

LOCATION: 44 Purcells Avenue, Edgware, Middx, HA8 8DZ
REFERENCE: H/03172/12 **Received:** 16 August 2012
WARD: Edgware **Accepted:** 15 August 2012
Final Revisions: **Expiry:** 10 October 2012

APPLICANT: Mr Prince
PROPOSAL: Variation of condition 1 (Plan numbers) for planning permission H/03226/10 dated 16/12/10 for "Amendment to previous planning application allowed under appeal reference APP/N5090/A/08/2082935/NWF dated 22/01/2009 for 'Conversion of existing house into 4x2 bed flats and 1x1 bed flat, First floor rear extension and extension to roof with rooflights to front, side and rear elevations and conversion of garage to habitable room'.

Amendments include increase in height to approved first floor rear extension, and infill ground floor front extension.

Approve Subject to 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 **Libraries (financial) £451.00**
A contribution towards Library Facilities and Resources in the borough
- 4 **Health £3,522.00**
A contribution towards Health Facilities and Resources in the borough
- 5 **Monitoring of the Agreement £198.65**
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: H/03172/12 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 838-BA-001A, 838-BA-002A, 838-BA-003A, 838-BA-004A, 838-BA-005, 838-BA-006, 838-BA-007, 838-BA-008, 838-BA-009, 838-BA-038, 838-BA-040, 838-BA-042, 838-BA-055, 838-BA-056B, 838-BA-057B, 838-BA-058B, 838-BA-059, 838-BA-060, 838-BA-061, 838-BA-062, 838-BA-063, 838-BA-065, 838-BA-066

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) unless otherwise agreed in writing by the local planning authority.
Reason:
To safeguard the visual amenities of the building and the surrounding area.
 - 4 No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontage(s) of Purcells Avenue and Green Lane from a point 2.4m from the highway boundary for a distance of 2.4m on both sides of the vehicular access(es).
Reason:
To prevent danger, obstruction and inconvenience to users of the adjoining highway and the premises.
 - 5 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.
 - 6 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.
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.
 - 7 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the following operation(s) shall not be undertaken without the prior specific permission of the Local Planning Authority Insertion of flank windows in the east first floor flank wall facing no.42 Purcells Avenue.
Reason:
To safeguard neighbouring privacy and amenity.
 - 8 Prior to the occupation of the units a copy of the Pre-completion Sound Insulation Test Certificate of Part E of the Building Regulations 2000 (or any subsequent amendment in force at the time of implementation of the permission) shall be submitted to the Local Planning Authority and shall indicate at least 3 decibels above the Performance Standard.
Reason:
To protect the amenities of future and neighbouring residential occupiers.
 - 9 No construction work resulting from the planning permission shall be carried out

on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

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

- 10 Before the development hereby permitted is occupied the parking spaces/garages shown on Plan 838-BA-43 Revision 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.

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 London Plan (Consolidated with Alterations since 2004) and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): The proposed development accords with strategic planning guidance and policies as set out in The London Plan (Consolidated with Alterations since 2004) and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan 2006: GBEEnv1, D1, D2, D5, CS2, CS8, IMP1, IMP2, M11, M12, M14, H23, H26, H27

Supplementary Design Guidance 5: Extensions to Houses

Supplementary Design Guidance 7: Residential Conversions

Supplementary Planning Document: Sustainable Design and Construction

Supplementary Planning Document : Planning Obligations

Supplementary Planning Document : Contributions to Education

Supplementary Planning Document : Contributions to Libraries

Supplementary Planning Document : Contributions to Health

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

The proposed development would provide additional housing units to meet a known demand. The proposals would not have a detrimental impact on the character and appearance of the area, or harm the amenities of neighbouring occupiers. It accords with the relevant policies.

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

- 2 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.

- 3 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 06/03/2013, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application H/03172/12 under delegated powers for the

following reason/s:

The development would require a Unilateral Undertaking/Section 106 Agreement and no formal undertaking has been given to the Council, as a result the proposed development would, by reason of the developer not meeting the identified additional health and library facilities, and the associated monitoring costs which would be incurred by the community as a result of the development, be contrary to Policies CS10, CS11 & CS15 of the Local Plan Core Strategy (Adopted 2012); and the adopted Supplementary Planning Documents, "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations".

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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 27 March 2012. 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 London Plan is recognised in the NPPF as part of the development plan.

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."

NPPF retains 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 July 2011: 3.5, 6.1, 7.4, 7.6

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.

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the Unitary

Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

Core Strategy (Adopted) 2012:

Barnet's 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 (Core Strategy and Development Management Policies documents) 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 was adopted by the Council on September 11 2012. 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: CS NPPF, CS1, CS5, CS15

Development Management Policies (Adopted) 2012:

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 was adopted by the Council on September 11 2012. 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 (Adopted) 2012: DM01, DM02, DM08, DM17.

Relevant Planning History:

H/03226/10 - Amendment to previous planning application allowed under appeal reference APP/N5090/A/08/2082935/NWF dated 22/01/2009 for 'Conversion of existing house into 4x2 bed flats and 1x1 bed flat, First floor rear extension and extension to roof with rooflights to front, side and rear elevations and conversion of garage to habitable room'. The proposed amendments namely include a ground and first floor front extension, alterations and extensions to roof (including 0.1m increase in height of apex) with introduction of side and rear dormers to facilitate a loft conversion and omission of the first floor rear extension. - Approved - 16/12/2010

Consultations and Views Expressed:

Neighbours Consulted:	41	Replies:	10
Neighbours Wishing To Speak	1		

The objections raised may be summarised as follows:

- Original application should not have been approved
- Roofline should not be increased as this sets others being able to do so in the future
- Loss of privacy
- Proposals are out of character for the area and would change the skyline
- Lack of room on such a small plot for extension of this size
- Cars enter driveway illegally over kerb
- Design and access statement is impossible to understand
- Most people have been on holiday and unable to respond
- Boundary fencing should be provided
- Committee were reluctant to agree previous proposals so further increases should not be supported
- Lack of provision for refuse/recycling
- Conversion of properties to smaller units would damage character of the locality

Internal /Other Consultations:

N/A

Date of Site Notice: 30 August 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is a detached dwellinghouse on the north side of Purcells Avenue, sited adjacent to the junction with Green Lane.

The site locality can be characterised as predominantly being residential single-family dwelling houses. The site has an existing area of hardstanding to the front of the property which is used as a parking area. The site property has previously been extended by means of two storey side and rear extensions.

Proposal:

The proposals are for amendments to the approved scheme under reference H/03226/10. Planning permission was granted for extensions to the property in association with the conversion of the property into 5 flats following the approval at appeal.

The current application seeks planning permission for revised extensions to the property in association with the conversion of the property into 5 flats.

The changes to the previously approved scheme are as follows:

The amendments include an increase of 200mm height to the hipped roof to the rear of the property and an infill to the recess to the front elevation.

Planning Considerations:

The main issues are considered to be:

- Whether the principle of the development is acceptable
- Whether the proposals would have an acceptable impact on the amenities of neighbouring and future occupiers
- Whether the proposals would have an acceptable impact on the character and appearance of the streetscene and general locality
- Whether the proposals would harm highway and pedestrian safety
- Whether the proposals make appropriate provision towards local education, libraries and health infrastructure

Policy context

Since the time of the previous approval, the most recent version of the Mayor's London Plan, as well as the Barnet Core Strategy and Development Management Policies have been adopted.

Whether the principle of the development is acceptable

The application follows the approval of application H/03226/10 for the conversion of the property to five flats with extensions. The principle of the conversion was established under application ref: H/01592/08 which was allowed at appeal. It is not considered that any changes in policy since this time would warrant refusal of the application. It is also noteworthy that the applicant could implement planning permission H/03226/10 which is extant.

Whether the proposals would have an acceptable impact on the amenities of neighbouring and future occupiers

The proposed extensions consist of an increase of 200mm in height to the hipped roof to the rear of the property and an infill to the recess to the front elevation.

The extension to the front of the property infills an area behind the greater approved projection on the side nearest no.42. As a result this would have no appreciable impact on the visual or residential amenities of no.42.

The proposed increase to height of the first floor rear extension by 200mm. The apex of this pitched roof would be 7m from the boundary with no.42. Consequently given the relatively small increase to the height of the roof it is not considered that the proposals would harm neighbouring amenity.

It is noted that three of the proposed units previously approved would no longer meet internal space standards specified by policy 3.5 of the London Plan.

The current proposals would slightly improve this, as one of the units at ground floor would be closer to meeting the standard. Ultimately, given that the existing permission is still extant, it is not considered that refusal of the current scheme on the grounds that three of the units fail to meet current London Plan standards.

It is not considered that any policy changes have occurred that would warrant refusal of the application, given that the content of the relevant policies is substantially the same.

Whether the proposals would have an acceptable impact on the character and appearance of the streetscene and general locality

The rear of the site is visible from Green Lane. Consequently the additional increase to the height of the rear projection would be perceptible from this viewpoint. However the extension would be no deeper and the highest point of the roof would not be higher than the highest part of the roof.

The front extension would infill an area that does not extend as far as the already approved front extension on the side nearest no.42. Therefore this would not appear unduly dominant in the context of the streetscene.

It is not considered that the proposals would harm the character and appearance of the streetscene and general locality.

Whether the proposals would harm highway and pedestrian safety

The proposals are for the conversion of the existing dwellinghouse into 2no. 1 bedroom flats, 2no. 2 bedroom flats and 1 no. 3 bedroom flat.

It should be noted that no highway objections were made to the previous proposals for 4no 2 bedroom flats and 1 no. 1 bedroom flat. The principle of the conversion has already been established by the appeal decision and the subsequent approval. The proposed change to the composition of the flats would not materially impact highway or pedestrian safety. The parking layout is the same as previously approved under application ref: H/03226/10.

It is not considered that any changes in policy or circumstance have occurred that would warrant refusal of the application on highways grounds.

Whether the proposals make appropriate provision towards local education, libraries and health infrastructure

Under the revised layout, the following planning obligations would be required.

- £2,650.00 towards education costs associated with the development.
- £451.00 towards library costs associated with the development.
- £3638.00 towards health costs associated with the development.
- £336.93 towards associated monitoring costs.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Original application should not have been approved - *The previous decision cannot be challenged at this stage and is a material consideration.*

Roofline should not be increased as this sets others being able to do so in the future - *Proposals need to be assessed on their own merits*

Loss of privacy - *Considered in the main report*

Proposals are out of character for the area and would change the skyline - *Considered in the main report*

Lack of room on such a small plot for extension of this size - *Considered in the main report*

Cars enter driveway illegally over kerb - *Permission would be required from the Council for any changes required to the vehicular accesses*

Design and access statement is impossible to understand - *It is considered that the document is adequate for the purposes of assessing the application*

Most people have been on holiday and unable to respond - *Consultation has been undertaken in accordance with the Council's code of practice which exceed statutory requirements*

Boundary fencing should be provided - *A condition is attached requiring this*

Committee were reluctant to agree previous proposals so further increases should not be supported - *Proposals need to be assessed on their own merits*

Lack of provision for refuse/recycling - *It is considered that there is adequate room on the site to provide acceptable refuse storage. Therefore a condition is suggested.*

Conversion of properties to smaller units would damage character of the locality - *Considered in the main report*

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. Applicant seeks to extend and convert property to provide total of four self-contained units for which there is an identified need.

5. SECTION 106 ISSUES

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

Subject to the signing of the formal Unilateral Undertaking in relation to contribution to educational, libraries and health facilities the application is recommended for **APPROVAL**.

SITE LOCATION PLAN: 44 Purcells Avenue, Edgware, Middx, HA8 8DZ

REFERENCE: H/03172/12



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