

Location **23-25 Woodstock Road London NW11 8ES**

Reference: **17/1028/FUL** Received: 20th February 2017
Accepted: 24th February 2017

Ward: Childs Hill Expiry 21st April 2017

Applicant:

Proposal: Subdivision of existing three bedroom flat at third floor level to create 2
no. one bedroom flats and enlargement of rear dormer window.

Recommendation: Approve subject to conditions

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

Existing-

Drawing no. GA.05C; Drawing no. GA.06B; Drawing no. GA.07B; Drawing no. GA.08C; Drawing no. GA.09C; Drawing no. GA.10C; Drawing no. GA.11C;

Proposed-

Drawing no. GA.05G; Drawing no. GA.06G; Drawing no. GA.07DC; Drawing no. GA.08D; Drawing no. GA.09G; Drawing no. GA.10D; Drawing no. GA.11D; Planning Statement by Boyer dated February 2017; Schedule of Accommodation; Site Location Plan.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of 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 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).

- 5 Prior to occupation the approved development shall make provision of cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority. 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.

- 6 Before the development hereby permitted is occupied, existing parking spaces shall be retained for the use of the proposed development as per the information submitted with the planning application reference 15/02695/FUL and previously approved application and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development.

Reason: To ensure and promote easier access for disabled persons to the approved building 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 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 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.

- 10 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 40 % 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.

- 11 The room labelled as "study" indicated on the hereby approved plans shall be implemented and shall not be used as a bedroom.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or neighbouring residents in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (2016).

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 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 or by telephoning 0208 359 7294.

- 3 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 £19.60 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 £93.49 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 application site was formally known as 23/25 Woodstock Road, originally a pair of semi-detached properties, located on the south side of Woodstock Road equidistant between the junctions with Armitage Road and Hodford Road.

The property has been converted into seven flats in accordance with the approved scheme under reference 15/02695/FUL, although at the time of the site visit the flats were not under occupation. The front garden of the property has been hard surfaced and provides off street parking for four cars serviced by a dropped kerb. An all-day CPZ operates in the street.

The surrounding area is predominantly residential, although within close proximity of Golders Green Town Centre. The street is characterised by a mix of original houses and in-fill developments including purpose built blocks of flats. Properties are predominantly two storey in height although the majority of properties on this side of the road benefit from converted roof accommodation through the use of front/ side and rear dormers.

The site has a PTAL (public transport accessibility level rating) of 6a.

2. Site History

Reference: 16/7928/FUL

Address: 23-25 Woodstock Road, London, NW11 8ES

Decision: Withdrawn

Decision Date: 7 February 2017

Description: Subdivision of three bed unit at lower ground and ground floor levels to create 2no self-contained flats. Associated refuse and recycling store, parking and associated alterations to landscaping

Reference: 16/5333/S73

Address: 23-25 Woodstock Road, London, NW11 8ES

Decision: Refused

Decision Date: 6 October 2016

Description: Variation of condition 1 (Plans Numbers) pursuant to planning permission 15/02695/FUL dated 07/10/2015 for `Demolition of existing two storey building and erection of 1 no. three storey building, plus basement and loft conversion to facilitate 7 no. self-contained flats, including associated access, hard/soft landscaping, refuse facilities and 4 no. off street parking spaces` Variation to include alterations at part rear second and third floor levels in order to provide enlarged and better quality living space for the third floor flat.

Reasons for refusal:

1. The proposed amendment, by reason of its height, width, design, excessive size and bulk, would result in an overly dominant and incongruous addition to the approved scheme. It would relate poorly to the proportions of the approved building and would be overly dominant, obtrusive, when viewed from neighbouring gardens to the detriment to the character and appearance of the application site and surrounding area. The application is therefore found to be unacceptable and contrary to Policy DM01 of the Barnet Development Management Policies DPD (2012), Policy CS5 of the Barnet Core Strategy (2012), Policies 7.4 and 7.6 of the London Plan (2015) and the guidance contained within Barnet's Residential Design Guidance Supplementary Planning Document (2013).

Reference: 15/02695/FUL

Address: 23-25 Woodstock Road, London, NW11 8ES

Decision: Approved following legal agreement

Decision Date: 8 October 2015

Description: Demolition of existing two storey building and erection of 1 no. three storey building, plus basement and loft conversion to facilitate 7 no. self-contained flats, including associated access, hard/soft landscaping, refuse facilities and 4 no. off street parking spaces.

Reference: 14/07300/FUL

Address: 23-25 Woodstock Road, London, NW11 8ES

Decision: Approved following legal agreement

Decision Date: 04 February 2016

Description: Demolition of the existing building and the erection of 1no. three storey building, plus basement and rooms in roof-space to facilitate 8 no. self-contained units, including associated access, hard/soft landscaping, refuse facilities and 4no. off street parking spaces (Note amended description - 8 flats are proposed)

Reference: F/00683/14

Address: 23-25 Woodstock Road, London, NW11 8ES

Decision: Refused

Decision Date: 4 September 2014

Description: Demolition of the existing buildings, and the erection of 1no. three storey building, plus basement and rooms in roof-space to facilitate 9 no. self-contained flats, including associated access, hard/soft landscaping, refuse facilities and 4no. off street parking spaces.

Reason for refusal:

1. The proposed development, by reason of the number of units and increased floorspace would result in an overdevelopment of the site to the detriment of the character of the street contrary to policy DM01 of the Barnet Local Plan Development Management Policies (Adopted) 2012 and the Residential Design Guidance SPD 2013.
2. The units, by reason of their size would provide sub-standard accommodation to the detriment of the amenity of future occupiers contrary to policy DM01 and DM02 of the Barnet Local Plan Development Management Policies (Adopted) 2012 and the Sustainable Design and Construction SPD 2013.
3. The development would require a section 106 agreement and no formal undertaking is given to the Council, as a result the proposed development would, by reason of the developer not meeting the costs of amending the traffic order contrary to DM17 of the Local Plan Development Management Policies (Adopted) 2012; and contrary to Policies CS9 of the Local Plan Core Strategy (Adopted) 2012.

In addition, several applications have been submitted and approved for details of conditions pursuant to application 15/02695/FUL dated 07/10/15.

3. Proposal

The applicant seeks planning permission for the conversion of the approved/ existing (although not currently believed to be occupied) third floor three bedroom flat into two self-contained 1no bedroom flats. There are no additional parking spaces offered.

In addition, the proposal would require the enlargement of the existing rear dormer. The dormer would have an additional width of 0.4m. There are no other proposed changes to the exterior of the approved building.

4. Public Consultation

Consultation letters were sent to 61 neighbouring properties. 22 responses have been received, comprising 22 letters of objection.

The objections received can be summarised as follows:

- Parking pressures
- Do not like the idea of small flats as it pushes families out
- No affordable housing
- Block of flats should include family units
- No need for bigger dormer
- Out-of-character development
- Another flat creates precedent
- Loss of privacy
- Over-intensification
- Flats too small
- Too many flats
- Green space of occupiers
- Eyesore
- Negatively affects community
- Overcrowding
- Noise

There is a question with regards to the validity of 13 of the objections; this is under investigation by the council's Corporate Anti-Fraud Team.

A site notice was erected on the 2nd March 2017.

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, 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.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

- 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 and future occupiers
- Impact on Highways
- Sustainability

5.3 Assessment of proposals

Impact on the character of the area

It should be noted that a previous application at the site was granted planning permission at committee in January 2015 for 'the demolition of the existing building and the erection of 1no. three storey building, plus basement and rooms in roof-space to facilitate 8 no. self-contained units, including associated access, hard/soft landscaping, refuse facilities and 4no. off street parking spaces' (reference 14/07300/FUL).

In addition, planning permission was also granted by the committee, with the legal agreement signed in September 2015, for "demolition of existing two storey building and erection of 1 no. three storey building, plus basement and loft conversion to facilitate 7 no. self-contained flats, including associated access, hard/soft landscaping, refuse facilities and 4 no. off street parking spaces" (reference 15/02695/FUL).

The principle of flatted development has been established as acceptable.

The current application now seeks to subdivide the approved third floor under reference 15/02695/FUL, converting this unit from a three bedroom unit to two 1bed flats with an increase in the depth of the rear dormer to warrant more daylight/ sunlight to both units.

Although the scheme would result in the loss of a large family unit, consideration has been given to the close proximity to the Town Centre including associated benefits; officers believe that the smaller units would not be out-of-character within this sustainable location.

The proposed increase in the width of the dormer is considered to be acceptable. The marginal increase in the width of the dormer is considered to have a minimal; the dormer would still be centrally located and set away from the eaves and in accordance with the Council's Residential Design Guidance SPD.

It is not considered that the proposed alterations to the rear dormer or the subdivision of the top floor unit to create 1no additional unit (resulting in a total of 8 dwellings on the site), would have adverse impact on the character of the area, over and above the schemes previously considered acceptable

Impact on the amenities of neighbouring and future occupiers

One of the Councils key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected.

The increase in the width of the dormers is not considered to have adverse impact on the visual amenities of neighbouring occupiers.

The proposed flats would accommodate a maximum of 2 occupiers per dwelling; the approved dwelling at third floor, due to its size, could accommodate up to 6 occupiers. It is therefore not considered that the changes to the tenure at third floor would result in any additional or unacceptable level of activity or over-intensification than previously considered to be acceptable. As mentioned, the principle of 8no flats on the site has already been established.

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2015. The SPD standards for bedrooms require double bedrooms to provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm. The proposed dwellings would comply with the minimum space standards for one bedroom flats in accordance to the London Plan; the room labelled as "study" would be below the standard

for a single room and as such is not considered to be a habitable room. A condition is recommended to prevent the use of this room as a bedroom.

The outdoor amenity space provision would remain as per the approved scheme; the original scheme provided a communal garden at the rear of the site which would also be accessible to the proposed unit.

Impact on Highways

The approved schemes (for both 7 and 8 units) both incorporated 4no parking spaces. Given that the number of occupiers would not increase from the scheme of 7 units, and the close proximity of the site to the Town Centre and associated benefits, the subdivision of the top flat is not considered to result in heightened parking pressures to the area.

In addition, although it has been previously been acknowledged that the provision of 4no parking spaces was below the standard, as part of the approved scheme, the applicant agreed to enter into a Section 106 Agreement to prevent occupants of the proposed development from purchasing resident's car parking permits.

It is therefore not considered that the proposed development would have a demonstrable impact on local highways over and above the previously approved development on the site, and as such the development is considered to be acceptable on Highways grounds.

Sustainability

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 40% 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.

5.4 Response to Public Consultation

- "Parking pressures" - This is covered in the assessment above.
- "Do not like the idea of small flats as it pushes families out"- The principle of flatted development has already been established on the site.
- "No affordable housing"- The size of the development does not meet the criteria to require the provision of affordable housing; this is therefore not considered to be justified.
- "Block of flats should include family units"- The building also includes larger units (mainly 3no beds) in accordance with the approved planning application reference 15/0295/FUL
- "No need for bigger dormer"- This is covered in the assessment above.
- "Out-of-character development" - This is covered in the assessment above.
- "Another flat creates precedent"- Precedent is not a planning consideration, however this principle of flatted development has already been established.

- "Loss of privacy" - This is covered in the assessment above.
- "Intensification" - This is covered in the assessment above.
- "Flats too small" - This is covered in the assessment above.
- "Too many flats" - This is covered in the assessment above.
- "Eyesore"- This is covered in the assessment above.
- "Negatively affects community"- This is covered in the assessment above.
- "Overcrowding" - This is covered in the assessment above.
- "Noise" - This is covered in the assessment 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.

