maximum of 105 litres of water is consumed per person per day with 100% of the water supplied to the new dwellings by metered mains water. Given the minor nature of the development, this is considered to be sufficient to meet sustainability requirements.

## **5.4 Response to Public Consultation**

Adverse impacts on traffic flow

Response: The site is within a CPZ and the applicant has agreed to enter into a s106 agreement to restrict future occupiers from obtaining parking permits. Therefore, subject to the execution of the aforementioned s106 agreement, the development is considered acceptable in this respect as it should reduce the parking demand of the development and subsequent traffic movements.

Adverse impacts on amenity as a result of increased noise

Response: It is acknowledged that the number of residents is likely to increase as a result of this development. However, the use will remain residential which is considered to be a conforming use and acceptable in this area.

Adverse impacts on amenity as a result of increased overlooking

Response: Arguably the most affected properties in this regard are those directly adjoining. During a site visit on 12 December 2016 it was observed that both adjoining properties featured limited openings to the side elevations facing the subject site. Further, on the ground floor obscured glazing is proposed to limit the outlook of future residents

onto these properties. Further, windows on the second floor and in the roof are either obscured, or do not face a window of a habitable room or adjoining rear garden. With respect to the properties to the rear the proposal is between 28m and 50m to the closest buildings. This is significantly greater than the 21m setback required by the adopted Residential Design Guide SPD. Therefore, the proposed is considered acceptable in this respect.

Insufficient parking provided

Response: The site is within a CPZ and the applicant has agreed to enter into a s106 agreement to restrict future occupiers from obtaining parking permits. Therefore, subject to the execution of the aforementioned s106 agreement, the development is considered acceptable in this respect as it should reduce the parking demand of the development.

Adverse visual impact as a result of proposed refuse storage

Response: The proposed refuse storage is offset approximately 5m from the street, behind the proposed car parking and screened. It is acknowledged that on refuse collection days that the bins will be dragged to the street. However, there is sufficient room on the frontage to accommodate the bins proposed. Therefore, the development is considered acceptable in this regard.

Adverse impacts on amenity as a result of increased traffic and parking demand during construction

Response: Given that the majority of the construction will be carried out in accordance with historic consents that have not required the provision of Construction Management Plans, it is not considered reasonable to impose a condition to this effect.

Loss of family housing

Response: 18, 85, 117, 133, 183, and 220 The Vale feature flatted development. It is therefore considered that The Vale is not necessarily characterised by houses and that the principle of converting 129 The Vale is acceptable on this basis.

Adverse impacts on drainage

Response: The site is located within Flood Zone 1 (low probability) and the proposal does not increase the impermeable area beyond that already permitted and currently being implemented.

The proposed building does not positively contribute to the street architecturally

Response: The envelope of the building has previously been granted by virtue of previous planning consents (LPA ref# 16/0212/192, 16/4086/PNH, 16/4913/HSE). Therefore, the proposal must be considered acceptable in this regard.

The proposed flats do not offer a sufficient level of amenity to future occupiers

Response: The proposal complies with the internal space standards and outdoor amenity space standards prescribed by the Sustainable Design and Construction SPD (adopted October 2016). Further, all units are double aspect allowing sufficient opportunities for light and cross-ventilation. Therefore, the proposal is considered acceptable in this regard.

## **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 policy and material considerations into account, the proposal would not detrimentally impact on the visual appeal of the street scene or local character, would not cause unacceptable harm to the living conditions of neighbouring residents, would not unacceptably impact on the highways with regard to increasing traffic and parking demand, and would provide a sufficient level of amenity for future occupiers. Therefore, the proposal is recommended for approval subject to the conditions contained herein.

