

LOCATION: 4 Russell Gardens, London, NW11 9NL
REFERENCE: F/02007/12 **Received:** 21 May 2012
WARD: Golders Green **Accepted:** 23 May 2012
APPLICANT: Cohen Properties Ltd. **Expiry:** 18 July 2012
PROPOSAL: Conversion of property into 2no. self-contained units following single storey rear extension with succah rooflight. Alterations to existing porch. Insertion of rooflights to front, side and rear elevation to facilitate a loft conversion. **Final Revisions:**

Approve Subject to S106

Subject to a Section 106 Agreement

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 **Libraries (financial)** **£34.00**
A contribution towards Library Facilities and Resources in the borough
- 4 **Education Facilities (excl. libraries)** **£3,649.00**
A contribution towards the provision of Education Facilities in the borough.
- 5 **Health** **£1,348.00**
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement** **£251.55**
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/02007/12 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site and Location Plan; Design & Access Statement; Plan No's: RUG_P01h; RUG_P02h; RUG_E01; RUG_E02.
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 No windows other than those expressly authorised by this permission shall be constructed in the flank elevations of the extension hereby approved facing the neighbouring properties.

Reason: To safeguard the privacy and amenities of the occupiers of the adjoining properties.

- 6 The floor plan layout as shown on the hereby approved plans must not be changed without the prior written permission of the local planning authority.

Reason:

To safeguard the amenities of neighbouring occupiers and the general locality.

- 7 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.

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 policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

GBEnv1, GBEnv2, D1, D2, D3, D4, D5, CS2, CS8, CS13, IMP1, IMP2, GMon, GH1, H2, H16, H18, H23, H26, H27, M11, M13 and M14.

Core Strategy (Adopted version) 2012:

CS NPPF, CS1, CS5, CS13, CS15.

Development Management Policies (Adopted version) 2012:

DM01, DM02, DM08, DM17.

ii) The proposal is acceptable for the following reason(s): -

The conversion of the property into two self contained flats and proposed extension is considered acceptable, in character with the surrounding area. The proposal would protect the character of this part of Golders Green and respect the setting of nearby buildings. The proposal would provide acceptable standards of amenity for future occupiers and respect the amenity of existing neighbouring occupiers. The proposal is acceptable on highways grounds.

- 2 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. Your planning application has been assessed to require a charge of £595.00.

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

- 3 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 Council of 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 email:

street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

- 4 Recent legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk

RECOMMENDATION III

That if an agreement has not been completed by 14/09/2012, that unless otherwise agreed in writing, the Acting Assistant Director of Planning & Development

Management should REFUSE the application F/02007/12 under delegated powers for the following reasons:

The development would require a Section 106 agreement and no formal undertaking is given to the Council, as a result the proposed development would, by reason of the developer not meeting identified additional education, health and library facilities, and the associated monitoring costs which would be incurred by the community as a result of the development, contrary to policies CS2, CS8, CS13, IMP1 and IMP2 of the adopted Unitary Development Plan; contrary to policy DM13 of the Emerging Local Plan Development Management Policies (Adoption version) 2012; contrary to policies CS10 and CS11 of the Emerging Local Plan Core Strategy (Adoption version) 2012; and the adopted Supplementary Planning Documents "Contributions to Education", "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations

1. MATERIAL CONSIDERATIONS

National Planning Policy:

The relevant sections of the National Planning Policy framework are as follows:

Paragraph 49 of the NPPF states that "Housing applications should be considered in the context of the presumption in favour of sustainable development".

The government consider that "there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – ... by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation
- **a social role** – ... by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment ... "

In paragraph 21, the government encourages the effective use of land by reusing land that has been previously developed (brownfield land).

Paragraph 56 states "the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people".

It is considered that the application complies with the above sections of the NPPF.

The Mayor's London Plan: July 2011:

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.

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. Relevant strategic policy includes 3.5.

Relevant Unitary Development Plan Policies:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D3, D4, D5, CS2, CS8, CS13, IMP1, IMP2, GMon, GH1, H2, H16, H18, H23, H26, H27, M11, M13 and M14.

Supplementary Planning Guidance:

Design Guidance Note No. 5 – Extensions to Houses.
Design Guidance Note No. 7 - Residential Conversions.

Supplementary Planning Document on Sustainable Design and Construction (June 2007).

Supplementary Planning Document on Contributions to Education (2008).

Supplementary Planning Document on Contributions to Library Services (2008).

Supplementary Planning Document on Contributions to Health and Social Care (2009).

Core Strategy (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.

The Core Strategy is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 16 policies in the CS. 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 (Adoption version) 2012: CS NPPF, CS1, CS5, CS13, CS15.

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.

Development Management Policies is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. 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 Development Management Policies (Adoption version) 2012: DM01, DM02, DM08, DM17.

Relevant Planning History:

None relevant.

Consultations and Views Expressed:

| | | |
|-----------------------------|----|------------|
| Neighbours Consulted: | 50 | Replies: 2 |
| Neighbours Wishing To Speak | 0 | |

The objections raised may be summarised as follows:

- Closeness of proposed extension along the boundary and issues of excavation.
- Leakage from pipes due to positioning.
- Parking issues – limited parking permits and when there will be skips and work trucks – make parking impossible for permit holders.

Highways Comments:

The proposal is for the conversion of existing 4 plus bedroom property to provide 2x 3 bedroom units. No parking spaces are being provided. The existing property would need to provide up to 2 parking spaces in order to meet the parking standards. The proposed development would also need to provide up to 2 parking spaces to meet the parking standards as set out in the UDP2006.

However, taking into consideration the following:

- No parking is available for the existing property;
- the site is close to Town Centre location and within a walking distance of local amenities and has good public transport accessibility;
- The site is within a Control Parking Zone;
- Our observations on site indicated that there is on street parking available within walking distance from the site to accommodate parking demand that may result from this development and it is unlikely to have any additional detrimental impact on the public highway.

Therefore on balance the proposed conversion at this location is acceptable on highway grounds.

Date of Site Notice: 31 May 2012

The application has been brought to the West Planning Sub-Committee as the applicant is Councillor Dean Cohen.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a semi-detached residential dwelling house located on Russell Gardens within Golders Green ward and is outside any of the Borough's Conservation Areas. The application site has an original 'L' Shape footprint which is a common feature amongst these properties.

Proposal:

The application consists of the following elements:

- Conversion to property into 2no self-contained residential units.
- Single storey rear extension with succah rooflight, measuring 3.4 metres in depth and 3.2 metres with a flat roof.
- Alterations to existing porch.
- Insertion of rooflights to front, side and rear elevation to facilitate a loft conversion.

Since the original submission, there have been amendments to the proposal which includes the removal of the hip to gable and rear dormer to facilitate a loft conversion and there will only be one front door entrance.

Planning Considerations:

Conversion:

It is not considered that the principle of converting the premises into two self contained flats would harm the residential character of the area. The application which provides additional residential accommodation accords with Council policy. Policy GH1 of the Adopted UDP (2006) as well as the SPD on Sustainable Design and Construction (2007) indicates that the Council will seek the provision of additional homes through the redevelopment of existing sites. It is recognised that although there have been no recent approvals for conversions in this street, the following were granted planning permission for the conversion of the property into two self contained flats, they are as follows:

No. 21 Russell Gardens: C/08584 – Dated 07/12/84
No. 27 Russell Gardens: C/08027/A – Dated 12/09/85
No. 48 Russell Gardens: C/11275 – Dated 21/10/92
No. 23 Russell Gardens: C/10965 – Dated 08/10/91
No. 6 Russell Gardens: C/09221 – Dated 10/12/86

The VOA Council Tax record website also confirms that there are also conversions at No's 5, 3, 46, 32 and 15 Russell Gardens.

The character of the street is therefore a mixture of flats and houses. The conversion would comply with policy DM01 h) of the emerging Local Plan Development Management Policies that states '*Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate.*'

Taking the above into consideration, the proposal would not appear to be out of character as there are a handful of conversions on Russell Gardens and given the proximity to Golders Green Town Centre, the conversion is considered to be acceptable.

The highways department have deemed the proposal as acceptable. On balance it is unlikely that the proposed conversion will have any additional detrimental impact on public highway.

Design Guidance Note 7, relates to the adequate provision of internal space. It is considered that there is sufficient space to allow the occupants unrestricted movement within the premises. The flats exceed Barnet's minimum size of 30m² and the minimum space standards within The London Plan, policy 3.5.

In respect to the outdoor amenity space, there is access to the rear garden which is for private amenity space for the ground floor flats which provides sufficient amenity space to comply with policy H18. The non provision of amenity space for the first floor flat does not warrant a reason for refusal.

To ensure the sustainability of each unit an insulation of acoustic separation for the proposed new units will be required for the floors and party walls. The applicant has not submitted this information and it will therefore be enforced through an appropriate condition attached to this recommendation. A condition requires sound insulation systems in relation to impact and airborne noise to achieve a sound attenuation in line with the Building Regulation requirements for airborne sound and impact sound.

Required Planning Contributions:

Government Circular 05/05 and the Council's adopted SPD for section 106 related planning obligations is applicable for this site in respect of the following areas:

Education

Under Policy CS8 of the Adopted UDP (2006) the council will seek to secure a financial contribution through a Section 106 Agreement for future education needs generated by the development in the Borough. The financial sum is dependant on the number and type of units proposed and is calculated in line with the Council's Supplementary Planning Document on Contributions to Education.

Library Services

Policy CS2 of the Adopted UDP (2006) states that the council will seek to enter into planning obligations, where appropriate, in conjunction with new developments, to secure the provision of community and religious facilities. A contribution will be sought for the provision of library services in the borough in line with the council's Supplementary Planning Document on Contributions to Library Services.

Health

Under Policy CS13 of the Adopted UDP (2006) the council will seek to secure a financial contribution through a Section 106 Agreement for future health needs generated by the development in the Borough. The financial sum is dependant on the number and type of units proposed and is calculated in line with the council's Supplementary Planning Document on Contributions to Health.

Monitoring Contribution

The delivery of the planning obligation from the negotiations stage to implementation can take considerable time and resources. As the Council is party to a large number of planning obligations, significant resources to project manage and implement schemes funded by planning obligation agreements are required. The Council therefore seeks the payment of a financial obligation towards the costs of undertaking the work relating to securing the planning obligations. The amount of contribution being sought would depend upon the final scheme. In February 2006 Cabinet approved a Supplementary Planning Document (SPD) for Planning Obligations details of which are available on the Council's website.

All of the above contributions would be sought under Policies IMP1 and IMP2 of the Adopted UDP (2006).

Extensions:

Council's policies and guidelines in respect of extensions to residential properties seek to ensure that they respect the scale, character and design of any building on which they are to be placed and are compatible with the character of the locality. The rooflights proposed are small in nature and would have a minimal impact on the character of the area. The type of window proposed (rooflight) means that there will be a negligible increase in overlooking. The proposed rooflights on the front, side and rear elevation are not considered to interrupt the streetscene.

The proposed single storey rear extension would also comply with Council policies that seek to preserve the amenities of neighbouring occupiers. The design, size and rearward projection of the proposed extension are such that it would not have an adverse impact on the residential and visual amenities of the neighbouring occupiers. The depth of the single storey rear extension is in line with the Council's Design Guidance Note 5 – Extensions to Houses in that it measures 3.4 metres deep along the shared boundary with No. 2 Russell Gardens.

Small alterations to the front elevation would not cause a demonstrable harm to the character and appearance of the property, street scene and wider area and not considered to cause a detrimental harm to the appearance of the application site.

The proposed development respects the proportions of the existing house. It is not considered that the extension is overbearing or unduly obtrusive and therefore there would not be any significant impact on privacy, loss of light, loss of outlook or overbearing in relation to neighbouring properties. As such, policies in Barnet's UDP would be complied with, in particular D2 in respecting its character and appearance, D5 in *'allowing for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'* and H27 as it has no significant effect on the amenity of neighbouring occupiers.

3. COMMENTS ON GROUNDS OF OBJECTIONS

It is considered that the planning related concerns raised on this application were not

sufficient to constitute a reason for refusal and the objections have been covered in the above appraisal.

4. EQUALITIES AND DIVERSITY ISSUES

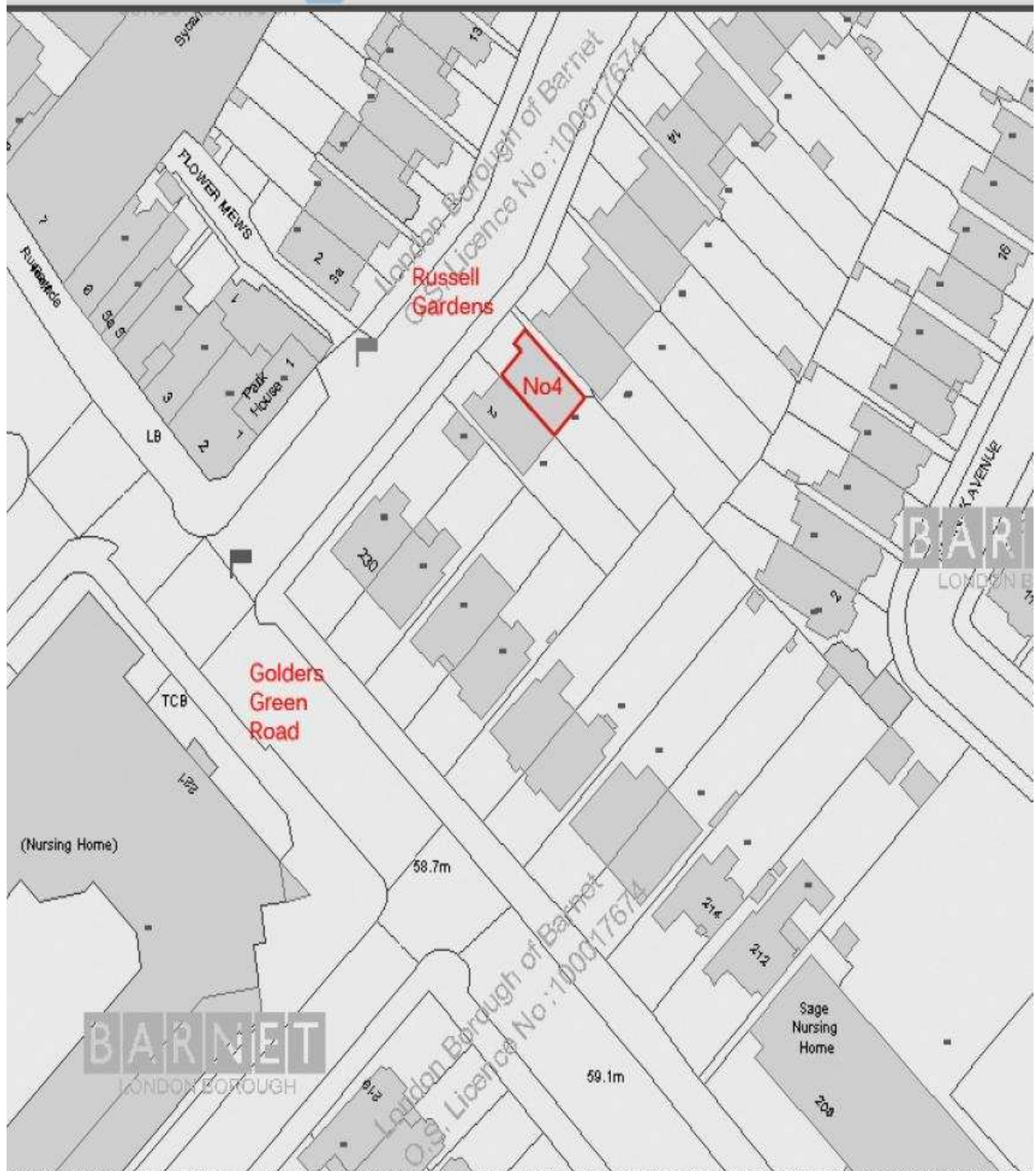
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

As conditioned, the proposal would provide further accommodation without detriment to the residential amenity of neighbouring and future occupiers. The proposal is acceptable on highways grounds. It is recommended the application be **approved** subject to the discharging of attached conditions.

SITE LOCATION PLAN: 4 Russell Gardens, London, NW11 9NL

REFERENCE: F/02007/12



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2012. All rights reserved. Ordnance Survey Licence number LA100017674.