

LOCATION: Garages to the rear of 1-12 Gloucester Court, Gloucester Gardens, London, NW11 9AA

REFERENCE: F/00031/13

Received: 21 December 2012

Accepted: 27 December 2012

WARD(S): Golders Green

Expiry: 21 February 2013

Final Revisions:

APPLICANT: Zas

PROPOSAL: Partial demolition and conversion of existing garages to the rear of Gloucester Court into 2 no. residential units. Alterations to include new front wall, windows and door with a new roof.

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, Design and access statement, SDC/SHE/01, SDC/SHE/02 and SDC/SHE/03.

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 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.

5 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.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the floor plan layout as shown on the hereby approved plans must not be changed.

Reason:

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

7 The roof 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.

- 8 No windows or doors other than those expressly authorised by this permission shall be constructed in any elevations of the self contained units hereby approved facing the neighbouring properties.

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

- 9 Before the building hereby permitted is occupied the proposed window(s) in the front elevation facing Gloucester Court 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.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D & E of Part 1 to Schedule 2 of that Order shall be carried out within the area of the dwellinghouse hereby approved.

Reason:

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

- 11 The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

- 12 No development shall take place until details of the arrangements to meet the obligation for health and library facilities and the associated monitoring costs have been submitted to and approved in writing by the local planning authority.

Reason:

To ensure the proper planning of the area and to comply with policies CS10, CS11 and CS15 of the Adopted Barnet Core Strategy DPD (2012) and the adopted Supplementary Planning Documents "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations".

- 13 The garden/ amenity space shown on the approved plans shall remain as amenity space and shall not be used for any other purpose.

Reason:

To preserve the amenities of future occupiers of the studios.

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 Core Strategy (2012) and Development Management Policies DPD (2012).

In particular the following policies are relevant:

Core Strategy (Adopted) 2012: CS NPPF, CS1, CS4 and CS5.

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

ii) The proposal is acceptable for the following reason(s): - The conversion of the garages into two self contained flats and proposed alterations are considered to be 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.

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 applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

iv) In this case, formal pre-application advice was sought prior to submission of the application.

- 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.

Your planning application has been assessed to require a charge of £2698.50p.

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.

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 Mayor of London, The London Plan, Spatial development strategy for Greater London, Consolidated with Alterations since 2004 is the development plan in terms of strategic planning policy. Relevant strategic policy includes 3.5.

Supplementary Planning Guidance:

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).

Draft Residential Design Guidance SPD (2012).

Draft Sustainable Design and Construction SPD (2012).

Core Strategy (2012):

The Core Strategy contributes to achieving the vision and objectives of Barnet's Sustainable Community Strategy and helps our partners and other organisations to deliver relevant parts of their programmes. It covers the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

Relevant Core Strategy Policies (2012): CS NPPF, CS1, CS4 and CS5

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

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

Relevant Planning History:

Site Address: Garages to the rear of 1-12 Gloucester Court, Golders Green Road, London, NW11 9AA

Application Number: F/05000/11

Application Type: Full Application

Decision: Refuse for the following reasons:

- 1 The proposed conversion by reason of its siting close to Gloucester Court and resultant overlooking onto proposed habitable rooms would provide unacceptable standards of amenity for future occupiers contrary to policies D5, H16 and H26 of the Barnet Adopted Unitary Development Plan (2006) and policy DM01 of the Emerging Local Plan Development Management Development Plan Document (Examination in Public Version)

2012.

2 The proposals fail to provide adequate standards of usable amenity space for future occupiers contrary to policy H18 of the Barnet Adopted Unitary Development Plan (2006) and policy DM02 of the Emerging Local Plan Development Management Development Plan Document (Examination in Public Version) 2012.

3 No undertaking has been given by the developer to meet identified additional educational, health, libraries and monitoring costs which would be incurred by the community as a result of the development, contrary to Policy CS1, CS8, CS13 of the Barnet Adopted Unitary Development Plan (2006), Adopted Supplementary Planning Document on Contributions to Education (2008), Libraries (2008), Health (2009) and Monitoring (2006) and policy CS15 of the Emerging Local Plan Core Strategy (Examination in Public Version) 2012.

Decision Date: 12/19/2012

Appeal Decision: Dismissed

Appeal Decision Date: 12/19/2012

Proposal: **Partial demolition and conversion of existing garages to the rear of Gloucester Court into 2no residential units. Alterations to include new front wall, windows and door with a new roof.**

Case Officer: Neetal Rajput

Site Address: Garages to the rear of 1-12, Gloucester Court, Golders Green Road, London, NW11 9AA

Application Number: F/02764/12

Application Type: Full Application

Decision: Refuse for the following reasons:

1 The proposed conversion by reason of its siting close to Gloucester Court and resultant overlooking onto proposed habitable rooms would provide unacceptable standards of amenity for future occupiers contrary to policies D5, H16 and H26 of the Barnet Adopted Unitary Development Plan (2006) and policy DM01 of the Local Plan Development Management Development Plan Document (Adopted) 2012.

2 The proposals fail to provide adequate standards of usable amenity space for future occupiers contrary to policy H18 of the Barnet Adopted Unitary Development Plan (2006) and policy DM02 of the Local Plan Development Management Development Plan Document (Adopted) 2012.

3 No undertaking has been given by the developer to meet identified additional health, libraries and monitoring costs which would be incurred by the community as a result of the development, contrary to Policy CS1, CS8, CS13 of the Barnet Adopted Unitary Development Plan (2006), Adopted Supplementary Planning Document on Contributions to Libraries (2008), Health (2009) and Monitoring (2006) and policy CS15 of the Local Plan Core Strategy (Adopted) 2012.

Decision Date: 17/09/2012

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: **Partial demolition and conversion of existing garages to the rear of Gloucester Court into 2no residential units. Alterations to include new front wall, windows and door with a new roof.**

Case Officer: Neetal Rajput

Consultations and Views Expressed:

Neighbours Consulted: 101 Replies: 13

Neighbours Wishing To Speak 0

It should be noted that two rounds of public consultation have been carried out following the receipt of amendments. All objections listed above were received prior to the amendments made to the proposals.

The objections raised may be summarised as follows:

- Overlooking, loss of privacy
- Noise and disturbance
- Loss of view and light
- Loss of property value
- The application has been previously refused and dismissed on appeal.
- Overcrowding
- Blocking the fire escapes at the rear of Gloucester Court
- The garages are in constant use.
- Garage 10 is owned by a separate party
- Legal ownership issues in regard to the garages
- Current leases have a clause that the garages are to be used only for purpose of garaging and not be converted
- Shortage of street parking, garage availability and affordability
- Reduced amenity provision
- Additional pressure on local services
- Insufficient consultation
- Inaccurate information
- No turning space between garages and external stairs – cars are parked outside the garages
- Restricted access for emergency services
- Security issues
- Construction works
- Environmental impact – waste disposal facilitates, impact on sewage
- Unsuitable location
- Appearance of the proposal
- Increase in fire risk

Date of Site Notice: 17 January 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a row of garages to the rear of Gloucester Court in Golders Green. The rear of the main building at Gloucester Court is used as access to some of the flats.

Proposal:

The application seeks consent for the partial demolition and conversion of existing garages to the rear of Gloucester Court into 2 no. residential units. Alterations to include new front wall, windows and door with a new roof.

The proposals have been amended since first being submitted to increase significantly the amenity area provided on site.

History/ Background:

This application follows the appeal reference F/05000/11 which was dismissed on the grounds of no amenity space provision for the new units. The application therefore seeks to address this issue. A copy of the appeal decision is attached as an appendix to this report.

Planning Considerations:

The key consideration for this case is whether the proposals have addressed the Inspector's appeal decision notice. The main issues are therefore the loss of amenity space

Principle, Character and Design

The appeal Inspector did not object to the principle of the development, which is therefore considered to be acceptable.

Paragraph 21 of the NPPF states, '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.

Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

The application proposes pitched roofs over the units, new doors and windows, brick infill and render panels on the exterior of the building. It is considered that these alterations are acceptable and will preserve the character and appearance of the surrounding area. It is not considered that the conversion would result in a demonstrable harm to the immediate area which will be detrimental to the character and appearance of Golders Green.

Amenity:

The previous application was refused and dismissed on appeal on the grounds that the scheme did not provide acceptable levels of amenity standards. The current scheme has been amended to provide 20 sqm of private amenity space for each unit which is divided by a 1.8m high fence. It is therefore considered that this addresses the Inspector's concerns and that the scheme is now acceptable on these grounds. Although the site is within an area identified as being deficient in open space, there is a park within a walking distance and the proposed units will have other locational advantages in being close to transport and services as a result of it's edge of town centre location.

It is considered that there is sufficient space to allow the occupants unrestricted

movement within the premises. The flats comply with the space standards in the London Plan policy 3.5 which states that all studios should have an internal area of 37sqm.

In relation to the overlooking issues, it is considered that as the previous application was considered to be acceptable no objections are made on these grounds to the current scheme. Given there are new windows which overlook the amenity space, it is considered that the front windows can be obscure glazed. A condition has been attached to ensure this is the case. The proposed units along the access to flats on Gloucester Court would not give rise to unacceptable levels of overlooking from existing residents onto the habitable rooms of the proposed self contained units. In addition, the vast majority of the existing flats on Gloucester Court have their rear windows and doors fitted with obscured glass, thus there would be no overlooking from the occupants of the existing flats to the future occupiers of the proposed self contained flats.

Highways:

The proposal is for the conversion of existing lockup garages at the rear of Gloucester Court and to provide 2 self contained studio flats. The garages have been unused and vacant for a long time.

There are also difficulties with the access to the garages as it is narrow (less than 2ms wide) and it is difficult for cars to manoeuvre from Gloucester Gardens due to an existing old side extension which partly blocks the access road. Cars cannot turn into the access road easily due to poor visibility.

In view of several factors including the location of the site and the following:

- The proposal is for a conversion
- The site is within a CPZ

Taking into consideration the above on balance the proposal is acceptable on highways grounds. The appeal Inspector did not object on these grounds.

Contributions:

In accordance with the Councils Supplementary Planning Documents in relation to Health, Education and Libraries, the proposed development would require a financial contribution (plus associated monitoring costs) towards health and library provision within the borough via the discharge of the condition attached to the decision. This matter is conditioned.

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

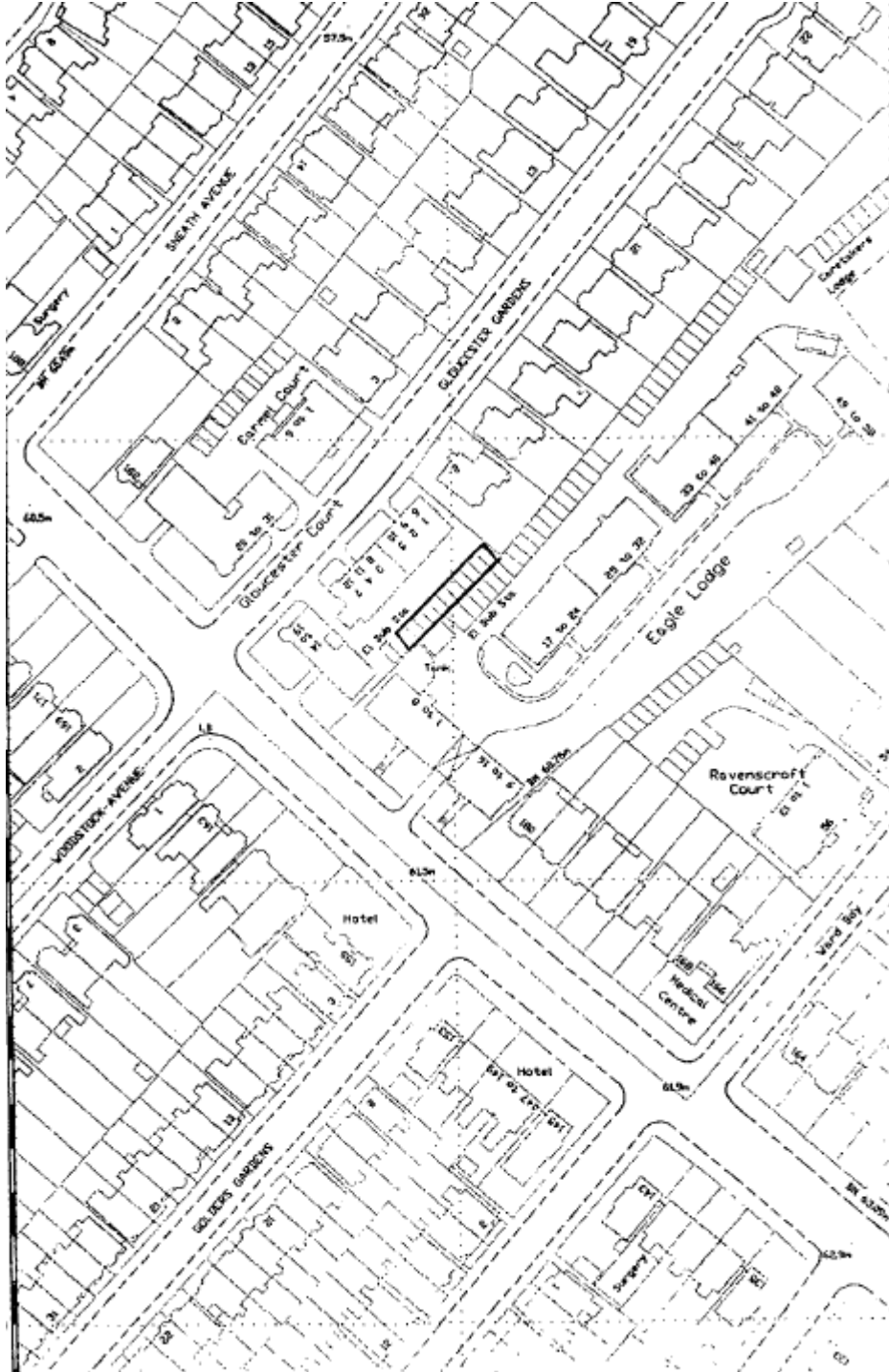
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

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 discharge of the attached conditions.

SITE LOCATION PLAN: Garages to the rear of 1-12 Gloucester Court, Gloucester Gardens, London, NW11 9AA

REFERENCE: F/00031/13



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