

Location Flat 4 117 Station Road London NW4 4NL

Reference: 23/4329/FUL
Received: 9th October 2023
Accepted: 17th October 2023

Ward: West Hendon
Expiry: 12th December 2023

Case Officer: Asha Chhabhaiya

Applicant: Mr Ari Sufrin

Proposal: Conversion of the existing loft space to provide 1 no additional self-contained flat including addition of front, side and rear facing rooflights. Associated parking, cycle parking, refuse and recycling store

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 Chair (or in their absence the Vice-Chair) 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:

- 01A (Site Location Plan)
- 01 (Existing Roof and Ground Floor Plan)
- 02 (Existing First and Second Floor Plans and Section)
- 03 (Existing Elevations)
- 04 (Proposed Roof and Ground Floor Plan)
- 05a (Proposed First and Second Floor Plans and Section)
- 06 (Proposed Elevations)

07 (Block Plan)
Planning statement

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 Prior to occupation of the development, the existing parking space and the access to the parking area from public highway shall be retained in accordance with the submitted planning application. Thereafter, the parking space shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, policy DM17 of Development Management Policies (Adopted) September 2012 and Policy T6 of the London Plan (2021).

- 4 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, before the development hereby permitted is occupied, (long stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of cycles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic 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) Notwithstanding the approved plans, 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); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

- 6 Before the development hereby permitted is first occupied, the sub-division of the amenity area(s) shall be implemented in accordance with the details shown on approved drawing no. 01D (Proposed Block Plan) and permanently retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted 2016).

- 7 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), the Sustainable Design and Construction SPD (adopted 2016) and D14 of the London Plan (2021)

- 8 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy SI 5 of the London Plan 2021 and the 2016 Mayors Housing SPG

- 9 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission

Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies SI 2 and SI 3 of the London Plan (2021) and the 2016 Mayors Housing SPG.

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. 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.

- 2 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be extraordinary traffic for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development

works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials, or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed, and left in a clean and tidy condition.

- 3 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 4 Refuse collection points should be located within 10 metres of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 5 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.
- 6 We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides 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, which is also available from the Planning Portal website.

The CIL 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 other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

OFFICER'S ASSESSMENT

1. Site Description

The application site is located on the western side of Station Road, consisting of a two-storey detached residential building with rear amenity space. It benefits from off street parking via the front hardstanding. The area surrounding the proposed site is primarily residential in character.

The site is located within the West Hendon ward and does not fall within a conservation area, nor is it a listed building.

2. Site History

Planning

Reference: 22/5221/CON

Address: 117 Station Road, NW4 4NL

Decision: Approved

Decision Date: 23.11.2022

Description: Submission of details of condition 3 (Parking space/access) 4 (Cycle parking/storage) 5 (Refuse/recycling storage) 6 (Amenity space sub-division) 7 (Pre-commencement sound insulation test certificates) pursuant to planning permission 21/5074/FUL dated 04/05/2022

Reference: 22/4356/FUL

Address: 117 Station Road, NW4 4NL

Decision: Refused

Decision Date: 26.08.2023

Description: Conversion of the existing dwelling into 5no. self-contained flats and addition of rooflights to the main roofslopes. Associated parking, cycle parking, refuse and recycling store and amenity space

Reference: 22/3206/FUL

Address: Flat 4, 117 Station Road, London, NW4 4NL

Decision: Withdrawn

Decision Date: 10 August 2022

Description: Conversion of the existing single dwelling flat into 2no. self-contained flats.

Reference: 22/0267/192

Address: 117 Station Road, London, NW4 4NL

Decision: Lawful

Decision Date: 15 February 2022

Description: Erection of a rear outbuilding.

Reference: 21/5074/FUL

Address: 117 Station Road, London, NW4 4NL

Decision: Approved subject to conditions

Decision Date: 04 May 2021

Description: Conversion of the existing dwelling into 4no. self-contained flats. Associated parking, cycle parking, refuse and recycling store and amenity space.

Reference: 21/2484/HSE

Address: 117 Station Road, London, NW4 4NL

Decision: Approved subject to conditions

Decision Date: 30 July 2021

Description: Part single, part two storey side / rear extension and roof extension involving rear dormer window.

Reference: 21/1766/FUL

Address: 117 Station Road, London, NW4 4NL

Decision: Approved subject to conditions

Decision Date: 14 June 2021

Description: Conversion of the existing dwelling into 2no self-contained flats.

Reference: W09268

Address: 117 Station Road, London, NW4 4NL

Decision: Approved subject to conditions

Decision Date: 14 November 1989

Description: Two-storey side extension and conservatory at rear.

Other cases

Reference: 21/0871/FUL

Address: 115 Station Road London NW4 4NL

Decision: Approved subject to conditions

Decision Date: 26 April 2021

Description: Conversion of the existing dwelling into 4no self-contained flats including part single, part two storey side and rear extension, roof extension involving rear dormer window

and rooflights to front/side rear elevations. New front porch. Provision of amenity space, off-street parking, refuse storage and cycle parking.

Reference: W02957A

Address: 119 Station Road NW4

Decision: Approved subject to conditions

Decision Date: 01 November 1972

Description: Conversion into four self-contained flats.

Reference: 21/3868/FUL

Address: 72 Vivian Avenue NW4 3XG

Decision: Approved subject to conditions

Decision Date: 31 May 2022

Description: Conversion of existing dwelling into 5no self-contained flats including alterations to roof pitch height and new patio area. New front hardstanding to provide off street parking. Associated refuse/recycling, amenity space.

3. Proposal

The proposal is for ' Conversion of the existing loft space to provide 1no additional self-contained flat including addition of front, side and rear facing rooflights. Associated parking, cycle parking, refuse and recycling store'.

Following a site visit and viewing the plans provided it is found the rooflights are existing No extensions are proposed to the existing building. Proposed units 4a and 4b are as follows:

Flat 4a: Studio Flat, 2 person, GIA 40.1 sqm;

Flat 4b: Studio Flat, 2 person, GIA 41.7 sqm.

It is noted that the proposal will involve the previously approved duplex unit Please note previously approved flats under reference 21/5074/FUL dated 04 May 2021 as follows:

Flat 1: 2 bedroom, 4 person, GIA 80.8 sqm;

Flat 2: 1 bedroom, 2 person, GIA 52.6 sqm;

Flat 3: 2 bedroom, 3 person, GIA 61.2 sqm;

Flat 4: 2 bedroom, 4 person, GIA 92.8 sqm;

The proposal includes no additional provision for off-street car parking spaces. Cycle storage is proposed.

4. Public Consultation

Consultation letters were sent to 87no. neighbouring properties.

In addition, the application benefitted from a Site Notice dated 26.10.2023.

26no. responses were received comprising 26no. letters of objections, 1 Request to speak at committee which can be summarised as:

-3rd application for extra flats/appeal refused

- Owner's abuse and ignore the rules of planning/built roof lights without planning permission/ for more Money
- Refuse and parking have no intention to implement
- Traffic, No recent parking survey
- Overdevelopment/ Cumulative impact
- All night/comings and goings
- Harm to neighbours amenity
- Overlooking/privacy
- Fly Tipping is rampant as tenants
- Drugs and crime is a problem in the area.

Internal Consultees:

Highways

The proposal is acceptable on highways grounds subject to below Conditions and Informative

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 revised National Planning Policy Framework (NPPF) was updated on 5th September 2023. 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, creates better places in which to live and work and helps make development acceptable to communities...being clear about design expectations, and how these will be tested, is essential for achieving this'. 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 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

Policy D1 (Character), D3 (Housing quality and standards), D6 (Housing quality and standards), H1 (Increasing housing supply) and T6 (Car parking).

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 Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4 and CS5.

- Relevant Development Management Policies: DM01, DM02, DM08 and DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 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. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Policy DM08 advises that development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough.

Barnet's New Local Plan (Reg 24)

Barnet's Draft Local Plan - Reg 24: The Reg 22 version of the draft new Local Plan was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan underwent an Examination in Public (Reg 24). The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites.

As part of this stage (Reg 24), the Inspector in his Interim Findings and Next Steps letter of August 17th has set out how the Council can through making Main Modifications to the Local Plan address issues of legal compliance and deficiencies in soundness. These interim findings are a clear indication of what the Local Plan and the policies and site proposals within will look like at adoption, subject to making the Inspector's suggested Main Modifications. Whilst the Council moves forward to formal consultation on the Main Modifications (expected to commence in January 2024) the Interim Findings and Next Steps letter of August 17th shall be considered, in the interim, a relevant material consideration in the Council's decision making on planning applications.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted 2016)

- 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. The SPD 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.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that 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.

Sustainable Design and Construction SPD (adopted 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan; and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The principle of flats in this location;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether the scheme complies with planning design standards for future occupants;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the scheme complies with highway and parking standards.

5.3 Assessment of proposals

Background

Planning permission has previously been granted at the site which saw the conversion of the single family dwellinghouse into flats. The approved scheme was for "Conversion of the existing dwelling into 4no. self-contained flats. Associated parking, cycle parking, refuse and recycling store and amenity space" Ref 21/5074/FUL.

Following the grant of planning permission a further application was made under ref 22/4356/FUL for "Conversion of the existing dwelling into 5no. self-contained flats and addition of rooflights to the main roofslopes. Associated parking, cycle parking, refuse and recycling store and amenity space".

The proposal for 5no flats were refused under planning permission and dismissed under appeal APP/N5090/W/22/3313797.

The planning application had 2 reasons for refusal

The conversion into 5no. self contained flats would constitute an over-intensive use that is out of keeping with the prevailing character of the locality, consisting of predominantly single family dwellings and conversions into smaller numbers of self contained flats and also result in a harmful increase in noise and disturbance by reason of increased coming and going and associated general activity, detrimental impact on the character of the locality and the amenities of neighbouring occupiers, contrary to Policies D3 and D14 of the London Plan (2021), Policies CS1 and CS5 of the Local Plan Core Strategy DPD (adopted September 2012), Policies DM01 and DM04 of the Local Plan Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted 2016) and the Sustainable Design and Construction SPD (adopted 2016)

The conversion into 5no. self contained flats, by reason of its layout and the size, siting and inadequate outlook afforded to the second floor flat, would result in a substandard form of accommodation to the detriment of the residential amenities of future occupiers, contrary to Policies D3, D6 and D14 of the London Plan (2021), Policies CS1 and CS5 of the Local Plan Core Strategy DPD (adopted September 2012), Policies DM01 and DM04 of the Local Plan Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted 2016) and the Sustainable Design and Construction SPD (adopted 2016).

The application was then appealed and dismissed. The inspector noted that on the basis of the new unit being a 1 bed 2 person unit would fail to meet the London Plan internal space requirements.

The inspector stated in their decision *"Policy D6 of the London Plan 2021 (LP) requires a one bedroom, two-person unit to have a minimum floor area of 50sqm. Flat 4a has a floor area of 40.1sqm, which is a significant shortfall below the minimum requirements. The extent of the shortfall would result in cramped living conditions for future occupiers."*

In respect of the stacking to the property the inspector noted *"The living area of Flat 4b would partially overlap the bedroom to Flat 4a, contrary to the guidance in the RDG. In my judgement, this arrangement would be harmful to future occupiers of Flat 4a. In particular, there could be disturbance to those in Flat 4a trying to sleep, when occupiers of Flat 4b are using the living area, with the potential for noise transfer from voices, music or a television, for example. Sound insulation, to be provided in accordance with building regulations, could be dealt with by condition. However, there is no substantive evidence before me that demonstrates this suggested measure would adequately mitigate against the noise concerns raised. The layout of the proposed development would therefore give rise to noise disturbance, to the detriment of the living conditions of future occupiers. This reinforces my view that living conditions within Flat 4a would not be satisfactory.*

In order to address the comments of the inspector the following changes have been made to the scheme:

-New stacking/ internal layout to ensure any overlapping to the second and first floor flat are now limited. The layout has also been adjusted to move the kitchen units away from the sleeping area of the flat below.

-The existing divided flat and new flat are now 1 person studio flats.

Sufficient works have been undertaken to implement the previously approved 4 unit scheme to consider the units as self-contained.

The principle of flats in this location

The Borough has an attractive and high-quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

Within Paragraph 2.8.1 of the Development Management Document which is a material consideration in the determination of this application, the Council state the following: "The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flatted accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate."

Policy DM01 of Barnet's Local Plan Development Management Policies DPD 2012 states that proposals should be based on an understanding of local characteristics. Criterion of the same policy states that the conversion of dwellings into flats in roads characterised by houses will not normally be appropriate.

It should be noted that the proposal property benefits from planning permission reference 21/5074/FUL dated 04 May 2021 for:

'Conversion of the existing dwelling into 4no. self-contained flats. Associated parking, cycle parking, refuse and recycling store and amenity space'.

Also, other properties on Station Road benefitting from conversion into flats include the following:

- No. 77 Station Road planning reference 21/5809/FUL for 3no. flats, decision dated 13 January 2022.
- No. 117 Station Road planning reference 21/1766/FUL for 2no. flats, decision dated 14 June 2021.
- No. 115 Station Road planning reference 21/0871/FUL for 4no. flats, decision dated 26 April 2021.
- No. 93 Station Road planning reference 20/0700/FUL for 4no. flats, decision dated 19 January 2023.
- No. 83 Station Road planning reference 18/1165/FUL for 3no. flats, decision dated 18 April 2018.

Therefore the principle of self-contained flats has been established. Based on a site visit to the property it appears that the extant permission has already been implemented.

Following the approval to 4 flats, a 5th flat was proposed within the loft space, however, this application was refused as addressed above. An appeal was lodge in which the inspector noted within the appeal application APP/N5090/W/22/3313797

"Living conditions existing occupiers"

The Council have not identified which properties they consider would be affected by the proposed development. Neighbouring properties, 115 and 119 Station Road, have both been subdivided into flats. The wider area is predominately residential and characterised by a mix of single dwellings and flats. 13. The subdivision of No 117 into four flats has previously been established through extant permission reference 21/5074/FUL (the extant permission). An additional residential unit could increase comings and goings to and from the site. However, having regard to the size of the additional unit and number of additional future occupants, movements generated by the scheme are likely to be low. Having regard to this and the mixed residential character of the area, the additional movements would not significantly increase comings and goings to the site to a level that would be unacceptably harmful to the living conditions of existing occupiers through noise and disturbance.

For the above reasons, the proposed development would not result in unacceptable harm to the living conditions of existing occupiers of neighbouring properties, with particular regard to noise and disturbance, and I find no conflict with the aims for residential amenity within Policy DM04 of the DMP, Policies D3 and D14 of the LP, the RDG, the SDC and the Framework."

Therefore, following a review of the appeal inspectors report, it is noted that several properties on Station Road are currently occupied as flats and have been granted planning consent for conversions to flats. On this basis, the principle of conversion to flats and the addition of a studio flat as currently proposed is not considered to be unreasonable.

It is noted that the emerging plan has advanced since both the previous refusal and appeal. Whilst the Council moves forward to formal adoption of the Local Plan (subject to the outcome of the public consultation and the Inspectors Report) the Main Modifications shall be considered, in the interim, a relevant material consideration in the Council's decision making on planning applications.

Whilst the emerging plan has gained greater weight in the determining of applications, the comments of the appeal inspector and the current implementation of the previous approval must be taken into consideration.

Impact on local character

Development proposals involving the redevelopment of sites are required to reflect the character of their street and the scale and proportion of surrounding houses. This is supported by Policy DM01 of Council's Development Management Policies which states that development should understand local characteristics and 'preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

Policy DM08 of the Development Management Plan (2021) should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough.

Whilst no extensions are proposed within the current application, the rooflights are existing. It is not considered that the proposal would alter the appearance of the existing building in a negative way.

It was noted within the appeal application APP/N5090/W/22/3313797

The subdivision of No 117 into four flats has previously been established through extant permission reference 21/5074/FUL (the extant permission). An additional residential unit could increase comings and goings to and from the site. However, having regard to the size of the additional unit and number of additional future occupants, movements generated by the scheme are likely to be low. Having regard to this and the mixed residential character of the area, the additional movements would not significantly increase comings and goings to the site to a level that would be unacceptably harmful to the living conditions of existing occupiers through noise and disturbance.

With regards to the increased intensity of use of the site, the proposed development would result in an additional household and an increase in expected occupancy overall from 10no to 11no. persons. Consideration is given to the mixed character of the area, which includes many flatted uses, and the relatively large site, including generous rear garden. The inspectors report shows the amount of potential occupiers increased from the existing scheme for 4no. flats for further comings and goings from an additional and separate household would not be raised to significantly harmful levels.

The provision of a studio flat within the loft floor to create a fifth flat, is not considered that the addition of a further studio unit would be harmful in leading to an overintensive use of the site nor would it lead to comings and goings that would be unacceptable.

Amenity of future occupiers:

Development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 and the Sustainable Design and Construction SPD (adopted 2016) and the London Plan (2021) are regarded as key for Barnet to deliver the highest standards of urban design.

Specifically, Table 3.1 of the London Plan (2021) includes the minimum internal space standards for new dwellings as follows:

1 bed 1 person flat (1 storey) requires 37-39m².

1 bed 2 person flat (1 storey) requires 50m².

The proposed development would provide the following units:

Flat 4a: studio Flat, 1 person, 40.1 sqm (39 sqm required)

Flat 4b: studio flat, 1 person, GIA 43.9 sqm (39 sqm required)

The Appeal report states that

Policy D6 of the London Plan 2021 (LP) requires a one bedroom, two-person unit to have a minimum floor area of 50sqm. Flat 4a has a floor area of 40.1sqm, which is a significant shortfall below the minimum requirements. The extent of the shortfall would result in cramped living conditions for future occupiers. The proposed layout has been amended since the appeal to show a 1 person open plan studio unit with single bed accordingly the LPA are satisfied that taken as a 1 person unit the proposal would meet the relevant London Plan space standard.

Both flats 4a and 4b meet the minimum required standards of 39sqm to accommodate 1 person (which has been amended from the refused scheme). It should be noted that the above specified standards within the London Plan are the minimum requirements needed

to allow for acceptable accommodation for future occupiers. The application complies on these grounds and has addressed the inspectors reason for dismissing the application.

The London Plan sets a requirement for at least 75% of a new dwelling to be over 2.5 metres in height. It should be noted the Sustainable Design and Construction SPD also states 'To address the unique heat island effect of London and the distinct density and flatted nature of most of London's residential development, a minimum ceiling height of 2.5 metres for at least 75% of the dwelling area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space.' The internal head height of 2.5 metres is provided for 92% of the unit, therefore, does comply with the above requirement.

Stacking

The internal layout of the units is such that bedrooms of flats 1, 2, 3 and 4a are largely stacked vertically with bedrooms over bedrooms and kitchens/living areas over kitchen/living areas.

The appeal - APP/N5090/W/22/3313797 stated

The living area of Flat 4b would partially overlap the bedroom to Flat 4a, contrary to the guidance in the RDG. In my judgement, this arrangement would be harmful to future occupiers of Flat 4a. In particular, there could be disturbance to those in Flat 4a trying to sleep, when occupiers of Flat 4b are using the living area, with the potential for noise transfer from voices, music or a television, for example. Sound insulation, to be provided in accordance with building regulations, could be dealt with by condition. However, there is no substantive evidence before me that demonstrates this suggested measure would adequately mitigate against the noise concerns raised. The layout of the proposed development would therefore give rise to noise disturbance, to the detriment of the living conditions of future occupiers. This reinforces my view that living conditions within Flat 4a would not be satisfactory.

In this current scheme the new stacking shows minimal overlapping between the second and first floor unit. The majority of space shows the bedrooms over bedrooms and kitchens/living areas over kitchen/living areas on a like for like basis. The kitchen units in the studio unit in the second floor have been re-positioned to better mirror the layout of the flat below which will help to minimise noise disturbance. The minimal overlapping of the open plan studio unit above the sleeping areas of flat 4a would not warrant a refusal. A condition for appropriate sound insulation is to be secured.

Paragraph 9.6 of the Residential Design Guidance SPD (2016) states the following:

'Increased levels of occupancy of residential properties together with changing lifestyles, such as flexible home working means the design and layout of development should minimise the potential for noise transfer between new homes. In blocks of flats the technical provisions of the Building Regulations should be supplemented with the careful arrangement of rooms. The vertical stacking of rooms between flats should ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors'.

The application is considered to comply in this regard and could have an acceptable impact on future occupiers by way of noise nuisance.

Glazing:

Barnet's Sustainable Design SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room. Bedrooms and living rooms/kitchens should have a reasonable outlook with clear glazed windows. The proposed roof lights to flat 4b does provide the above.

The Planning Officer calculates that the 7 roof lights and dormer window equals a total 8.5 sqm of glazing. If one accepts the applicant's GIA of 41.7 sqm, 20% of this GIA is approx. 8.34 sqm. The proposal would comply with this guidance.

Outlook and light provision

The proposed studio flat is not considered to be served with adequate sources of light due to the low level of glazing. The roof light will be approx 1.9m from the ground level would limit the outlook and adequate sunlight entering into the habitable rooms. In light of the above, the quality of accommodation for this studio unit is unacceptable for future occupiers.

It is considered that the level of privacy of the unit is acceptable.

Garden Amenity

A communal rear garden for all of the flats comprising 210 sqm. The proposed provision exceeds the minimum standards for the units and is considered to be acceptable as on the previous approval.

Overall, the proposed development is considered to provide an adequate level of garden amenity for future occupiers and would be in accordance with Policies DM01 and DM02 of the Local Plan Development Management Policies DPD. In the event of an approval, a condition would be added to ensure privacy fencing for flats 1 and 2.

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

The house conversion would result in an increase in occupancy from approximately 10 people to 12 people. Although this amount of occupancy was approved under the previous planning permission, it should be taken into consideration that the occupancy related to four flats and not the currently proposed five flats. This element of the proposal would have an unacceptable impact on the neighbouring amenities in relation to the over-intensive use leading to potential noise and disturbance by virtue of increased coming and going, than the existing single family dwelling and the approved 4no. residential units. Comings and goings from 5 separate households would be greater than for a single family house or conversion to 4 flats. Therefore, officers considered that the increase in occupancy level would result in an unacceptable level of harm from the intensity of use, on the neighbouring amenities. The proposal would conflict with policies D3 and D14 of the London Plan (2021).

Thus, whilst residential flatted use is accepted on site, it is considered that there would be additional harmful impact on the residential amenities of the neighbouring occupiers as a result of the sub-division into the number of flats as proposed. Thus, it is found that the proposed development will have an unacceptable impact in this regard.

In assessment, the proposed conversion is considered to result in an intensity of use and noise and disturbance that would be harmful to the neighbouring residential occupiers by

way of comings and goings from the various new dwellings - compared to the existing or approved situation.

However, there would be some increase in refuse collections and deliveries associated with the increased number of households, given the mixed character and presence of flats within the local area, it is not considered that this would be unduly harmful the amenities of any neighbouring occupiers.

As mentioned above, no extensions are proposed and thus the scale and bulk will remain as existing; and is not considered to harm the neighbouring occupiers. The proposal accords with the above mentioned policies in this regard.

Impact on Highways

The site lies within a PTAL 4 zone (good transport accessibility), which means that there is good public transport accessibility to and from the site. The proposal of no car parking provision is acceptable on highways grounds since the proposal is for a studio flat.

The parking provision for the previously approved scheme was deemed as acceptable by highways. The additional unit now proposed is not considered to require any further parking provision.

Refuse

The proposed location of the bin store is within 10 metres from public highway with clear and levelled pedestrian access to be provided for the refuse crews on collection days which satisfies the highway requirements.

Location of the refuse/recycling have been provided; however, these more details could be secured in the event of an appeal.

5.4 Response to Public Consultation

3rd application for extra flats/appeal refused. The latest application seeks to overcome the reasons that the appeal was dismissed and have adjusted the proposal sufficiently to address the reasons for refusal.

Owner's abuse and ignore the rules of planning/built roof lights without planning permission, Refuse and parking has no intention to implement, Conditions attached to application require refuse and parking provision to be implemented and retained. A service request for an enforcement investigation can be submitted to the LPA if concerns are raised in relation to a breach of planning permission or condition.

Traffic, No recent parking survey. Planning Officer Comments: Barnet's Highways Department were consulted during the application process and confirmed that the submitted information is satisfactory and on the basis that the proposal will result in the addition of 1 further studio unit that no additional parking would be required.

Overdevelopment/ Cumulative impact.

The inspector in deciding on the appeal for 5 flats did not consider that 5 separate units would result in the overdevelopment or over intensive use of the building.

All night/comings and goings, Fly Tipping is rampant as tenants, Drugs and crime is a problem in the area, Harm to neighbours amenity. Planning Officer Comments: Anti-social behaviour should be reported directly to the Police. Issues regarding vermin should be reported to Barnet's Environmental Health Team. Fly Tipping should be reported directly on Barnet Councils Website at www.barnet.gov.uk

More Money. This is not a planning issue.

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, the proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for Approval

