

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. ATNS/2027/EX01, EX02 and ATNS/2005/EX03, EX04, EX05 and ATNS/2027/EX06 (received 2 August 2012) and Drawing Nos. ATNS/2027/PR01B, PR02B, PR03A, PR04A, PR05A (received 29 November 2012) and PR06C (received 18 December 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 surrounding area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

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 first occupied the parking spaces shown on Plan PR01B (received 29 November 2012) 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, 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.

7. 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.

Reason:

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

8. All new residential dwellings within the development hereby approved shall be constructed to meet and achieve the 'Lifetime Homes' standard.

Reason:

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and policies 3.8 and 7.2 of the London Plan 2011.

9. The dwelling(s) hereby approved shall have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters.

Reason:

To encourage the efficient use of water in accordance with policies DM02 of the Development Management DPD (2012) and 5.15 of the London Plan 2011.

INFORMATIVE(S):

1. The reasons for this grant of planning permission 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 Core Strategy (2012) and Development Management Policies DPD (2012). In particular the following polices are relevant:

Core Strategy (Adopted September 2012): DM01, DM02, DM08 and DM17.

Development Management Policies (Adopted September 2012): CS NPPF, CS1, CS4, CS5, CS9, CS10, CS11 and CS15
 - ii) The proposal is acceptable for the following reason(s): The proposed development is considered to have an acceptable impact on the character and appearance of the application site and the general street scene. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers or on highway safety. This proposal is considered to accord with Council policies and guidance.

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

iii) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

2. In accordance with Recommendation I, a Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) is required to be entered into, relating to this permission.
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. Your planning application has been assessed to require a charge of £1610.

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.

4. Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day as calculated according to the Code for Sustainable Homes.

5. Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the borough streets and pavements improved.

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 9 April 2013, unless otherwise agreed in writing, the Acting Assistant Director of Planning and Development Management REFUSE the application ref: B/03020/12 under delegated powers for the following reasons:

The proposed development does not include a formal undertaking to meet the costs of extra education facilities, library facilities, health facilities and associated monitoring costs arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet Supplementary Planning Documents - Contributions to Education (2008), Health (2009), Libraries (2008) and Monitoring (2007), and Policies CS10, CS11 and CS15 of the Local Plan Core Strategy (Adopted September 2012).

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 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 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 and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS4, CS5, CS9, CS10, CS11 and CS15.

Relevant Development Management DPD (2012): Policies DM01, DM02, DM08 and DM17.

Supplementary Planning Documents and Guidance

Design Guidance Note No 5 – Extensions to Houses.

The Council guide 'Extension to Houses' was approved by the Planning and Environment Committee (The Local Planning Authority) in March 2010. This supplementary planning guidance (SPG) sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation.

Included advice states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

In respect to amenity, extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

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

The Council is currently consulting on the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations. The Residential Design Guidance SPD (consultation draft November 2012) and Sustainable Design and Construction SPD (consultation draft November 2012) are now material considerations.

Relevant Planning History:

Site Address: 50A Friern Barnet Lane, London, N11 3NA

Application Number: 02454/09

Decision: Refuse. **1)** Side extension would be overly dominant and visually obtrusive, unsympathetic to scale and appearance of existing building, close an important gap in the street scene. **2)** First floor extension would be overbearing and visually obtrusive to No. 50, causing an increased sense of

enclosure. **3)** Inadequate information submitted to assess the stacking of the proposed units. **4)** Fails to provide adequate refuse facilities. **5)** No formal undertaking submitted to secure financial obligation.

Decision Date:

04/09/2009

Proposal:

Two storey side extension and conversion of two self-contained flats into four self-contained flats.

Site Address:

50A Friern Barnet Lane London N11 3NA

Application Number:

N14436A/04

Decision:

Approve with conditions

Decision Date:

09/11/2005

Proposal:

Conversion of property into two self-contained flats.

Consultations and Views Expressed:

Neighbours Consulted: 40 Replies: 8

Neighbours Wishing To Speak: 0

The objections raised may be summarised as follows:

- The building was a single residence prior to 2004 when it was split into flats. There are already too many units for too limited space.
- It is estimated that at least 8 people live in the existing building.
- There is not enough parking for existing occupants and the proposal will make the parking situation worse.
- The proposal would bring the building too close to neighbouring properties.
- The proposal would result in more noise and disturbance to neighbours.
- There would not be sufficient amenity space for the 4 flats.

Officer note: It should be noted that the objections above were received relating to the originally submitted plans and details, which proposed a larger sized extension and the provision of two additional units rather than one. Any comments received relating to the current plans will be reported within the Addendum to this report which will be available at the Committee Meeting.

Internal /Other Consultations:

Traffic and Development: The proposal is for the conversion of two flats (one 2-bed and one 3-bed) into three flats (one 3-bed, one 2-bed and one 1-bed). A total of three parking spaces are proposed on the forecourt of the property, accessed via the existing vehicular access. The parking provision is in accordance with the parking standards in the Local Plan and no objections are raised on highways grounds.

Date of Site Notice: 06 September 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site contains one half of a pair of semi-detached properties. The existing property contains two flats, following the approval of planning permission N14436A/04 in 2005. Friern Barnet Lane in this location is characterised by detached and semi-detached properties. Whilst predominantly in single family use, several conversions have taken place into flats, including at No. 60. The road slopes down from north to south in the vicinity of the application site.

Proposal:

This application proposes a part two storey, part single storey front/side extension to facilitate the creation of one additional residential flat (with resultant building

therefore containing a total of 3No. self contained flats). The provision of 3No. car parking spaces, bicycle store and refuse store are also included.

The proposed extension would replace existing single storey front and side projections. The proposed single storey front projection would project 3.2 metres forward of the main dwelling, identical to the current single storey front projection. It would have a width of 8 metres (an increase from the existing of 6.8 metres). It would taper approximately 0.9 metres from the boundary, and have a depth of 13.3 metres, extending up to the rear elevation of the existing dwelling. At first floor level, the proposed extension would have a width of 3.5 metres, and a depth of 9.7 metres. It would be stepped back from the front elevation of the existing dwelling. The single storey element would have a flat roof 3 metres high, whilst the two storey element would have a hipped roof with a flat crown matching the height of the existing two storey front projection. The two storey element would be set between approximately 2 metres (at the rear) and 4 metres (at the front) from the side boundary.

A bin store is proposed adjacent to the replacement single storey front projection, and a cycle storey opposite this. Space for three vehicles to park is proposed.

This application has been submitted further to the refusal of planning application B/02454/09. That application was refused for 5 reasons, summarised in the History section above. The changes between that previously refused application and the current application are as follows:

- The width of the proposed extension at first floor level has been reduced from 4.7 metres to 3.5 metres.
- The depth of the proposed extension at first floor level has been increased from 7.5 metres to 9.7 metres.
- The previous application included a smaller extension at ground floor level, set behind the existing single storey front projection, and did not include the replacement of the existing front projection. Objections were not raised to this ground floor element.
- The proposed extension would facilitate the creation of one additional residential unit, whilst the previous application proposed the creation of 2 additional residential units.

Planning Considerations:

In assessing this application, it is necessary to determine whether the changes made since the previous application was refused are sufficient to overcome the previous reasons for refusal, and whether any additional issues are raised by the proposed scheme.

The first reason for refusal relating to the previous application states that the proposed side extension would be overly dominant and visually obtrusive, harmful to the character and appearance of the property and the street scene. In the current application, the width of the proposed extension at first floor level has been reduced by 1.2 metres. The extension would no longer result in a considerable reduction in the visual spacing between the application site and the neighbouring property, with spacing retained about the property to ensure the extended building would not appear cramped within its plot. This ensures it complies with current Design Guidance, and appears as a subordinate addition to the main dwelling. The proposed extension would not appear as a dominant or obtrusive addition to the dwelling, but as a subordinate and proportionate extension. The single storey front elements are similar in appearance to the existing. As a result, it is not considered

that the proposed extensions would be detrimental to the character and appearance of the building, the street scene or the wider locality. No objections are raised in this respect, and the first reason for refusal attached to the previous application has been overcome.

The second reason for refusal attached to the previous application states that the first floor extensions would be overbearing and visually intrusive when viewed from No. 50 Friern Barnet Lane. As previously noted, the width of the proposed extension at and above first floor level has been reduced. Given the increased distance between the flank wall of the proposed extension at first floor level, and the neighbouring property at No. 50, it is not considered that the proposal would appear overbearing or visually intrusive when viewed from No. 50 Friern Barnet Lane. The proposal would be set away from all other neighbouring properties, and is therefore not considered to adversely affect the amenities of the occupants of any neighbouring property. The second reason for refusal attached to the previous application has therefore been overcome, and no objections are raised with regard to neighbour impact.

The third reason for refusal attached to the previous application states that insufficient information was submitted to assess the stacking of the proposed units. The submitted floor plans show an acceptable internal layout, and no objections are raised with regard to the stacking. The third previous reason for refusal has therefore been overcome.

The fourth reason for refusal attached to the previous application states that inadequate refuse facilities were shown to be provided. In the current application, an acceptable position for the storage of recycling and refuse facilities has been shown on the submitted plans. Subject to a condition requiring further details of the appearance of the refuse store, no objections are raised with regard to refuse facilities and the fourth previous reason for refusal has been overcome.

The fifth reason for refusal related to the lack of a formal undertaking to meet the extra education, health and library service costs associated with the proposed development. The applicant has indicated a willing to enter into a unilateral undertaking to secure these contributions, and the recommendation of this application reflects such an undertaking.

The Community Infrastructure Levy Regulations 2010:

The contributions listed in the above recommendation 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.

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:

Adopted policy indicates that the Council will seek to enter into planning obligations in conjunction with new developments to secure the provision of community and religious facilities, health and social care facilities and library facilities where a residential development creates a need for school places contributions will be secured for such purposes via planning obligations.

The purpose of planning obligations is to make acceptable development which would otherwise be unacceptable in planning terms. Circular 05/2005 supports the use of planning obligations to secure contributions towards community infrastructure to mitigate the impacts of new development, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

Para. B5 of the Circular sets out five policy tests that must be met by the LPA when seeking planning obligations. In addition, Regulation 122 of the Community Infrastructure Levy Regulations, which came into force on 6 April 2010, makes it unlawful for a planning obligation to be taken into account in determining a planning application if it does not meet the three tests set out in Regulation 122. These statutory tests are based upon three of the five policy tests in Circular 5/2005 at paragraph B5 (tests (ii), (iii) and (iv)).

The recovery of costs for the monitoring of planning obligations is set out in Section 8 (para's 8.3 & 8.4) of the Planning Obligations SPD.

Education needs generated by the development:

Circular 05/2005 supports the use of planning obligations to secure contributions towards educational facilities, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

The proposal would provide an additional residential unit, which would generate an increased demand for educational facilities in the area. The calculation of additional demand (SPD para's 4.6-4.14), existing facilities and capacity (SPD para's 5.5-5.12), method of calculating the required contribution (SPD para's 3.1-3.15 and 4.1-4.5), and use of the contributions (SPD para's 5.13-5.14) are set out in the Council's SPD "Contributions to Education" adopted in 2008.

It is considered that a financial contribution towards future education facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this.

To accord with policy and the SPD the proposed scheme of one residential unit would require a contribution of £741 plus a monitoring fee of 5%.

Contributions to library services:

The increase in population resulting from development is expected to place serious pressures on libraries, which are already required to meet all the needs of Barnet's diverse community. Developer contributions are therefore necessary to ensure service provision mitigates the impact of their development activity.

The adopted SPD "Contributions to Library Services" sets out the Council's expectations for developers contributions to the provision and delivery of a comprehensive and efficient library service, with the aim of opening up the world of learning to the whole community using all media to support peoples educational, cultural and information needs. The SPD provides the calculation of additional demand (para's 4.10-4.12), existing facilities and capacity (para's 1.1-1.4 & 2.5), method of calculation (para's 2.4 & 3.1-3.11), and use of funds (para's 5.1-5.7).

It is considered that a financial contribution towards library services is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this. To accord with policy and the SPD the proposed scheme would require a contribution of £139 plus a monitoring fee of 5%.

Contributions to Health facilities:

The proposal would provide an additional residential unit which would generate an increased demand for health facilities in the area. The calculation of additional demand / method of calculating the required contribution (SPD para's 6.1-6.4), existing facilities and capacity (SPD para's 5.7-5.18), and use of the contributions (SPD para's 8.1-8.4) are set out in the Council's SPD "Contributions to Health" adopted in July 2009.

It is considered that a financial contribution towards future health care facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this. To accord with policy and the SPD the proposed scheme would require a contribution of £802 and a monitoring fee of 5%.

The education, library services, health facilities and monitoring fee of 5% contributions will be secured by unilateral undertaking.

The proposed internal configuration indicates that the units would have an acceptable internal layout to comply with minimum internal size standards. The rear amenity space to Flat 2 (to the rear of the building at ground floor level) is shown to be directly to the rear of this property, which ensures the occupants of this flat would benefit from a satisfactory level of privacy and amenity. The submitted plans show parking spaces and a cycle parking area to be provided. The proposal would include the retention of the 3 bedroom unit, which complies with Policy DM08 which identifies homes with 3 bedrooms to be a medium priority.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The majority of the comments received are addressed in the appraisal above. It should be noted that the planning system is not able to control how or when rear garden areas are used.

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

The proposal is considered to be acceptable in terms of its impact on the application site, the general locality and the amenities of neighbouring residents. The proposal accords with council policy and guidance and the application is subsequently recommended for approval subject to conditions.

SITE LOCATION PLAN: 50A Friern Barnet Lane, London, N11 3NA

REFERENCE: B/03020/12



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