

**Location**                               **203 The Vale London NW11 8TN**

**Reference:**                           **17/5434/FUL**                               Received: 21st August 2017  
Accepted: 1st September 2017

Ward:                                       Childs Hill                                       Expiry 27th October 2017

Applicant:                               Mr Yashar Jamalfar

Proposal:                               Conversion of existing dwelling into 2no self-contained flats. Associated parking and refuse; retention of existing front porch; construction of new boundary wall to front area

**Recommendation:** Approve subject to s106

AND 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/obligations or reasons for refusal 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)

#### RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

#### RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Planning Performance and Business Development Manager/Head of Development Management approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Head of Development Management or Head of Strategic Planning:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 203/vale/17/2, 203/vale/17/a 1

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 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).

4 The materials to be used in the external surfaces of the front boundary wall shall match those used in the existing building.

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).

5 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 October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

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 The garden layout shall be carried out in accordance with approved plans and maintained permanently thereafter

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

### RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 18/03/18, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet the costs of amending the traffic order to prevent residents of the development from obtaining parking permits and in the absence of this would be harmful to highway and pedestrian safety. The proposal would therefore not address the impacts of the development, contrary to Policy CS9 and CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013) and policy DM17 of the Adopted Barnet Development Management Policies 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.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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

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

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

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

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

#### Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)

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

3 Refuse collection point should be located at a ground floor level and within 10m of the public highway. Levelled access should be provided for the refuse collection personnel to collect the bins.

4 East Barnet Road is a traffic sensitive road from Monday to Friday during 0800 hrs - 0930 hrs and 1630 hrs - 1800 hrs.

Therefore the applicant is advised that deliveries during the construction period should not take place between these hours. Careful consideration must also be given to the optimum route(s) for construction traffic and Development and Regulatory Services should be consulted in this

5 This tree stands on public highway land maintained by the Council. The grant of planning consent confers no rights for any work to be undertaken to the tree and you are advised to consult the Council's Trees & Woodlands Manager, Greenspaces and Streets on 020 8359 7838 prior to taking any further action.

## **Officer's Assessment**

The item has been deferred to the 18<sup>th</sup> January Committee Meeting from the previous meeting for a member of the Highways Team to attend.

### **1. Site Description**

The application site is a two storey semi-detached property situated on The Vale within the Childs Hill ward. The Vale comprises of mainly semi-detached dwelling houses, a number of which have been converted into flats. The site is not in a conservation area nor are there any listed buildings within the vicinity.

The proposal property benefits from a single storey rear extension and a roof extension involving front rooflights and side and rear dormers, found lawful under Ref 17/1471/192.

### **2. Site History**

Reference: 17/1471/192

Address: 203 The Vale London NW11 8TN

Decision: Lawful

Decision Date: 23.05.2017

Description: Single storey rear extension. Roof extension involving hip to gable, rear dormer window, 2no. rooflights to front elevation to facilitate a loft conversion.

Reference: 17/3813/FUL

Address: 203 The Vale London NW11 8TN

Decision: Withdrawn

Decision Date: 12.07.2017

Description: Conversion of existing single dwelling house into 3no self-contained flats. Associated parking and refuse

Reference: 17/1501/FUL

Address: 207 The Vale London NW11

Decision: Approve subject to conditions

Decision Date: 09.05.2017

Description: Conversion of single family dwelling into 2no self-contained flats. Associated refuse and recycling store, amenity space and cycle storage

Reference: F/01540/12

Address: 201 The Vale London NW11

Decision: Approve subject to conditions

Decision Date: 02.07.2012

Description: Conversion of existing dwelling house into 2no self-contained residential units following rear and side extensions to roof including dormer windows to facilitate a loft conversion. Part single, part two storey rear and side extensions. New front porch. Provision of off-street parking and hardstanding. This scheme has been implemented (VOA records)

Reference: 16/5093/FUL

Address: 85 The Vale London NW11

Decision: Approve subject to conditions

Decision Date: 12.10.2016

Description: Demolition of existing single storey rear projection and the front of the existing garage. Conversion of existing single family dwellinghouse into 3no. self-contained flats

including part single, part two storey side and rear extension and roof extension including rear dormer window and rooflights. Provision of 3no. off-street parking spaces, associated amenity space and refuse/recycling storage

### **3. Proposal**

Conversion of existing dwelling into 2no self-contained flats: associated parking and refuse: retention of existing front porch

Dimensions: No extensions are proposed to the property under this application. The size of each flat and associated garden amenity space are as follows:

Flat 1 (Ground floor 1b/2p): 57.0m<sup>2</sup> and 53m<sup>2</sup> garden amenity space

Flat 2 (First and second floor 2b/3p): 77m<sup>2</sup> and 34m<sup>2</sup> garden amenity space

Retention of front porch. This measures 1.1m deep x 2.1m wide x 2.6m high (3.8m to apex).

The layout of the front area has been revised to accommodate one vehicle.

### **4. Public Consultation**

Consultation letters were sent to 55 neighbouring properties.

5 No. responses have been received, comprising 5 letter of objection.

The objections received can be summarised as follows:

- Concern about the tree to the street
- Concern about parking arrangements
- Concern about the size of the existing front porch

Highways: No objection. Parking should be perpendicular to the street. The street tree means access for two vehicles would not be allowed.

Site Notice dated 07.09.2017.

### **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 July 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, CS5.

- Relevant Development Management Policies: DM01, DM02, DM08 and DM17.

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. DM08 seeks to ensure that development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough. DM17 will expect development to provide parking in accordance with the London Plan standards.

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2016)

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted April 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:

- The principal of flats in this location
- Amenity and living conditions of future occupiers
- 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.
- Parking and Highways
- Potential Impact on trees

## **5.3 Assessment of proposals**



### The principal of flats in this location

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

Within Chapter 2 of the Core Strategy, which is a material consideration in the determination of this application, the Council state the following:

"The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flatted accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate."

The conversion of a dwellinghouse into self-contained flats is acceptable within this vicinity. The examples under the history section show a number of recent approvals close to the subject site.

It is considered that the sub-division into flats and potential increase in people movements would not result in an unacceptable level of noise and disturbance for neighbouring occupiers.

### Amenity and living conditions of future occupiers

Floorspace standards:

Table 2.1 of the Sustainable Design and Construction SPD 2016: Minimum Residential Space Standards states the following:

\*1 bed 2 persons flat should provide 50m<sup>2</sup> of internal floor area.

\*2 bed 3 persons flat should provide 61m<sup>2</sup> of internal floor area.

The proposal would provide the following:

Ground floor flat - 1b/2p - 57m<sup>2</sup>

First floor flat -2b/3p - 77.5m<sup>2</sup>

This meets the minimum residential space standards set out in Table 2.1 of the adopted Sustainable Design and Construction SPD (2016) and policy 3.5 of the London Plan.

Stacking:

Policy DM04 of the Development Management Document (2012) part d. states that proposals will be refused if it leads to an unacceptable level of noise and disturbance unless the scheme can demonstrate any mitigation measures. The proposed layout and stacking is considered sufficient to prevent any unnecessary noise or disturbance.

Outlook, light and privacy:

All proposed habitable rooms would be provided with sufficient light, aspect and outlook to provide future occupiers with a reasonable standard of living as recommended in the Sustainable Design and Construction SPD (2016). Occupiers would benefit from an acceptable degree of privacy.

Private amenity space:

Table 2.3 of the Sustainable Design and Construction SPD 2016: Outdoor Amenity Space Requirements states the following: For flats, 5m<sup>2</sup> of space per habitable room.

The Ground floor flat would provide approximately 53sqm of outdoor private amenity space and the first floor flat 34sqm. These would exceed the requirements set out in Table 2.3 of the adopted Sustainable Design and Construction SPD (2016).

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

It is considered that the sub-division into flats and potential increase in people movements would not result in an unacceptable level of noise and disturbance for neighbouring occupiers. The number of habitable rooms over the site will remain the same, at 5no. Other than the porch no external changes are proposed.

#### Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

The external alterations are confined to the retention of the front porch. This measures 1.1m deep x 2.1m wide x 2.6m high (3.8m to apex). This is constructed of brick with a tile roof. The design is of a common standard. The approved porch at the adjacent property (201) is larger in width, and there are numerous examples both on the same side of the street and across the street. The porch is therefore not considered to be materially harmful to the appearance of the property or the wider streetscape. The front boundary wall will be rebuilt to approximately one metre high and will improve the street frontage.

#### Parking and Highways

There is a mature tree on the footway fronting the site and this prevents any meaningful alteration to the frontage and additional off street parking capacity. However, there is already one parking space available on site and subject to limits on the occupiers of the proposed conversion to purchase parking permits the conversion can be acceptable on highway grounds. This would also enable the front boundary wall to be partly rebuilt.

#### Potential Impact on Trees

The proposed development would not impact the health or quality of the trees on the site or neighbouring sites. Furthermore, there are no designated Tree Preservation Orders on site, or neighbouring the site. The parking arrangement will not affect the street tree if the existing driveway is used.

### **5.4 Response to Public Consultation**

The porch is not considered to be so inappropriate such as to warrant refusal on design grounds, and it will not affect neighbour amenity.

The street tree will remain and the boundary wall will be rebuilt to ensure the parking is channelled across the crossover.

### **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.

