

**Location**                      **58 And 60 High Road London N2 9PN**

**Reference:**                      **18/3280/FUL**                      Received: 29th May 2018  
Accepted: 31st May 2018

Ward:                              East Finchley                      Expiry 26th July 2018

Applicant:                      My Home Solutions

Proposal:                      Extension to roofs including 3no dormers to front elevation and 3no dormers to rear elevation to both 58 and 60 High Road. Creation of 1no self-contained flat spanning both properties a roof level.  
Conversion of 2no existing self-contained flats to 4no self-contained flats at first and second floor levels

**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. 3. Highways (traffic order) £2,000.00 in addition to a monitoring contribution of £100

"A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development."

#### 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 ;
- Block Plan, Drawing No.TQRQM18145162856101;
- Existing and Proposed, Plans, Sections and Elevations, Drawing No.ST\_15\_58&60HIGH\_003 Rev I;
- Proposed Plans, Drawing No.ST\_15\_58&60HIGH\_002 Rev I;

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 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 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).

4 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

5 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 in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

6 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

7 No demolition or 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 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.

### RECOMMENDATION III:

0 That if an agreement has not been completed by 05/09/2018 unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application 18/3280/FUL under delegated powers for the following reasons:

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 Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance towards any damage to the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic related to the proposed development. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 3 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

## **Officer's Assessment**

### **1. Site Description**

The application site is on High Road close to the junction with Fairlawn Avenue, within the East Finchley ward, and is referred to as 58-60 High Road. The property is not listed nor does it lie within a Conservation Area. The property lies at the end of the primary retail frontage of the East Finchley Town Centre.

Due to the changes in levels at the property, the ground floor on the High Street appears as a lower ground floor from the rear of the property.

### **2. Site History**

Reference: 14/07339/FUL

Address: 58 High Road, London, N2 9PN

Decision: Approved subject to conditions

Decision Date: 30 January 2015

Description: Part single, part-two storey rear extension to provide 2 self-contained residential units

Reference: 15/03899/S73

Address: 58 High Road, London, N2 9PN

Decision: Approved subject to conditions

Decision Date: 20 August 2015

Description: Variation to Condition 1 (approved plans) to planning permission 14/07339/FUL dated 30/01/2015. Variations to include changes to design of lower ground floor to create a larger basement area

Reference: 15/05774/S73

Address: 58 High Road, London, N2 9PN

Decision: Refused

Decision Date: 1 December 2015

Description: Variation of condition 1 of planning permission 14/07339/FUL dated 30/01/2015 for 'Part single, part-two storey rear extension to provide 2 self-contained residential units.' Variation to include the addition of a timber storage/office shed for use by the commercial unit

Reference: 17/6916/CON

Address: 58 High Road, London, N2 9PN

Decision: Approved

Decision Date: 21 November 2017

Description: Submission of details of condition 8 (Refuse/Recycling) 10 (Demolition and Construction Method Statement) pursuant to planning permission 15/03899/S73 dated 20/08/15

Reference: 18/3608/S73

Address: 58 High Road, London, N2 9PN

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Variation of condition 1 (Plan Numbers) pursuant to planning permission 15/03899/S73 dated 20/08/15 for 'Part single, part-two storey rear extension to provide 2

self-contained residential units' Amendments include a front infill extension to No. 60 and rear extensions to Nos. 58 and 60 and insertion of additional rooflights

Reference: F/03039/14

Address: 58 High Road, London, N2 9PN

Decision: Refused

Decision Date: 11 September 2014

Description: Two storey rear extension to provide 2no studio flats at ground floor and 1no flat at first floor level.

Reference: F/04671/12

Address: 58 High Road, London, N2 9PN

Decision: Refused

Decision Date: 3 May 2013

Description: Single storey rear extension and change of use to form A3 restaurant

Reference: F/04670/12

Address: 58 High Road, London, N2 9PN

Decision: Refused

Decision Date: 15 May 2013

Description: Two storey rear extension to provide additional retail space at ground floor level and an additional residential flat at first floor level

Reference: F/02451/12

Address: 58 High Road, London, N2 9PN

Decision: Approved subject to conditions

Decision Date: 27 September 2012

Description: Part ground and part first floor rear extension.

Reference: F/03576/11

Address: 58 High Road, London, N2 9PN

Decision: Approved subject to conditions

Decision Date: 16 November 2011

Description: Single storey rear extensions to commercial units and 4no car parking spaces at rear.

Reference: C02318D/05

Address: 58 High Road, London, N2 9PN

Decision: Approved subject to conditions

Decision Date: 22 March 2005

Description: Internally illuminated shop fascia sign.

Reference: C02318C/04

Address: 58 High Road, London, N2 9PN

Decision: Refused

Decision Date: 14 September 2004

Description: Change of use from retail (Class A1) to estate agency (Class A2).

### **3. Proposal**

The applicant seeks planning permission for:

- Extension to roofs including 3no dormers to front elevation and 3no dormers to rear elevation to both 58 and 60 High Road;

- Creation of 1no self-contained flat spanning both properties at roof level;
- Conversion of 2no existing self-contained flats to 4no self-contained flats at first and second floor levels.

#### **4. Public Consultation**

Consultation letters were sent to 206 neighbouring properties.

14 responses have been received, comprising 14 letters of objection.

The objections received can be summarised as follows:

- Raising Roof Level
- Loss of character to existing row of shops
- Overlooking/Loss of Privacy
- Intensification of use of the existing building/over development
- Increased need for parking spaces
- Fly tipping on Fairlawn Avenue, rodent & refuse problems
- Increased noise levels
- Setting a precedent for the parade.
- Loss of sunlight/daylight;

#### **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 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 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 DPD (2012) Policies: CS NPPF, CS1, CS5.
- Relevant Development Management DPD (2012) 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 April 2013)

- 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 are considered to be:

- Whether the proposals would be in keeping with the established character of East Finchley Town Centre
- Impact on the amenities of neighbouring occupiers.
- Impact on amenities of future occupiers.

### **5.3 Assessment of proposals**

#### Principle of extensions

Given the previous approval to extend the residential units at number 58 at roof level in order to provide additional floorspace to the existing, these have been approved under previous planning references 14/07168/FUL and F/02424/13, the proposed second floor extension is therefore deemed to be acceptable.

#### Principle of Flats:

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 a valuable 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.

Core Strategy Policy CS4: Providing Quality Homes and Housing Choice in Barnet, the aim is to maximise housing choice providing a range of sizes and types of accommodation, Moreover, Policy CS6 states the aim of Barnet to promote town centre locations 'encouraging a mix of compatible uses' including residential 'that add to the vibrancy of the area whilst respecting the character'.

The site is located in a town centre location in close proximity to main bus routes and public transport. Moreover, the principle of flats has already been established in the area, as it contains numerous flats. It is therefore not considered that the principle of flats would harm the character of the area. As part of the application process the upper floor flat required amendments to meet London Plan head height requirements.

#### Impact on amenities of neighbouring occupiers

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.

Policies DM01 and DM02, seeks to ensure adequate outlook for occupiers adjoining new development, and that new residential developments should provide and preserve adequate residential amenity. The relevant Residential Design SPD offers guidance for the assessment.

Point 7.3 of the Residential Design Guidance specifies that 'in new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. The proposal has a recessed wall at the front elevation of the residential units, accessed from the rear service road. The windows on the recessed wall meet the minimum distance between properties, with a distance of 10.8 metres onto the gardens of Fairlawn Avenue and 22.5 metres between facing windows of habitable rooms. It is therefore not considered that the proposal will be detrimental to the amenities of neighbouring occupiers.

#### Living conditions of future occupiers

The units comply and exceed with the minimum space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan July 2011, for a one bedroom flat.

In contrast to the previously refused proposal to accommodate units on the ground floor only, the proposal is considered to have addressed the issues regarding outlook and the quality of the units for future occupiers. Each unit would be accessed independently and therefore it is not considered that neither property could be overlooked by the other neighbour.

#### Traffic and parking

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate

transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments. Highways officers have reviewed this proposal including the transport assessment included with the proposal. Parking spaces are not being provided as part of this application and a legal agreement has been requested to prevent occupiers of the new proposed units obtaining parking permits for nearby roads.

Overall, the proposal has overcome the previous reason for refusal on Highways grounds and has proposed an acceptable solution to parking management on nearby roads. Subject to a legal agreement, the proposal is considered to be acceptable.

### Community Infrastructure Levy

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sqm. The proposal is liable for the increase in floorspace.

## **5.4 Response to Public Consultation**

It is considered that all other planning-related objections have been addressed in the report above.

Concerns regarding parking and highways were a main concern received in objections on this application. The Highways department have requested a Section 106 legal agreement to restrict occupiers of the new units in this application using nearby permit parking areas. This has been addressed in the highways section of the report.

## **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.

