

**Location**                    **127 - 133 High Road London N2 8BW**

**Reference:**                **18/3629/RCU**

Received: 11th June 2018

Accepted: 18th June 2018

Ward:                        East Finchley

Expiry 13th August 2018

Applicant:                Mr S Chandhok

Proposal:                    Extension to roof including 2no front dormers, 2no side dormers and 4no rear dormers with 2no rooflights to front elevation to provide conversion of existing roof to create 4no self-contained flats.  
Installation of an external frosted glazed privacy screen at second floor with roof canopy to central rear elevation. (PARTLY RETROSPECTIVE)

**Recommendation:** Approve subject to s106

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)

#### RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1.     Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2.     All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3.     Amendment to the Traffic Management Order (£2,000)
4.     Monitoring of Legal Agreement (£100)

#### RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control or Head of Strategic Planning approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning:

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

1114/001 (Existing Site Plan)  
1114/002 (Existing Elevations)  
1114/003 (Original Elevations)  
1114/004 (Location Plan)  
1114/005 Rev.A (Original First and Second Floor)  
1114/006 (Pre-Existing and Existing First and Second Floors)  
1114/007 Rev.B (Existing Roof Plan)  
1114/011 Rev.B (Existing Third Floor)  
1114/013A Rev.A (Existing Second Floor)  
1114/013 Rev.A (Proposed Second Floor)  
1114/014 Rev.B (Proposed Third Floor)  
1114/015 (Sections)  
1114/016 (Plan Showing Bin Storage)  
1114/017 Rev.C (Proposed Third Floor)  
1114/018 Rev.B (Proposed Roof Plan)  
1114/019 (Proposed Rear Elevation as substantially built)  
1114/020 Rev.A (Proposed Rear Elevation)  
1114/021 (Approved side A Elevation As Built)  
1114/022 Rev.A (Proposed side A Elevation)  
1114/023 (Approved Side B Elevation As Built)  
1114/024 Rev.A (Proposed Side B Elevation)  
1114/025 (Proposed Front Elevation As Built)  
1114/026 Rev.A (Proposed Front Elevation)

Daylight or Sunlight Assessment  
Design and Access Statement  
Planning Statement  
Transport Assessment

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

2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

3 The materials to be used in the external surfaces of the building shall match those used in the existing building.

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 No site works or works on this development including construction work shall commence until a 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 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. details of contractors compound and car parking arrangements;
  - ix. Details of interim car parking management arrangements for the duration of construction;
  - x. 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.

- 5 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).

- 6 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.

- 7 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 2016).

- 8 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.

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

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

### RECOMMENDATION III:

- 1 That if an agreement has not been completed by 30/11/2018 unless otherwise agreed in writing, the Service Director - Planning and Building Control should REFUSE the application 18/3629/RCU under delegated powers for the following reason:

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

### Informative(s):

- 1 In accordance with paragraphs 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 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 4 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.

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

## **Officer's Assessment**

### **1. Site Description**

The application site is located on the south-western side of High Road on the junction with Kitchener Road, within the ward of East Finchley. The site is located within the East Finchley Town Centre.

The existing building is three storeys in height which comprises of retail uses on the ground floor and residential uses above. A previous permission to reform the existing roof to form a pitched roof with the construction of a canopy to extend over the rear has been substantially completed on site.

### **2. Site History**

Reference: 17/5043/FUL

Address: 127-133 High Road, East Finchley, London

Decision: Refused

Decision Date: 18.10.2017

Description: Conversion of existing roof space at third floor level to create 4no. self-contained flats. Associated refuse and recycling store. Addition of rooflights.

Reference: 17/1538/CON

Address: 127-133 High Road, East Finchley, London, N2 8AJ

Decision: Approved

Decision Date: 15.05.2017

Description: Submission of details of condition 3 (Materials) pursuant to planning permission 15/04725/FUL dated 06.10.15

Reference: 15/04725/FUL

Address: 127-133 High Road, East Finchley, London, N2 8AJ

Decision: Approved subject to conditions

Decision Date: 16.10.2015

Description: Reformation of existing roof. Installation of external insulation, rendering covering to existing rear staircase.

Reference: 15/04725/FUL

Address: 127-133 High Road, East Finchley, London, N2 8AJ

Decision: Approved subject to conditions

Decision Date: 16.10.2015

Description: Reformation of existing roof. Installation of external insulation, rendering covering to existing rear staircase.

Reference: C08553D

Address: 127-133 High Road, London, N2

Decision: Refused

Decision Date: 07.06.1989

Description: Conversion of the existing first and second floors from 8 to 12 self-contained flats, third floor roof extension containing four self-contained flats, two rear external staircase accesses (Duplicate application)

Reference: C08553C

Address: 127-133 High Road, London, N2



Decision: Refused

Decision Date: 07.06.1989

Description: Conversion of the existing first and second floors from 8 to 12 self-contained flats, third floor roof extension containing four self-contained flats, two rear external staircase accesses (Duplicate application)

Reference: C08553B

Address: 127-133 High Road, London, N2

Decision: Approved subject to conditions

Decision Date: 05.08.1987

Description: Alterations to first and second floor to form four additional self-contained flats, replacement of external staircases & balcony, four parking spaces at rear

Reference: C08553E

Address: 127-133 High Road, London, N2

Decision: Approved subject to conditions

Decision Date: 10.09.1991

Description: Retention of 12 flats (incorporating amendments to development approved under planning permission REF: C08553B)

Reference: C00082K/06

Address: 127 High Road, London, N2 8AJ

Decision: Approved subject to conditions

Decision Date: 17 November 2006

Description: Static shop fascia.

Reference: C00082L/06

Address: 127 High Road, London, N2 8AJ

Decision: Approved subject to conditions

Decision Date: 11 December 2006

Description: Retention of replacement shop windows, lowering of cills, installation of shutters and awnings.

Reference: C00082J/06

Address: 127 High Road, London, N2 8AJ

Decision: Lawful

Decision Date: 17 November 2006

Description: Retention of Change of use from Class A2 to Class A1.

### **3. Proposal**

The application seeks retrospective permission for the conversion of existing roof into 4no. self-contained flats, installation of rooflights and external frosted glass privacy screens at second floor level. All these elements have already been constructed.

In addition to the above, permission is sought for the extension of the roof to include 2no. front dormers and 2no. rooflights, 2no. side dormers and 4no. rear rooflights. There are a number of alterations to the internal arrangements to a number of flats of the second and third floor.

## **4. Public Consultation**

Cllr Mitra has requested that the application be called-in to committee should it recommended for approval on the grounds of over development of the site, out of keeping, too high, too dense and adverse impact on neighbours.

Consultation letters were sent to 287 neighbouring properties.  
No responses have been received.

### Internal consultations

**Traffic and Development service** - No objection subject to S106 and conditions.

## **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 24th July 2018. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM17

## Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)  
Sustainable Design and Construction SPD (adopted October 2016)

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

The main issues for consideration in this case are:

- Principle of development and 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 safety and parking provision.

### **5.3 Assessment of proposals**

#### Principle of development and impact on the character and appearance of the existing building, streetscene and wider locality

The proposal will result in 4 additional self-contained flats within an existing flatted building comprising of 12 flats. The application site is located within the East Finchley Town Centre where there are a variety of uses and a large number of existing residential flatted units. As flats are a common feature of the area and the existing building contains flats, the principle of additional flats within the building is considered to be acceptable subject to compliance with all other relevant policy considerations.

The form and size of the crown roof that has been constructed has been previously approved under reference 15/04725/FUL. The proposal now seeks the addition of 8no dormer windows; two to the front elevation, four to the rear and one to each side elevation. The principle of dormer windows is accepted. The size, scale and positioning of the proposed dormers is considered to be acceptable and would appear subordinate on the roof slope. Although front dormers are generally not supported, the surrounding properties include a number of front dormers and therefore not considered to be a detrimental in this instance.

The proposal features a high number of rooflights. The rooflights are not considered to harm the character or appearance of the existing property.

The installation of an external frosted glazed privacy screen on the rear elevation at second floor is not considered to harm the character or appearance of the existing property or visual amenity of the surrounding area. The construction of the external glazed staircase which was previously approved is considered to be a more visually prominent feature than the proposed additional screening.

### Impact on the amenity of neighbouring occupiers

The additional units within the roof space would be accessed via the existing constructed external staircase and landing at second floor level. Two new doors have been added to the rear elevation. It is not considered that the proposal would further harm the amenities of neighbours in terms of overlooking.

The proposed installation of the external frosted glazed privacy screen would provide suitable privacy from the second floor landing.

### Provision of adequate accommodation for future occupiers

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan. It is proposed to alter the layout of existing flats on the second floor in order to accommodate the proposed third floor units. Each of the altered units on the second floor are 1B1P units measuring between 37-39sqm. These would comply with the minimum internal space standards.

At third floor level, it is proposed to provide 2 x 1B1P and 2 x 1B2P units. All four new units would exceed the minimum space standards.

A previous application for a similar proposal was refused as the proposal failed to provide adequate levels of light, outlook and ventilation for future occupiers which would result in an unacceptably poor level of amenity for future occupiers and would have a detrimental impact on the residential amenity of future occupiers. In this application, the addition of dormer windows to each of the main habitable rooms within the loft, in addition to the rooflights, is considered to provide acceptable levels of amenity for future occupiers in terms of light, outlook and ventilation.

The proposal does not provide any outdoor amenity space. However, none of the existing twelve units benefit from any private amenity space. The site is also located within the East Finchley Town Centre where future occupiers have easy access to town centre services and a number of parks and open spaces. Therefore the non-provision of outdoor amenity is considered to be acceptable in this instance.

### Highways Safety and parking provision

The proposal is for the conversion of the existing roof space into 4no. self-contained one-bed units. The existing building does not provide any off-street parking and no new parking is proposed as part of the proposal. The Council's Traffic and Development service has stated that according to Barnet Policy DM17, the development requires a minimum of 2 car parking spaces to be provided. The lack of car parking provision is likely to result in additional demand for parking spaces within the CPZ and may result in increased on street parking stress.

The site is located in an area with a PTAL rating of 3 which is medium accessibility. The site is also located within a Controlled Parking Zone and is located in a town centre location, close to local amenities.

The Highways Officer has provided comments stating that on balance the proposed development would be acceptable on highway grounds subject to the residents of the proposed development being exempted from purchasing parking permits. A contribution of

£2000 will need to be secured under a S106 Agreement to amend the Traffic Management Order in order to implement permit exemption.

#### **5.4 Response to Public Consultation**

No responses were received.

#### **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 or future occupiers. The proposal is acceptable on highways grounds following the completion of a legal agreement to restrict future occupiers from obtaining parking permits. This application is therefore recommended for approval.

