

Location **24 Montpelier Rise London NW11 9DS**

Reference: **17/2021/FUL** Received: 29th March 2017
Accepted: 24th April 2017

Ward: Golders Green Expiry 19th June 2017

Applicant: Lionrule

Proposal: Alterations and extensions to existing house including construction of a part single, part two storey rear and side extension and loft conversion with hip to gable end and rear dormer window, to form 3no. additional flats providing a total of 5no. self-contained flats. Associated amenity space, refuse and recycling storage and provision of 2no. off-street parking spaces

Recommendation: Approve subject to conditions

For the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions and obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

Location Plan

2410 (Existing and Proposed Block Plans)

24 (Existing Floor Plans)

242 (Existing Side Elevations)

241 (Existing Front and Rear Elevations)

242A (Proposed Ground Floor)

243B (Proposed 1st Floor)

244A (Proposed 2nd Floor)

245B (Proposed Front and Rear Elevations)

246B (Proposed Side Elevations)

Parking Stress Survey Report (received 28/04/2017)

Planning Statement (received 29/03/2017)

Sustainability Statement (received 05/04/2017)

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) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 5 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).

6 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

7 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).

8 Existing parking spaces and the access to the parking area from public highway shall be retained in accordance with the submitted planning application. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic 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.

9 Before the building hereby permitted is first occupied the proposed window(s) in the east side elevation as illustrated on drawing no. MR - 243B, shall be glazed with

obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 10 Before the development hereby permitted is occupied, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

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.

- 11 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).

- 12 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.

- 13 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Polices document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

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 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.
- 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.

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 £5,635 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 £21,735 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.

- 3 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.

- 4 Any highway approval as part of the planning process for the reinstatement or alteration to the existing access/crossovers or provision of a new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense including any relocation of street furniture, lighting columns or amendments to parking bays affected by the proposed works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 5 No works on public highway as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the highway authority and works shall only be carried out in accordance with the approved plans.

The applicant will be expected to enter into with the Highways Authority under Section 278 Agreement of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

Officer's Assessment

1. Site Description

The application site comprises of a detached two-storey building located on the southern side of Montpelier Rise, within the ward of Golders Green. The property is currently in use as 2no. self-contained flats.

The surrounding area is characterised by two-storey residential properties of a similar style, with the London Underground Northern Line running adjacent to the east.

2. Site History

Reference: 15/05845/FUL

Address: Ground Floor Flat, 24 Montpelier Rise, London,

Decision: Refused

Decision Date: 24 November 2015

Description: Demolition of existing property and construction of a two storey detached building with rooms in the roofspace and basement comprising of 6no. self-contained flats. Associated refuse and recycling storage and lower ground floor level parking

Reference: 16/1441/FUL

Address: Ground Floor Flat, 24 Montpelier Rise, London,

Decision: Withdrawn

Decision Date: 27 May 2016

Description: Alterations and extensions to existing house including construction of a part single part two storey rear and side extension and loft conversion with hip to gable end and rear dormer window, to form 3no. additional flats providing a total of 5no. self-contained flats. Associated amenity space, refuse and recycling storage and provision of 5no. off-street parking spaces

Reference: 17/2021/FUL

Address: Ground Floor Flat, 24 Montpelier Rise, London,

Decision: Pending Decision

Decision Date: No Decision Made.

Description: Alterations and extensions to existing house including construction of a part single, part two storey rear and side extension and loft conversion with hip to gable end and rear dormer window, to form 3no. additional flats providing a total of 5no. self-contained flats. Associated amenity space, refuse and recycling storage and provision of 2no. off-street parking spaces

Reference: C03702/08

Address: Ground Floor Flat, 24 Montpelier Rise, London,

Decision: Approved subject to conditions

Decision Date: 6 May 2008

Description: Part single part two storey side and rear extension to existing flats.

3. Proposal

The application seeks the construction of a part single, part two storey side and rear extension and loft conversion with hip to gable extension and rear dormer window to form 3no. additional flats. The proposal also includes the provision of associated amenity space, refuse and recycling storage and 2no. off-street parking spaces.

The proposal has been amended to include the addition of further windows on the ground, first and second floors.

4. Public Consultation

Consultation letters were sent to 53 neighbouring properties.

1 response has been received, comprising 1 letters of objection with a total of 18 signatures.

The objections received can be summarised as follows:

- Inappropriate change of the building from 2 flats into 5 flats;
- Increase in traffic and parking pressure.

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, 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:

- Principle of development;
- 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;
- Whether adequate accommodation is provided for future occupiers; and
- Highways.

5.3 Assessment of proposals

Principle of development

It is acknowledged that the existing property is currently occupied as 2no. self-contained flats and as such the principle of additional flats is considered to be acceptable subject to all other areas being policy compliant. It is also noted that there are other flatted properties within the street at nos. 24 and 32 Montpelier Rise.

In terms of the number the mix of units proposed, the scheme would overall provide 3 x 1 bedroom units and 2 x 2 bedroom units. This mix is considered to be acceptable. The existing property consists of 2 x 2 bedroom units and so the proposal will still retain the same number of 2 bedroom units.

Impact on the character and appearance of the existing property, streetscene and wider locality

Policy DM01 expects that development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The proposed additional mass and footprint is to be located mainly on the eastern side of the site adjacent to the public footpath and London Underground railway line. This element is set back from the front elevation and is stepped at several points. At the rear, the two storey extension would project 2m further from the existing rear elevation. Taking into account the location of the site at the end of the road and adjacent to the railway line, it is considered to have an acceptable relation to the existing building and would not result in any adverse harm to the character of the existing building, streetscene and surrounding area.

The proposed hip to gable extension is considered to be acceptable in that it provides an improved visual balance to the existing property and also reflects the gable end on the adjacent No.26. Whilst the proposed rear dormer is large in scale, it is acknowledged that

many other properties along the street have similar large dormers and so the character of the area would be unaffected by the addition of this element of the scheme.

It is proposed to excavate and lower the front driveway area in order to ensure that the parking spaces do not lie directly outside the windows of the ground floor unit. Officers do not consider that this element raises any significant issues in terms of visual impact.

Impact on visual and residential amenity

Privacy is an important design issue and the positioning of homes, including their windows and balconies, should be carefully considered to ensure that adequate privacy is maintained. In particular, habitable rooms and areas of private gardens close to dwellings should not be excessively overlooked by windows or elevated amenity areas such as balconies/terraces/

The proposed rear extension would project a further 2m beyond the existing rear elevation and that of the adjacent no.26 Montpeiler Rise and would be sited approximately 3.3m away from its side elevation. As such it is considered that the proposal would not result in any adverse impact in terms of overbearing, loss of light or outlook. There would be no windows on the side elevation facing no.26 which would lead to any adverse issues of overlooking. The proposed entrance to all the units is sited on the side (west elevation). It is noted that no.26 has a blank elevation on this side and as such is unlikely to result in an unacceptable level of noise and disturbance levels.

Provision of accommodation for future occupiers

In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. Table 3.3 within Policy 3.5 of the London Plan 2016 provides minimum space standards for new dwellings. The proposal would provide:

Unit 1: 2B3P 61.5sq.m

Unit 2: 1B1P 39.5sq.m

Unit 3: 2B3P 61.0sq.m

Unit 4: 1B1P 39.5sq.m

Unit 5: 1B1P 39.0sq.m

The proposed units would all comply and exceed the minimum space requirements contained within the London Plan and as such complies with Barnet policy DM02. Additional windows have been added to a number of units and as such, the Planning Authority is satisfied that each of the units have received adequate levels of daylight/sunlight and would have adequate outlook.

The Sustainable Design and Construction SPD states that for flats, 5 sqm of external amenity space should be provided per habitable room. Unit 2 of the ground floor would be provided with a private amenity space of 24sq.m while the remaining 4 units would have access to a shared communal garden of 210sq.m. These areas would meet the SPD requirements and as such would be compliant with policy DM02 and the Sustainable Design and Construction SPD requirements.

Highways and Parking provision

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

Policy DM17 sets out parking standards as follows for the residential use:

For 1 bedroom units	0.0 to 1.0 space per unit
For 2 and 3 bedroom units	1.0 to 1.5 spaces per unit

Based on the above parking standards the parking requirement for the proposed development is calculated as follows:

3x1b a range of 0.0 to 1.0	0.0 to 3.0 spaces required
2x2b a range of 1.0 to 1.5	2.0 to 3.0 spaces required

This equates to a parking provision range of between 2.0 and 5.0 spaces to meet the requirements of Policy DM17. The site has a PTAL rating of 3 which is considered to be a moderate level of accessibility. In relation to parking provision, the Council's Traffic and Development service has commented that the proposal would be expected to provide 3 parking spaces. There are 2 existing parking spaces at the site and it is not proposed to provide any further spaces. The applicant has commissioned a parking beat survey to assess the parking stress on the roads in the vicinity of the site. This survey indicates that the parking stress is 70% and that there are parking spaces available on roads in the vicinity of the site to accommodate any potential overspill from the proposed development. The Traffic and Development service has raised no concerns regarding this survey. Subject to conditions, the application is recommended for approval on highways grounds and complies with policies CS9 and DM17 of the Barnet Local Plan.

Other material considerations

In terms of sustainability, conditions relating to water consumption and the minimising carbon dioxide emissions have been attached.

5.4 Response to Public Consultation

The issues raised within the letter of representation have been addressed within the report.

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 material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an

acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

