

Location **22 Golders Manor Drive London NW11 9HT**

Reference: **18/2237/RCU** Received: 12th April 2018
Accepted: 22nd May 2018

Ward: Golders Green Expiry 17th July 2018

Applicant: Mr A Fouda

Proposal: Retention of 3no self-contained flats, retention of loft conversion involving hip to gable, rear dormer window with Juliet balcony, 2no. rooflights to front elevation. (RETROSPECTIVE APPLICATION). Associated internal alterations (proposed)

Recommendation: Approve subject to conditions

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)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

OS Map
2011/C003/01 (Pre-Existing Floor Plans)
2011/C003/03B (Existing Floor Plans)
2011/C003/04C (Proposed Plans)
Sustainability Statement
Design and Access Statement

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 a) Within 1 month of the date of the decision notice, 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 within 2 months of the date of approval of the details 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 a) Within 1 month of the date of the decision notice, details of the means of enclosure, separating and screening the communal garden from the ground floor unit, have been 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 within 2 months of the date of approval of the details 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).

- 4 The flat roof elements of the extended building 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).

- 5 Prior to the first occupation of the new dwellinghouse(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.

- 6 Prior to the first occupation of the units, following completion of the internal alterations hereby approved, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management

Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

Informative(s):

- 1 In accordance with paragraphs 38 - 57 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. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. 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 applicant is advised that there is still an enforcement notice served on the site and that the approved alterations should be undertaken as soon as possible to avoid further enforcement action being taken.
- 3 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

Relief or Exemption from CIL:

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

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

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

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

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

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

Officer's Assessment

1. Site Description

The application site is located on the north-western side of Golders Manor Drive and consists of a two-storey semi-detached property which has been previously extended to the rear and at roof level. The property has been converted to 3no. flats without the benefit of planning permission.

Golders Manor Drive is a residential street comprising of two-storey semi-detached properties. To the north-east at the junction with Heather Gardens, there is a three-storey flatted development.

2. Site History

Reference: 16/4942/FUL

Address: 22 Golders Manor Drive, London, NW11 9HT

Decision: Refused

Decision Date: 10.11.2016

Description: Retention of 3no self-contained flats, retention of loft conversion involving hip to gable, rear dormer window with Juliette balcony, 2no. rooflights to front elevation

Reference: 15/7711/191

Address: 22 Golders Manor Drive, London, NW11 9HT

Decision: Unlawful

Decision Date: 10.02.2016

Description: Rear dormer with Juliette balcony and 2 no. rooflights to front to facilitate hip to gable loft conversion

Reference: 15/01336/HSE

Address: 22 Golders Manor Drive, London, NW11 9HT

Decision: Refused

Decision Date: 21.05.2015

Description: Single storey rear extension including 2no. rooflights. Rear raised patio. Extension to roof including hip to gable, rear dormer and 3no. front rooflights (Retrospective Application)

Reference: F/04742/12

Address: 22 Golders Manor Drive, London, NW11 9HT

Decision: Lawful

Decision Date: 09.01.2013

Description: Roof extension involving hip to gable and rear dormer window, rooflights to front elevation to facilitate a loft conversion.

3. Proposal

The application seeks permission to retain the use of the property as 3no. self-contained flats, retain the construction of loft conversion involving hip to gable, rear dormer window with Juliet balcony and retain the installation of 2no. roof rooflights to the front elevation. In addition, the application seeks associated internal alterations.

Amended plans have been submitted, which include the following changes:

- Additional rooflight inserted on the ground floor;
- Proposed section A-A added to illustrate proposed internal loft height;
- Re-arrangement of ground floor unit.

4. Public Consultation

Consultation letters were sent to 200 neighbouring properties.

7 responses have been received, comprising 7 letters of objection.

The objections received can be summarised as follows:

- Use as 3 flats is out of character with this street. There are no other houses in this road with 3 or more flats;
- Roof extension is an eyesore and out of character;
- Previous reasons for refusal have not been overcome;
- Lack of outdoor amenity space;
- Overlooking from Juliet balcony;
- Overlooking from rear windows;
- Lack of enforcement action;
- Additional parking stress;
- No off-street car parking is provided;
- No reports submitted to demonstrate compliance with Structural Engineer's report or Fire Certificate; and
- No provision for refuse storage.

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 24 July 2018. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the

development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

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

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9.
- Relevant Development Management Policies: DM01, DM02, DM08, 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

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of flats in this location;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Provision of adequate accommodation for future occupiers;
- Highways and parking provision.

5.3 Assessment of proposals

The site is subject to an Enforcement Notice (Barnet reference ENF/01138/15) for the unauthorised subdivision of the property into three self-contained flats. This is still valid. A previous notice was served (under reference ENF/00704/15) for the unauthorised construction of a roof extension including hip to gable and associated rear dormers within the last four years. This case has now been closed.

There have also been a number of planning permissions which have sought to regularise the extensions on site. However, they have either been found to be unacceptable or unlawful. The previous raised issues will be discussed within the relevant sections below.

Principle of flats in this location

It is noted that Golders Manor Drive is predominately characterised by single family dwellings with a couple of properties having been converted into flats. The site's location at the northern end of the street places it very close to the mixed character streets of Heather Gardens and Golders Green Road. Within Heather Gardens, there are a large number of converted properties and there is a large three-storey flatted development at the junction of Heather Gardens and Golders Manor Drive.

Barnet policies CS9 and DM01 place importance of locating flats in appropriate locations and resisting the loss of family dwellings in established residential areas. In this instance, while the majority of Golders Manor Drive is defined by single family dwellings, its proximity to Heather Gardens and Golders Green Road influences the considered effect and in this instance, the conversion to flats is not considered to result in adverse harm to the character and appearance of this stretch of Golders Manor Drive.

Impact on the character and appearance of the host property, street scene and wider locality

In relation to the roof extension and rear dormer, it was previously assessed that these works measured 48.2 cubic metres (within the permitted development conditions) but a section of the dormer was not set back by 200mm from the eaves which resulted in the works not being considered as permitted development. It was acknowledged within the delegated report of 15/01336/HSE that there was uncertainty in the drawings and while there was scope to interpret the dormer being set back from the eaves, in the absence of certainty, it was considered that the works did not constitute permitted development. An

enforcement notice was subsequently served requiring the applicant to restore the property to the state in which it was prior to the breach of planning control. The notice was closed in January 2016 in which the following notes were made by the Enforcement Officer:

"In terms of the roof extension, it was constructed within the restriction of permitted development with the exception of a section of the dormer not being set back 20cm from the eaves [a requirement under Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015] when it could have been.

The eaves have now been reinstated and that particular section of the roof is now set back by 20cm from the eaves. As these works have now been carried out, it has been decided that no further action will be taken in respect of the enforcement notice served on the roof extensions."

A site visit was undertaken as part of this application and Officers confirm that all aspects of the roof extension have been set back from the eaves as required. While the proposed roof extension and dormer are large in scale and this element of the proposal has attracted a number of concerns from neighbouring residents, it has been adequately resolved through the enforcement process that the proposed works constituted permitted development. As such this is considered to overcome the previous reasons for refusal.

The addition of 2no. rooflights to the front elevation roof slope is considered to be acceptable and does not adversely affect the character or appearance of the existing building.

Impact on the living conditions of neighbouring residents

Concerns have been raised in relation to the impact of the windows on the rear elevation. However, as it has been established that the roof extensions would have constituted permitted development, the addition of windows and Juliet balcony are acceptable additions under this legislation.

Provision of adequate accommodation for future occupiers

In terms of amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. Barnet policy DM02 and the London Plan provide minimum internal space standards. The proposal provides the following units:

Flat 1 - 2-bed 3 person	75sqm
Flat 2 - 1-bed 2 person	52sqm
Flat 3 - Studio	38sqm

All the proposed units would comply with the minimum space requirements. In terms of outlook, the internal arrangement of flat 1 has been altered so that the main habitable rooms benefit directly with a window. This is considered to be acceptable and adequately overcomes the previous reason for refusal in relation to the living conditions of this unit. Additional information has also been provided in relation to unit 3 in the loft. Submitted plans now show that over 75% of the gross internal area would have a ceiling height of 2.5m. This considered to be compliance with the London Plan.

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. The Sustainable Design and Construction SPD advises for flats, 5sqm of outdoor amenity space per habitable room should be provided. The application proposed 71sqm of communal outdoor garden space which would meet the SPD requirement. Previously, concerns were raised that the lack of screening within the communal space would lead to overlooking and loss of privacy for the occupiers of flat 1. The submitted plans show a screened access path past the rear window of the flat which would sufficiently overcome the overlooking issue.

Highway and parking provision

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.

The application does not propose any off-street parking. The application has been assessed by the Council's Traffic and Development service who comment that the site is located within a PTAL area of 3 and has a controlled parking zone (CPZ) operating between 11:00-12:00 Monday-Friday. In terms of parking, the Highways Officer comments that a parking survey recently submitted for a site (1 - 5 Princes Parade) within close proximity to the site, illustrated an on-street parking stress of between 56% and 58%. Worst case scenario for this proposal is that 3 cars will require parking. When this is factored in, taking account the abovementioned survey and the impact from that development, the parking stress will still be under the 90% threshold. As such the non-provision of off-street parking is accepted in this instance and the proposed over spill parking will not have a significant harmful effect on the surrounding streets.

An area for refuse storage has been proposed within the front hardstanding. These are located within suitable proximity from the public highway and can be easily accessed by refuse operatives.

5.4 Response to Public Consultation

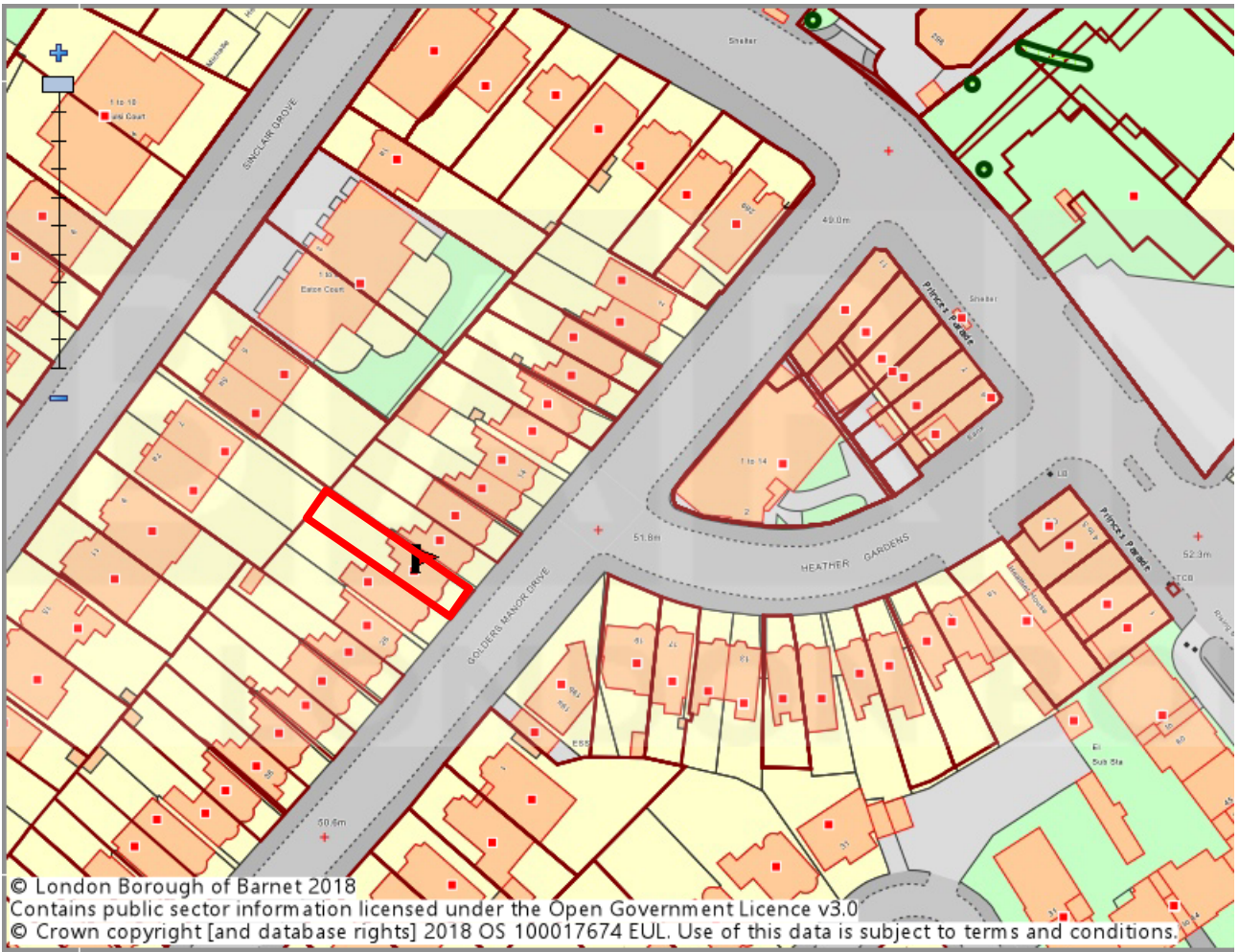
The concerns raised have been addressed within the relevant sections above.

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 and future occupiers. The proposed development is not considered to have a harmful highways impact on surrounding streets. This application is therefore recommended for approval.



© London Borough of Barnet 2018
Contains public sector information licensed under the Open Government Licence v3.0
© Crown copyright [and database rights] 2018 OS 100017674 EUL. Use of this data is subject to terms and conditions.