

**Location** Stanhope Court 53 - 55 Stanhope Road London N12 9DZ

**Reference:** 17/1586/FUL Received: 13th March 2017  
Accepted: 31st March 2017

**Ward:** Woodhouse Expiry 26th May 2017

**Applicant:** Mr Neil Hawes

**Proposal:** Extension to existing three-storey building including erection of new mansard roof to create 1no additional self-contained flat with rooflights (4no to front elevation, 2no to rear elevation and 2no to side elevation) in roofspace and recessed dormer with balcony to rear elevation

**Recommendation:** Approve subject to conditions

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

PL00- Existing Site Location Plan; PL01- Existing Site Plan; PL101- Existing Ground Floor and First Floor Plan; PL102- Existing Second Floor and Roof Floor Plan; PL103- Existing Section A-A; PL104- Existing Front and Left Side Elevation; PL105- Existing Rear and Right Side Elevation; DLBalcony- Proposed Mansard Roof Floor and Roof Plan (Amended 05/06/2017); PR02- Proposed Section A-A and 3D View; PR203- Proposed Front and Left Side Elevation; PR204- Proposed Rear and Right Side Elevation

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 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).

- 4 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

- 5 The internal layout of the proposed unit shall remain as shown on the hereby approved plans and must not be changed without the prior written permission of the Local Planning Authority.

Reason: To safeguard the amenities of future occupiers.

- 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 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).

## 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 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. Your planning application has been assessed at this time as liable for a £\_\_ payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £\_\_ payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](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.

## **Officer's Assessment**

### **1. Site Description**

Stanhope Court is a block of six flats located at 53-55 Stanhope Road, just off North Finchley High Road.

The block has an L-Shaped footprint and is three stories high with a flat roof.

The street is mainly characterised by residential 2 story single family dwellings, although there are purpose built flats situated further up the road.

### **2. Site History**

Reference: 15/02559/FUL

Address: Stanhope Court, 53 - 55 Stanhope Road, London, N12 9DZ

Decision: Approved following legal agreement

Decision Date: 3 December 2015

Description: Formation of mansard roof with 9 no. rooflights to provide 1 no. self-contained flat

Reference: F/01176/10

Address: Stanhope Court, 53 - 55 Stanhope Road, London, N12 9DZ

Decision: Approved subject to conditions

Decision Date: 24 May 2010

Description: Formation of mansard roof to provide two new self contained flats.

Reference: F/03632/09

Address: Stanhope Court, 53 - 55 Stanhope Road, London, N12 9DZ

Decision: Refused

Decision Date: 1 December 2009

Description: Formation of additional storey to provide two self contained flats.

### **Proposal**

This application seeks consent for an extension to existing three-storey building including erection of new mansard roof to create 1no additional self-contained flat with rooflights (4no to front elevation, 2no to rear elevation and 2no to side elevation) in roofspace and recess dormer with balcony to rear elevation.

The proposed additional unit would comprise of three bedrooms and have a proposed internal floor area of 106.22sqm.

### **Public Consultation**

Press notice: 6th April 2017

85 consultation letters were sent to neighbouring properties.

6 objections have been received.

The views of objectors can be summarised as follows;

- Impact of development on traffic and parking
- Overdevelopment
- Overlooking
- Noise disturbance from future occupiers
- Loss of light
- Scale, design and appearance out of keeping
- Loss of privacy
- Consent given to add further storey of building without work being carried out by buyers of nearby properties
- Proposed development does not respect internal stacking
- Proposals result in imposing building

Internal / other consultations

Highways: The proposal is acceptable on highways grounds subject to a Legal Agreement contribution of £2000 to amend the existing traffic order which regulates the Controlled Parking Zone.

## **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 2031. 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, CS8, CS11, CS12, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM17

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

Sustainable Design and Construction SPD (2016)

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the alterations 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 harm would be caused to trees of special amenity value.

## **5.3 Assessment of proposals**

### Character and Appearance

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

The proposal would result in a mansard roof extension to create an additional unit with recessed dormer incorporating balcony to the rear. It is considered that the proposed roof alterations would be acceptable.

A proposal for the formation of mansard roof to provide two new self-contained flats on the site was first approved by the sub-committee (ref F/01176/10 dated 24 May 2010) and a subsequent consent was approved for additional self-contained flatted unit, subject to a Section 106 agreement to remove parking permits for future occupiers, reference 15/02559/FUL dated 3.12.2015, as detailed above.

These schemes were approved without the addition of recessed dormer and balcony to the rear. The proposed balcony would measure 3.4m in width, with a proposed depth of 1.3m and provision of railing, giving 4.38sqm of external amenity to future occupiers of the new self-contained unit.

Given that the physical manifestations of the proposal have not significantly changed since the previous applications the proposed development it is considered acceptable under the current application.

The proposal would comply with the abovementioned policies and Council's Residential Design Guidance and would be a proportionate addition to the existing building. It would

have an acceptable impact on the character and appearance of the streetscene, site property, general locality and the residential amenity of neighbouring occupiers.

#### Amenity of neighbouring occupiers

One of the Council's 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.

The Council's policies seek to ensure adequate outlook for occupiers adjoining new development, and that new residential developments should provide and preserve adequate residential amenity, however the policies, and the preamble in the preceding paragraphs, do not offer any guidance for assessment. It is therefore necessary for a judgement to be made by the decision maker with regard to this issue in each case.

It is the requirement of the Sustainable Design & Construction SPD to protect and enhance the character of the boroughs built environment and to give a reasonable degree of privacy to properties by requiring a minimum distance of 21 metres between the windows of habitable rooms facing one another. The rear windows of the closest rear projection on the two-storey residential dwelling houses along Grove Road are noted as being approximately 30m away from the proposed development and with the additional projection of the host application property providing further shielding from any potential noise disturbance, this is therefore considered to a sufficient distance away not to result in loss of amenity to these existing neighbouring occupiers. The proposed development is shown as being approximately 65m away from the rear windows on properties along Castle Road to the rear of the site, and is therefore not considered to be detrimentally impacted by the proposed development.

The shape of roof and impact to houses on Grove Road is unchanged from the previously approved scheme and therefore there would be no additional impact.

The additional recessed dormer window and balcony would be located close to the boundary with no.51 Stanhope Road. This would face rearwards so that would be no direct overlooking to the property. It is noted that the dormer would to oblique angles look across the garden of no.51. It is not considered that the appearance of the recessed dormer; which is set back from the face of the building by 0.5m, would give rise to harmful perceptions of overlooking. This is because the nature of this recessed balcony area would be similar to that of a Juliet balcony, and such arrangements are not uncommon within suburban environments. The balcony would not allow residents of the flat to sit out beyond the rear face of the building and therefore look across into the rooms of no.51.

The proposal is not considered to have a detrimental impact on the amenity of the area with regard to overlooking, loss of sunlight and over dominance. It is also considered that the proposal would not result in unacceptable levels of noise disturbance because the scheme is for residential use only.

#### Living conditions of future occupiers

It is considered that the current application complies with the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan 2015 and is considered to provide adequate internal space for future occupiers.



The proposed development would provide the following accommodation:

F7- 3bed unit: 106.22sqm

These dwellings would meet the minimum gross internal areas as required. The proposed dwellings are also compliant with Part 2.2 part of the Council's Sustainable Design and Construction SPD in regard to the size of bedrooms having a minimum floor area of 8 sq.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats outdoor amenity space should be 5sqm per habitable room. Given fact that no other units in the block have access to an area of private amenity space and the scheme has been previously approved without any private amenity space for the new unit, on balance it is acceptable to allow the proposed balcony of only 4.32sqm to the proposed unit which is shown to have 6 habitable rooms.

The existing refuse and recycling provision would be utilised for the new units, further details are required through condition.

### Highways

The site has a good PTAL rating of 3 with close proximity to bus routes and town centre amenities, and is located within a controlled parking zone (CPZ) immediately around the site limiting parking to permit holders between 9am and 05:30pm Monday to Saturday.

The proposal is not in accordance with the parking standards, as the proposed development does not offer any car parking provision for future occupiers. There are no Highways related changes being proposed for this site from the previous application with reference number 17/02559/FUL.

Taking into consideration the site's location in close proximity to public transport facilities and the existing parking pressure in the area it is considered appropriate to exempt residents from purchasing residential permits to park within the CPZ. To effect this exemption it would be necessary to amend the Traffic Regulation Order that covers the Controlled Parking Zone. The cost of the amendments is £2,000 and should be included as part of a Legal Agreement Contribution

## **5.4 Response to Public Consultation**

As detailed in the above report, it is noted that the principle for the proposed development for additional flatted unit to the existing six flat block has already been established in granting consent for two similar schemes. A development was first approved by the sub-committee (ref F/01176/10 dated 24 May 2010) and a subsequent consent was approved for additional self-contained flatted unit, subject to a Section 106 agreement to remove parking permits for future occupiers, reference 15/02559/FUL dated 3.12.2015.

Therefore it is considered that issues ranging from the scale, design and appearance of the proposed development resulting in an out of keeping, overdevelopment of the existing application property, the impact of the proposed development on traffic and parking, noise disturbance from future occupiers, the development not respect internal stacking

Other issues such as potential overlooking, loss of light and privacy could be exacerbated by the creation of rear recessed dormer window and balcony, however, as noted the

proposed development is considered to be a sufficient distance away from neighbouring residential properties not to result in any loss of amenity to these occupiers.

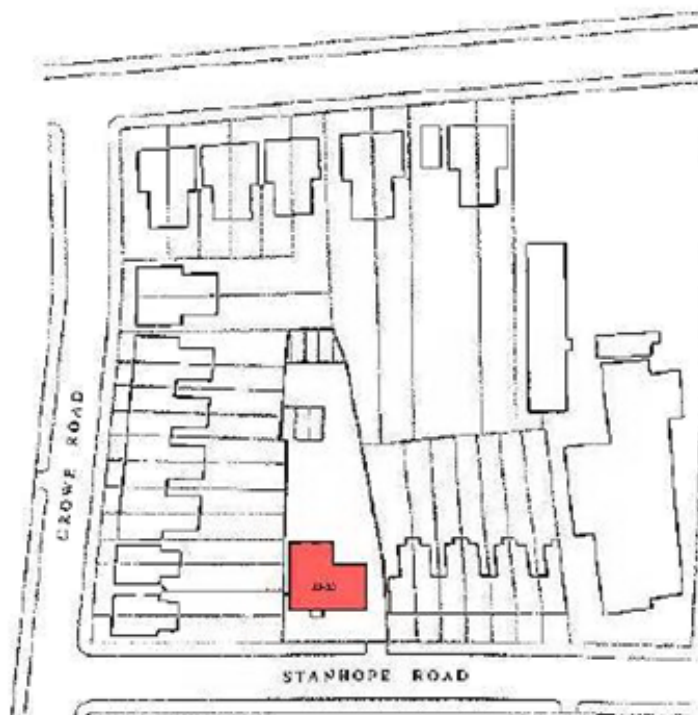
It is not considered that the fact that consent has been previously given to add further storey to building without work being carried should deter buyers of nearby properties, and this is not considered to be a material planning consideration when assessing the proposed development.

## 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 support the Council in meeting its statutory equality responsibilities.

## 7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.



LOCATION PLAN Scale: 1/1250