

Location **261 Nether Street London N3 1PD**

Reference: **18/3148/FUL** Received: 22nd May 2018
Accepted: 25th May 2018

Ward: West Finchley Expiry 20th July 2018

Applicant: Mansour Malekyazdi

Proposal: Conversion of existing dwelling into 3no self-contained flats and 1no single family dwellinghouse. New entrance with access steps and relocation of existing entrance with new access steps. Changes to fenestration and insertion of 2no side rooflights. Associated amenity space, refuse and recycling store

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: Site Location Plan PP/294, PP/294/00 Rev F, PP/294/01 rev F, PP/294/02 rev F, PP/294/03 rev F, PP/294/04 rev F, PP/294/05 rev F, PP/294/06 rev F, PP/294/07 rev F, 294/00LY Rev F, Parking Survey dated 25th and 26th of April 2018, Parking Report dated April 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 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

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

- 4 The level of noise emitted from any ventilation and extraction machinery 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.

- 5 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the **** as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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 mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or 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 the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and 7.15 of the London Plan 2015.

- 6 Prior to occupation of the development, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

7 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. details of contractor's 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.

8 No works on public highway as a result of the proposed development 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.

- 9 Before the development hereby permitted commences, 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 and shall be provided at the site in accordance with the approved details before the development is occupied.

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).

- 10 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).

- 11 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.

- 12 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.

- 13 Before the development hereby permitted is occupied car parking spaces as indicated on drawing No. PP/294/00LY Rev. F 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.

14 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).

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. 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.

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf
2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please

visit

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

- 3 Any highway approval as part of the planning process for the reinstatement or alteration to the existing access/crossovers or provision of a new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense including any relocation of street furniture, lighting columns or amendments to parking bays affected by the proposed works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 4 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. 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 or 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.

- 5 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

- 6 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 or by telephoning 0208 359 4500.

- 7 Refuse collection points should be located within 10 metres 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.

- 8 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.

- 9 The submitted Construction Method Statement shall include as a minimum details of:

Site hoarding

Wheel washing

Dust suppression methods and kit to be used

Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.

Confirmation whether a mobile crusher will be used on site and if so, a copy of the

permit and indented dates of operation.

Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank

Holidays. Bonfires are not permitted on site.

Confirmation that an asbestos survey has been carried out.

Officer's Assessment

1. Site Description

The site features a semi-detached single family dwelling house located in a residential area of West Finchley. While the character of the area is residential in nature, it is mixed consisting of flats and single family dwellings. There are flatted properties on Nether Street for example, no's 259, 265, 269, 273 and 275.

The property has an existing two storey side extension, basement extension, two rear dormers and loft extension and garage conversion to a habitable room. The property is gated and there are two car parking spaces within the front curtilage and the property is well screened from the street by evergreen trees. There is a gradual slope downward towards the north of the site.

The property is not a listed building and does not fall within a conservation area.

2. Site History

Reference: 18/0257/FUL

Address: 261 Nether Street, London, N3 1PD

Description of Development: Conversion of existing single family dwellinghouse to create 3no self-contained flats and 1no single family dwellinghouse including extension of the existing crown roof to meet front elevation wall. Alterations to existing side dormer window. Insertion of infill roof extension between existing front gables. Creation of new entrance plus access steps and relocation of existing entrance with new access steps. Associated alterations to fenestration. Provision of new amenity space and refuse and recycling storage

Decision: Refused

Decision Date: 16.03.2018

Reference: F/02189/08

Address: 261 Nether Street, London, N3 1PD

Description of Development: Two storey side extension with rear dormer window plus extension basement, conversion of garage into habitable room. Alterations to existing loft space.

Decision: 08.09.2008

Decision Date: Approve subject to conditions

Reference: C00561

Address: 261 Nether Street, London, N3 1PD

Description of Development: Construction of first floor addition

Decision: Refuse

Decision Date: 22 December 1965

3. Proposal

Planning permission is sought for the conversion of existing dwelling into 3no self-contained flats and 1no single family dwellinghouse. New entrance with access steps and relocation of existing entrance with new access steps. Changes to fenestration and insertion of 2no side rooflights. Associated amenity space, refuse and recycling store.

The proposed development follows a recently refused scheme for a similar description of development reference 18/0257/FUL which had been refused for the following 2 reasons:

1. The proposed first floor front dormer by reason of its siting and size appears bulky and out of scale with the original house and detrimental to the character and appearance of the site property. In addition, the proposed entrances and associated alterations to the front elevation of the building represents an incongruous and disproportionate addition to the host property, detrimental to the character and appearance of the building, immediate streetscene and area, contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2013).

2. The proposed development would provide insufficient parking to serve the development, and insufficient information has been provided to demonstrate that the development will provide access to the parking spaces and that these would remain available for future occupiers. This would result in a harmful impact on highway and pedestrian safety and be detrimental to the free-flow of traffic, contrary to policy 6.13 of the London Plan and policies CS9 and CS15 of the Local Plan Core Strategy (adopted September 2012), and Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012).

The current proposal is for 1x single family dwelling and 3x 1bed 2 persons units. The plan originally submitted showed 4 spaces, however these could not be independently accessed. There is capacity for two car parking spaces to be parked parallel to each other within the forecourt and amended plans have been submitted to show this. Refuse bin storage will be sited along the northern side boundary of the site which will be levelled off and this will be secured by way of condition. Amenity space is provided for and again, further details are secured by way of condition. There are no significant changes to the rear of the building other than the insertion of one additional set of windows in the dormer at second floor level.

4. Public Consultation

Consultation letters were sent to 109 neighbouring properties.

0 comments, 0 letters of support, 0 representations were received.

7 objections were received and are summarised as follows:

- Not in keeping with the character of the houses in West Finchley.
- Additional traffic will impact on Nether Street, create parking problems
- Impacts on amenity of residents in terms of potential noise, lighting, security and the appearance of extra bins is not visually desirable
- Manoeuvrability and parking space at 289/289a would jeopardise patient access to the medical practice at 259.
- The space available for two cars is tight side by side and the front cars would block be blocked by the rear pair of parked cars on the drive.
- The proposed new roof corner porch, the proposed bulky new front roof and dormer will block day light to the adjacent property 259A
- Whilst the West Finchley Residents Association recognises an improvement in the design of the front elevations from earlier applications, the proposal to create a house and 3 flats is considered over-development of this site which is currently a single home.

Internal consultees:
Highways officer

"The proposal is for the conversion of the existing single-family dwelling into 3 self-contained units comprising 3x1bedroom units and a 1x3bedroom unit. 2 existing parking spaces are being retained and reconfigured as part of the development proposal.

The site is located within PTAL rating of 2.

The applicant undertook a parking beat survey in accordance with the Lambeth Methodology on 25th and 26th April 2018. The survey indicated that there are parking spaces available on roads in the vicinity of the site for any potential overspill parking that may result from proposed development.

Drawing no. PP/294/00LY Rev. F was submitted showing the reconfigured parking layout with 2 parking spaces which is acceptable on highway grounds.

The access to the proposed parking spaces is via a service road, shared with other properties. The applicant also provided a confirmation as requested that he has the right of way over the service road.

Cycle parking and cycle storage facilities should be provided in accordance with the London Plan Cycle Parking Standards.

Refuse storage facilities are provided at ground floor level in accordance with the Councils' standards.

The application is recommended for approval on highways grounds, subject to conditions.

Environmental Health officer

No objection subject to 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 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

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.

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.
- Relevant Development Management Policies: DM01, DM02, 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:

- Whether the principle of flats is acceptable and impact on the character of the area
- Whether the proposal would be a visually obtrusive form of development which would detract from the character and appearance of the street scene
- Whether harm would be caused to the living conditions of neighbouring and future residents
- Whether the proposals would have an acceptable impact on highway and pedestrian safety
- Whether there is a sufficient level of amenity for future occupiers
- Whether the development would be sustainable

5.3 Assessment of proposals

The following changes have been made since the previously refused scheme:

The current scheme has omitted the first floor front dormer, in addition it has moved the new entrance for the house from the front to the side of the property and modified the alterations to the front of the building. Therefore, officers consider this change overcomes the first reason for refusal.

Highways had raised concerns, and following their advice a car parking layout plan and parking survey was submitted for review. The additional information provided by the agent is considered acceptable on highway grounds by highway officers and therefore, officers consider the second reason for refusal has been overcome.

Whether the principle of flats is acceptable and the impact on the character of the area

Policy DM01 states that the loss of houses in roads characterised by houses will not normally be appropriate. It also states that '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.' It goes on to advise that 'Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate.'

The site is located on Nether Street N3 1PD. Nether Street is characterised by a mixture of dwellings including flats and single family dwellings. In addition, there are examples of previously approved house to flat conversions on this part of the street. As such, the conversion of the property into flats would be acceptable in principle.

Whether the proposal would be a visually obtrusive form of development which would detract from the character and appearance of the street scene

Since the recent refusal the applicant has reduced the number of entrances from three to two and the location for one new entrance has been moved from the front to the northern side of the building. The existing property is accessed via an existing front porch with stepped access. The current proposal will move the existing front access to the western side or rather the right most corner sited to the front of the building. During discussions with the agent the second access had been moved from the front of the building to the northern side of the building, alongside 259A Nether Street. Although not formally designated, the application site is an attractive building and it is considered important to ensure any works appear subservient to the main building and relate well to its appearance. It is considered that the proposed new front entrance replicates the existing entrance in terms of scale and design, and as such, will respect the main house.

In comparison to the previously refused scheme, the first floor front dormer and alterations have been omitted. There will be two ground floor front windows proposed for the single storey side element which will match the existing windows of the main building. The front windows will add to the symmetry and traditional design of the building and is considered to reflect the character of the existing building. The proposal is acceptable and complies with policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

The alteration to the existing basement will include a new internal staircase, and will provide for a gym and sauna for the new dwelling house. As this is subterranean in nature and a minor alteration to the existing building it is considered acceptable in terms of council policy and guidance.

To the front of the roof, there is a small extension to link the 2 existing roof forms.. This will be visible on the front elevation to a degree but the property is well screened from the street. New rooflights are proposed which will allow more light to penetrate into the second floor top flat and to contribute to a good living environment for future occupiers of the top floor flat.

The agent had been advised to relocate bin and cycle storage because it had previously appeared to be sited on the vegetated strip of land (which appears to be Council owned) to the front of the site. Both refuse bin and cycle storage is to be re-located along the northern boundary of the site, and further details will be secured by way of conditions.

Quality of accommodation for future occupiers

The dwelling will provide for approximately 233.4sqm for a three bedroom four person property and exceeds the London Plan space standards. The remaining three 1 bedroom 2 person units will provide for unit 1-87.6sqm, unit 2-100sqm and unit 3-91sqm, all well above the London Plan space standards.

The proposed units comply with the minimum floor area standards in accordance with the London Plan 2015 and Barnet's SPD Sustainable Design and Construction. In terms of private amenity space, Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5m² per habitable room. The submitted plans illustrate the rear garden to occupy 440sqm, which far exceeds the minimum amenity space requirements. The single family house will be provided with a private garden. No details of sub-division or a communal arrangement have been provided, but it is considered that a suitable level of amenity space, either private or communal could be provided to serve the three units and family dwelling. Further details, will be secured by way of condition.

The proposed internal stacking is considered appropriate and acceptable, helping to ensure a minimum of noise disturbance between the units. Sound insulation between units should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to the relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels; this will be enforced by an appropriate condition attached to the decision.

Table 2.4 of Barnet's Sustainable Design SPD (October 2016) sets out the minimum glazing requirements for habitable rooms in a new residential unit. It states that glazing to all habitable rooms should not be less than 20% of the internal floor area of the room and the habitable rooms should have an adequate level of outlook. The ground and first floor floors will be dual aspect and will receive adequate outlook. However, officers had concern about the provision for the top floor flat. The applicant has inserted one additional set of windows in the second floor rear elevation, which will increase the amount of light entering the top floor flat. On balance, it is considered that, given that the living area will benefit from reasonable light and outlook, the fact that the bedroom is served by rooflights does not warrant refusal in itself.

The refuse and recycling bins are to be located on the northern boundary of the property. It is considered that further details of the refuse storage and cycle spaces can be secured by way of condition.

Whether harm would be caused to the living conditions of neighbouring residents.

The proposal would result in an increased number of persons and visitors, creating increased comings and goings to and from the site. However given the siting on Nether Street, a relatively busy road, it is considered that any additional noise and disturbance arising from the development would not unduly affect the amenities of neighbouring properties.

In terms of external alterations, the new entrance to be sited near the northern boundary of the site on the side elevation is minimal in nature and as such will not appear bulky. Two rooflights will be inserted which are flush with the roof on the north side elevation and an additional window in the rear dormer and and it is considered that these will not impact on the amenity of occupiers at no. 259A Nether Street. While there will be an increase in comings and goings, it is acknowledged that the character of the area is mixed in nature, in addition this site is rather large with two distinct entrances which will alleviate any significant harm to the detriment of the amenities of neighbouring occupiers.

It is considered that, subject to conditions , the proposal is acceptable on amenity grounds.

The impact on Highway and Pedestrian Safety

The proposal is for the conversion of the existing single-family dwelling into 3 self-contained units comprising 3x1bedroom units and a 1x3bedroom unit. 2 existing parking spaces are being retained and reconfigured as part of the development proposal.

The site is located within PTAL rating of 2.

The applicant undertook a parking beat survey in accordance with the Lambeth Methodology on 25th and 26th April 2018. The survey indicated that there are parking spaces available on roads in the vicinity of the site for any potential overspill parking that may result from proposed development.

The access to the proposed parking spaces is via a service road, shared with other properties. The applicant also provided a confirmation as requested that he has the right of way over the service road.

The application originally showed 4 parking spaces, however during the application process, amendments were sought as the parking spaces were not capable of independent use. Highway officers sought additional information about parking stress in the area and access rights. To address this concern, the agent provided a land registry plan showing right of way and submitted a parking survey using the Lambeth Methodology which showed that there are available spaces on the street.

Upon receipt and review of the requested additional information, highways officers raised no objection to the scheme, subject to conditions.

Accessibility and Sustainability

In respect of carbon dioxide emission reduction, a condition is suggested to ensure compliance with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements.

In terms of water consumption, a condition is attached to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

5.4 Response to Public Consultation

The majority of issues raised have been addressed within the assessment sections of the report.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered the proposal will be in keeping with the main building, character of the area and will not harm the amenities of neighbouring occupiers. The application is therefore recommended for APPROVAL.

