

**LOCATION:** 5 Woodside Lane, London, N12 8RB

**REFERENCE:** F/00784/12

**Received:** 28 February 2012

**Accepted:** 13 March 2012

**WARD(S):** Woodhouse

**Expiry:** 08 May 2012

**Final Revisions:**

**APPLICANT:** Mr Bielous

**PROPOSAL:** Formation of a single storey rear extension and conversion of an existing one bedroom flat and two bedroom flat into one 2 bedroom flat on ground floor, and one 1 bedroom flat and a studio flat on the upper floors.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 082/WOO/JAN12 Rev A; 082A/WOO/JAN12 Rev A; 082B/WOO/JAN12 Rev A; 082C/WOO/JAN12 Rev A; 082D/WOO/JAN12 Rev A; 082E/WOO/JAN12 Rev A; 082F/WOO/JAN12 Rev A; 082G/WOO/JAN12 Rev A.

Reason:

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

- 3 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.

- 4 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.

- 5 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.

6 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.

7 The layout of the flats and gardens shall be carried out in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To preserve the amenities of future occupiers of the property.

8 No development shall take place until details of the arrangements to meet the obligation for education, health and library facilities and the associated monitoring costs have been submitted to and approved in writing by the local planning authority.

Reason:

To ensure the proper planning of the area and to comply with policies CS2, CS8, CS13, IMP1 and IMP2 of the adopted Unitary Development Plan and the adopted Supplementary Planning Documents "Contributions to Education", "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations".

9 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.

#### **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:

National Policy: National Planning Policy Framework

London Plan (2011): 3.4, 3.5A, 3.5B, 7.4A

Adopted Barnet Unitary Development Plan (2006):

GSD, GParking, GCS1, GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, D9, D11, M8, M10, M11, M12, H16, H17, H18, H23, CS2, CS8, CS13, IMP1, IMP2.

Local Development Framework:

Core Strategy (Examination in Public version) 2012 – CS NPPF, CS1, CS4, CS5, CS9, CS10, CS13, CS15.

Development Management Policies (Examination in Public version) 2012 – DM01, DM02, DM13, DM17.

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

Having taken all material considerations into account, it is considered that the proposed development as amended would be in keeping with the character and appearance of the surrounding area. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring developments and would provide good quality residential accommodation which is at short supply.

The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

2. The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £\_\_\_\_\_.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development 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 will be sent a 'Liability Notice' that will provide 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, this is also available from the Planning Portal website.

The Community Infrastructure Levy 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 statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk)

- 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.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework:

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 London Plan is recognised in the NPPF as part of the development plan.

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."

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

### The Mayor's London Plan July 2011:

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

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.

Policy 3.4 of the London Plan states that development should optimise housing output for different types of location taking into account local context and character, the design principles set out in Chapter 7 of the London Plan and public transport capacity.

Policy 3.5A states that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment taking account of strategic policies to protect and enhance London's residential environment and attractiveness as a place to live.

Policy 3.5B indicates that the design of all new housing developments should enhance the quality of local places taking into account, amongst other things, physical context, local character and density. Table 3.3 sets out minimum space standards for new dwellings.

Policy 7.4A states that, development should have regard to the form, function, and structure of an area, place or street, and the scale, mass and orientation of surrounding buildings. The policy goes on to say at 7.4B that buildings should provide a high quality design response that, amongst other things, is informed by the surrounding historic environment.

The Mayor for London has introduced a Community Infrastructure Levy. This applied from 1 April 2012 to most developments in London where the application is determined by the Local Planning Authority.

Within Barnet the levy will be charged at a rate of £35 per square metre of net additional floorspace.

#### Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

Relevant policies: GSD, GParking, GCS1, GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, D9, D11, M8, M10, M11, M12, H16, H17, H18, H23, CS2, CS8, CS13, IMP1, IMP2.

In June 2005 the Council published its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the Borough. The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities. The second strand of the approach, "Enhancement", provides strong planning policy protection for preserving the character and openness of lower density suburbs and conservation areas. The Three Strands Approach will form the "spatial vision" that will underpin the Local Development Framework.

As part of its emerging Local Development Framework the Council has adopted (October 2006), following consultation, a Supplementary Planning Document relating to Planning Obligations. This highlights the legislation and Barnet's approach in requiring contributions from new development.

On 21 February 2008, following public consultation, a Supplementary Planning Document "Contributions to Education" was adopted by the Council. The SPD, provides guidance and advice in relation to adopted planning policy to secure

contributions towards education needs generated by new residential development. The contributions were increased on 1 August 2009.

On 21 February 2008 the Council also adopted following public consultation, a Supplementary Planning Document "Contributions to Library Services". The SPD covers the issues relating to the provision by the London Borough of Barnet of library and related cultural/learning facilities and the role of S106 planning obligations in achieving this. The SPD sets out the contributions that will have to be provided by developers for each proposed new unit of residential accommodation.

On 6 July 2009, following public consultation, the Council adopted a Supplementary Planning Document "Contributions to Health Facilities from Development". The SPD provides detailed guidance that supplements policies in the UDP and sets out the Council's approach to securing contributions for health facilities in order to address additional needs from new development.

The Council has also adopted (June 2007), following public consultation, an SPD "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the UDP, and sets out how sustainable development will be delivered in Barnet. Part 4 recognises that noise can be a significant nuisance, and can undermine quality of life. In order to meet standards for internal noise appropriate levels of insulation will be required. Paragraph 4.16 indicates that the Council requires the acoustic performance of party walls and floors between dwellings to be designed to exceed the minimum requirements set out in Part E of the Building Regulations. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

#### Core Strategy (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.

The Core Strategy sets the vision, core objectives and strategic policies for Barnet. 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: CS NPPF, CS1, CS4, CS5, CS9, CS10, CS13, CS15.

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, DM02, DM13, DM17.

## Relevant Planning History:

### **Enforcement Notices**

Reference Name

Description                    **Enforcement Notice dated 23.10.92 served under Section 171A(1)(a) of the Town & Country Planning Act 1990. (The installation of a satellite dish antenna on the roof of the premises)**

## Consultations and Views Expressed:

Neighbours Consulted:                    97                    Replies: 7  
Neighbours Wishing To Speak                    1

The objections raised may be summarised as follows:

- Owner being greedy and not “Putting the Community First” as per Barnet’s motto
- Application property is already out of keeping with other properties
- Proposals set an unwelcome precedent
- Concerns about loss of light
- Impact on congestion, parking and traffic
- Concerns about additional generation of rubbish, noise, sewerage and waste
- Loss of privacy
- Need for more family homes not single occupancy flats
- Proposals would ruin street appearance

Date of Site Notice: 22 March 2012

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site is a traditional terrace property with a two storey rear projection as a result of its ‘L’ shaped footprint located within the Woodhouse Ward.

The surrounding area is characterised by residential single family dwellings and converted dwellings with the majority of properties of a similar architectural style.

### Proposal:

The proposal relates to the formation of a single storey rear extension and conversion of an existing one bedroom flat and two bedroom flat into one 2 bedroom flat on ground floor, and one 1 bedroom flat and a studio flat on the upper floors.

The proposed units will be:

- Unit A is a 2 bed unit in which the gross area is 71 sqm;
- Unit B is a 1 bed unit in which the gross area is 55 sqm;
- Unit C is a studio unit in which the gross area is 39 sqm.

### Planning Considerations:

The immediate surroundings are characterised by houses converted into residential units as well as properties in single family occupancy. The proposal would result in the re-use of a brownfield site and as such a flattened development is considered

acceptable in this location. The proposed density is in line with policy H21. Surrounding sites have or are being re-developed for similar densities.

The immediate surroundings are characterised a mix of houses in single family occupancy and dwellings converted into flats.

The main issues are considered to be:

1. Whether harm would be caused to the character and appearance of the area and street scene;
2. The living conditions of future residents having regard to the provision of amenity space;
3. Parking, Access and Vehicle Movements;
4. Whether the proposal would result in the community incurring extra educational costs that should be met by the developer;
5. Whether the proposal would increase pressures on the services provided by libraries incurring additional costs that should be met by the developer;
6. Whether the proposal would increase the demand for health care facilities incurring extra costs that should be met by the developer.

### Character and appearance

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

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

Different types of tenure do not necessarily make bad neighbours and it is considered that, as conditioned, and the location of this proposal on Woodside Lane would have an acceptable impact on the amenity of neighbouring occupiers.

The Council recognises that flatted developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land.

The existing property is not considered to be of particular architectural merit to warrant its retention in its current form. It is considered that the proposed ground floor extensions have been designed to reflect the principle set out within the Design Guidance Note No 5 – Extensions to Houses. The proposed rear extension is acceptable.

As such the proposal would not cause any significant harm to the street scene. In that respect, it would not conflict with relevant saved policies of the Barnet Unitary



Development Plan (UDP). It would comply with policy GBEnv1, which seeks to protect and enhance the quality and character of the built environment, and with the aims of UDP policies GBEnv2 and D1 with respect to high quality design. In the terms of UDP policy D2, local character would be preserved, and the appearance, scale, bulk, height and pattern of surrounding buildings, and the overall character and quality of the area, would be respected. The proposal would harmonise with and respect the character of the area, as required by UDP policy.

### The living conditions of neighbouring residents

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours' amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Unitary Development Plan Policies D5 and H16 seek, amongst other things, to ensure adequate outlook for occupiers adjoining new development, and that new residential developments should provide and preserve adequate residential amenity, however the policies, and the preamble in the preceding paragraphs, do not offer any guidance for assessment. It is therefore necessary for a judgement to be made by the decision maker with regard to this issue in each case.

Having regard to individual aspect of the scheme, the Local Planning Authority contended that the proposal would not form an unacceptable sense of enclosure as perceived from the ground floor window and garden of no. 6.

The overall proposed extension would comply with Council Policies that seek to preserve the amenities of neighbouring occupiers. The design, size and rearward projections of the proposed extension is such that it would not have an adverse impact on the residential and visual amenities of the neighbouring occupiers. The proposed extension in terms of its depth would not result in an unacceptable loss of sunlight and natural currently experienced on site.

### The living conditions of future residents

All proposed units would provide adequate internal space and therefore comply with policies H16 of the Adopted UDP (2006) as well as the Policy 3.5 (table 3.3) of the London Plan July 2011. The stacking of flats/rooms is generally acceptable.

The proposed development also provides sufficient amounts of usable outdoor space for the enjoyment of future occupiers. The current scheme proposes both private and communal garden to the rear.

Whilst it is only the ground floor flat that is provided with direct access to amenity space, the property is located close to public open spaces such as Swan Lane Open Space and North Middlesex Golf Course. This is considered to be acceptable.

Policy H26 states that proposals for flatted developments must include suitably enclosed storage areas at the rear of the property. If it is not practical, storage areas at the front or side of the property should be adequately screened so as not to become a dominant feature, and to avoid loss of amenity.

The applicant hasn't shown where the proposed refuse facilities will be located or

how the refuse is to be kept; a condition for Refuse details will be attached to the permission.

#### Parking, Access and Vehicle Movements:

This proposal is considered to comply with the Highway Standards.

#### The Community Infrastructure Levy Regulations 2010:

The contributions listed in the above recommendation are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

Government Circular 05/05 and the Council's adopted SPD for section 106 related planning obligations is applicable for this site in respect of the following areas:

The education, library services, health facilities & monitoring fee of 5% contributions have been adjusted following the previously approved application which was secured by Section 106 Agreement.

UDP Policy CS2 indicates that the Council will seek to enter into planning obligations in conjunction with new developments to secure the provision of community and religious facilities. Policy CS8 states that where a residential development creates a need for school places contributions will be secured for such purposes via planning obligations. Policy CS13 states that the Council will seek to enter into planning obligations in conjunction with new residential developments to secure the provision of health and social care facilities.

The purpose of planning obligations is to make acceptable development which would otherwise be unacceptable in planning terms. Circular 05/2005 supports the use of planning obligations to secure contributions towards community infrastructure to mitigate the impacts of new development, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

Para. B5 of the Circular sets out five policy tests that must be met by the LPA when seeking planning obligations. In addition, Regulation 122 of the Community Infrastructure Levy Regulations, which came into force on 6 April 2010, makes it unlawful for a planning obligation to be taken into account in determining a planning application if it does not meet the three tests set out in Regulation 122. These statutory tests are based upon three of the five policy tests in Circular 5/2005 at paragraph B5 (tests (ii), (iii) and (iv).

The recovery of costs for the monitoring of planning obligations is set out in Section 8 (para's 8.3 & 8.4) of the Planning Obligations SPD.

#### Education needs generated by the development

Circular 05/2005 supports the use of planning obligations to secure contributions towards educational facilities, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

The proposal would provide an additional residential unit that it is considered would generate an increased demand for educational facilities in the area. The calculation of additional demand (SPD para's 4.6-4.14), existing facilities and capacity (SPD para's 5.5-5.12), method of calculating the required contribution (SPD para's 3.1-3.15 and 4.1-4.5), and use of the contributions (SPD para's 5.13-5.14) are set out in the Council's SPD "Contributions to Education" adopted in 2008.

However, although it seems that a blanket requirement on all new residential development is usually imposed, in this case, because of the nature of the proposal, the Supplementary Planning Document "Contributions to Education" doesn't require an education contribution. It is therefore concluded that the requirement for education contributions in this case would not accord with the advice given in Circular 5/2005: Planning Obligations as there is no identified need related to the development.

#### Contributions to library services

The increase in population resulting from development is expected to place serious pressures on libraries, which are already required to meet all the needs of Barnet's diverse community. Developer contributions are therefore necessary to ensure service provision mitigates the impact of their development activity.

The adopted SPD "Contributions to Library Services" sets out the Council's expectations for developers contributions to the provision and delivery of a comprehensive and efficient library service, with the aim of opening up the world of learning to the whole community using all media to support peoples educational, cultural and information needs. The SPD provides the calculation of additional demand (para's 4.10-4.12), existing facilities and capacity (para's 1.1-1.4 & 2.5), method of calculation (para's 2.4 & 3.1-3.11), and use of funds (para's 5.1-5.7).

It is considered that a financial contribution towards library services is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this. To accord with UDP Policy CS2 and the SPD the proposed scheme would require a contribution of £139 plus a monitoring fee of 5%.

#### Contributions to Health facilities

The proposal would provide an additional residential unit that it is considered would generate an increased demand for health facilities in the area. The calculation of additional demand / method of calculating the required contribution (SPD para's 6.1-6.4), existing facilities and capacity (SPD para's 5.7-5.18), and use of the contributions (SPD para's 8.1-8.4) are set out in the Council's SPD "Contributions to Health" adopted in July 2009.

It is considered that a financial contribution towards future health care facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this. To accord with UDP Policy CS13 and the SPD the proposed scheme would require a contribution of £802 and a monitoring fee of 5%.

The library services and health facilities contributions and a monitoring fee of 5% should be secured by condition.

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

Many of the planning matters are considered to have been covered in the above appraisal.

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

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

### **5. CONCLUSION**

When the Local Planning Authority approve planning applications there may be cases where there is some element of a loss of light to neighbouring properties. It is for the Local Planning Authority to determine whether the loss of light that could occur would be sufficient a reason to refuse the application.

The Local Planning Authority have considered this current scheme to have an acceptable impact on neighbours occupiers.

Having taken all material considerations into account, it is considered that the proposed development as amended would be in keeping with the character and appearance of the surrounding area. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring developments and would provided good quality residential accommodation which is at sort supply. It is recommended that the application be **APPROVED** subject to conditions.

The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

**SITE LOCATION PLAN: 5 Woodside Lane, London, N12 8RB**

**REFERENCE: F/00784/12**



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