

**Location**                      **35 Dollis Avenue London N3 1BY**

**Reference:**                      **17/4984/FUL**

Received: 1st August 2017

Accepted: 1st August 2017

Ward:                              Finchley Church End

Expiry 26th September 2017

Applicant:                      London Investment Estate Ltd

Proposal:                      Demolition of existing property and erection of a two storey building including lower ground floor level and rooms in roof space comprising of 4no. self-contained flats, with associated lightwells to front, amenity space, landscaping and boundary changes, refuse/recycling storage, cycle store, and provision of 4no. off-street parking spaces

**Recommendation:** Approve subject to conditions

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)

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

Existing Location & Block Plan 510 2b 001 C  
Existing Site Plan (1/2) 510 2b 002 B  
Existing Site Plan (2/2) 510 2b 003 B

Existing Lower Ground Floor 510 2b 010 B  
Existing Ground Floor 510 2b 011 B  
Existing First Floor 510 2b 012 B  
Existing Second Floor 510 2b 013 B  
Existing Sections 510 2b 020 B

Existing Elevations 510 2b 030 B  
Existing Elevations 510 2b 031 B  
Proposed Location & Block Plan 510 2b 100 C  
Proposed Site Plan (1/2) 510 2b 102 D  
Proposed Site Plan (2/2) 510 2b 103 E

Proposed Lower Ground Floor 510 2b 110 D  
Proposed Ground Floor 510 2b 111 D

Proposed First Floor 510 2b 112 E  
Proposed Second Floor 510 2b 113 F  
Proposed Roof Plan 510 2b 114 D

Proposed Section AA' 510 2b 200 C  
Site Section BB' 510 2b 210 D

Proposed Street Elevation 510 2b 300 D  
Proposed Front Elevation AA' 510 2b 310 B  
Proposed Rear Elevation BB' 510 2b 311 C  
Proposed Side Elevation CC' 510 2b 312 D  
Proposed Side Elevation DD' 510 2b 313 C

Email from agent dated 12 December 2017  
Design and Access and Planning Statement  
Daylight, sunlight and overshadowing assessment by XCO2 dated July 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 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

- 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 2016.

- 5
- a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.
  - b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
  - c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

- 6
- 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).

- 7
- 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).

- 8 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

- 9 Before the building hereby permitted is first occupied the ground floor and first floor windows in the side elevations facing No. 33 and No. 37 Dollis Avenue shall be glazed with obscure glass only and shall be permanently fixed shut or provided with only a fanlight opening and shall be permanently retained as such thereafter.

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 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).

- 11 Before the development hereby permitted is occupied the car parking spaces as shown on Drawing No. 510 2b 102 B shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the 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.

- 12 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and 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.

13 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- 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.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

14 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 15 The submission of details pursuant to conditions 5 and 14 shall be made simultaneously.

Reason: In order to enable the Local Planning Authority to assess these interrelated issues at the same time and ensure the proposed development would not be detrimental to the health and vitality of trees within the site in accordance with Policies DM01 and DM06 of the Development Management Policies DPD (September 2012).

#### **Informative(s):**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The 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://www.legislation.gov.uk)

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

- 3 If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.
- 4 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 5 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or 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. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway 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.
- 6 The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.
- 7 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 8 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.



- 9 Prior to commencement of any works affecting public highway the applicant shall consult the Highway Authority and enter into a Section 278 Agreement with the Highways Authority, for any works required on the public highways as a result of the proposal.
- 10 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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

## **Officer's Assessment**

### **1. Site Description**

The application site is a detached building on the south side of Dollis Avenue, in the ward of Finchley Church End.

It is not within a conservation area and is not a designated heritage asset.

The property has been converted into two flats. Although there is no planning history for this conversion, the Officer's delegated report for planning reference F/02129/13, dated 15 July 2013, acknowledges it is occupied as two flats. It is therefore considered lawful by virtue of time, in accordance with section 191 of the Town and Country Planning Act 1990.

### **2. Site History**

Reference: F/02129/13

Address: 35 Dollis Avenue, London, N3 1BY

Decision: Approved subject to conditions

Decision Date: 15 July 2013

Description: Roof extension including a side dormer window and 2no. rooflights to facilitate a loft conversion.

### **3. Proposal**

The application proposes the demolition of existing property and erection of a two storey building including lower ground floor level and rooms in roof space comprising of 4no. self-contained flats, with associated lightwells to front, amenity space, landscaping and boundary changes, refuse/recycling storage, cycle store, and the provision of 4no. off-street parking spaces.

The replacement building will be built upon the footprint of the existing building on site, and would be no wider than the building it replaces.

The proposed building would have a width of 12 metres. It would have a depth of 12.6 metres along the boundary of No. 37 Dollis Avenue, before extending a further 7.4 metres in depth, sited 6.9 metres from the boundary adjacent to No. 37 Dollis Avenue. It would result in an 'L' shape rear projection adjacent to the boundary of No. 33 Dollis Avenue.

The street elevation would feature a front gable with a maximum height of approximately 9.9 metres. To the front elevation the building would have an eaves height of 7 metres, increasing to a maximum ridge height of 10.9 metres.

Due to the topography of the land, the building would be three storeys to the rear. To the rear elevation it would have an eaves height of 9.1 metres and maximum height of approximately 12.8 metres.

The replacement building would be of contemporary design.

### **4. Public Consultation**

A site noticer was erected 10 August 2017.

Consultation letters were sent to 46 neighbouring properties.

Overall there was a total of 5 independent objectors, and therefore the application needs to be heard at committee.

The objections received can be summarised as follows:

- The development cause overlooking, loss of privacy and loss of daylight/sunlight to No. 37 Dollis Avenue and No. 39 Dollis Avenue.
- Object to loss of family home, against Policy DM01
- Concerns with inadequate parking provision and practicality of side access
- Harm to character and appearance
- Harm to neighbouring residential amenity during demolition and construction period
- Harm to neighbouring residential amenity in regards to increased disturbance from intensive occupation of site
- Unresolved issues with the covenants on the application site

Neighbours were re-consulted on revised plans on the 8 February 2018.

Further objections were received, which stated:

- Noise, disturbance, vehicles and mess associated with building works in the road, impact living conditions of neighbouring residents.
- If granted will lead to further infill (backland) development (precedent for the rear of the site)
- Loss of habitat and ecology
- Noise and light pollution from families moving into development
- Out of keeping with character and appearance of the street scene
- Impact on highways and parking

## **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, CS5, CS9, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, 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.

### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether harm would be caused to the living conditions of future residents,
- Whether harm would be caused to highways and parking

## **5.3 Assessment of proposals**

Principle of development and redevelopment of the site:

For areas such as the application site policies CS1 and CS3 of the Barnet Core Strategy expect new developments to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

Policy DM01 of Barnet's Development Management Documents DPS is also relevant as it states that in point h that 'Conversion of dwellings into flats in roads characterised by

houses will not normally be appropriate' and in point i 'Loss of houses in roads characterised by houses will not normally be appropriate.'

Although the property may have originally been built and occupied as a single family dwelling house, it is now occupied as two self-contained flats. Although there is no planning history for this conversion, the Officer's delegated report for planning reference F/02129/13, dated 15 July 2013, at the site acknowledges it is occupied as two flats. It is therefore considered lawful by virtue of time, in accordance with section 191 of the Town and Country Planning Act 1990.

Furthermore, the proposals would better utilise the site, which will contribute to the Borough's housing targets, in accordance with the NPPF (2012) which encourages the effective use of land by reusing land that has been previously developed, provided it is not of high environmental value (which in this case, it isn't).

The redevelopment of the site would therefore not result in the loss of single family dwelling house.

Furthermore, as acknowledged by the Planning Inspectorate in an appeal at a neighbouring site (31/33 Dollis Avenue, appeal reference APP/N5090/W/16/3155371, dated 13 April 2016): 'Whilst most of the houses appear to be in single family occupation, there are a number of purpose built apartment blocks which form part of the character and built fabric of the street.' A flatted development has since been approved by the local authority at the neighbouring site of 31/33 Dollis Avenue (LPA reference 17/0864/FUL, dated 24/04/2017).

As such, the road is characterised by a mixture of flats and dwellings and the redevelopment of the site into flats is therefore acceptable.

The application site has not been identified for any specific use in development plan planning policies, is previously developed land and is situated in an area characterised by residential housing. It is not a designated heritage asset. The land is located within walking distance of a number of bus stops and tube station, is close to local amenities and utilises existing access.

In such circumstances, Planning Officers find that there is nothing to specifically preclude the redevelopment of the site in the broadest sense, subject to the scheme proposed being compliant with the relevant development plan policies.

As such the principle of redevelopment of the site is deemed acceptable.

Impact on character and appearance:

The National Planning Policy Framework (published in 2012) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development.

Local Plan Policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The locality and wider area consists of low density residential development. Dollis Avenue is a well-established residential street characterised by semi-detached and detached properties on generous plots and spacing between buildings.

The proposed development is a two-storey development with additional accommodation within the pitched roof (served by dormer windows) and a lower ground level.

In terms of height, size, scale and massing it is considered that these proposed dwellings would not detrimentally harm the local character. The building would maintain adequate distancing from its neighbouring boundaries to retain the open and spacious character of the street. The building would maintain the front building line.

In terms of design and appearance, although the replacement building would be contemporary in design, it would take design cues of the property it replaces, and the neighbouring Edwardian properties. This includes pitched tiled roofs; use of roof dormers; front gable projection; and brick elevations. Such features are considered to respond positively to its context and are found to have an acceptable relationship with the neighbouring buildings and spaces.

Upon amendments, landscaping has been introduced along the border of the front basement light well to mitigate its impact on the character of the street scene. Grasscrete has also been introduced to the rear to avoid a substantial increase of hardstanding with the creation of additional parking spaces. This is deemed a suitable landscaping solution to provide parking.

Conditions have been recommended to ensure that the materials used in for the new building are of an appropriate quality. Conditions are also recommended to ensure that a suitable design and quality of materials are used for the areas of hard and soft landscaping around the new building and means of enclosing the site.

Subject to the conditions recommended, the proposal is found to be acceptable and compliant with development plan policies as they relate to design, character, appearance and landscaping matters.

#### Impact on amenity of neighbouring occupiers

Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users.

The proposed building would retain a distance of 3.4 metres from the property at No. 37 Dollis Avenue by way of the shared side access. The building would align with the rear wall of No. 37 Dollis Avenue, before projecting a depth of 6.2 metres at ground floor, which would set in a distance 5 metres from the flank wall. The first floor and second floor rear projection would project 5.2 metres at first floor, which would be set in 5 metres from the flank wall of the building. It is considered that by reason of these distances it is not considered the replacement building would detrimentally impact the outlook enjoyed by occupiers at No. 37, nor would it appear overbearing.

Furthermore, although not adopted planning guidance, plans submitted demonstrate the building would not impede on the line of 45 degree from the rear windows at No. 37.

The balconies at ground floor and first floor would be sited 7.8 metres from the boundary adjacent to No. 37. It is not considered, with adequate privacy screening secured through a condition, that these balconies would cause undue overlooking or loss of privacy to No.

37 or No. 39, located to the north of the site. The windows serving the communal stairway which face No. 37 will be obscured glazed, which can be secured through a condition. The dormer facing No. 37's in fact accommodates the lift overrun and would be clad in zinc (i.e. there would be no window). No overlooking or loss of privacy would therefore arise. It is not considered the roof light facing No. 37 would result in undue overlooking or loss of privacy by reason of its placement and angle.

The proposed building would be sited 1.4 metres from the boundary adjacent to No. 33 Dollis Avenue. It would be sited 3.5 metres from the flank (side) wall of the existing building at No. 33.

The ground floor of the proposed building would project 5.25 metres from the rear main wall of the existing building at No. 33. The first floor and second floor would project 4.23 metres. In addition it was observed on site that a lower ground and ground floor extension of 2.6 metres in depth (as measured on the Council's GIS system) has been built closest to the boundary adjacent to No. 35 Dollis. For these reasons, the depth at ground floor of the proposed building is deemed acceptable and would not detrimentally impact the outlook enjoyed by these occupiers. Furthermore, although not adopted planning guidance, plans submitted demonstrate the building would not impede on the line of 45 degree from the rear windows at No. 33.

The proposed balconies at ground and first floor would be set in 2.6 metres from the boundary adjacent to No. 33. It is considered with suitable privacy screening, secured through a condition, these balconies would not detrimentally impact the privacy of occupiers at No. 33.

All proposed windows in the side elevation at ground floor and first floor facing No. 33 are to be obscure glazed, secured through condition.

The applicant has submitted 'Daylight, Sunlight and Overshadowing Assessment' produced by XCO2 , dated July 2017. The report concludes that there would be no significant adverse impact on the daylight or sunlight received at neighbouring residential properties. Officers accept the findings of this assessment and conclude that the application is acceptable in terms of its impact on the daylight and sunlight received at neighbouring properties.

In conclusion, the proposed development is considered to be acceptable and compliant with the relevant development plan policies in regards to the amenities of neighbouring and surrounding occupiers.

#### Quality of accommodation for future occupants

Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings and outdoor amenity space.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new residential accommodation. The council also has adopted SPD's (entitled Sustainable Design and Construction and Residential Design Guidance) providing more detailed guidance on a range of matters related to creating new residential accommodation in addition to the Mayors adopted SPG's (entitled Housing).

#### Dwelling size:-

All proposed flats are 3 bedroom 6 person units. The units proposed would both have gross internal areas which exceed the requirements of the London Plan for a dwelling of that type. Floor to ceiling heights would also be acceptable.

#### Dwelling layout, outlook and light:-

##### Outlook and layout:-

Development plan policy requires that new dwellings are provided with adequate outlook. The design approach proposed maximizes the outlook of occupiers of the new dwellings, while also taking account of the need to prevent unacceptable levels of overlooking at neighbouring properties.

It is noted that Unit 1 is located at lower ground level. All habitable rooms would be served by light wells. The front light wells are orientated south-easterly would have a depth of 1.5 metres. By reason of the levels of the site, the rear habitable rooms would be served by open- sky aspects and receive adequate daylight and sunlight. This is also confirmed in the applicant's daylight and sunlight submission. It is considered all remaining units on ground floor and above would receive adequate outlook, daylight and sunlight.

##### External amenity space provision:-

Units 1, 2 and 3 would be served by private balconies and terraces. There would also be a private communal garden in excess of 230 sqm in space. This arrangement is considered acceptable.

##### Privacy:-

It is considered that subject to conditions, the development would preserve the privacy of future occupiers.

##### Conclusions on the amenities of future occupiers:-

For the reasons set out above the development, as controlled by the conditions recommended, is found to be compliant with development plan policy.

##### Highways and Parking:

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 (Travel impact and parking standards) of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

The existing site is located on Dollis Avenue N3. There are existing 2 residential units on site with provision of 2 parking spaces.

The site is located within a one hour Control Parking Zone operating from Monday to Friday 2pm to 3pm.



Public Transport Accessibility Level (PTAL) for the site is 2/3 which is considered as poor accessibility.

Taking into consideration the PTAL rating of the site as being 2/3, the parking provision would need to be between 4 and 6 parking spaces in accordance with the parking standards as set out in the Barnet Local plan, Development Management Policy DM17.

However, taking into consideration the following:

- o The site is located within a control parking zone;
- o The site is within a walking distance of town centre;
- o Site observation has indicated that there are parking spaces available on roads in the vicinity of the site to accommodate any potential overspill parking that may result from the proposed development.

Therefore parking provision of 4 parking spaces is in accordance with the parking standards as set out in the Barnet Local plan, Development Management Policy DM17. 8 cycle parking spaces are also provided.

In regards to access, existing access will be maintained and used from the shared driveway that exists on site. The access width to the rear parking spaces is approximately 4m which is considered acceptable. There is approximately 6m of manoeuvring space fronting the parking spaces which is in accordance with Manual for Streets recommendations, and is therefore acceptable.

For the above reasons the Highways department have deemed the application acceptable on highways ground.

The applicant advises that a dedicated cycle store for 8 cycles is proposed to the rear by the communal rear garden. A condition has been attached to secure details of this cycle parking and storage.

Refuse and recycling:

The applicant advises that refuse will be stored in a communal location to the front of the building in a secure dedicated storage area against the boundary wall with No. 33 Dollis Avenue. This will be largely screened from view by planting to the front of the property, but will remain easily accessible from the roadside for collections.

Notwithstanding the details on the plans submitted, a condition has been recommended to secure satisfactory refuse and recycling facilities are provided at the proposed development.

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

- The development cause overlooking, loss of privacy and loss of daylight/sunlight to No. 37 Dollis Avenue and No. 39 Dollis Avenue.

The proposed balconies at ground floor and first floor would be sited 7.8 metres from the boundary adjacent to No. 37. It is not considered, with adequate privacy screening secured through a condition, that these balconies would cause undue overlooking or loss of privacy to No. 37 or No. 39, which is located to the north of the site. The windows serving the communal stairway which face No. 37 will be obscured glazed, which can be secured through a condition. The dormer facing No. 37's in fact accommodates the lift

overrun and would be clad in zinc (i.e. there would be no window). No overlooking or loss of privacy would therefore arise. It is not considered the roof light facing No. 37 would result in undue overlooking or loss of privacy by reason of its placement and angle.

The applicant has submitted 'Daylight, Sunlight and Overshadowing Assessment' produced by XCO2, dated July 2017. The report concludes that there would be no significant adverse impact on the daylight or sunlight received at neighbouring residential properties. Officers accept the findings of this assessment and conclude that the application is acceptable in terms of its impact on the daylight and sunlight received at neighbouring properties.

- Object to loss of family home, against Policy DM01

As explained above in the main report, the existing property is lawfully used as two self-contained flats. The redevelopment of the site would therefore not result in the loss of single family dwelling house. The road is also characterised by a mixture of flats and dwellings and the redevelopment of the site into flats is therefore acceptable.

- Concerns with inadequate parking provision and practicality of side access

As assessed above, taking into consideration the PTAL rating of the site as being 2/3, the parking provision would need to be between 4 and 6 parking spaces in accordance with the parking standards as set out in the Barnet Local plan, Development Management Policy DM17. Taking into consideration that the site is located within a control parking zone; the site is within a walking distance of town centre; and site observation has indicated that there are parking spaces available on roads in the vicinity of the site to accommodate any potential overspill parking that may result, the provision of 4 off-street parking spaces is acceptable. The side access is in accordance with Manual for Streets recommendations.

- Harm to character and appearance

The development would be of contemporary design but would be in keeping with character of the street. The height, massing and bulk of the development is deemed acceptable. The development would respect the established front building line and would retain adequate gaps from its side boundaries.

- Harm to neighbouring residential amenity during demolition and construction period

A condition has been attached to secure details of a Demolition and Construction Management and Logistics Plan before development begins. A condition has also been attached setting working hours for construction.

- Harm to neighbouring residential amenity in regards to increased disturbance from intensive occupation of site

The existing site is occupied as two self-contained flats. The agent has advised in an email dated 12 December 2017 that Flat 1 has 5 bedrooms and Flat 2 has 7 bedrooms, totalling 12 bedrooms. The proposed development accommodates 4 self-contained flats, each benefitting from 3 bedrooms (totalling 12 bedrooms). Although occupancy levels of the existing flats are unconfirmed, it is not considered that on the basis of the number of bedrooms, the noise and disturbance of the proposed development would be significantly greater than the existing use, to justify a refusal in this particular instance.

It is also noted that under appeal reference APP/N5090/W/16/3155371 at the neighbouring site of 31-33 Dollis Avenue, the Inspector concluded (for a larger development of 9 flats) that there was no reason to believe that the development would result in unacceptable levels of noise and disturbance.

The rear of the site is already used for parking (as was observed on site) and therefore Officers would not object to the continued use of the side access and rear for parking of cars.

- Unresolved issues with the covenants on the application site

This is not a planning matter and would not constitute a reason for refusal.

- Noise, disturbance, vehicles and mess associated with building works in the road, impact living conditions of neighbouring residents.

Development works are going to result in a degree of disturbance, albeit temporary whilst the development is being built. A condition has been attached to secure details of a Demolition and Construction Management and Logistics Plan before development begins. A condition has also been attached setting working hours for construction.

- If granted will lead to further infill (backland) development

The application under consideration is concerned with the development fronting Dollis Avenue, and has been assessed on that basis. Any future applications for backland/tandem development will be assessed on its own merits.

- Loss of habitat

The site is not within a national 'protected area' (national park, AONB, SSSI, SAC, SPA, wetlands) or a local protected site. No evidence has been produced that there are protected species on site. Officers have visited the site and have concluded that there is little prospect of protected species existing on site, and thus being harmed by the development.

- Noise and light pollution from families moving into development

It is not considered that the new flats would produce a level of noise or light that impacts the neighbouring occupiers to an unacceptable level.

- Out of keeping with character and appearance of the street scene

This has been assessed in the main body of the report.

- Impact on highways and parking

This has been assessed in the main body of the report. The objector raises concern that only one car can pass at any one time and it is close to the junction of Church Crescent. The road of Dollis Avenue allows for two-way traffic. It is true that any car parking in the designated bays does mean cars have to give way for oncoming but Officers do not see this as a reason alone to refuse the proposed development. It is a reasonable distance from the junction with Church Crescent.

## **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. The proposal would provide additional housing, contributing to housing need in the Borough. This application is therefore recommended for approval.

