

Location **592 Finchley Road London NW11 7RX**

Reference: **18/4404/FUL** Received: 16th July 2018
Accepted: 6th August 2018

Ward: Childs Hill Expiry 1st October 2018

Applicant: Mr Sunil Kapoor

Proposal: Erection of a single storey detached building for use as a physiotherapy and pilates studio ancillary to main building

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: 1712-100 Rev D, 1712-101 Rev D, 1712-200 Rev C, 1712-300 Rev D, 1712-301, Design and Access Statement dated 7/12/2018.

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 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(s) 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 2015.

- 4 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm 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).

- 5 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 April 2013) and 7.21 of the London Plan 2015.

- 6 The outbuilding hereby approved shall only be used for purposes ancillary to the existing physiotherapy centre. Access to the main building from the outbuilding shall be maintained and kept free from obstruction.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced.

- 7 The hereby approved planning permission shall allow the premises to operate from 8 am to 6 pm Monday to Friday, 8 am to 1 pm on Saturdays and remain closed on Sundays, Bank or Public Holidays.

Reason:

To safeguard the amenities of occupiers of surrounding residential properties.

- 8 The hereby approved planning permission together with the main premises at 592 Finchley Road shall be occupied by a maximum of three employees only.

Reason:

To safeguard the amenities of occupiers of surrounding residential properties.

- 9 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- 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.
- b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 10 The level of noise emitted from any plant shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

- 11 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

Informative(s):

- 1 The plans accompanying this application are: 1712-100 Rev D, 1712-101 Rev D, 1712-200 Rev C, 1712-300 Rev D, 1712-301, Design and Access Statement dated 7/12/2018.
- 2 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. 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.
- 3 The applicant is advised that due to location of the site, deliveries during the construction period should not take place between 0800 hrs - 0930 hrs and 1630 hrs - 1800 hrs. Careful consideration must also be given to the optimum route(s) for construction traffic and Development and Regulatory Services should be consulted in this respect.

Officer's Assessment

1. Site Description

The application site is a three storey semi-detached property located on the eastern side of Finchley Road. The ground floor floor is used as a Pilates centre and the upper floors are in residential use. The property was converted from a residential property to a physiotherapy centre in 1999.

The character of the area comprises a mix of residential, commercial and retail uses and the character of surrounding properties is varied in terms of design. No. 594 adjoins the semi-detached property of the application site and benefits from a large garden and rear conservatory sited along the boundary with the application site. No. 590 is detached from the application site, and is located to the south of the site.

The rear wall of the site forms part of the boundary wall that encloses Sainsbury's car park. Neighbouring properties have been extended, no. 590 to the south of the site has ground floor rear extensions and an outhouse at the rear boundary. No. 594 has a single storey rear conservatory adjacent to the shared boundary with the application site.

The application site is not located within a conservation area and nor does it contain a listed building.

2. Site History

Site Address: 592 Finchley Road LONDON NW11

Application Number: C13830

Application Type: Full Application

Decision: Approve with conditions

Decision Date: 22/11/1999

Proposal: Change of use from a dwellinghouse to a physiotherapy health centre with ancillary offices and consultation room, and a self-contained one bedroom flat at second floor level. Parking provision for three.

Site Address: 592 Finchley Road London NW117RX

Application Number: C13830D/04

Application Type: Full Application

Decision: Refuse

Decision Date: 28/01/2005

Appeal Decision: Dismissed

Appeal Decision Date: 28/01/2005

Proposal: Variation of Condition 5 of Planning Permission C13830 to allow only 4 consultants to practice at the premises at any one time and Condition 6 "No work shall be carried out on the premises at any time on Sundays or Public Holidays and before 8:00am or after 8:00pm on Monday to Friday and 8:00am to 1:00pm Saturdays". Addition of two off-street car parking spaces.

Site Address: 592 Finchley Road London NW117RX

Application Number: C13830F/07

Application Type: Advertisement

Decision: Approve with conditions

Decision Date: 16/03/2007

Proposal: Erection of advertisement boards and installation of ground lights in front forecourt.

Site Address: 592 Finchley Road, London, NW11 7RX

Application Number: F/00785/09

Application Type: Full Application

Decision: Approve with conditions

Decision Date: 21/04/2009

Proposal: Single storey building to rear of garden for use as a physiotherapy/fitness building in conjunction with the main building of 592 Finchley Road.

Site Address: 592 Finchley Road, London, NW11 7RX

Application Number: F/03318/09

Application Type: Full Application

Decision: Refuse

Decision Date: 30/10/2009

Proposal: Single storey building to rear of garden for use as a physiotherapy/fitness building in conjunction with the main building of 592 Finchley Road.

Site Address: 592 Finchley Road, London, NW11 7RX

Application Number: F/02118/10

Application Type: Full Application

Decision: Withdrawn

Decision Date: 05/07/2010

Proposal: Single storey building to rear of garden for use as a physiotherapy/ Pilates building in conjunction with the main building of 592 Finchley Road, including associated alterations to garden and new access ramp.

Site Address: 592 Finchley Road, London, NW11 7RX

Application Number: F/02971/10

Application Type: Full Application

Decision: Approve with conditions

Decision Date: 20/09/2010

Reference: 16/6992/FUL

Address: 592 Finchley Road London NW11 7RX

Description: Conversion of first floor into 2no self-contained flats. Associated parking, refuse store, cycle store and amenity space

Decision: Approve subject to conditions

Decision Date: 24.02.2017

Site Address: 592 Finchley Road LONDON NW11

Application Number: F/03977/12

Application Type: Full Application

Decision: Approve with conditions

Decision Date: 07.01.2013

Proposal: Single storey building to rear of garden for use as a physiotherapy/fitness building in conjunction with the main building of 592 Finchley Road.

Site Address: 592 Finchley Road LONDON NW11

Application Number: 17/7949/FUL

Application Type: Full Application

Committee Decision: Refuse

Decision Date: 11.04.2018

Proposal: Erection of a single storey detached building for use as a physiotherapy and pilates studio ancillary to main building

3. Proposal

Background

This item follows a previous scheme approved by the Committee in 2013. This permission was not implemented. In 2017 a new application was submitted which was similar in nature to the 2013 scheme, this was considered by the Committee and was refused for the following reason:

"The proposed outbuilding by reason of its size, design, siting and proposed use would result in harmful noise and disturbance from associated general activity, resulting in a harmful loss of residential and visual amenity to neighbouring occupiers including the upper flats. The proposals would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012. "

The application is now subject to a planning appeal to the Planning Inspectorate reference APP/N5090/W/18/3204246.

The proposed development is for a single storey outbuilding to be used as a Physiotherapy and Pilates studio ancillary to the D1 physiotherapy use of the ground floor of the building.

The proposed building would be accessed through a side pathway that would lead through the rear garden to the outbuilding. This would enable access to specialist facilities for people with disabilities including those that are wheelchair users. A ramp is proposed with a gradient of 1:12.

The main differences between the current proposal and the refused scheme reference 17/7949/FUL may be summarised as follows:

- o The ridge height is reduced 150mm from 3000mm to 2850mm above external ground levels
- o The pitched roof is simplified to a simple mono pitch and the proposed pitch is shallower than previous by 0.5 degrees.
- o External cladding material is amended from blackened timber cladding to oak cladding
- o The footprint is the same as in the previously approved and refused schemes. The proposed outbuilding will consist of the following dimensions, 4.6m deep x 9.8m wide x 2.4m to eaves x 2.85m high from existing ground level incorporating a mono pitched roof which is shallower. The previous approval in 2013 was 10m x 4.5m x 2.6m to a flat roof.

Proposal

The erection of a single storey detached building for use as a Physiotherapy and Pilates studio ancillary to the D1 physiotherapy use of the ground floor of the building.

The proposed single storey outbuilding would be 4.6m deep x 9.8m wide x 2.4m to eaves x 2.85m high with a simple mono pitched roof. The proposed outbuilding is located approximately 7.5m from the rear elevation of the host property. It would be set in 0.8m from the rear boundary of the of the site that enclose Sainsbury's car park and set in 1m from the shared boundary with no 594 to the north and 590A to the south.

The main house is accessed via stepped access to the main entrance although it is not accessible for wheelchair users. The proposal results in a new access along the southern boundary of the site via a ramp, railings and facing low level masonry wall enclosing pavers which provides direct access for wheelchairs and users of the site into the outbuilding. In addition there is adequate turning around space and sufficient ability to manoeuvre inside the building. The building will accommodate a disabled toilet, store and pilates studio and the footprint of the building will occupy approximately 45sqm and an internal footprint of approximately 35sqm. There will be four rooflights above providing light into the pilates studio.

The principal elevation of the building will include four large powder coated aluminium framed window set and one glazed door. The external cladding material is amended from blackened timber cladding to oak cladding. There would be landscaping and proposed planting within the existing garden and near to the front elevation of the building and along the northern boundary of the site, on the shared boundary with no 594 Finchley Road.

4. Public Consultation

118 consultation letters were sent to neighbouring properties.

A site notice was erected on 16/08/2018

6 objections received and summarised as follows:

- Increase traffic problems, parking problems, loss of the rear garden, cause major pollution and environmental implications
- The building is too big and the height of the building will cast a shadow over our garden, no details on the proposed materials, access arrangements and usability for wheelchair users
- Commercial development to be sited in a residential area is inappropriate and the building on the rear garden gives rise to flooding concerns
- No amenity space for the self-contained one bedroom flat at second floor level.

Environmental Health officer:

Considered that the noise impact on neighbours from people visiting will not be significant. No objection subject to conditions.

Highways officer:

"The site has a PTAL of 6a (good/excellent) with bus, train, tube and tram available within the PTAL calculation area, it is also located within a designated town centre area and Golders Green controlled parking zone.

There are parking spaces available at the front of the existing property, one of these spaces will be dedicated for the use of future clients. This is thought to be a suitable arrangement to mitigate over spill parking from the use of the proposal.

The above application does not constitute an intensification of use.

The proposals will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users, as such a recommendation for approval is supported".

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 24 July 2018. This is a key part of the 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 MALP

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS7, CS9, CS11, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM13, DM17.

Residential Design Guide October 2016

Supplementary Planning Documents

Residential Design Guidance (October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be

consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

5.3 Assessment of proposals

The main issues for consideration in this case are:

Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal
The living conditions of neighbouring residents

5.3 Assessment of proposals

The Principle of the development

The existing property is already in use as a physiotherapy and pilates studio. The principle of a studio for these purposes has previously been approved on the site in 2013 and has lapsed. It is not considered that there have been any changes in policy or circumstance on the site which would warrant taking a different view today.

Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity.

Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

The council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene. Developments both individually and cumulatively can have a profound effect on the appearance of

neighbourhoods and of the street scene and on the amenities enjoyed by the occupiers of adjoining properties.

All developments should reflect the design of the original building, have regard to the character of the area and amenity enjoyed by your neighbours. This means making sure the development does not disrupt the neighbours' enjoyment of their own home, garden or neighbourhood.

The proposed single storey outbuilding would be 4.6m deep x 9.8m wide x 2.4m to eaves x 2.85m high with a simple mono pitched roof. The proposed outbuilding is located approximately 7.5m from the rear building line of the host property. It would be set in 1m from the rear boundary of the site that enclose Sainsbury's car park and set in 1m from the shared boundary with no 594 to the north and 590A to the south. It must be acknowledged that the Committee had previously approved a similar sized scheme in January 2013, planning reference F/03977/12. The dimensions for the proposed outbuilding which the Committee had approved were 9.6m wide x 4.2m deep x 2.5m high with a flat roof and are marginally smaller than the current proposed dimensions for the current planning application.

The proposal would be of a comparable size to the scheme previously approved at the 2013 Committee and the refused scheme in 2017. Given that the proposal is similar to a previously approved scheme in 2013, and the fact the proposed changes are minimal in nature it is considered acceptable on character and design grounds. Further details can be secured by way of condition.

Taking the above into consideration it is not considered that the proposals would harm the character and appearance of the general locality.

The impact on the living conditions of neighbouring occupiers

The site is located on Finchley Road which is a busy arterial road. Both neighbouring properties are in residential use as converted flats. To the rear of the site is Sainsbury's car park.

It is considered that the size, location and design would not cause undue overshadowing to gardens of neighbouring properties. Outbuildings are common features within the immediate locality and this outbuilding would not appear alien. The outbuilding will be visible from the supermarket car park to the rear of the site, however the impact will be minimal and not significant enough to warrant refusal.

The proposals would seek to introduce an outbuilding to the rear of the site as a pilates/physiotherapy studio to complement the existing use. Such a use, by its nature is likely to generate a degree of activity. The size of the outbuilding is limited and comparable to previous applications approved on the site. It would also be a comparable distance from the main building, being approx. 8m from the rearmost part of the main building.

It is considered that the outbuilding and use if mitigated appropriately will not have a significant impact on the residential amenity of the occupiers of neighbouring properties. It is considered that the use would not result in noise and disturbance harmful to the amenities of neighbouring occupiers. In addition, opening hours, numbers of employees, would be conditioned to mitigate any noise and disturbance, similar to the original permission on the site. The application describes the use of building as a supplementary facility to the existing health and fitness centre. The application will be conditioned to

ensure this use is maintained. This includes limiting the number of employees to no more than 5 and to limit hours of opening.

Taking the above into consideration it is not considered that the proposals would cause harm to neighbouring living conditions.

The impact on Highway and Pedestrian Safety

The proposal is for the construction of a single storey outbuilding to the rear of the site for use as a physiotherapy and pilates studio. No changes to car parking provision (5 spaces) as well as vehicular access are being proposed. Proposed staff numbers are to be 2x full-time staff and 1x part-time staff.

The site lies within a PTAL 6a site which means that there is excellent public transport accessibility to and from the site.

Due to the site where the proposal is located, a Construction Management Plan will be required in order to ensure minimum disruption to local residents and to maintain the free flow of traffic in the area.

Cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport.

The proposal is acceptable on highways grounds.

5.4 Response to Public Consultation

The principle of the development has been agreed in the previously approved application in 2013 and it is considered that there have not been any changes to policy or circumstance that warrant taking a different view. Several of the objections raised are similar to those which had been raised for the recently refused Committee case in 2017. Those replies are reiterated again below.

In regards to the objections made about the alleged environmentally sensitive location, officers have visited the site and there is no evidence of any protected species. The site is not located within an area of ecological designation. The LPA have considered the matter but do not feel there is evidence to support a refusal on ecological grounds.

There is no need for the outbuilding - *There is not a policy that requires medical facilities to demonstrate a need*

Until last year the first floor was used as a pilates studio and has been converted into part of an additional flat. Why would they downsize if they have enough clients? - *The loss of the first floor was addressed in application reference 16/6992/FUL which is quoted below:*

'The first floor of the property on the application site is currently occupied by a Pilates Centre and a beauty salon. The applicant confirmed that the Pilates Centre would continue to operate on the application site, but it would be downsized and it would operate just on the ground floor. The beauty salon would cease to operate on the application site. A beauty salon is a Sui Generis use and Barnet's Development Management Policies (2012) contains no policy specifically relating to the protection of Sui Generis uses. The beauty salon is not considered to be a community facility so it is not protected under policy DM13.

For these reasons it is considered that on balance the benefits of the gaining of 2 no. flats on the application site outweigh the loss of the beauty salon and the downsizing of the Pilates Centre.'

The room does not need to be this high - The height of the building is acceptable in its own right

A smaller building was refused under reference F/03318/09. - As amended the proposals would be significantly smaller than the 2009 scheme

Building will be let as a flat - As a matter of fact, planning permission has not been sought for a flat. Therefore this cannot be considered. Specific planning permission would be needed for use of the outbuilding as a flat

There is no amenity space for the users of the upper floor one bed flat- The decision notice did not attach a condition to provide for amenity space for the occupiers of the one bed self contained unit and this cannot be considered relevant, planning reference C13830.

Noise Issues - Assessed in main report. It is considered that any harmful impact can be satisfactorily mitigated by planning conditions

Lack of Parking - Assessed in main report

Loss of light - The outbuilding has been reduced in size and height. It is now considered acceptable in terms of the impact on neighbouring light

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 support 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, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.



Location Plan 1:1250