

Location **5 Neeld Crescent London NW4 3RP**

Reference: **18/6978/FUL** Received: 20th November 2018
Accepted: 21st November 2018

Ward: West Hendon Expiry 16th January 2019

Applicant: Mr Koby Sadiki

Proposal: Conversion of existing dwelling into 3no self-contained flats. Retention of existing outbuilding. Associated parking and 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 (Streetwise Maps Ltd - 07/08/2013)
- Existing and Proposed Site Plan (097 F-051 Rev. 2)
- Existing Ground Floor Plan (097 F-101)
- Existing First Floor Plan (097 F-102)
- Existing Second Floor Plan (097 F-103)
- Proposed Ground Floor Plan (097 F-111 Rev. 1)
- Proposed First-Floor Plan (097 F-112 Rev. 1)
- Proposed Second Floor Plan (097 F-113 Rev. 2)
- Existing and Proposed Outbuilding (097 F-114)
- Existing Elevations (097 F-201)
- Proposed Elevations (097 F-211)

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 Before the building hereby permitted is first occupied, all of the proposed windows on the flank walls at first-floor level of the main building and all of the rear facing windows within the outbuilding, shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 4
 - a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
 - b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 5
 - a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.
 - b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 6
 - a) The site shall not be brought into use or first occupied until details of the means of enclosure, including amenity areas and boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.
 - b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 7 The outbuilding hereby approved shall be used solely for purposes ancillary in nature to the main dwelling and shall at no time be used as a habitable room or self-contained flat.

Reason: To protect the site's character and residential amenity of neighbouring occupiers in accordance with Policy DM01 of Barnets Development Management Policies (2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (2012).

- 8 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).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The application site comprises of a two-storey (with rooms in roof space) detached dwelling house at the southern-end of Neeld Crescent, a residential street which lies within the West Hendon Ward. The surrounding area is predominantly residential in character, although the site is located close to Watford Way and Hendon Central Tube Station where there are a range of commercial uses. Neeld Crescent has a mixed residential character with evidence of single-family dwellings, flat conversions and purpose-built flatted development within the street. The application site currently benefits from various side, rear and roof extensions as outlined in the site history section below. To the front of the site is an area of hard standing used for on-site parking and to the rear is a modest sized garden with a garden shed and large outbuilding.

The application site is not a listed building and is not located within a conservation area. There are no trees subject to Tree Preservation Orders (TPO) within the curtilage of the application site. The site is in Flood Zone 1.

2. Site History

Reference: 18/1835/191

Address: 5 Neeld Crescent, London, NW4 3RP

Decision: Unlawful

Decision Date: 17 May 2018

Description: Use as 9 self-contained flats

Reference: H/04716/14

Address: 5 Neeld Crescent, London, NW4 3RP

Decision: Withdrawn

Decision Date: 16 September 2015

Description: Single storey side/rear extension. First-floor side extension.

Reference: H/00555/14

Address: 5 Neeld Crescent, London, NW4 3RP

Decision: Approved subject to conditions

Decision Date: 24 April 2014

Description: Part single part two storey side and rear extension.

Reference: H/03506/13

Address: 5 Neeld Crescent, London, NW4 3RP

Decision: Lawful

Decision Date: 21 August 2013

Description: Extension to roof including rear hip to gable with two side dormer windows and roof light to front elevation to facilitate a loft conversion.

Reference: H/00488/10

Address: 5 Neeld Crescent, London, NW4 3RP

Decision: Approved subject to conditions

Decision Date: 30 March 2010

Description: Part single, part two storey rear and single storey side extension including raised terrace to rear following demolition of existing garage.

Reference: H/02202/09

Address: 5 Neeld Crescent, London, NW4 3RP

Decision: Refused

Decision Date: 18 August 2009

Description: Two storey rear extension with proposed raised terrace and single storey side extension.

There are three outstanding planning enforcement cases for the application site. These are listed below:

- Conversion of the property into 9 self-contained flats without planning permission (ref: ENF/0701/18)
- Construction of an outbuilding in the rear garden without planning permission (ref: ENF/01488/17)
- Insertion of windows without planning permission (ref: ENF/1808/18)

3. Proposal

The proposed development includes:

- Conversion of the existing dwelling into 3 self-contained flats.
- Retention of existing outbuilding for purposes ancillary to the main dwelling. The outbuilding measures 31m², with a width of 6.88m, a ridge height of 2.8m and flank wall height of 2.59m.
- Associated on-site parking, amenity space and refuse and recycling storage.

4. Public Consultation

Consultation letters were sent to 199 neighbouring properties. 18 responses were received comprising 18 letters of objection. These can be summarised as follows:

- Previous extensions were approved for enlarging a single-family dwelling not flats.
- Neeld Crescent is already overdeveloped, with the character being eroded.
- Increase in flat conversions has caused significant on-street parking stress, pollution and congestion in the area.
- Increase in flats on Neeld Crescent has resulted in a large number of bins being left on the pavements obstructing pedestrians right of way.
- The outbuilding has several windows and therefore there are concerns it will be used for living accommodation.
- Outbuilding will harm neighbouring amenity given its size and siting.
- Lack of amenity for future occupiers.
- Increased traffic is a safety concern, blocks driveways and results in pressure on on-street parking.
- Increase in noise and disturbance and additional rubbish bins.
- Internal alterations make it easy for building to be turned into more flats.

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) (2018) 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 Mayor's Draft London Plan

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies document. Both were adopted in September 2012. The following policy documents were consulted:

Core Strategy Policies:

- National Planning Policy Framework (NPPF) (2012)
- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS14.
- Relevant Development Management Policies: DM01, DM02, DM08, DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (Adopted 2016)

Sustainable Design and Construction SPD (Adopted 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;

- Whether sufficient amenity would be provided for future occupiers;
- Impact on highways;
- Provision of refuse storage.

5.3 Assessment of proposals

Principle of development

This application proposes the conversion of the application site into three self-contained flats. The site is currently in use as nine unlawful residential flats. The sites lawful use is a single-family dwelling. As outlined in the planning history section above, the application site is currently subject to three outstanding enforcement actions relating to the highlighted unlawful units, the outbuilding to the rear and new windows. An application to make the existing nine units lawful was refused in 2018 (ref: 18/1835/191). Therefore, this application seeks to address the above enforcement actions by converting the application site into three self-contained flats, retain and make lawful the outbuilding to the rear and make lawful all existing windows. There are no external alterations proposed as part of this application. Extensions to the original building were granted permission or deemed lawful in 2013 and 2014 (see planning history section above). They are not subject to enforcement action.

Policy DM01 which seeks to ensure all development is sensitive to the character of the Borough, states:

h. Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate.

Neeld Crescent has a mixed residential character that contains single-family dwellings, flat conversions and purpose-built flats. Indeed, based on a Council Tax search, there are ten flats between no.1 and no.49 Neeld Crescent, with no.48 Neeld Crescent the most recent example of a flat conversion in the street, with permission for the conversion of a single-family dwelling into five self-contained flats granted in December 2017 (ref: 17/5441/FUL). This permission was granted within the current local policy framework. While the numerous public comments received objecting to further flatted development on Neeld Crescent are noted, it is considered that the principle of flatted development along Neeld Crescent has already been established. Therefore, subject to the schemes acceptability on design, amenity and highways grounds, it is not considered that there is sufficient policy justification to refuse the principle of flatted development at the application site, particularly given five self-contained flats was recently allowed at no.48. Consequently, it is considered that the principle of flatted development at the application site is acceptable, subject to design, amenity and highways considerations, given the established mixed residential character of Neeld Crescent.

Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality

Policy DM01 states that:

b. 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.

As outlined above, there are no external alterations proposed to the main building. Therefore, the proposed flat conversion would not have a detrimental impact on the

character and appearance of the main building when viewed within the wider Neeld Crescent streetscene. A condition will be attached to any permission requiring details of the proposed refuse storage, to ensure any increase in on-site bin storage is managed and appropriately screened to protect the visual appearance of the application site and the wider Neeld Crescent streetscene.

While no alterations are proposed to the main building, this application does seek the retention of a large outbuilding within the rear garden. The existing outbuilding has a ridge height of 2.8m and a flank wall height of 2.59m. Its width measures 6.88m which is almost the full width of the rear garden except for a 0.5m set-back from the neighbouring property at no.7. It is considered that the existing outbuilding is acceptable on balance, given the presence of other large outbuildings within Neeld Crescent and close to the application site, notably at no.1 Rundell Crescent. Furthermore, the outbuilding is also considered to have an acceptable impact on neighbouring amenity and would retain an acceptable amount of garden space. While it is noted that the outbuilding is larger than the adjacent outbuilding at no.3 Neeld Crescent, it is not considered that it would result in a significant departure from, or harm to the established character of Neeld Crescent and the sites immediate locality. The outbuilding would not be visible from the public highway.

Based on the above, it is considered that the proposed development, including the retention of the existing outbuilding would be acceptable in view of Policy DM01.

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

Policy DM01 states that:

Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well-being of the boroughs residents. It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook.

As outlined above, no external alterations are proposed to the main dwelling, therefore there is no loss of amenity by way of outlook, daylight / sunlight, or an increased sense of enclosure from the physical structure of the main building. However, it is noted that given the proposed changes to the internal floor plan, there is a requirement to ensure flank wall windows at first-floor level are obscure glazed to address potential privacy concerns. Therefore, a condition requiring obscure glazing to all first-floor flank wall windows will be attached to any permission. Unit 3 at roof level will rely on clear glazed side dormers for appropriate outlook and daylight / sunlight. Pictures were provided by the applicant which demonstrates that no overlooking would result from enabling outlook from these windows, given neighbouring side dormer windows at the same level are obscure glazed. One non-obscure glazed window was evident from the pictures, but this serves a non-habitable room. Therefore, it is considered that the non-obscure glazed side dormer windows are acceptable in this instance only and would not result in a loss of privacy for neighbouring occupiers.

It is considered that the outbuilding would have an acceptable impact on the amenity of neighbouring occupiers by way of overshadowing and overbearing. Indeed, the outbuilding would be sited adjacent to an existing outbuilding at no.3 and be set-back from the site boundary with no.7 by 0.5m. The outbuilding would project above the boundary fence by around 0.6m and therefore would be visible from the neighbouring rear gardens at nos. 3 and 7 Neeld Crescent. However, it is not considered that this projection would result in a harmful level of overshadowing, or overbearing to neighbouring gardens. To the rear of the

outbuilding are trees and shrubbery which provide a visual screen between the outbuilding and the neighbouring garden on Rundell Crescent. It is noted that windows have been located to the rear of the outbuilding. These will be obscure glazed by condition and therefore would not compromise neighbouring residential amenity.

It is not considered that the proposed increase in site occupancy would have a significantly harmful impact on the residential amenity of neighbouring occupiers. If the site was reverted to its lawful use as a four-bedroom single-family dwelling, the application site could accommodate seven people. The proposed conversion into two, two-bed flats and one studio could accommodate nine people. Furthermore, the existing single-family dwelling could accommodate and therefore use three on-site parking spaces which is the same as the proposed. Therefore, it is not considered that the increase of two people over and above the lawful use of the application site as a four-bedroom house, would result in a harmful increase in noise and disturbance and comings and goings to the site. The impact of the proposed conversion from a highways perspective will be considered in the highways section below.

In summary, it is not considered that the proposed conversion of the application site into three self-contained flats and the retention of the ancillary rear outbuilding would result in harm to the residential amenity of neighbouring occupiers, by way of outlook, daylight / sunlight, privacy and general noise and disturbance and comings and goings.

Whether sufficient amenity would be provided for future occupiers

The London Plan (2016) and Section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum internal space requirements for residential units. A bedroom measuring 11.5m² and above is calculated as a double, and a bedroom measuring 7.5m² to 11.4m² is calculated as a single.

Each of the proposed flats would meet the highlighted minimum internal space standards as demonstrated below:

Flat 1: 2-bed, 4-person, 1-storey: 70m² required / 85.3m² provided

Flat 2: 2-bed, 4-person, 1-storey: 70m² required / 74m² provided

Flat 3: 1-bed, 1-person, 1-storey: 37m² required (includes shower room) / 37m² provided

Table 2.2 of Barnet's Sustainable Design and Construction SPD (2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All proposed bedrooms would meet the above standards.

Floor to ceiling height:

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling.

Each of the proposed flats would meet the above standard. Indeed, Flat 3 at roof level would have 28m² of habitable floor space with a floor-to-ceiling height at 2.3m or more. 75% of the

37m² Gross Internal Area provided within Flat 3 would equate to a requirement to provide 27.75m² of habitable floor space at a floor-to-ceiling height of at least 2.3m². Therefore, Flat 3 would comply with the above standard.

Light/outlook:

Barnet's Sustainable Design & Construction SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should provide reasonable levels of outlook to all habitable rooms.

It is considered to each flat would benefit from an acceptable level of dual aspect outlook and daylight / sunlight provision. It is noted that the proposed sub-division of the rear amenity space would result in a fence close to the window of bedroom two of Flat 1. The sub-division was required to improve privacy to the future occupiers of the ground floor flat. However, to ensure that this bedroom receives adequate outlook and daylight / sunlight, a condition will be attached to any permission requiring details of proposed boundary treatments and the sub-division of amenity space, including fencing materials and heights.

Amenity Space:

Section 2.3 of the Sustainable Design & Construction sets out the minimum external amenity space standards for a flat, which is 5m² per habitable room. A room measuring 20m² or more is calculated as two habitable rooms. The proposed development would provide 26m² of private amenity for the ground floor flat (Flat 1), 46m² of communal garden space and 31m² of amenity space via a communal outbuilding. All flats would therefore receive sufficient external amenity space as evidenced below:

Flat 1: 20m² required / 26m² provided

Flat 2: 20m² required / 77m² provided (communal)

Flat 3: 10m² required / 77m² provided (communal)

Stacking:

Given the proposed room stacking would result in areas where livingrooms are located above bedrooms, a sound proofing condition will be attached to any permission.

In summary, it is considered that the proposed development subject to conditions, would provide a sufficient level of amenity for future occupiers.

Highways

Based on Policy DM17, the proposed development would have the following parking range:

1-bedroom unit: 0 to 1 parking spaces required

2 to 3-bedroom unit: 1 to 1.5 parking spaces required

1x 1-bedroom units = 0 to 1 parking spaces

2x 2-bedroom units = 2 to 3 parking spaces

Total maximum parking range required = 2 to 4 parking spaces

The PTAL rating for the site is 4 / 5 which represents a good level of site accessibility. The application site is not located within a Controlled Parking Zone.

The proposed development would provide 3 on-site parking spaces, equating to 1 space per unit. This is considered acceptable in view of the maximum parking range highlighted above and the sites PTAL rating. It is acknowledged following a site visit, that Neeld Crescent does suffer from a high level of on-street parking stress, a point highlighted by many of the public comments received. However, given the proposed development complies with DM17 in terms of its on-site parking provision, it is not considered that a refusal on highways grounds would be reasonable in view of the highlighted policy.

Policy 6.9 of the London Plan (2016) outlines the cycle storage requirements for residential units. For the proposed development, secure and weather-proof storage would be required for five cycles. This has been secured via condition.

In summary, it is considered that the proposed development is acceptable on highways grounds given it complies with policy DM17 of Barnet's Development Management Policies (2012) and Policy 6.9 of the London Plan (2016).

Refuse

The proposed development is required to comply with Barnet's Waste and Recycling Guidance (2019). Refuse and recycling bins are to be located on the front drive. It is considered that there is sufficient capacity on the front drive to accommodate the required bin capacity. However, a condition requiring details of the proposed refuse storage and capacity will be attached to any permission to ensure any increased in bin storage is appropriately managed and screened to protect the character of Neeld Crescent and the residential amenity of neighbouring occupiers.

5.4 Response to Public Consultation

- Previous extensions were approved for enlarging a single-family dwelling not flats:

See principle section above.

- Neeld Crescent is already overdeveloped, with the character being eroded:

See principle section above.

- Increase in flat conversions has caused significant on-street parking stress, pollution and congestion in the area.

See highways section above.

- Increase in flats on Neeld Crescent has resulted in a large number of bins being left on the pavements obstructing pedestrians right of way.

See character and refuse sections above.

- The outbuilding has several windows and therefore concerns it will be used for living accommodation:

Conditions have been added to ensure the rear facing windows are obscure glazed and that the outbuilding is used for ancillary purposes only. Any use of the outbuilding for living accommodation would be subject to enforcement action.

- Outbuilding will harm neighbouring amenity given its size and siting:

See amenity section above:

- Lack of amenity for future occupiers:

See future occupier amenity section.

- Increased traffic is a safety concern, blocks driveways and results in pressure on on-street parking:

See highways section above.

- Increase in noise and disturbance and additional rubbish bins:

See amenity section above.

- Internal alterations make it easy for building to be turned into more flats:

Further alterations have been made to the internal layout since the application was first made to ensure they are more appropriate for three flats. Any use of the property for more flats than permitted would be subject to enforcement action.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed conversion of the application site into three self-contained flats and the retention of the existing outbuilding would have an acceptable impact on the character and appearance of the application site and Neeld Crescent, and would not cause significant harm to the residential amenity of neighbouring occupiers. Furthermore, it is considered that sufficient on-site amenity provision would be provided for future occupiers and that the proposed conversion would be acceptable on highways grounds given its compliance with Policy DM17. Therefore, this proposal is recommended for approval.

