

Location **23 Grove Road London N12 9EB**

Reference: **18/0496/FUL**

Received: 23rd January 2018

Accepted: 24th January 2018

Ward: Woodhouse

Expiry 21st March 2018

Applicant: Mr Sorsky

Proposal: Conversion of single family dwelling house into 3 no. self-contained flats.
Two-storey rear extension and single storey side extension. 1no. side facing
dormer and 1no. rear facing dormer window. Associated changes to front
entrance steps, cycle/refuse storage and new hardstanding

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;
3. Cost of amending traffic order to prevent residents of the development from obtaining parking permits - £2,000
4. Monitoring of the Agreement - £100

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: 301 Rev A, 305 Rev A, 306 Rev A, 307 Rev A, 308 Rev B, 309 Rev B, 310 Rev C, 313 Rev B, 400, 402, 403, 404, 411 Rev A, Planning Statement

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) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 4 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).

- 5 The materials to be used in the external surfaces of the rear extension and side extension 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).

- 6 The roof of the side extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 7 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).

- 8 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.

- 9 a) Before the development hereby permitted is first occupied, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented 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) and the Sustainable Design and Construction SPD (adopted April 2013).

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

Reason

In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 26/05/18, 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. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

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.

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.

Relief or Exemption from CIL:

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

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

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

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

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

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

3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

4 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 4500.

5 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.

6 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and

variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs

and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Biosecurity, trees should not be imported directly from European suppliers and planted

straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."

Officer's Assessment

1. Site Description

The property is a semi-detached but double fronted late Victorian house. The adjoining property is a single bay house. However the two units form symmetry. The property is currently laid out as a single family dwelling house over two floors. The building is not listed nor is it in a conservation area. Grove Road is characterised by a mix of late Victorian, interwar and post-war properties and is all in residential use, either as single dwelling houses or flats.

2. Site History

Reference: 17/7285/FUL

Address: 23 Grove Road London N12

Decision: Withdrawn

Decision Date: 16.01.2018

Description: Conversion of single family dwelling house into 4 no. self-contained flats. Two-storey rear extension and part single, part two storey side extension following demolition of attached garage and existing rear extensions. Associated changes to front entrance steps, cycle/refuse storage and new hardstanding.

History at 21 Grove Road:

Reference: 16/5881/FUL

Address: First Floor Flat, 21 Grove Road London N12

Decision: Approved subject to conditions

Decision Date: 17.11.2016

Description: Roof extension involving rear and side dormer windows with juliette balcony, 3no. rooflights to front elevation to facilitate a loft conversion

Reference: 16/5881/FUL

Address: Ground Floor Flat, 21 Grove Road London N12

Decision: Approved subject to conditions

Decision Date: 17.11.2016

Description: Single storey rear extension and conservatory.

3. Proposal

The conversion of a single family dwelling house into 3 no. self-contained flats; The construction of a two-storey rear extension and single storey side extension; 1no. side facing dormer and 1no. rear facing dormer window. Associated changes to front entrance steps, cycle/refuse storage, sub division of rear garden and new hardstanding. The conversion is as follows;

One x one bedroom/2 person flat with an internal floor area of 50sqm,

One x two bedroom/3 person flat with an internal floor area of 70sqm

One x two bedroom/4 person flat with an internal floor area of 140sqm

4. Public Consultation

Consultation letters were sent to 72 neighbouring properties. A site notice was posted on 01.02.2018. Five responses have been received, comprising four letters of objection and one letter of comment.

The objections received can be summarised as follows:

- Objection if parking is on-street

- Loss of character of a Victorian house
- Loss of light to neighbours
- Loss of trees
- Still an overdevelopment

The representations received can be summarised as follows:

- Use better as flats than a single household

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.

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

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, CS10, CS11, CS15.
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the 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:

- The principle of the conversion to flats at this site
- 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 the scheme would provide an adequate standard of accommodation for future residents.
- Highway and parking matters

5.3 Assessment of proposals

The principle of the conversion to flats at this site

Policy DM01 states that: 'Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate. Loss of houses in roads characterised by houses will not normally be appropriate.'

Grove Road is entirely residential in land use. In terms of concentration of the flats in Grove Road, the majority are located toward the Woodhouse Road of the street. It is noted that 7, 16, 20, 21, 22, 24, 28, 50, 52, 58 and 68 have been converted. The subject property is double fronted and therefore slightly larger than smaller houses that have been converted to two flats each. The northern end of Grove road is more characterised by only houses, whereas the southern end is more mixed. The conversion to three flats is considered to be reasonable and appropriate.

Impact on the character of the area

The external alterations to the property are confined to the rear and the side. The existing modern garage to the side will be removed and the infill extension to the side will be set back 3.5 metres from the front edge of the property. This will be a positive visual benefit to both the house itself and the streetscape. The setback single storey side extension would be constructed to match the main property and has been amended to reduce the height to a modest 2.7 metres.

The rear infill at ground and first floor would be confined to the left hand side where the property abuts the deep flank wall of no.25. Subject to appropriate material and fenestration design, the work would not be harmful to either the property or the wider townscape. There is a full width rear extension to no.21 which will remain deeper than that proposed at no.23.

There is no objection to the side and rear dormer windows, and the new crown roof. Numerous roof extensions and conversions from hip to gable exist along Grove Road including nos.15, 11 and 9. The dormer windows sit within the roof slopes and are not

overly dominant in terms of scale and proportion. The rear dormer has been altered to reduce its overall width and bulk.

Whilst the extensions, in particular the two storey rear extension is wider than normally would be permitted, it would infill the area between the site and no.25 which has the benefit of a similarly sized extension. Therefore it is not considered that the impact of the extensions would be so harmful to warrant refusal.

The proposals are therefore considered acceptable and not harmful to the character and appearance of the property and the streetscape.

Impact on the amenities of neighbours

The enlargement of the property to the rear will not materially affect light, outlook or privacy for the neighbours at 21 and 25 Grove Road. The ground floor infill will align with the rear wall of no.25 and will remain one metre set back from the rear leading edge of no.21. The first floor will extend back to where it will align with the existing rear first floor extension flank wall of no.25.

The ground floor of no.21 is a two bedroom flat. The side extension to no.23 will reduce some light and outlook for the second bedroom but the extension is only single storey, and the second bedroom has a second window. The extension has been reduced substantially in height (from 4.0 metres to 2.7 metres) and the impact to neighbour amenity is now considered to be acceptable.

Whether the scheme would provide an adequate standard of accommodation for future residents

The London Plan and Barnet policy DM02 set out standards for internal and external amenity levels in new build residential schemes.

Internal Design Standards: The proposal will provide one x one bedroom/2 person flat with an internal floor area of 50sqm, one x two bedroom/3 person flat with an internal floor area of 70sqm and one x two bedroom/4 person flat of 140sqm respectively, and therefore accord with policy standards. The habitable room areas and dimensions also accord with policy standards.

Minimum Ceiling Height: The standards set a minimum ceiling height of 2.3 metres for at least 75% of the Gross Internal Area. The ceiling heights in this proposal are significantly higher in this proposal.

External Design Standards: Policy requirement for external private open space for a two bedroom flat with three habitable rooms for three persons is 15sqm and 20sqm for four persons or more. The proposal provides 174sqm for Flat A, 163sqm for Flat B and 270sqm for Flat and therefore both comply with the standard.

All residential units will have outlook to front and rear and will therefore be provided with natural through-ventilation. The units will have good outlook and aspect. Daylight and sunlight levels received by the three units will also be acceptable.

Garden and trees

The proposed development is contained within the curtilage of the current property therefore the impact of the structural proposals will not have a significant impact on trees nearby. However, there is a risk that construction activities may impact on trees, and

therefore a brief arboricultural method statement is required that determines the extent and scope of construction activities to be permitted within the garden.

The proposal to convert the property into three separate flats and the garden into different amenity spaces may impact on trees in the garden. With smaller amenity spaces available in the rear garden there is likely to be an increase in pressure on amenity trees within the gardens. To manage this increase in pressure on the visual tree amenity the applicant should provide a more detailed landscape plan.

At the front for the property a small amenity space has been provided and this is supported. Details of new planting of trees and shrubs should be provided.

Highway and parking matters

The application site lies within a controlled parking zone and has a Public Transport Accessibility Level (PTAL) rating of 3. This is an average rating and reflects the distance from underground and train stations but proximity to bus route and North Finchley Bus Station.

The present arrangement has a single garage and space for one off-street vehicle accessed over the existing crossover. The proposal would remove the garage but allow for two off street parking spaces. A conversion of this layout would require between two and three off street parking bays.

The applicant has agreed to enter a legal agreement to exclude residents of the proposed development from qualifying for parking permits. To implement the necessary change to the Traffic Order a contribution of £2,000 is to be required under S106 Agreement.

Cycle parking needs to be provided in accordance with the London Plan Cycle Parking Standards. The submitted plans show a sheltered stand for eight cycles. This would be secured by condition.

Refuse and recycling provision is identified on the plans and the allocation of two bins per flat is considered to be appropriate. This would be secured by condition.

5.4 Response to Public Consultation

The issues raised by local residents are covered in the evaluation.

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

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

