

Location Tudor Court 2 Crewys Road London NW2 2AA

Reference: 17/3921/FUL Received: 20th June 2017
Accepted: 18th July 2017

Ward: Childs Hill Expiry 12th September 2017

Applicant: Mr Jack Frankel

Proposal: Extension to roof including new mansard roof to create 3no. Self-contained residential units. New bin store to ground floor level and alterations to parking layout (RETROSPECTIVE)

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. A contribution of £2,000 (index linked) to cover the costs of making an amendment the existing Traffic Management Order to prevent the future occupiers of the development from being able to obtain parking permits for the Controlled Parking Zone.
4. Monitoring of the Agreement £100.00
Contribution towards the Council's costs in monitoring the obligations of the agreement.

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:

-Site Location Plan

-Drawings: EWG_001-02A, EWG_001-03A, EWG_001-04A, EWG_001-05A, EWG_001-06A, EWG_001-07A, EWG_001-08A, EWG_001-13E, EWG_001-14C, EWG_001-15D, EWG_001-19B, EWG_001-22B, EWG_001-23C, EWG_001-30A, EWG_001-31A and EWG_001-38C.

-List of materials to be used in the external surfaces of the building(s) as per Schedule of Proposed Building Materials produced by Icon Building Consultancy

-Photographs

-Planning Statement

-Water Efficiency Calculator Document

-Construction Management Plan

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 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).

3 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 in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

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 2016).

5 Prior to the first occupation of the units, details of the proposed method of screening and guard rail to the walkway at fourth floor level must be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details before the development is occupied.

Reason

To ensure that the proposed development is not detrimental to the amenities of occupiers of neighbouring residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

6 Prior to the first occupation of the new dwelling(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

7 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2016) and the 2016 Mayors Housing SPG.

8 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.

9 Prior to occupation of the proposed flats all balustrades shall be constructed in accordance to the approved drawings as shown on drawing no. EWG_001-13E and shall remain as such permanently thereafter.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

RECOMMENDATION III:

0 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 20/09/2018, unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

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. Your planning application has been assessed at this time as liable for a payment under Mayoral CIL.

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. Your planning application has therefore been assessed at this time as liable for a payment under Barnet CIL.

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 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.

Officer's Assessment

The application was deferred from the June meeting of the Committee so that Members could undertake a site visit.

1. Site Description

The site property is Tudor Court; a five storey detached building containing 24 flats which include 3No. flats being assessed under the current application at roof level. The proposal property is located on the corner of Cricklewood Lane and Finchley Road and occupies a moderately prominent position in the street scene of both roads due to its height and changes in level in the surrounding area.

The property is not listed and does not lie within a conservation area.

2. Site History

Reference: 17/7387/FUL

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved subject to conditions

Decision Date: 27 April 2018

Description: Two storey extension to South, West and North elevations to provide 6no self-contained studio flats with extensions to two existing flats at second and third floor levels. Erection of an enclosed stair well, cycle store and alterations to existing refuse and recycling storage.

Reference: 17/7288/CON

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved

Decision Date: 28 December 2017

Description: Submission of details of conditions 3 (Refuse) pursuant to appeal decision APP/N5090/W/14/3001725 dated 06/05/15 (planning ref. F/03198/14).

Reference: 17/6966/CON

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved

Decision Date: 14 December 2017

Description: Submission of details of condition 8 (Construction Method statement) pursuant to appeal decision APP/N5090/W/14/3001725 dated 06/05/15 (planning ref. F/03198/14).

Reference: 17/5417/CON

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved

Decision Date: 04 October 2017

Description: Submission of details of conditions 6 (Air Quality) pursuant to appeal decision APP/N5090/W/14/3001725 dated 06/05/15 (planning ref. F/03198/14).

Reference: 17/5139/S73

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved subject to conditions

Decision Date: 04 October 2017

Description: Variation to condition 7 pursuant to appeal decision APP/N5090/W/14/3001725 dated 06/05/2015 for "Two-storey side extension to provide 6 self-contained flats". Variations include Code for Sustainable Homes Technical Guide (October 2008) to be replaced with two new conditions relating to water efficiency and carbon dioxide emissions.

Reference: 17/4294/CON

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Split Decision

Decision Date: 14 August 2017

Description: Submission of details of conditions 3 (Refuse), 5, (Measures Taken - External Noise) 7 (Environmental Standard - Residential) , 8 (Construction Method Statement) and 9 (Details - Screening and Guard Rails to Walkways) pursuant to appeal decision APP/N5090/W/14/3001725 dated 06/05/15 (planning ref. F/03198/14).

Reference: 17/2155/NMA

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved subject to conditions

Decision Date: 27 April 2017

Description: Non material amendment to planning permission F/04046/12 dated 10/06/13 for `Extension to roof including new mansard roof to create 3no. self contained residential units. New cycle store to ground level.` Amendment to include removal of condition 8 (Code For Sustainable Housing).

Reference: 16/0639/FUL

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Allowed on Appeal

Decision Date: 30 June 2016

Description: Mansard roof extension to form 1no self-contained flat

Reference: 15/06962/FUL

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Refused

Decision Date: 15 January 2016

Description: Mansard roof extension to form 1no self-contained flat

Reference: F/03198/14

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Refused

Appeal status: Allowed

Decision Date: 15 August 2014

Description: Two-storey side extension to provide 6 self-contained flats.

Reference: F/05718/13

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Refused

Appeal status: Allowed

Decision Date: 11 February 2014

Description: Two storey extension to provide 6no. studio flats.

Reference: F/04046/12

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved subject to conditions

Decision Date: 10 June 2013

Description: Extension to roof including new mansard roof to create 3no. self-contained residential units. New cycle store to ground floor level.

Reference: F/03629/10

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Refused

Decision Date: 13 May 2011

Description: Formation of 6 no. studio units: 3 at ground floor level (Crewys Road Elevation), 2 above shops at second floor level (Cricklewood Lane Elevation), 1 at third floor level (Cricklewood Lane Elevation). (OUTLINE APPLICATION)

Reference: C01482B/07

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Refused

Appeal status: Allowed

Decision Date: 1 August 2007

Description: Mansard roof extension to provide three new residential units with associated extended parapet and cornice, walkway and guard rail and roof terraces. Cycle store.

3. Proposal

The application seeks permission for retrospective planning approval for an 'Extension to roof including new mansard roof to create 3no. Self-contained residential units. New cycle store to ground floor level'.

Tudor Court is a 5 storey building including mansard roof containing a total of 24 flats including the 3No. flats being assessed under the current retrospective application.

Planning permission has also been granted for an additional 6 flats as an extension to the west side of the building. This has not been implemented but is an extant permission.

The application site lies at the corner of Crewys Road and Cricklewood Lane. The building is part two and part four storey on Cricklewood Lane. The flank of the two storey part of the building faces onto Crewys Road along with car parking, bicycle storage and outside amenity areas. The area along Crewys Road slopes upwards towards Cricklewood Lane.

There are mixed use commercial and residential properties on Finchley Road and Cricklewood Lane and residential terraced properties on Crewys Road and off main roads.

The property is not listed and does not lie within a conservation area.

4. Public Consultation

Consultation letters were sent to 244 neighbouring properties.

17 responses have been received, comprising 14 letters of objection, 3 letters of support/comments.

Site Notice dated: 27 July 2017.

The objections received can be summarised as follows:

- Latest in a very long list of failed applications
- Blocks views from all neighbouring windows
- Obstruction to light

- Devalues the properties
- Creates additional construction dust and noise pollution
- Beyond scope of original application
- Builders regularly playing music early with no regard to the public
- Flats are extremely overbearing and create an increased sense of enclosure to neighbouring property due to the development's size and proximity
- Overshadowing onto neighbouring balcony
- Loss of privacy as a large window of one of the flats would look directly onto neighbouring and walkway for accessing the new flats would also lead to loss of privacy
- Reduction in the standard of amenity of neighbouring dwellings in 713a Finchley road, in particular Flat 17, as a result of the overbearing nature of the development
- Scaffolding in place since November until the present day
- Fire hazard with increased number of residents and current exterior
- Lack of any green space resulting in visual pollution
- Overdevelopment of the site
- Parking issues within the Tudor Court car park. Parking spaces in the car park form part of the residents lease, and is clearly shown on our deeds so building on top of even one space cannot be legal
- Loss of light in the car park
- More pressure on the waste disposal area
- Overcrowding of Tudor Court
- Builders vehicles regularly blocking exit and entry

Internal Conultee

Highways:

S.106 Agreement required in relation to restricting parking permits for future residents of the proposal.

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

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted 2016)

- Sets out Barnet's technical requirements for environmental design and construction management. The SPD sets out requirements on air, noise, water, energy, water, waste and habitat quality in order to achieve protection and enhancement of the environment. The SPD requirements are linked to existing national standards and guidance and will be updated in line with emerging opportunities and future policy developments.

Residential Design Guidance SPD (adopted 2016)

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.

4.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of residential units including the density of the development is appropriate for the area;
- Whether the proposal will provide suitable accommodation for future occupiers;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether the proposals would have an acceptable impact on highway

4.3 Assessment of proposals

Previous almost identical schemes were applied for under planning references C01482B/07 and F/04046/12. The former application was refused and subsequently

allowed on appeal under reference APP/N5090/A/07/2055006 for 'Mansard roof extension to provide three new residential units with associated extended parapet and cornice, walkway and guard rail and roof terraces. Cycle store'.

Subsequently, the exact same scheme was applied for and approved under reference F/04046/12 dated 10.06.2013. The current application is for a similar scheme relating to 'Extension to roof including new mansard roof to create 3no. Self-contained residential units. New cycle store to ground floor level'.

It was evident from the officer site visit that works had already been implemented on site in relation to the planning permission reference 16/0639/FUL dated 30.06.2016 for 'Mansard roof extension to form 1no self-contained flat', an application which was allowed under appeal.

The current application is similar in size, siting and design to the above mentioned approved schemes for 3No. flats. The proposed mansard roof extension is set back behind the existing parapet to the Cricklewood Lane elevation by 0.7m and due to the location and height of the existing parapet the proposal in relation to its' size, siting and design is considered acceptable. It is considered that the addition is in keeping with the character and design of the existing building and due to the design and location of the proposed development does not form a prominent feature on the streetscene, despite its location at roof level.

Furthermore, the addition of three flats is not considered to result in significant increase in the intensity of the use of the site.

The main changes with this present application includes the addition of the bin store and formation of a car parking space to replace the lost car parking space for the bin storage and external switch room. Therefore, the car parking spaces will remain at 21 spaces to serve the 23 flats.

Whether the principle of residential units including the density of the development is appropriate for the area

Paragraph 3.28 of The London Plan 2016 states the following:

'A rigorous appreciation of housing density is crucial to realising the optimum potential of sites, but it is only the start of planning housing development, not the end. Its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential - local context, design and transport capacity are particularly important...'

In this case, as the existing building is a block of flats, the principle of 3 No. additional residential units in this location is considered acceptable and has increased the number of flats from 21 to a total of 24 flats.

Whether the proposal will provide suitable accommodation for future occupiers

Space standard

The following units are proposed:

Penthouse A: 2 bedroom 4 person flat of 62m² (70m² is advised within Table 3.3 Minimum space standards within the London Plan 2016).

Penthouse B: 1 bedroom 2 person flat of 46.5m² (50m² is advised within Table 3.3 Minimum space standards within the London Plan 2016).

Penthouse C: 2 bedroom 3 person flat of 63m² (61m² is advised within Table 3.3 Minimum space standards within the London Plan 2016).

With regard to the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan (2016), although only one of the three units exceeds the requirement, it is considered that whilst penthouses A and B falls short of the internal space standard, albeit not by a large degree, the flats would be at a size previously approved under planning reference F/04046/12 and in this instance would be acceptable.

Amenity space

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5m² per habitable room. The proposed roof terrace for penthouses A & C would meet this requirement with no appreciable overlooking of neighbouring residents. Whilst Penthouse B does not have a private amenity space, it is considered that due to the existing courtyard to the centre of the building, external communal gardens and nearby Golders Green Park, that this amenity would serve for this flat, and therefore it is not considered expedient to refuse the application on this point, especially as permission has previously been allowed for the flats as built.

Daylight, Privacy and Outlook

All habitable rooms are considered to benefit from sufficient light, outlook and ventilation to provide future occupiers with a good standard of living which meet the requirements set out in Barnet's Sustainable Design and Construction SPD (2012).

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

As mentioned above, planning permission exists for a similar scheme of 3 flats under planning permission F/04046/12) and approval was also gained previously under an appealed decision reference C01428B/07. It is considered that due to the design of the roof extension that it sits proportionately at roof level and has an acceptable impact on the building as a whole. The proposed obscure glazed balustrades are not considered to be harmful to the character of the building and is discussed below in relation to its relevance and use in protecting the privacy of neighbouring occupiers. It is also noted that adequate fenestration has allowed for an acceptable design for this property which would not unduly harm the character of the general locality.

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

Policy DM01 of Barnet's Development Management Policies include makes explicit reference to protecting amenity and specifically that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. This point is also supported by Barnet's Sustainable Design and Construction SPD which states that 'in new residential development there should be a minimum distance of 21 m between properties with facing windows to habitable rooms to avoid overlooking.'

The closest property near Tudor Court is No.713 Finchley Road; a 7 storey residential building. The proposed terrace for penthouse C is located on the east side corner.

However, the application will be conditioned to add a balustrade nearest to this area to protect the privacy of the neighbouring dwellings. Thus, whilst it is noted that railings have been erected at the site, the drawings show the locations of the proposed obscure glazed balustrades as shown on drawing no. EWG_001-13 Revision E; and therefore a condition will be added to ensure that these are erected in order to protect the privacy of neighbouring occupiers.

Furthermore, obscure glazed balustrades would be installed facing the front of the proposal flats to prevent any mutual overlooking or loss of privacy of the approved flats at the site.

It is considered that the proposal overcomes concerns regarding overlooking and loss of privacy between the properties at no. 713 Finchley Road and those of the application property and would not have harmful impacts on the visual and residential amenities of these neighbouring occupiers.

Whether the proposals would have an acceptable impact on highway and pedestrian safety

21no. parking spaces exist and would be retained on site. No additional parking is proposed. Highways officers are of the view that an amendment to the existing Traffic Management Order is required via a Section 106 Agreement in order to prevent the future occupiers of the development from being able to obtain parking permits for the Controlled Parking Zone. Subject to such an agreement, it is considered that the proposal would not adversely harm the safe operation of the highway.

5. Public Consultation

The objections received can be summarised as follows -

None planning matters:

- Latest in a very long list of failed applications
- Devalues the properties
- Creates additional construction dust and noise pollution
- Builders regularly playing music early with no regard to the public
- Builders vehicles regularly blocking exit and entry
- Fire hazard with increased number of residents and current exterior

The above are not generally planning considerations. Issues in relation to dust and noise should be referred to the Environmental Health Department.

Planning matters:

- Beyond scope of original application

The application in relation to the proposed dwellings is the same as approved under planning application reference F/04046/12 dated 10.06.2013.

- Reduction in the standard of amenity of neighbouring dwellings in 713a Finchley road, in particular Flat 17, as a result of the overbearing nature of the development
- Blocks views from all neighbouring windows

These matters were considered as part of the previous applications and any impacts considered acceptable.

-Parking issues within the Tudor Court car park. Parking spaces in the car park form part of the residents lease, and is clearly shown on our deeds so building on top of even one space cannot be legal

The legalities of the above are not a planning consideration. However, no parking loss will result from the application.

-More pressure on the waste disposal area

The application will be conditioned to include adequate refuse and recycling units.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.

Site Location Plan

