

**LOCATION:** 30 Sunny Gardens Road, London, NW4 1RX  
**REFERENCE:** H/00088/12 **Received:** 05 January 2012  
**Accepted:** 03 February 2012  
**WARD:** Hendon **Expiry:** 30 March 2012  
**Final Revisions:**

**APPLICANT:** Mr Mason  
**PROPOSAL:** Conversion of existing 3 flats into 5 two-bedroom flats by creating new basement. Three storey rear extension. Roof extension with a rear dormer window and a total of 9no. rooflights to facilitate a loft conversion. Provision of 5no. off-street parking. Landscaping and associated works.

**Approve Subject to S106  
Subject to a Section 106 Agreement**

**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 **Education Facilities (excl. libraries) £9,154.00**  
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £278.00**  
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £3,132.00**  
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £628.00**  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

**RECOMMENDATION II:**

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: H/00088/12 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and access statement, 2011/0555 existing plans and elevations, 2011/0555 basement and ground floor dated 24th May 2012, 2011/0555 first and second floors dated 18th Apr 2012 and 2011/0555 block plan dated 28th May 2012.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 This development must be begun within three years from the date of this permission.  
Reason:  
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).  
Reason:  
To safeguard the visual amenities of the building and the surrounding area.
- 4 The roof of the 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.
- 5 Before the development hereby permitted commences, 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 and shall be provided at the site in accordance with the approved details before the development is occupied.  
Reason:  
To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.
- 6 Before the development hereby permitted is occupied the parking spaces/garages shown on Plan 2011/0555 first and second floors dated 18th Apr 2012 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.  
Reason:  
To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area.
- 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 on other days.  
Reason:  
To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.
- 8 Prior to the occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).  
Reason:  
To protect the amenities of future and neighbouring residential occupiers.

**INFORMATIVE(S):**

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
  - i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted

Barnet Unitary Development Plan (2006).  
In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEEnv1, GBEEnv2, D1, D2, D3, D6, CS2, CS8, CS13, IMP1, IMP2, GMon, GH1, H16, H18, H23, H26, H27, M14

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

Supplementary Planning Document on Contributions to Education (2008).

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

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

Design Guidance Note 7 - Residential Conversions.

Core Strategy (Examination in Public version) 2012: CS4 and CS5

Development Management Policies (Examination in Public version)2012: DM01 and DM08

ii) The proposal is acceptable for the following reason(s): -The proposed development would have an acceptable impact on the amenities of the neighbouring occupiers and the character of the area. It complies with all relevant council policy and design guidance.

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

3 Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The Council of the London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended. Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from:

<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf>

or requested from the Street Naming and Numbering Team via email:

[street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning: 0208 359 7294.

4 The applicant is advised that on refuse collection day bins should be taken within 10m of the collection point.

### **RECOMMENDATION III**

That if an agreement has not been completed by 12/9/2012, that unless otherwise agreed in writing, the Acting Assistant Director of Planning and Development should REFUSE the application H/00088/12 under delegated powers for the following reason:

The development does not include a former undertaking to provide financial contributions towards the additional pressure created by the development that will be

placed on existing library, education, health facilities or necessary improvements to the local bus stop facility. Further, it does not include details of how the monitoring of the undertaking will be met. All the above are necessary for the proposal to be acceptable, therefore it is contrary to policies CS2, CS8, CS13, IMP1 and IMP2 of the Adopted Barnet Unitary Development Plan and the Barnet Supplementary Planning Documents: Contributions to Library Services from Development (Feb 2008), Contributions to Education from Development (Feb 2008), Contributions to Health Facilities from Development (July 2009) and Planning Obligations (Sept 2006).

## **1. MATERIAL CONSIDERATIONS**

**The application was deferred from the June meeting of the Sub-Committee in order for Members to undertake a site visit.**

### Relevant Unitary Development Plan Policies:

GBEnv1, GBEnv2, D1, D2, D3, D6, CS2, CS8, CS13, IMP1, IMP2, GMon, GH1, H16, H18, H23, H26, H27, M14

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

Supplementary Planning Document on Contributions to Education (2008).

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

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

Design Guidance Note 7 - Residential Conversions.

### Core Strategy (Examination in Public version) 2012

### Development Management Policies (Examination in Public version) 2012

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

### Relevant Core Strategy Policies: CS4 and CS5

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

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in

the determination of planning applications.

Relevant Development Management Policies: DM01 and DM08

History

None

Consultations and Views Expressed:

Neighbours Consulted: 66                      Replies: 4  
Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

- population density too great
- loss of on street parking
- loss of light
- extensions out of character

Internal /Other Consultations:

Date of Site Notice: 16 February 2012

**2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site is a semi detached property.

The lawful use of the property is 3 self contained flats.

The current use of the property is 8 flats and there is an open enforcement case regarding the matter.

To the north of the site lies number 32 which is used as 4 flats and to the south lies number 28 which was granted planning permission in 2010 for 5 flats.

Proposal:

The applicant requests permission for ground and first floor rear extensions, a new basement and a rear dormer window in conjunction with the change of use of the property into 5 x 2 bed flats.

The ground floor rear extension, as amended, would be 5m deep, in line with an existing rear projection.

The first floor rear extension, as amended, would be 4m deep with a subordinate hipped roof.

The rear dormer window, as amended, would be 2m deep and 3m wide.

The proposed basement would include a patio area at the rear to serve as amenity space for the basement flats, protected by 1m high railings at ground level.

All flats would have 2 bedrooms

There would be shared amenity space in the rear garden.

There would be 2 parking spaces to the rear and 2 parking spaces on the front section.

The bin storage would be located to the rear.

### Planning Considerations:

#### **Principle of flats**

Given the character of the road and the fact that the 2 adjacent properties have been converted into flats, it is considered that the use of the property as self contained flats is acceptable in principle.

#### **Impact on the amenities of the neighbouring occupiers**

There is a gap of 6m between the subject property and the adjacent property at number 28. Number 28 also has a 2 storey rear extension and as such there would be no undue impacts on the amenities of the occupiers of this property as a result of the extensions.

In terms of the impact on the adjoining occupiers at number 32, the extensions have been reduced in depth so that the ground floor extension is now no deeper than an existing rear projection. The proposed first floor extension is sited at the other side of the property and as such the extensions would cause no undue impacts on the amenities of these occupiers.

Given that nearby properties have similar intensities of use; there would be no undue noise and disturbance as a result of the proposal.

#### **Appearance of the extensions**

The rear extensions, as amended, would be subordinate in size and design and in keeping with the appearance of the property. The dormer window has also been reduced in size and now complies with design guidance.

#### **Flat details**

The flats are appropriately stacked and meet London Plan space standards.

The number of parking spaces complies with council standards and as such there

would be no significant impact on the amount of on street parking available. Many nearby properties use the rear garden for parking, including the adjacent property at number 28. Given that there are no residential properties to the rear, there would be no undue noise and disturbance caused by the proposed parking arrangement.

The amount of amenity space is sufficient to meet the needs of the development

### **The existing use**

The applicant is reminded that the existing use of the property as 8 flats does not have planning permission. An informative on the decision notice explains that this permission should be implemented within 3 months or the use of the property reverted to its lawful use, otherwise an enforcement notice will be served.

### **Financial contributions**

Planning obligations are required to meet the needs of the development. These are as follows and would be secured via a unilateral undertaking:

Education: £9,154

Libraries: £278

Health: £3,132

Monitoring: £628

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Addressed above.

### **4. EQUALITIES AND DIVERSITY ISSUES**

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

### **5. CONCLUSION**

The proposed development complies with council policy and design guidance.

**Approval** is recommended.

**SITE LOCATION PLAN: 30 Sunny Gardens Road, London, NW4 1RX**

**REFERENCE: H/00088/12**



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2012. All rights reserved. Ordnance Survey Licence number LA100017674.