

LOCATION: 24 Gloucester Road, Barnet, Herts, EN5 1RZ

REFERENCE: B/00656/12

Received: 15 February 2012

Accepted: 22 February 2012

WARD: Oakleigh

Expiry: 18 April 2012

Final Revisions:

APPLICANT: Mr TRAINOR

PROPOSAL: Conversion of existing residential home into 5no. self-contained flats (3no. 1-bed, 1no. 2-bed and 1no. 3 bed) including rear extension to replace existing conservatory. Alterations to roof including a rear dormer window roof extension, addition of windows to front gables and 1no. rooflight to both side elevations. Alterations to the front driveway providing 5no. off-street parking spaces. Provision of refuse enclosure and cycle store. Associated landscaping.

Approve Subject Unilateral Undertaking

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 **Education Facilities (excl. libraries) £12,681.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Health £5,272.00**
A contribution towards Health Facilities and Resources in the borough
- 5 **Libraries (financial) £7.00**
A contribution towards Library Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £898.00**
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: F/00656/12 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement (amended and received 19/06/2012), 1354.P.01 and 1354.P.02 C (amended plan received 19/06/2012).

Reason:

For the avoidance of doubt and in the interests of proper planning.

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 the surrounding area.

4. The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason:

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

5. Before the development hereby permitted is occupied the parking spaces shown on Plan 1354.P.02 Rev. C shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area.

6. Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.

7. The level of noise emitted from any extraction/ ventilation equipment hereby approved 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.

8. Prior to the 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.

9. Before the development hereby permitted commences details of methods to protect privacy of future occupiers of flats B and C from the use of the communal garden area shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained thereafter.

Reason:

To ensure a suitable level of amenity for future occupiers.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following polices are relevant:

Adopted Barnet Unitary Development Plan (2006):

GBEnv1, GBEnv2, D1, D2, D4, D5, H16, H17, H18, H21, H24, H26, H27, CS2, CS8, CS13, IMP2.

Core Strategy (Adoption version) 2012:

CS NPPF, CS1, CS4, CS5, CS10, CS11.

Development Management Policies (Adoption version) 2012:

DM01, DM02, DM03, DM08, DM17.

ii) The proposal is acceptable for the following reason(s): - The proposed development is considered to be in keeping with the character and appearance of this established residential area. The conversion would have a limited impact on the amenities of the adjoining residents and is in accordance with the aforementioned policies.

The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

2. If the development is carried out, it will be necessary for the existing crossover to be modified by the Highway Authority, at the applicant's expense. You may obtain an estimate for this work from the Highways Group, Building 4, North London Business Park, London, N11 1NP (telephone 020 8359 3018).
3. A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
4. The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development 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 will be sent a 'Liability Notice' that will provide 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, this is also available from the Planning Portal website.

The Community Infrastructure Levy 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 statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk

RECOMMENDATION III

That if an agreement has not been completed by 07/09/2012, that unless otherwise agreed in writing, the Acting Assistant Director of Planning and Development Management should REFUSE the application B/00656/12 under delegated powers for the following reason/s:

1. The development does not include a formal undertaking to meet the extra education, health and libraries services costs together with associated monitoring costs arising as a result of the development, contrary to policies CS2, CS8, CS13, IMP1 and IMP2 of the Adopted Barnet Unitary Development Plan 2006, Supplementary Planning Document- Planning Obligations, Supplementary Planning Document - Contributions to Education, Supplementary Planning Document - Contributions to Libraries and Supplementary Planning Document- Contributions to Health Facilities and policies CS10, CS11, CS15 and DM13 of Barnet's Local Plan (Adoption Version) 2012.

1. MATERIAL CONSIDERATIONS

The Community Infrastructure Levy Regulations 2010

National Planning Policy Framework

The Mayor's London Plan: July 2011

- 3.3 - Increasing Housing Supply
- 3.4 - Optimising Housing Potential
- 3.5 - Quality and Design of Housing Developments
- 3.14 - Existing Housing
- 7.2 - An Inclusive Environment
- 7.4 - Local Character
- 7.6 - Architecture

Relevant Unitary Development Plan Policies and Supplementary Planning Documents:

GBEnv1, GBEnv2, D1, D2, D4, D5, H2, H16, H17, H18, H21, H24, H26, H27, CS2, CS8, CS13, IMP2.

Supplementary Planning Design Guidance Note No. 7 - Residential Conversions
Supplementary Planning Design Guidance Note No. 5 - Extensions to Houses
Supplementary Planning Document - Sustainable Design and Construction
Supplementary Planning Document - Planning Obligations
Supplementary Planning Document - Education
Supplementary Planning Document - Health Facilities arising from Development
Supplementary Planning Document - Library Services

Core Strategy (Adoption Version) 2012

Development Management Policies (Adoption Version) 2012

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS10, CS11, CS13

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM13, DM17.

Relevant Planning History:

N01572C - Approved 11/05/1984

Change of use of dwelling house to home for the elderly

N01572D - Approved 21/05/1986

Single storey side extension, part two-storey, part first floor rear extension to home for the elderly

N01572E - Approved 23/11/1988

Conservatory at rear

Consultations and Views Expressed:

Neighbours Consulted: 40

Replies: 34

Neighbours Wishing To 2

Speak

The objections raised may be summarised as follows:

- Increased traffic
- School opposite causes bad traffic
- Area will be lowered by having so many tenants cramped into one building
- The Council should require a s.106 to limit the number of bedrooms to avoid over-occupancy
- No highway assessment has been submitted with the application
- Inadequate parking on site leads to increased on-street parking detrimental to amenities of adjoining residents; the site cannot safely or adequately accommodate the number cars proposed for the development
- The existing plans do not show the lawful use of the care home but the unauthorized works that commenced in August 2011 and are therefore misleading as they do not show the communal rooms of the C2 use
- The Design and Access statement is inadequate
- Roof extensions and windows would be harmful to the amenities of the adjoining residents and the character of the building
- Unauthorized works already undertaken to convert the building

- Inaccuracies within application form and plans render the application invalid and incapable of determination by the LPA
- Refuse storage inadequate and is not properly screened
- No flats in immediate vicinity, but adequate flats in area
- Increased disturbance to (elderly) neighbours due to high density
- Intensification of use will affect general street scape and character of the road and amenities of the adjoining residents
- The applicant/agent has failed to properly justify the proposal contrary to validation requirements
- Determination of this flawed application could result in judicial review
- Area is characterised by large single family dwellings
- Proposals do not accord with density levels outlined in the London Plan or the minimum floorspace requirements
- Room sizes do not comply with London Housing Design Guide
- No garden provision
- Overlooking and loss of privacy
- Overdevelopment
- Loss of public amenity
- No room for landscaping to the front and the car parking area is unattractive
- No garden space
- Change of use is required as original planning permission restricted the use as a care home for the elderly only

Internal /Other Consultations:

Traffic and Development Team:
No objections.

Date of Site Notice: 01 March 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site relates to a large detached building on the southern side of Gloucester Road close to the junction with Richmond Road. The lawful use of the building was as a home for the elderly although it is noted that recent works have been carried out at the property to convert it into a number of residential units which does not have the benefit of planning permission.

The building has been substantially extended to the rear at two-storey level.

The area is generally residential in character. The adjoining property to the east is in use as a single family dwellinghouse and the building to the west (on the corner with Richmond Road) is divided into 3 flats. At the junction of Lyonsdown Road and Gloucester Road is Lyonsdown School.

Proposal:

The application seeks planning permission for the conversion of the building from its lawful use as a nursing home (residential institution Class C2) into 5no. self contained flats. Associated alterations to the building to facilitate the conversion into flats include:

- a rear dormer window extension and rooflights to the side facing roofslopes;

- new windows in the front facing gables;
- alterations to existing single storey side extension;
- removal of external staircase;
- ground floor rear extension following demolition of the existing conservatory;
- alterations to the front driveway to create parking for 5 cars.

The building would accommodate 3no. 1 bed flats on the ground floor, 1 no. 2 bed flat on the first floor and 1no. 3 bed unit on the first and second floors.

Planning Considerations:

The proposed conversion of the building into 5no. flats is considered to be in keeping with the residential character and appearance of the general locality. The area is characterised by a mix of dwelling sizes and types including residential conversions and purpose built blocks of flats. The proposal would not result in the loss of single family accommodation as the existing building was converted into a care home in the 1980's.

The previous/ lawful use of the building is as a care home with at least 14 bedrooms. As such the building has been substantially extended in the past to accommodate this facility. The proposed conversion into 5no. flats would therefore be accommodated mostly within the existing floorspace with only limited extensions/ alterations required. The impact of the conversion on the character and appearance of the general locality and street scene is therefore considered to be limited.

The addition of 2no. windows into the front gables would be a sympathetic addition to the building, the window design is consistent with the rest of the fenestration on the front of the building and is in keeping with the design and appearance of the property. The proposed rear dormer window extension has been amended during the course of the application and has been reduced in size to form a more subordinate addition to the roof measuring 2.75m in width, 1.4m high and projecting 2.3m from the rear roof slope; it is now considered to be an acceptable addition to the property in compliance with the recommendations in Supplementary Planning Design Guidance Note No. 5 - Extensions to Houses.

The existing front garden is paved with 2no. crossovers accessing the area and therefore can already be used for parking vehicles. As such the proposal to use this area as car parking for future occupiers of the development would not be materially different to the existing situation. There are many other examples in the locality where the front gardens have been paved to be used as parking and therefore this proposal is not out of keeping with the character and appearance of neighbouring sites. The existing access would be modified to create a singular point of vehicle access onto the front driveway which would accommodate 5no. parking spaces, including 1no. disabled space.

The proposed parking provision is in accordance with the standards set out in the UDP and Local Plan. The size of the spaces and size of the total area would enable safe use and manoeuvring within the site. Whilst future occupiers of the development may own more than one car the proposal allows for 1 space per flat which accords with local policy and national objectives to encourage more sustainable modes of transport and to reduce car usage. As 5no. spaces are proposed within the site it is not considered that any overspill parking onto the public highway will be harmful to the amenities of the adjoining residents.

As part of the conversion it is proposed to demolish the existing rear conservatory and replace it with a brick built extension of a similar footprint. The existing conservatory has a depth of 2.2m and width of 7.2m with a maximum roof height of 3.6m sited 1.8m from the boundary with No. 26 Gloucester Road. The proposed extension would measure 2.4m in depth, would be 7.6m wide and would have a height of 3.8m sited 1.6m from the boundary with No. 26 Gloucester Road. Whilst the extension would be larger than the structure it would replace the increases are limited and are not considered to have an adverse impact on the character or appearance of the property. In addition the extension would not have any adverse impacts on the amenities of the adjoining residents. There is an existing ground floor rear extension to No. 26 that would limit any impacts on the amenities of these adjoining residents. The extension is sited 6m from the boundary with No. 22 Gloucester Road and at this distance is not considered to be unduly obtrusive or overbearing especially when taking into account the existing conservatory.

The layout, number and mix of the flats has been amended during the course of the application. The amended plans are now considered to represent an appropriate amount of development on the site taking into account local character and the efficient use of land as well as providing a high standard of accommodation for future occupiers whilst preserving the level of amenity for adjoining residents.

Each of the five units proposed comply with the minimum residential floor areas specified within policy 3.5 of the London Plan with individual room sizes in accordance with standards set out in the Council's Supplementary Planning Document *Sustainable Design and Construction*. Each of the flats would provide sufficient outlook and natural light as well privacy for future occupiers. A condition has been imposed to ensure that suitable sound insulation is installed as part of the development to reduce levels of noise within the development. The rear garden space would be utilised by all residents of the development as communal space. The amount of garden space is in accordance with the standards set out in policy H18 which requires 5sqm of amenity space per habitable room of the development.

Policy DM08 of the Local Plan (Adoption Version 2012) outlines the highest priority for new housing within the Borough and recommends a mix of sizes should be provided to meet demand. The proposal is considered to provide a suitable mix of accommodation given the size of the overall scheme, the character of the area and the ability of the site to accommodate development.

Concern has been raised by objectors to the scheme regarding the ability of the site to accommodate the amount of residential units proposed. The revised proposals are within the acceptable density ranges as outlined in policy 3.4 of the London Plan for a site in this location with a PTAL rating of 3. The building is already of a substantial size given its use as a nursing home and as such is able to accommodate the development with a minimal need for extensions. The approved plans for the site show that the home accommodated 16 bedrooms. There are several other flat conversions in the locality including the adjoining site to the west, No. 22 Gloucester Road which is divided into 3 self-contained flats. It is therefore considered that the proposed conversion would have a limited impact on the character and appearance of the area.

It is acknowledged that the pattern of activity associated with the proposal will differ from that of the lawful use of the site. However, it is considered that it can be absorbed into the locality without having any significantly detrimental impacts on the amenities of the adjoining residents or character of the area.

3. COMMENTS ON GROUNDS OF OBJECTIONS

- The development is not considered to have significant transport implications and as such a transport assessment is not required as the scale of the development is minor.
- The London Housing Design Guide relates to new residential development with public funding, the proposal has been assessed against adopted standards contained within the SPD *Sustainable Design and Construction*
- Sufficient refuse and recycling facilities for a development of this size are proposed in accordance with the Council's requirements at the side of the building and not readily visible from the street scene.
- The rear dormer window is not considered to result in a significant level of overlooking into neighbouring gardens and it would be comparable to upper floor windows on the rear of the building. In addition, the roof extension would not be for habitable accommodation but would facilitate the staircase.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. SECTION 106 ISSUES

Given that the proposal would provide new residential accommodation in the borough, there would be increased pressure on local services. As such, the applicant is required to make contributions towards these services to off-set the additional demand in accordance with local and national policy. The application is therefore recommended for approval subject to a legal undertaking to ensure these costs are met.

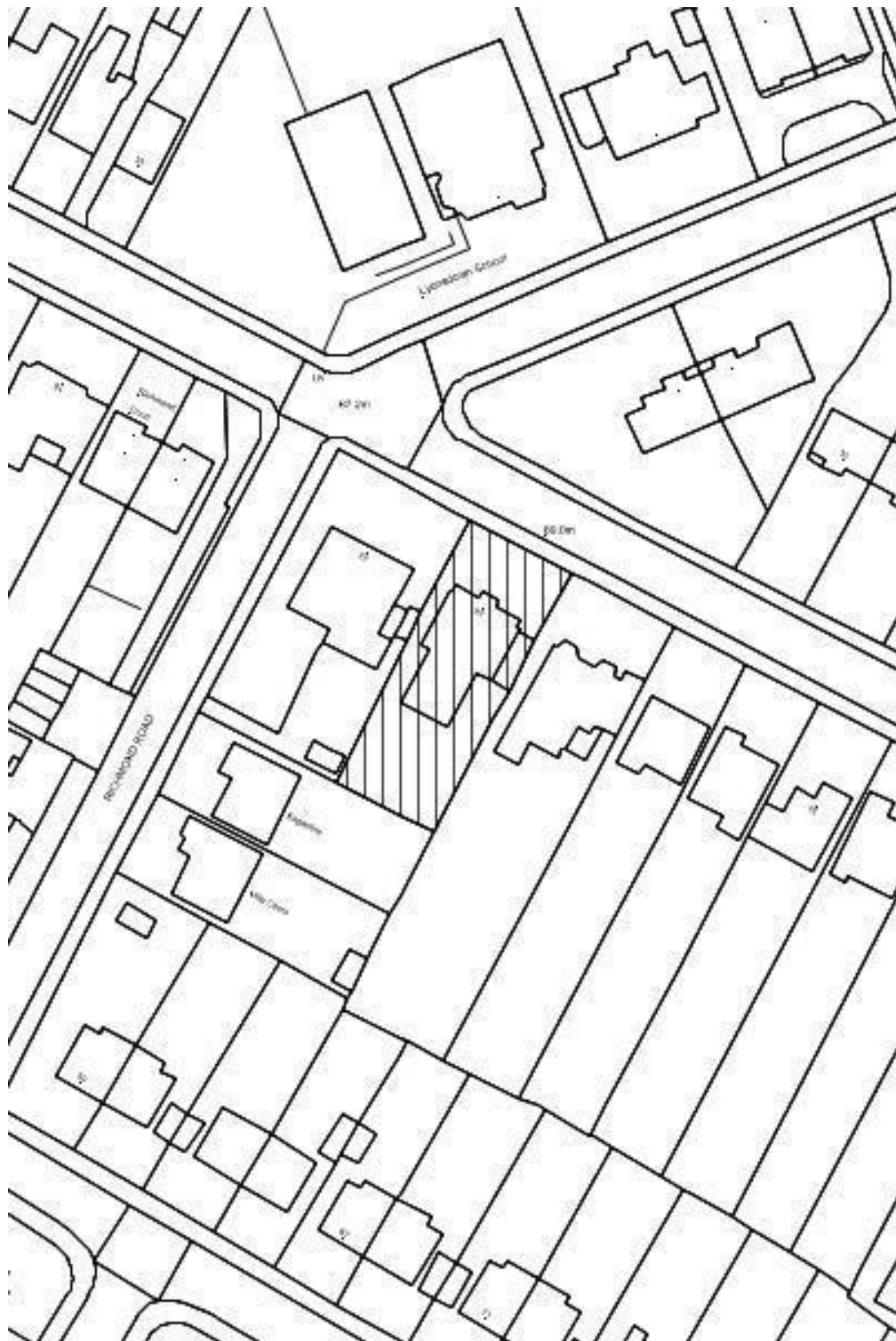
The contributions are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

6. CONCLUSION

The proposed development would have an acceptable impact on the character and appearance of the area and amenities of adjoining residents. They are in accordance with planning policy and guidance and the application is therefore recommended for approval.

SITE LOCATION PLAN: 24 Gloucester Road, Barnet, Herts, EN5 1RZ

REFERENCE: B/00656/12



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