

LOCATION: 137 Hendon Way, London, NW2 2NA
REFERENCE: F/00728/12 **Received:** 22 February 2012
Accepted: 21 February 2012
WARD(S): Golders Green **Expiry:** 17 April 2012
Final Revisions:
APPLICANT: Business centrum Limited
PROPOSAL: Conversion of property into 3 self-contained units and associate parking.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site & Location Plan; Design & Access Statement; Plan No's: HW137-PP-04; HW137-PP-01-EX Rev A; HW137-PP-02-PR Rev A.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 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 proposed parking spaces within the parking area as shown in Drawing No. HW137-PP-02-PR Rev A submitted with the planning application shall be retained and the access to the parking spaces will be maintained at all time.
Reason: To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced in accordance with Policies M8 and M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006
- 4 Prior to the 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.
- 5 No development shall take place until details of the arrangements to meet the obligation for education, health and library facilities and the associated monitoring costs have been submitted to and approved in writing by the local planning authority.
Reason:
To ensure the proper planning of the area and to comply with policies CS2, CS8, CS13, IMP1 and IMP2 of the adopted Unitary Development Plan and the adopted Supplementary Planning Documents "Contributions to Education", "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations".
- 6 The layout of the flats hereby approved shall remain as shown on the approved drawings unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of future and neighbouring residential occupiers.

- 7 Before occupation of the self contained units details of divisions of the rear garden shall be submitted to and approved in writing by the local planning authority

Reason: To protect the amenities of future occupiers.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

GEnv1, GEnv2, D1, D2, D3, D4, D5, CS2, CS8, CS13, IMP1, IMP2, GMon, GH1, H2, H16, H18, H23, H26, H27, M11, M13 and M14.

Core Strategy (Submission version) 2011:

CS5.

Development Management Policies (Submission version)2011:

DM01, DM02, DM08, DM17.

ii) The proposal is acceptable for the following reason(s): -

The conversion of the property into three self contained flats is considered acceptable, in character with the surrounding area. The proposal would protect the character of this part of Golders Green. The proposal would provide acceptable standards of amenity for future occupiers and respect the amenity of existing neighbouring occupiers. The proposal is acceptable on highways grounds.

- 2 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 Council of 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 email:

street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

- 3 The applicant is advised that the access to the property is from Transport for London Road Network (TLRN) therefore TfL should be consulted in case any amendments are required to the access.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework (2012):

The relevant sections of the National Planning Policy framework are as follows:

Paragraph 49 of the NPPF states that “Housing applications should be considered in the context of the presumption in favour of sustainable development”.

The government consider that “there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – ... by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation
- **a social role** – ... by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment ... ”

In paragraph 21, the government encourages the effective use of land by reusing land that has been previously developed (brownfield land).

Paragraph 56 states “the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

It is considered that the application complies with the above sections of the NPPF.

The Mayor's London Plan: July 2011

The Mayor of London, The London Plan, Spatial development strategy for Greater London, Consolidated with Alterations since 2004 is the development plan in terms of strategic planning policy. Relevant strategic policy includes 3.5.

Relevant Unitary Development Plan Policies:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D3, D4, D5, CS2, CS8, CS13, IMP1, IMP2, GMon, GH1, H2, H16, H18, H23, H26, H27, M11, M13 and M14.

Supplementary Planning Guidance:

Design Guidance Note No. 5 – Extensions to Houses.

Design Guidance Note No. 7 - Residential Conversions.

Supplementary Planning Document on Sustainable Design and Construction (June 2007).

Supplementary Planning Document on Contributions to Education (2008).

Supplementary Planning Document on Contributions to Library Services (2008).

Supplementary Planning Document on Contributions to Health and Social Care (2009).

Core Strategy (Submission Version) 2011:

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

Policy: CS5.

Relevant Core Strategy Policies:

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

The Council submitted its LDF Development Management Policies Submission Stage document in September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies:

DM01, DM02, DM08, DM17.

Relevant Planning History:

Site Address:	137 Hendon Way NW2
Application Number:	C00935
Application Type:	Full Application
Decision:	Approve with conditions
Decision Date:	26/05/1966
Appeal Decision:	No Appeal Decision Applies
Appeal Decision Date:	No Appeal Decision Date exists

Proposal: Rear extension to lounge and garage. 22' x 9' x 10' high.
Case Officer:

Site Address: 137 Hendon Way London NW2
Application Number: C00935A
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 30/08/1966
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Rear extension to lounge and garage.
Case Officer:

Site Address: 137 Hendon Way, London, NW2 2NA
Application Number: F/03304/11
Application Type: Section 192
Decision: Lawful Development
Decision Date: 14/02/2012
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey side extension with obscure glazing to side elevation. Conversion of garage into habitable room. Wrap around rear/side dormer window to extend existing loft conversion. Proposed ancillary outbuilding in rear garden. Porch.**
Case Officer: Neetal Rajput

Consultations and Views Expressed:

Neighbours Consulted: 31 Replies: 5
Neighbours Wishing To Speak 3

One letter of support which - did not want to sign the petition. The application site will be a very attractive property at the end of the building works and can only see that it will be used for letting purposes which is what London is all about.

There was also a petition received which had 25 signatures against the proposal.

The objections raised may be summarised as follows:

- Appears that 12 bathrooms are being assembled in the remaining part of the garden, plus 16 associated toilets.
- Effect on water facilities, sewage and drainage in the area with the construction of flats.
- Construction of 16 flats and necessary vehicles on Hendon Way.
- Parking issues.
- Carelessness could cause an accident with the increase footprint of vehicles.
- A lot of foxes in the garden.
- Residents homes in the area are being converted into language schools.
- With building regulations the gardens are constantly vanishing and No. 137 has been built right upto the adjoining house.
- If nothing is done, the application will set a precedent for the area.
- Hendon Way is already congested and we do not need more one family moving into one house.

- If there is going to be 3 families living in No 137 Hendon Way, there may be up to 6 cars in that one address.
- This will increase the risks of accidents as car comes in and out of the drive as Hendon Way is already a very busy arterial dual carriageway. Moreover, house number 137 and 139 share exit and drive in, this will caused even more congestion around the area that could lead to increase risks of accidents.
- The scale and development is of 137 is impacting in the surrounding area because the width of the house is the only one that is different to the other houses along this stretch of Hendon Way. This is because the side extension is the full width of the garage from the back of the house right up to the front door.
- The drive of 137 is already shortened because of the width extension of the house. This will cause more congestion which will extend to our side of the drive. This in turn will cause hustle which will lead to arguments amongst the neighbours.
- Houses along Hendon Way are all "one family" home. Increase families will lead to increase noise and disturbance to the existing noisy Hendon Way.
- This extension has also caused loss of light to us. This will have great impact on our health as we both suffer from "Seasonal Affective Disorder".
- This development is super imposing. It is overlooking into our garden and our privacy to enjoy our garden will be greatly affected.
- Given information that internal alteration has already started to make the 3 units into 12 units!
- The garden at the back has also been dug up and by the looks on the way it have been done, it seems that there is going to be at least 3 separate units that will be built. This will affect our privacy even more.
- There may be as many as 30 people living in what is suppose to be a "one family home". This can cause increase crime to the area and is totally unacceptable.
- Devious new owner with submitting plans for 'Lawful Development' – conversion is now 75% completed.
- The latest building is converting the three self contained units into 12 separate units in the house with another 4 self contained units in the garden.
- Increase of 30 people – noise and disturbance, anti social and inappropriate behaviour – common problem in houses which has multi-occupancy.
- Multi-occupancy – increase in flooding and risks of fire. Is there Health and Safety rules in place.
- Plan for 3 parking spaces is tight – public lamp post and entrance to the parking is getting narrow.
- Immediate neighbour does not want to use their car for three cars in and out.
- Scale and appearance of the outbuilding which uses three quarters of the garden should not be allowed even if it is for storage - will have 4 self contained units. Impact of neighbouring properties will be disastrous as there will be strangers walking about in the garden, overlooking the neighbours.
- Privacy of the gardens will be lost.
- By now we have had the time to read the information as it is provided in the booklet "Communities and Local Government - Permitted Development for Householders - Technical guidance. Pages 25 & 26. **THE BUILDING IS AN UNLAWFUL DEVELOPMENT.**
- For over 80 plus years all the houses on Hendon way were and still are mostly

one family Houses.

- The extension has already caused loss of light to immediate neighbours.
- By now that the works have been done for the extension of the building have made it to look so bulky and big and ugly.
- Passage from the main house to the garden flats is attached to neighbours fence – noise.
- Illegal extensions.
- An extractor hole which is for toilet ventilation – one feet away from children's room – how is this possible to be permitted.
- Copy of Part Wall Matter letter.
- Unacceptable development.
- Require an enforcement visit as the works are on a very advanced stage.
- Several self contained flats have been constructed at the back of the garden 'sheds with beds'
- Large wastepipe running from the main house to the shed – for toilets.
- Loss of privacy and noise.

Internal /Other Consultations:

- Traffic and Development (F&GG):

The proposal is for the conversion of an existing 4 bedroom house comprising of 1 x 1 bedroom unit and a 2 x 2 bedroom residential units. 3 existing parking spaces in the frontage of the property are being retained.

The access to the converted properties is via the existing access of Hendon Way.

The parking provision therefore meets the Parking Standards set out in the UDP 2006.

The applicant is advised that any amendments to the access would require approval from Transport for London as Hendon Way is part of Transport for London Road Network (TLRN) therefore TfL should be consulted.

Recommendation:

In principle the above proposal is acceptable on highways grounds subject to the comments above and the following condition and informative.

Date of Site Notice: 01 March 2012

The application was deferred from the May West Area Planning Sub-Committee to enable Members to conduct a site visit.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a residential semi-detached property on Hendon Way. The

site falls within the Golders Green ward and is outside any of the Borough's Conservation Areas. Hendon Way is part of a residential street where a number of properties have had alterations and there are a number of converted properties.

Proposal:

The application is for the conversion of the property into three self contained units and associated parking. **No extensions are proposed. All the works are internal**

Originally an outbuilding in the rear garden was shown on the proposed plans, the agent has confirmed that this is being demolished.

Planning Considerations:

It is not considered that the principle of converting the premises into three self contained flats would harm the residential character of the area. The application which provides additional residential accommodation accords with Council policy. Policy GH1 of the Adopted UDP (2006) as well as the SPD on Sustainable Design and Construction (2007) indicates that the Council will seek the provision of additional homes through the redevelopment of existing sites. There have been previous approvals along Hendon Way for the conversion of properties into three self contained flats, this includes No. 219 Hendon Way (F/03873/10 – 23/11/10) and No. 115 Hendon Way (C/00809/B/02 – 11/12/02) which were both granted consent for three flats. There are also existing conversions at 106, 108, 120, 138, 130, 135, 144, 145, 146, 156 and 162 Hendon Way

The highways department have deemed the proposal as acceptable, there will be the provision of three car parking spaces to the front of the property. On balance it is unlikely that the proposed conversion will have any additional detrimental impact on public highway. The proposal complies with the Council's maximum parking standards.

Design Guidance Note 7, relates to the adequate provision of internal space. It is considered that there is sufficient space to allow the occupants unrestricted movement within the premises. The flats exceed Barnet's minimum size of 30m² and the minimum space standards within The London Plan, policy 3.5.

In respect to the outdoor amenity space, there is access to the rear garden which is for private amenity space for all three flats which provides sufficient amenity space to comply with policy H18.

To ensure the sustainability of each unit an insulation of acoustic separation for the proposed new units will be required for the floors and party walls. The applicant has not submitted this information and it will therefore be enforced through an appropriate condition attached to this recommendation. A condition requires sound insulation systems in relation to impact and airborne noise to achieve a sound attenuation in line with the Building Regulation requirements for airborne sound and impact sound.

In accordance with the Councils Supplementary Planning Documents in relation to

Health, Education and Libraries, the proposed development would require a financial contribution (plus associated monitoring costs) towards health, educational places/library provision within the borough via the discharge of the condition attached to the decision. This matter is conditioned.

3. COMMENTS ON GROUNDS OF OBJECTIONS

It is considered that the planning related concerns raised on this application were not sufficient to constitute a reason for refusal and the objections have been covered in the above appraisal.

4. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions the proposal would be in accordance with the Council's policies and guidelines, are appropriately designed, would not prejudice highway safety or convenience and would not cause unacceptable harm to the amenities of the area or any neighbouring properties.

It is therefore recommended that the application be **APPROVED**.

SITE LOCATION PLAN: 137 Hendon Way, London, NW2 2NA

REFERENCE: F/00728/12



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