

**Location**                               **546 Finchley Road London NW11 8DD**

**Reference:**                           **18/3477/FUL**                               Received: 5th June 2018  
Accepted: 8th June 2018

Ward:                                       Childs Hill                                       Expiry 3rd August 2018

Applicant:                               546 Developments Ltd

Proposal:                               Demolition of existing dwelling and erection of a two storey building with rooms in roofspace to create 6no self-contained flats. Associated parking, cycle store and refuse and recycling

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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:
  - Existing Block Plan (U-5D-EP001)
  - Existing Ground, First and Second Floor Plans (U-5D-EP002)
  - Existing Front and Side (North) Elevations (U-5D-EE001)
  - Existing Rear and Side (South) Elevations (U-5D-EE002)
  - Location Plan (U-5D-LP001)
  - Proposed Block Plan (U-5D-LP002 Rev. 3)
  - Proposed Ground Floor Plan (U-5D-PP001 Rev. 2)
  - Proposed First Floor Plan (U-5D-PP002 Rev. 3)
  - Proposed Second Floor Plan (U-5D-PP003 Rev. 3)
  - Proposed Sections (U-5D-PS001 Rev. 2)
  - Proposed North Elevation (U-5D-PE001 Rev. 3)
  - Proposed South Elevation (U-5D-PE002 Rev. 2)
  - Proposed Front and Rear Elevations (U-5D-PE003 Rev. 2)
  - Proposed Streetscene Elevations (U-5D-PE004 Rev. 2)

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 Before the development hereby permitted is occupied 4 car parking spaces as indicated on drawing No. U-5D-LP002 Rev. 2 submitted with the planning application including the access to the parking spaces shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic 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.

- 4 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.

- 5 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;

- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. Staff travel arrangement;
- ix. details of contractors compound and car parking arrangements;
- x. Details of interim car parking management arrangements for the duration of construction;
- xi. Provision of a competent banksman;
- xii. Details of a community liaison contact for the duration of all works associated with the development.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 6 No works on public highway as a result of the proposed development including provision of a new vehicular access shall be carried out until detailed design drawings have been submitted and approved by the highway authority and works shall only be carried out in accordance with the approved plans.

The applicant will be expected to enter into with the Highways Authority under Section 278 Agreement of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on public highway are carried out to the satisfaction of the highway authority in the interest of highway safety 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.

- 7 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).

- 8 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building and hard surfaced

areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

9 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been 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 retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

10 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

11 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to

minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

12 a) No site works or works in connection with the development hereby approved shall be commenced until details of the no-dig construction technique for the construction of the hereby approved new hardstanding and driveway have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the approved details.

Reason: To safeguard the health of existing trees which represent an important amenity feature.

13 Before the building hereby permitted is first occupied the proposed windows and roof lights in the north elevation facing no.548 Finchley Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

14 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 2013).

15 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).

16 a) Before the development hereby permitted is first occupied, details of the subdivision of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

17 The first floor front terrace 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).

18 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 6.00 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).

19 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 20 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.

- 21 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 22 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 20% 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 (2015) and the 2016 Mayors Housing SPG.

- 23 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted to and approved in writing by the Local Planning Authority.

b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or the first occupation of the development and retained as such thereafter.

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed use noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013), and 7.15 of The London Plan 2015.

- 24 a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority.

It shall have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment, the London Air Quality Network and London Atmospheric Emissions Inventory. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

c) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2015.

#### **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 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](http://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](mailto: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](http://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](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](http://legislation.gov.uk)

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

- 3 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 4 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 5 The applicant is advised that the maximum width of crossover allowed from the public highway is 4.8m.
- 6 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 7 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species

and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."

- 8 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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 9 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 10 The Air Quality Stage 4 Review and Assessment for the London Borough of Barnet has highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network. The report should be written in accordance with the following guidance: 1) Environmental Protection UK Guidance: Development Control: Planning for Air Quality (2010); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(09); 4) London Councils Air Quality and Planning Guidance (2007).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

## **Officer's Assessment**

### **1. Site Description**

The application site is a two-storey detached property located on the eastern side of Fernside which is accessed via Finchley Road. Despite its location on Fernside, the application site has a Finchley Road address. The dwelling sits alongside a row of detached and one pair of semi-detached dwellings located on Fernside, which are partly screened from Finchley Road by mature trees and shrubbery. Adjacent to the site on the southern side is an electric sub-station. The surrounding area has a mixed residential character, with larger purpose-built flats located to the south along Finchley Road and at the junction between Finchley Road and West Heath Avenue, while the predominant character of Fernside and the section of Finchley Road in which the application site resides is dominated by two-storey single family dwellings and a number of flat conversions. The site has a PTAL rating of 6a, which is deemed to be very good.

The application site is not located within a conservation area and is not a listed building. There is a TPO tree located to the front of the application site and a TPO area sited within the curtilage of the adjacent property to the south.

### **2. Site History**

n/a

### **3. Proposal**

- Demolition of existing dwelling house and detached garage;
- Erection of a replacement two-storey (plus habitable rooms in roof space) residential property containing 6 self-contained flats;
- 4 on-site parking spaces;
- Associated on-site amenity space.

### **4. Public Consultation**

Consultation letters were sent to 72 neighbouring properties. 9 public responses were received comprising 9 letters of objection. These can be summarised as follows:

Objection:

- Development will compromise the character of Fernside as a quiet enclave of family houses set back from Finchley Rd. This is not an appropriate site for an apartment block;
- Further example of functional homes being demolished in the area for larger blocks of flats;
- Development along this stretch of Finchley Road is excessive and has detrimentally changed the character of the area in addition to increased traffic and noise and pollution;
- Flatted development on Fernside which is intentionally set-back from Finchley Road would be out of character and keeping with the adjacent 20th century dwelling houses and would result in the loss of family housing as per policy DM01;
- The crown roof is out of keeping and the larger built form would appear dominating within the streetscene;
- The amount of brickwork that is proposed will be overbearing and out of character;
- 6 flats represent an overdevelopment of the site;

- The bulk and mass of the development is excessive;
  - There will be a loss of amenity to adjoining properties;
  - Overlooking will result from the proposed balconies;
  - There is inadequate provision of parking which will mean that the limited on-site parking in the immediate vicinity will be subject to even greater pressure;
  - The proposed flats are not for social housing but for private profiteering;
  - The new developments along this part of Finchley Road means increased noise and disturbance, broken water and utilities pipes and air pollution for existing residents;
  - The proposed development will have a significant impact on neighbouring elderly occupant's due to increased noise and disturbance;
  - Residents question the committee's judgements based on the poor material and aesthetic quality of the recently approved apartment blocks;
  - Parking in the area is already constrained. Adding additional vehicles will exacerbate this problem;
  - The parking assessment that took place in June 2018 took place over 2 adjacent weekdays at a period of time that is not necessarily the peak time. The results shown are not statistically significant nor do they honestly represent the parking constraints of the area;
  - Parking around the site will be significantly constrained during the construction period with industrial vehicles taking up additional space;
  - The junction between West Heath Avenue and Finchley Road is very busy. The proposed development will result in more hold ups in the flow of traffic accessing and exiting Fernside;
- The extra demand on parking in this area will stop people parking and accessing Golders Hill Park nearby.

Councillor Comments:

Councillor Anne Clarke:

I am concerned about the plan for 546 Finchley Road. I note it has 7 objections so will come to committee, I am minded to object based on the size of the proposed building and that it reduces existing garden space. I am also concerned on the impact of the character of the road, which is all family homes.

Internal Consultee Comments:

- Arboriculturalist: Recommend for approval subject to conditions and informatives.
- Highways: Recommend for approval subject to conditions and informatives.
- Thames Water: No objection.
- Fire Brigade: Compliance with part B5 of Building Regulations is required.

## **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.

#### The Mayor's Draft London Plan

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 2016 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, CS4, CS5, CS14.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08 and DM17.

#### Supplementary Planning Documents

Residential Design Guidance SPD (October 2016)

Sustainable Design and Construction SPD (October 2016)

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate amenity would be provided for future occupiers;
- Impact on highways;
- Provision of refuse storage

### **5.3 Assessment of proposals**

#### **Principle of development**

This application seeks permission to demolish the existing single-family dwelling house at the application site to facilitate the construction of a new two-storey property (plus habitable rooms at roof level) to accommodate 6 self-contained flats. The application site

does not benefit from any planning restrictions. Indeed, it is not a locally or statutory listed building and is not located within a conservation area. Therefore, there is no objection in-principle to its demolition. The creation of a replacement dwelling, or in this case a property containing 6 self-contained flats, would be subject to compliance with Policy DM01.

Policy DM01 states that:

Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate.

A planning history and council tax search of this section of Finchley Road and Fernside, shows the presence of 10 flat conversions, most notably at no.514, where permission was granted for 3 self-contained flats in 2017 (ref: 17/2399/FUL) and no.558 Finchley Road, which like the application site is located on Fernside. No. 558 was granted permission in 2007 (ref: C16164A/06) for 3 self-contained flats. Given the presence of 10 flats in the immediate proximity of the application site, including on Fernside, it is considered that the principle of flat conversions has been established and that they form part of the residential character of this locality. While not all flats identified within this section of Finchley Road benefit from planning permission and therefore could be subject to enforcement action, it is deemed that the area is sufficiently mixed in its character to support the principle of conversion at the application site.

It is acknowledged that Fernside is a spur road and is therefore somewhat separated from Finchley Road by mature trees and shrubbery. However, the properties along Fernside are visible from the public highway and therefore directly inform the character and appearance of Finchley Road. Their design is considered similar to the architectural form of the dwellings opposite on Finchley Road, where many of those properties also benefit from mature tree and shrubbery screening from the public highway. Therefore, it is not deemed that the character and appearance of Fernside is sufficiently different to or detached from the surrounding dwellings along Finchley Road to consider that it benefits from its own distinct character. Given flat conversions have been accepted in this section of Finchley Road and Fernside previously, including in 2017 within the current planning framework, it is not considered that the use of the application site as self-contained flats would be out of keeping with or significantly harmful to the established mixed character of Fernside and this section of Finchley Road.

Further to the above, the site benefits from a PTAL rating of 6a, which is the second highest accessibility rating. Policy DM01 states that:

Conversions may be appropriate in certain types of properties or streets particularly where they are highly accessible.

The application site is a highly accessible location in a section of Finchley Road and Fernside where the principle of flats has been accepted within the current planning framework. Consequently, it is considered that the principle of flats at no.546 Finchley Road is acceptable and in compliance with Policy DM01. The design, amenity and highways impacts of the proposed scheme will be considered below.

### **Character and appearance**

All new development is expected to preserve and respect the established character and appearance of the surrounding area. Policy DM01 states that:



b. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Fernside is broadly characterised by detached dwellings which have a similar architectural vernacular, with most of the dwellings having a pitched hipped roof form, front gable and prominent two-storey bay window feature. However, these dwellings are not uniform in their appearance. Indeed, nos. 552 and 554 are a pair of semi-detached dwellings which have a significantly wider ridge run than the adjacent pitched roofed detached dwellings. Furthermore, some dwellings have a brick finish, some a mock Tudor timber / rendered façade, and some closer to the junction with West Heath Avenue are entirely rendered. Other deviations include front and side dormers (not all original) and in the case of the application site, a first-floor front terrace above a projecting ground floor garage and a detached garage adjacent to the sub-station. While there is a broad underpinning scale and form which groups the properties along Fernside together, there is a noticeable degree of design variance.

Surrounding Fernside and the application site are a range of different building scales, forms and residential uses. At the junction of West Heath Avenue and Finchley Road / Fernside is a five-storey purpose-built block of flats and two large dwellings with the property opposite Fernside incorporating a wide ridge run and prominent front gable design. The dwellings opposite Fernside are broadly built to the same scale as the application site and exhibit many of the same design features including a hipped roof form, front gable and two-storey front bay window. To the south of the application site is a sub-station which separates the application site from nos. 536 and 538 Finchley Road, a large pair of semi-detached dwellings which have a prominent front and side gable design and mock Tudor façade. Given the location and visual exposure of the adjacent sub-station site, the application site is highly visible when viewed from the public highway to the south and consequently informs both the character and appearance of Finchley Road and Fernside. Its resulting visual relationship with the larger adjacent dwellings at nos. 536 and 538 and the dwellings opposite on Finchley Road are therefore considered part of the established streetscene in terms of scale and form. As the application site informs the character along Finchley Road, considering the fact the properties along Fernside are not sufficiently different in design and scale from the surrounding built form on Finchley Road, and given the demonstrable lack of design uniformity within Fernside itself, it is not considered that Fernside has a distinct character that is entirely visually removed from the mixed character evident within this section of Finchley Road. Therefore, from a character perspective, Fernside should not be assessed differently to the adjacent dwellings and flat conversions within this section of Finchley Road. Consequently, from a Policy DM01 perspective, the application site is considered part of the broadly mixed character evident along this section of Finchley Road.

Paragraph 2.8.2 of Policy DM01 states that:

Where conversions are acceptable any external alterations should seek to minimise their impact on the external appearance of the property and local character.

It is acknowledged that the external alterations proposed will significantly alter the external appearance of the application site. It will introduce a crown roof, a two-storey side projection and the inclusion of side and rear dormers. However, this does not in itself mean the alterations are harmful to the mixed character of this section of Finchley Road /

Fernside, or are contrary to established local design policy. When viewed from the front of the property the noticeable differences are a two-storey side projection and a wider ridge run. The two-storey bay window feature, front gable and first-floor non-habitable terrace would be retained. Regarding the notable alterations, the proposed ridge run would be narrower than the ridge run evident at nos. 552 and 554 Fernside and no.829 Finchley Road and the two-storey side projection would comply with Section 14 of the Residential Design Guidance SPD (2016) which requires two-storey side extensions to be 'set-back 1m from the front main wall' and include '1m between the boundary and the extension at first-floor level'. Furthermore, the side projection would be less than half the width of the original building. Given there is no dwelling adjacent to the south, the side projection will not appear cramped and would not lead to a terracing effect.

Regarding the side and rear dormers these are considered compliant with Section 14 of the Residential Design Guidance SPD (2016) in that they are less than half the depth and half the width of the roof slopes and are appropriately sited. Furthermore, side and rear dormers are evident on adjacent properties in both Fernside and Finchley Road and are therefore considered in keeping with the established character of this part of the streetscene. It should also be noted that the application site already has two dormers located on the south elevation and therefore the proposed dormers should be seen as replacement and not additional dormers.

Regarding the part single and part two-storey rear projections, they are also considered compliant with Section 14 of the aforementioned SPD and subordinate additions to the size of the original dwelling. Paragraph 14.21 states that 'the depth of a single storey rear extension, normally considered acceptable for a detached property is 4 metres'. The proposed part single storey rear projection measures 4.1m and has over a 1m set-back from the site boundary. For two-storey rear extensions paragraph 14.24 states that they should not lead to:

- loss of light to, and outlook from, windows and glazed doors positioned close to the extension;
- unacceptable sense of enclosure to house and garden;
- overbearing impact;
- harm to the character or appearance of the property and area.

The part two-storey rear projection would measure 2.1m and be set-back from the site boundary with no.548 by 2m and 3m from the flank wall of no.548. While the proposal does not benefit from Permitted Development the existing dwelling does. The proposed dimensions at two-storey level would be allowed under Permitted Development. It is considered that the proposed depth and set-backs would not lead to an unreasonable level of overbearing appearance or sense of enclosure and are broadly in line with the recommended depth allowances contained within Section 14 of the aforementioned design SPD.

While the individual elements are not considered harmful to the wider character of this section of Finchley Road / Fernside and the side and rear projections beyond the current building line are broadly compliant with Section 14 of the Residential Design Guidance SPD (2016), it is acknowledged that there is a cumulative impact that must be considered. To soften the visual impact of the enlarged building envelope when viewed from the public highway and in relation to adjacent dwellings, the roof has been set-down by 2m from the existing dwelling's height and the front building line has been set-back by 0.3m from the current front building line.

It is acknowledged that the southern elevation (flank) facing onto the adjacent sub-station is exposed and therefore the side and rear projections will be highly visible from the public highway. However, the following must be considered. Firstly, the application site already has a prominent flank wall including a steep roof pitch and two side dormers, secondly given the tree coverage to the rear of the sub-station site, it is not expected that much of the proposed two-storey rear projections beyond the existing rear building line will be visible from the public highway, and lastly the proposed ridge run would be narrower than the ridge run at nos. 554 and 556 Fernside. However, most important is the application site's visual relationship with no.538 Finchley Road located on the other side of the sub-station site. As outlined above, no.538 Finchley Road has a large side gable roof form which would appear more visually prominent than the hipped roof form proposed. As previously discussed, both the application site and no. 538 are viewed together within the streetscene and together help to inform the established scale and form visible within this section of Finchley Road. Therefore, when considered in relation to no.538 Finchley Road, it is not considered that the proposed scale and form would be cumulatively disproportionate to adjacent dwellings within this section of Finchley Road.

Paragraph 2.8.1 of the Policy DM01 states that in some instances conversions:

can harm the character of areas by changing external appearance and increasing activity. Such activity can often involve more people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries.

It is acknowledged that the proposed development would result in both an increase in the level of site occupancy / intensification and changes to the external appearance of the application site. However, in this instance it is considered that appropriate measures have been taken to mitigate these impacts. For example, the proposed on-site parking spaces will be appropriately screened from the public highway with a mixture of boundary treatments and new site trees. It should also be noted that the provision of four on-site spaces is not uncommon along Finchley Road, with properties such as nos. 805 - 809, 813 and 819 all benefiting from large areas of hard standing to the front of the dwellings which could accommodate a number of vehicles. The proposed development will include permeable paving which would enable grass to grow through the areas of hardstanding. This is considered to be a better visual solution than the hard surfacing evident within other properties within this section of Finchley Road. Another visual reference point to increased levels of site occupancy is the amount of refuse bins proposed to the front of the application site. The proposed refuse bins will be located where the current detached garage is and will therefore have a reduced visual impact than existing, and will be screened from the public highway by soft landscaping and boundary treatments. This along with a landscaping plan will be secured via condition. Bicycle parking will be located to the rear and therefore won't be visible from the public highway.

It should also be noted that permission was granted in 2016 (ref: 16/2092/FUL) for the conversion of a dwelling house into 6 self-contained flats at no.504 Finchley Road. That site only benefited from a PTAL rating of 4-5 and was therefore less accessible than the application site. While each application is of course assessed on its individual merits, it is worth noting that there is precedent for the proposed increase in site occupancy levels along Finchley Road within the current planning framework and on a site which is classified as less accessible than the proposed. Therefore, in an area with an established mixed character where the principle of flat conversions is accepted, it is considered that the proposed increase in site intensification at the application site and its associated visual references such as on-site parking and refuse bins is not out of character.

The proposed facing materials will be secured via condition but will match those of the existing building. Regarding the wider appearance of the application site, the Council's Arboriculturalist has reviewed the proposed plans and confirmed that the impact on adjacent trees and soft landscaping is acceptable subject to conditions. Consequently, landscaping and tree protection conditions will be attached to any permission. In order to reduce the amount of hardstanding to the front of the application site, a permeable design has been proposed to the forecourt which enables grass to grow through the sections of hardstanding. This will be secured via condition. A sufficient set-back is provided between the onsite parking spaces and the site boundary to provide a scheme of meaningful soft landscaping and boundary treatment. As noted above, this will be secured via condition. It is considered that the proposed development would respect and maintain the residential character and appearance of the application site through appropriate soft landscaping provision.

Based on the above, it is considered that on balance the proposed development is acceptable on character and appearance grounds. It is deemed that the increase in built form over and above the existing building envelope is broadly in compliance with the Residential Design Guidance SPD (2016) and the overall cumulative increase in visual bulk is acceptable when viewed in relation to the surrounding mixed character. The increase in site occupancy levels / intensification is considered to be acceptable from a design and appearance perspective, with adequate measures taken to mitigate any perceived harm.

### **Neighbouring Amenity**

Paragraph 2.7.1 of Policy DM01 states that

Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well-being of the boroughs residents. It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook.

It is considered that the proposed development would have an acceptable impact on the residential amenity of neighbouring occupiers by way of overlooking, overshadowing and overbearing appearance. Indeed, the proposed front building line has been set-back by 0.3m from the existing to provide a better relationship with no.548. The terrace area located at first-floor has been included to replicate the design of the existing building only. It will not be accessible from Unit 3 and therefore will not enable opportunities for overlooking back into the adjacent property at no.548. All windows along the flank wall facing onto no.548 will be obscured glazed to ensure the privacy of neighbouring occupiers is maintained. As discussed above, the proposed rear projections beyond the existing rear building line are broadly in line with Section 14 of the Residential Design Guidance SPD (2016) in terms of depth projection. Therefore, they are considered to have an acceptable impact on no.548 in terms of any overbearing impact and overshadowing. The flank wall of the rear projections would be set-back from the boundary with no.548 by over 1m at single storey level and 2m at first-floor level. These set-backs increase to 2m and 3m respectively when assessing the set-back between the flank wall of the proposed development and the flank wall of no.548. These set-backs are considered acceptable within the aforementioned design SPD. The sub-station is located to the south of the application site and therefore there is no amenity impact resulting from the proposed two-storey side projection on the southern elevation.

In terms of the proposed increase in site occupancy levels and its impact on neighbouring amenity, it is considered acceptable on balance. The Council's Highways Department have reviewed the application and deemed it acceptable in relation to its impact on parking and the free flow of traffic. The site would experience an increase in comings and goings to and from the site, but it is considered that this is also acceptable on balance given the principle of flats is accepted in this section of Finchley Road and permission was recently given to no. 504 Finchley Road (ref: 16/2092/FUL) for the creation of 6 self-contained flats. The increased level of comings and goings are therefore considered proportionate. All units would meet the minimum space standards outlined in the London Plan (2016) and can be accommodated within a building envelope which complies with the aforementioned design SPD.

Regarding the impact on neighbouring residential amenity as a result of the demolition and construction phases of any future works, a Demolition and Construction Method Statement will be secured via condition to provide reassurance to neighbouring occupiers and the Council that adequate measures will be implemented to protect neighbouring residential amenity from excessive levels of noise and disturbance associated with construction works, vehicles and personnel. This will be subject to consultation with both the Council's Environmental Health and Highways Departments. The provision of adequate sound proofing will also be secured via condition.

Based on the above, it is not considered that the proposed development would cause significant harm to the residential amenity of neighbouring occupiers by way of overshadowing, overbearing impact or overlooking. Furthermore, it is considered that the impact on neighbouring amenity via an increase in site occupancy levels is acceptable on balance having considered the established mixed character of this section of Finchley Road / Fernside, the recently granted permission for the conversion of a property into 6 self-contained flats at no.504 Finchley Road (ref: 16/2092/FUL) and the addition of conditions to be attached to any permission relating to obscure glazing, a Demolition and Construction Method Statement and sound proofing. Consequently, this application is considered acceptable on amenity to neighbouring occupier grounds.

### **Living standards for future occupiers**

Floor Area:

The London Plan (2016) and Section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum gross internal area (gia) space requirements for residential units. A bedroom measuring 11.5m<sup>2</sup> and above is calculated as a two-person room. The proposed units are measured as follows:

Unit 1: 2-bed, 4-person, 1-storey - 80.02m<sup>2</sup> provided / 70m<sup>2</sup> required  
Unit 2: 3-bed, 4-person, 1-storey - 89.63m<sup>3</sup> provided / 74m<sup>2</sup> required  
Unit 3: 3-bed, 5-person, 1-storey - 87.25m<sup>2</sup> provided / 86m<sup>2</sup> required  
Unit 4: 2-bed, 4-person, 1-storey - 69.62m<sup>2</sup> provided / 70m<sup>2</sup> required  
Unit 5: 1-bed, 2-person, 1-storey - 51.70m<sup>2</sup> provided / 50m<sup>2</sup> required  
Unit 6: 1-bed, 2-person, 1-storey - 51.22m<sup>2</sup> provided / 50m<sup>2</sup> required

All proposed units exceed the minimum internal space standards except Unit 4 which is 0.38m<sup>2</sup> under the required 70m<sup>2</sup> required. It is considered that Unit 4 is acceptable given all other units provide an excess of internal amenity space and the fact the unit has access to an over-supply of external amenity space as discussed below.

Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design and Construction SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m<sup>2</sup> and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All proposed bedrooms meet the above standards.

Floor to ceiling height:

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling.

The proposed units at roof level meet the above standard.

Room Stacking:

It is considered that the room stacking proposed is broadly acceptable. A sound proofing condition will be secured via condition.

Light/outlook:

Barnet's Sustainable Design & Construction SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should provide reasonable levels of outlook to all habitable rooms.

It is considered that each unit would be provided with dual aspect outlook with reasonable levels of daylight / sunlight provision. Unit 5 which has a bedroom only served by roof lights, is considered acceptable on balance given it is south facing and would benefit from an acceptable level of sunlight. The unit is also served by a south facing dormer. The roof lights as shown in the sectional drawings provided as part of this application, are sited at a height which would enable outlook at head height.

Amenity Space:

Section 2.3 of the Sustainable Design & Construction states that for flats, 5m<sup>2</sup> of usable amenity space should be provided per habitable room. Any room at 20m<sup>2</sup> or above is calculated as two habitable rooms. There are 24 habitable rooms proposed and therefore there is a requirement to provide 120m<sup>2</sup> of usable external amenity space. A private amenity space of 37.3m<sup>2</sup> to the rear of Unit 2 has been provided to protect the privacy of future occupiers from use of the communal garden to the rear. The ground floor windows along the northern flank wall will also be obscured glazed to protect neighbouring amenity. The remaining external amenity space to the rear is communal and measures 230m<sup>2</sup> which exceeds the stated requirement. The loss of a small portion of the rear garden to accommodate the 4.1m deep rear projection beyond the existing rear building line does not comprise the quality of the existing rear garden space. Indeed, the existing dwelling could extend by more than 4m under Permitted Development subject to neighbour consultation.

Based on the above, it is considered that the proposed development would provide an acceptable level of amenity for future occupiers in relation to internal and external space standards and policy requirements regarding floor-to-ceiling heights and outlook and

daylight / sunlight provision. Therefore, this application is recommended for approval on amenity to future occupier grounds.

## **Highways**

The proposal is for the demolition of the existing 4 bedroom dwelling to provide 2x1bedroom units 2x2bedroom units and 2x3bedroom units. 4 onsite parking spaces are to be provided.

For the proposed residential development, a parking provision of between 4 to 8 parking spaces would need to be provided to meet the parking standards as set out in Policy DM17. The Public Transport Accessibility Level (PTAL) rating for the site is assessed as 6a which is considered as a very good level of accessibility. The Council's Highway's Department have considered the following factors:

- The site is located within walking distance of a town centre location and close to local amenities;
- The site has a Public Transport Accessibility (PTAL) score of 6a which is considered as a very good level of accessibility;
- The site is located within a Control Parking Zone which operates from Monday to Friday 11am to 12pm;
- The applicant has provided a parking assessment demonstrating acceptable parking stress levels.

This application was reviewed by the Council's Highways Department who consider the onsite parking provision of 4 spaces acceptable on balance. It is not deemed that the proposed development would cause harm to the free flow of traffic on Fernside or the surrounding highways network. Consequently, this application is considered acceptable on highways grounds subject to conditions and informatives.

## **Refuse**

The proposed development is required to comply with Barnet's Waste and Recycling Strategy (2018). The proposed refuse and recycling bins are to be located to the front of the property where the existing detached garage is currently situated. Details of the bin capacity and storage will be secured via condition.

## **5.4 Response to Public Consultation**

The concerns raised by the public comments received have been broadly covered within the report above. For clarity see below:

- Development will compromise the character of Fernside as a quiet enclave of family houses set back from Finchley Rd. This is not an appropriate site for an apartment block:

See character section above.

- 6 flats represent an overdevelopment of the site:

See character and amenity section above.

- The bulk and mass of the development is excessive:

See character section above.

- There will be a loss of amenity to adjoining properties:

See amenity section above.

- Overlooking will result from the proposed balconies:

There are no balconies included within the development. The front terrace is there to replicate the existing feature of the property and is not accessible.

- There is inadequate provision of parking which will mean that the limited on-site parking in the immediate vicinity will be subject to even greater pressure:

See highways section above.

- Further example of functional homes being demolished in the area for larger blocks of flats:

See principle of development section above.

- The proposed flats are not for social housing but for private profiteering:

This is not a material consideration.

- The new developments along this part of Finchley Road means increased noise and disturbance, broken water and utilities pipes and air pollution for existing residents:

Conditions will be attached to any permission to address hours of construction and the demolition and construction phases.

- The proposed development will have a significant impact on neighbouring elderly occupant's due to increased noise and disturbance:

See amenity section above. Conditions will also be attached to any permission to address hours of construction and the demolition and construction phases.

- Residents question the committee's judgements based on the poor material and aesthetic quality of the recently approved apartment blocks:

Noted.

- Development along this stretch of Finchley Road is excessive and has detrimentally changed the character of the area in addition to increased traffic and noise and pollution:

Noted.

- The amount of brickwork that is proposed will be overbearing and out of character:

A condition will be attached to any permission to sign-off external facing materials.

- Parking in the area is already constrained. Adding additional vehicles will exacerbate this problem:



The application site is in a PTAL 6a area which is a very good level of accessibility. The highways department have reviewed the application and consider the impact acceptable.

- The parking assessment that took place in June 2018 took place over 2 adjacent weekdays at a period of time that is not necessarily the peak time. The results shown are not statistically significant nor do they honestly represent the parking constraints of the area:

This has been considered by Highways who consider the application acceptable on highways grounds.

- Parking around the site will be significantly constrained during the construction period with industrial vehicles taking up additional space:

A Demolition and Construction Method Statement will be secured via condition and will be reviewed by the Council's Highways Department.

- The junction between West Heath Avenue and Finchley Road is very busy. The proposed development will result in more hold ups in the flow of traffic accessing and exiting Fernside:

This has been considered by Highways who consider the application acceptable on highways grounds.

The extra demand on parking in this area will stop people parking and accessing Golders Hill Park nearby:

There is no evidence to support this assertion. This area is also highly accessible via public transport.

- Flatted development on Fernside which is intentionally set-back from Finchley Road would be out of character and keeping with the adjacent 20th century dwelling houses and would result in the loss of family housing as per policy DM01:

See principle of development and character sections above.

- The crown roof is out of keeping and the larger built form would appear dominating within the streetscene.

See character section 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**

The proposed development is considered on balance, to have an acceptable impact on the character and appearance of the application site and wider streetscene. Furthermore, it is not deemed that the proposed development would cause significant harm to the residential

amenity of neighbouring occupiers, with appropriate conditions also attached to minimise noise and disturbance during the demolition and construction phases. The proposed development is considered to provide an adequate standard of amenity for future occupiers and is deemed acceptable on highways grounds. Consequently, this application is recommended for approval.

