

**MEETING**

**HENDON AREA PLANNING COMMITTEE**

**DATE AND TIME**

**WEDNESDAY 24<sup>TH</sup> JUNE, 2020**

**AT 7.00 PM**

**VENUE**

**VIRTUAL MEETING: <https://bit.ly/37pQ3UX>**

**TO: MEMBERS OF HENDON AREA PLANNING COMMITTEE (Quorum 3)**

Chairman: Cllr Brian Gordon  
Vice Chairman: Cllr Golnar Bokaei

**Councillors**

Cllr Elliott Simberg	Cllr Nizza Fluss	Cllr Helene Richman
Cllr Gill Sargeant	Cllr Ammar Naqvi	

**Substitute Members**

Cllr Val Duschinsky	Cllr Charlie O-Macauley	Cllr Mark Shooter
Cllr Zakia Zubairi	Cllr Lachhya Gurung	Cllr Linda Freedman
Cllr Alex Prager		

**You are requested to attend the above meeting for which an agenda is attached.**

**Andrew Charlwood – Head of Governance**

Governance Service contact: [Hendon@barnet.gov.uk](mailto:Hendon@barnet.gov.uk)

Media Relations contact: Tristan Garrick 020 8359 2454

**ASSURANCE GROUP**

*Please consider the environment before printing. The average print cost for this committee has reduced by £21.05 per meeting due to paperlight working.*

*Please note that the below agenda may not reflect the order in which items will be heard at the meeting.*

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes	To Follow
2.	Absence of Members (If Any)	
3.	Declaration of Members' Disclosable Pecuniary and Non-Pecuniary Interests (If any)	
4.	Report of the Monitoring Officer (If any)	
5.	Addendum (if applicable)	
6.	Land Front Of 2 Boltmore Close London NW4 1EX - 20/0309/FUL (Hendon Ward)	5 - 18
7.	Land Adjacent To 1 Booth Road London NW9 5JS - 20/0733/FUL (Colindale Ward)	19 - 30
8.	9 Beech Walk London NW7 3PJ - 20/1622/HSE (Hale Ward)	31 - 38
9.	Hamptons 12 Wykeham Road London NW4 2SU - 20/0658/FUL (Hendon Ward)	39 - 52
10.	Any Item(s) the Chairman decides are urgent	

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*Note: Items below are only applicable to meetings at Hendon Town Hall.*

### **FACILITIES FOR PEOPLE WITH DISABILITIES**

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone 020 8359 2014 [Hendon@barnet.gov.uk](mailto:Hendon@barnet.gov.uk). People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

### **FIRE/EMERGENCY EVACUATION PROCEDURE**

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Design and Access Statement received 21.01.20)

Supplementary Information - Agent Response to Consultation - Undated (received 04.03.20)

Supplementary Information - Agent Response to Planners - Undated (received 04.03.20)

- 2 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, 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 applicant sought formal pre-application advice which was provided. Unfortunately the submitted scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments. This planning application was assessed as liable for payment under Mayoral CIL at this time.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking were set at a rate of £0 per sq m. This planning application was assessed as liable for payment under Barnet CIL at this time.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is 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.

The assumed liable party will be sent a 'Liability Notice' providing full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the original applicant for permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice; also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; 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 any appeal being allowed, please contact us: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

#### Relief or Exemption from CIL

If social housing or charitable relief applies to your development or your development falls within one of the following categories 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](http://www.planningportal.gov.uk/cil).

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or Extension: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk).

Please visit [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) for further details on exemption and relief.

## Officer's Assessment

This application has been called to the Committee at the request of Cllr Fluss

### 1. Site Description

The application site is land adjacent to a semi-detached bungalow at No.2 Boltmore Close. The site also contains a detached pair of garages which are currently sited on the southwestern part of the site. One of these belongs to the host property (No 2) and is within the red line site. There is a large area of hardstanding to the front of the property for car parking and manoeuvring.

The host building is part of an infill development comprising a semi-detached pair of bungalows located on land to the rear of Tenterden Drive and Great North Way / A1, the latter reached via a narrow access lane (approximately 30 metres in length) to the east of the site. The land benefits from extensive planning history with regards to the two bungalows, which is detailed in the section below.

The area surrounding the backland site, centred around Tenterden Drive, is predominantly residential in character and appearance consisting principally of two storey semi-detached dwellinghouses. It is separated from the backland development at Boltmore Close by a sporadic line of trees on the application site's western boundary.

The site is not within a conservation area, nor is it a listed building. The site falls within PTAL rating 1B (very poor) and is within Flood Zone 1 (no flooding issues).

### 2. Site History

#### 2.1 Reference: W00215

Address: Rear of 172-194 Great North Way NW4

Decision: Refuse

Decision Date: 10/09/1965

Proposal: Erection of two three-storey blocks of flats.

Refusal reasons:

1. The proposal would result in an undesirable form of backland development.
2. The proposal would result in over-development of the site and, by reason of height, mass and sitting, would create conditions prejudicial to the visual amenities and privacy of the occupiers of the adjoining houses in Tenterden Drive and Great North Way.
3. The proposal does not comply with the daylighting code as set out in the Ministry of Housing and Local Government Planning Bulletin No.5 - "Planning for Daylight and Sunlight".

#### 2.2 Reference: W00215B

Address: Rear of 194 Great North Way NW4

Decision: Refuse

Decision Date: 16/10/1968

Proposal: Two Bungalows

Refusal reasons:

1. The proposed access is of insufficient width for the development of the site for two dwellings.
2. The proposal would result in overdevelopment of the site detrimental to the amenities of surrounding residential properties.



3. The proposed development of the site for two bungalows would be prejudicial to the visual amenities of surrounding residential properties.

2.3 Reference: W00215C

Address: Rear of 172-194 Great North Way NW4

Decision: Refuse

Decision Date: 05/02/1969

Proposal: Bungalow, garage and tennis court.

Refusal reasons:

The sitting of the proposed bungalow, on the narrower part of the site, would be prejudicial to the visual amenities of adjoining residential properties.

2.4 Reference: W00215D

Address: Rear of 172-194 including the site of No.194 Great North Way NW4

Decision: Refuse

Decision Date: 21/04/1969

Proposal: Five terraced bungalows

Refusal reasons:

1. The proposed development would result in overdevelopment of the site, to the detrimental of the amenities of surrounding residential properties.

2. The proposed development of this restricted site by the construction of 5 terraced bungalows, would be prejudicial to the visual amenities of surrounding residential properties.

3. The proposed development represents an unsatisfactory form of backland development.

2.5 Reference: W00215E

Address: Rear of 172-194 Great North Way NW4

Decision: Approve with condition

Decision Date: 30/07/1969

Proposal: Pair of semi-detached bungalows

2.6 Reference: W00215F

Address: Rear of 172-194 Great North Way NW4

Decision: Approve with condition

Decision Date: 21/01/1970

Proposal: Pair of semi-detached bungalows

2.7 Reference: W00215G

Address: Plot 1, Rear of 172-194 Great North Way NW4

Decision: Approve with condition

Decision Date: 18/05/1970

Proposal: Double garage

2.8 Reference: W00215H

Address: Plot 1, Rear of 172-194 Great North Way NW4

Decision: Approve with condition

Decision Date: 10/06/1970

Proposal: Single storey rear extension

2.9 Reference: W00215J

Address: Plot 2, Rear of 172-194 Great North Way NW4

Decision: Approve with condition

Decision Date: 17/06/1970

Proposal: Tree planting scheme and revised details to provide accommodation additional to bungalow approved ref.: W00215F

2.10 Reference: W00215K

Address: Land to the rear of 172-194 Great North Way NW4

Decision: Approve with condition

Decision Date: 19/08/1970

Proposal: Pair of semi-detached bungalows - resiting of garages.

2.11 Reference: W/00215L

Address: 2 Boltmore Close, Great North Way NW4

Decision: Approve with condition

Decision Date: 09/02/1982

Proposal: Single storey rear extension

2.12 Reference: 20/0306/192

Address: 2 Boltmore Close, Great North Way NW4

Decision: Unlawful

Decision Date: 26/02/2020

Proposal: Roof extension involving rear dormer

### 3. Proposal

The application seeks approval for the erection of a new, two storey dwelling with rooms in the roofspace. The scheme has 5 habitable rooms (living room, kitchen + diner, bedrooms x3) and has a gross internal area (GIA) of 122 square metres.

The proposal would be in brick with a pitched tile roof and feature projecting front bays at ground floor level. The building would abut an existing garage (maintained and allocated to the new property), with the remaining area to the front of No 2 re-configured to provide two spaces to the existing property. A further space is allocated to the new property in front of its allocated garage.

The scheme would incorporate private amenity space to the rear (55 square metres) and provides associated refuse/recycling storage by way of a side gate. An outline scheme of landscaping has also been proposed.

### 4. Public Consultation

Consultation letters were sent to 56 neighbouring properties. 34 individual responses have been received, split over 37 representations (as displayed on the online public record). These comprise 28 no objections and 6 no letters of support, which are summarised below.

Reasons for objection:

- Scale of the building/out of character
- Overlooking
- Overbearing
- Loss of light/overshadowing
- Density
- Parking and vehicle access
- Amenity space for future occupiers
- Increased pollution

- Loss of trees
- Inaccurate site plan
- Featureless brick walls
- Issues under the Party Wall Act
- Parking arrangement not consistent with restrictive covenant

#### Reasons for Support

- Improve local housing / investment in local 'infrastructure'
- Visual improvement over existing garage
- No traffic impact
- No overlooking due to rising ground levels west of site
- Aggressive neighbour consultation

#### 4.1 Internal Consultations

The Traffic and Development Team of the Local Highway Authority commented on 04.03.20 with a follow up comment on 26.03.20:

- The proposal is to construct a 3 bedroom building in front of the existing bungalow at 2 Boltmore Close. The development will provide 2 parking spaces in accordance with DM17 policy. The building will alter the layout to parking for the existing bungalow and further details are required to show widths and swept path movements of vehicles entering and leaving the existing and proposed site. Details are also required on cycle parking spaces and how bins will be collected from the site.
- The details are required for all vehicles and the larger vehicles will be more of an issue including refuse and a fire tender. Then you have lack of cycle spaces to consider.

#### 5. Planning Considerations

##### 5.1 Policy Context

##### National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was amended on 19th February 2019. 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 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the

development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

The London Plan is currently under review. Whilst capable of being a material consideration, at this stage somewhat limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

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.

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

## 5.2 Planning Considerations

The main issues for consideration in this case are:

- Principle
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Living conditions for future occupiers
- Whether harm would be caused to the living conditions of neighbouring residents
- Parking and Highways
- Refuse and Recycling
- Cycle Storage
- Landscape, Trees and Ecology
- Sustainability and Access

### 5.3.1 Principle

Whilst the proposal is for a residential development - consistent with the broader character - it is considered that the wider site has been extensively developed and the introduction of another dwelling is unlikely to be acceptable on this backland plot given its relatively cramped nature, especially with the retention of most of the existing detached garage and

the need to maintain the ability of vehicles to turn around safely. These matters are discussed in more detail elsewhere in the report.

### 5.3.2 Whether harm would be caused to the character and appearance of the existing building and the wider area

Development proposals must respect the character and appearance of the local area, relate appropriately to the site's context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies DM01 and CS05 of the Barnet Local Plan, and 7.4 and 7.6 of the London Plan.

Policy DM01 states that all proposals should be based on an understanding of local characteristics preserve and enhance the local character of the area. They should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The proposed new dwelling would be a substantial two storey design with rooms in the steeply pitched roofspace that will appear as an incongruous overdevelopment to a backland site defined by the low, ranging bungalows of numbers 1 & 2 Boltmore Close. The site is visually separated from the surrounding two storey properties on Tenterden Drive by the lengths of their respective rear gardens and demonstrates as its own distinct context as an established infill development.

These relatively generous rear gardens - including to the existing properties on Boltmore Close - also define the pattern of the surrounding area, within the context of which the curtilage of the new dwelling would again appear incongruous.

The proposed dwelling's awkward visual relationship with the existing bungalows would also be exacerbated by its siting in front of 2 Boltmore Close at an almost-perpendicular angle, with no regard for the established building line, or the creation of sympathetic new configuration around the edge of the shared access space.

Outside of this context, the scheme is otherwise of unremarkable design and its merits will largely be determined by the quality of its proposed materials.

In summary, the proposed development goes against the established pattern of development, both in terms of siting and housing typology, to the detriment of the character of Boltmore Close.

### 5.3.3 Living conditions for future occupiers

The rooms in the newly created dwelling would have access to natural light; meet London Plan / Nationally Described Space Standards in terms of minimum bedroom size and width, gross internal floor area (122 square metres provided; 108 required for a 3 bedroom / 3 storey / 6 person dwelling) and provide adequate internal storage provision (2.5m<sup>2</sup>).

Notwithstanding the comments with regard to the prevailing character of curtilages and garden sizes, Barnet's Sustainable Design and Construction SPD notes that dwellings should provide outdoor minimum amenity space (see Section 2.3 Outdoor Amenity Space, pages 10-11) at 55m<sup>2</sup> for a new house with five habitable rooms. As per the glossary entry in the same document (page 51) habitable rooms that exceed 20m<sup>2</sup> will be counted as two, although this is not applicable for this application. The rear garden (excluding side accessway) provides this 55 square metre requirement almost exactly.

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

It will be important that any scheme addresses the relevant development plan policies, for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan, general principles of good planning in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

To the front of the property, the unadorned side elevation would be sited approximately 7 metres away from the front elevation of 2 Boltmore Close and its bank of front windows that appear to serve habitable rooms, with the proposed new side fencing only sited 5 metres away. With a poor respective north/south orientation, there is considered likely to be a harmful impact in terms of loss of daylight / sunlight.

To a lesser extent, both of these impacts are replicated at 1 Boltmore Close, whose outlook would also be harmfully affected by the scheme. This property is roughly at a 45 degree angle from the proposed development and just over 10 metres away at its closest point.

In terms of overlooking, the front windows appear to be screened by boundary treatment at ground floor level, although this screening would add to the sense of enclosure. The windows to the rear of the proposed property at first floor level would serve non-habitable rooms and would be expected to feature obscure glazing (and could be conditioned as such). However, their presence - together with the new mass of the building in relative proximity to the end of the neighbouring gardens - would introduce a level of perceived overlooking in addition to any visual obstruction. At second floor level the flank window facing south serves as the only natural light for the associated loft bedroom and would introduce a new element of overlooking into the rear garden areas of 11-15 Tenterden Drive - which are within 10.5m minimum as expected by the SPD. Notwithstanding changes to the levels to properties facing on to Tenterden Drive, these impacts are considered still to be apparent.

#### 5.3.5 Parking, Highways and Cycle Storage

The development will provide 2 parking spaces in accordance with DM17 policy - one in the retained garage and one on the hardstanding to the fore. This has been considered by the Local Highway Authority and determined to be acceptable.

However, the building will alter the layout for parking and access for the existing bungalows and there is concerns regarding the ability of vehicles to manoeuvre within Boltmore Close, especially larger vehicles such as bin lorries or fine engines.

These concerns have been highlighted by both the Local Highway Authority and local resident objectors, including detailed representations / risk assessment in this regard supplied by HTA (a structural engineering firm).

Whilst the agent has provided reassurances regarding the scheme's lack of impact in terms of vehicle movements within the close, further details would be required to show widths and swept path movements of vehicles entering and leaving the existing and proposed site, including how bins will be collected from the site and access for emergency services. These would need to take into account the proposed development, existing parking arrangements and other site layout and any areas of land where manoeuvring of vehicles is not possible through land ownership issues. It is not considered that within the

context of this application those details could be deferred for condition, as they would be fundamental to the acceptability of the scheme in planning terms.

The London Plan requires 2no cycle spaces per dwelling and no cycle storage has been included within the proposals. With the rear garden matching the required outdoor amenity space provision nearly exactly and therefore unable to lose space to accommodate cycle storage (which does not count towards outdoor space provision - as per Sustainable Design and Construction SPD definition), there is a question mark whether secure, covered cycle parking can be accommodated successfully within the scheme as proposed, without a redesigned site layout. As such, again within the context of this application those details could be deferred for condition.

#### 5.3.6 Refuse and Recycling

The site plan denotes an area for 'bins' along the side passageway. This is accessible to both the proposed dwelling and the highway and would be large enough to accommodate all required waste and recycling bins. As per the highways key issue above, there are outstanding concerns regarding the scheme's impact on traffic movements within the close, especially the turning of large vehicles. Given the length of the narrow access and the need to avoid backing out into the Great North Way, this could potentially prevent the collection of waste at both existing and new properties.

#### 5.3.7 Landscape, Trees and Ecology

The main area for the proposed development is onto existing hardstanding and around the detached garage currently on site. The line of trees to the rear of the site is not affected by the main dwelling or associated hard landscaping and no trees are indicated as being felled on the plans.

However, if the scheme were to be approved, tree protection measures with supporting documentation would be required as a pre-commencement condition to prevent the loss of the trees during construction and provision of the rear garden, as they provide a visual screen to the properties beyond and are a valuable source of amenity in their own right.

Likewise, no details regarding the ecological credentials of the site and mitigation/enhancement measures considered have been provided.

#### 5.3.8 Sustainability and Access

Again, no details regarding the sustainability of the scheme have been provided (carbon emissions, water consumption, M4(2) compliance etc). Standard issues such as water efficiency measures could be conditioned in the event of an approval however, understanding of how the scheme will be developed in line with the London Plan energy hierarchy and a commitment to an improvement in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations would be required.

### 5.4 Response to Public Consultation

- Inaccurate site plan and relationship to No 2: It is not apparent from where this inaccuracy is perceived. The building has been illustrated within its setting on the proposed Block Plan, Site Plan and Site Plan - Extract. All of these are consistent in

describing the building as indeed being set at a slightly oblique angle to the front elevation of the existing property and parallel to the fence at the rear. As such, the application has been assessed on that basis.

- Issues under the Party Wall Act: The consequences of any development with regard to the provisions of the Party Wall Act are not a relevant material planning consideration. The relevant consent/compliance under that Act is still required, and any grant of consent does not purport to discharge any other obligation in that regard.

- Parking arrangement not consistent with restrictive covenant: It has been stated that the Title Deeds prescribe that no part of the driveway can be inhibited with parked cars - meaning that the space to the fore of the garage could not be considered. Notwithstanding the comments in the main body of the report, restrictive covenants within Title Deeds are not a relevant material planning consideration. As above, any grant of consent does not purport to discharge any other obligation in that regard however, the enforcement of a Deed is a civil matter between those party to it.

- Character of applicant and objector(s) - Not relevant to the assessment of the application, or the associated representations, which will be considered and determined on their planning merits

Other concerns have been addressed in the report's consideration section above.

## 6. Equality and Diversity Issues

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

## 7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would have an unacceptable impact on the character and appearance of the application site and the surrounding area and would have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for REFUSAL





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**Location** Land Adjacent To 1 Booth Road London NW9 5JS

**Reference:** 20/0733/FUL

Received: 12th February 2020

Accepted: 17th February 2020

**Ward:** Colindale

Expiry 13th April 2020

**Applicant:** Mr Mr D and Mr S Buckley

**Proposal:** Demolition of existing garage and erection of a three storey dwelling

AGENDA ITEM 7

**Recommendation:** Refuse

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The proposed development would provide an insufficient outdoor amenity space. The proposal would therefore provide a poor quality of accommodation for future residents which would be contrary to Policy DM02 of the London Borough of Barnet Local Plan (Development Management Policies) DPD (September 2012); the Adopted Residential Design Guidance SPD (2016) and the Sustainable Design and Construction SPD (2016).
- 2 The proposed dwelling by reason of its scale, height, design and siting, in conjunction with 1 Booth Rd, would be a cramped and incongruous form of development on a restricted site, amounting to overdevelopment which would fail to relate to the context of the site and the pattern of development in the immediate surrounding area. This would be to the detriment of the character and appearance of the street scene and the locality and contrary to policies 3.5, 7.4 and 7.6 of the London Plan (Adopted 2016), policy CS5 of the Barnet Core Strategy (Adopted September 2012), policies DM01 and DM02 of the Barnet Development Management Policies Document (Adopted September 2012) and the advice contained in the Barnet Residential Design Guide Supplementary Planning Document (Adopted 2016).
- 3 The proposed development would fail to provide off-street car parking to serve the new dwelling and insufficient information has been provided with regard to a satisfactory technical justification to demonstrate that there is sufficient on-street availability to accommodate any overspill parking/ In the absence of a legal agreement to restrict permit access, it is therefore considered that the highway and

car parking impacts of the proposed development would have a detrimental impact on the free flow of traffic and parking provision, contrary to Policy CS9 of the LB Barnet: Core Strategy DPD (2012) and Policy DM17 of the LB Barnet: Development Management Policies DPD (2012)

- 4 The proposed un-obscure glazed first floor window in the proposed rear elevation, by virtue of its siting and relationship with the neighbouring property at 1 Booth Road and the garden space immediately to its rear, would lead to unacceptable levels of overlooking and perceived overlooking between the two properties to the detriment of the residential amenities of the both set of occupiers. This is contrary to Policies DM01 and DM02 of the LB Barnet: Development Management Policies DPD (2012) and LB Barnet: Sustainable Design and Construction SPD (2016)

#### **Informative(s):**

- 1 The plans accompanying this application are:

Drawing 0050 - SITE PLAN EXISTING received 12.02.20)

Drawing 1100 - GROUND FLOOR PLAN EXISTING (received 12.02.20)

Drawing 1200 - FRONT AND SIDE ELEVATION EXISTING (received 12.02.20)

Drawing 0182 - SITE CONTEXT - VIEW FROM NORTH Proposed (received 12.02.20)

- 2 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) 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 applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

## Officer's Assessment

### 1. Site Description

The application relates to land adjacent to 1 Booth Road, currently occupied by a single storey brick and metal garage.

The application site is a relatively small restricted rectangular shaped pocket of land fronting Booth Road on the plot's eastern side; the side elevation of 1 Booth Road on its northern side; the rear gardens of homes on Colindale Avenue on its southern side and a shed and an area of private garden associated with 1 Booth Rd, not part the application site, on its western side.

Booth Road and the wider area are mostly residential in nature, a mix of smaller residential terrace groups, with some semi-detached and blocks of purpose built flats further to the north and mixed residential / commercial properties along Colindale Avenue. A mix of brick and render finishes are present on the street.

The application site does not contain any statutory listed or locally listed buildings. It is not within a Conservation Area, but is an Area of Opportunity; part of the Colindale Area Action Plan (2010) and within a Controlled Parking Zone (CPZ). It falls within a PTAL 4 (good) rating area.

### 2. Site History

19/3584/FUL - A refusal on 27.08.2019 relating to a similar scheme to demolish of existing garage and erect a three storey dwelling. Refusal reasons were as follows:

a) The proposed dwelling by reason of its size, height, design and siting would be a cramped and incongruous form of development on a restricted site, amounting to overdevelopment which would fail to relate to the context of the site and the pattern of development in the immediate surrounding area, to the detriment of the character and appearance of the street scene and the locality.

b) The proposed dwelling would by reason of its size, height, design and siting, be overbearing and visually obtrusive, resulting in an unacceptable sense of enclosure, to the detriment of the residential and visual amenities of the neighbouring occupiers at 1 Booth Road, 183 Colindale Avenue and 185 Colindale Avenue.

c) The proposed development would provide an insufficient and poor quality outdoor amenity space. The proposal would therefore provide a poor quality of accommodation for future residents

19/00287/AREF (Barnet reference) & APP/N5090/W/19/3237013 (Planning inspectorate reference)- This appeal relating to the above scheme, was dismissed on 07.01.20 for the following reasons:

#### a) Amenity Space

"Future occupants would rely on the balconies to provide a source of outdoor space which is limited. Although they could not be considered as providing a reasonable level of privacy from public view due to their positioning, and direct sun light would be limited as they are both north east facing.

I am mindful that this proposal is not a family dwelling, and the local area offers access to open space; albeit precise locations have not been provided. The SDC SPD advises amenity space for houses should be provided in the form of rear gardens, but I am also aware that the Council agrees to the use of balconies in appropriate circumstances; that planning obligations could be used to secure external space; and 40m<sup>2</sup> of external space is required for up to four habitable rooms. The London Housing Supplementary Planning Guidance and Standards 26 and 27 in respect of private open space standards are also relevant, seeking similar provision.

I therefore find that the outdoor amenity space would be inadequate to provide an acceptable standard for occupiers, and the proposal would therefore be contrary to DMLP Policy DM02, and both the RDG and SDC SPD's. "

b) Impact on character and appearance

"its scale, massing and height and contemporary design with atypical balcony detail, and narrow width, would appear as a discordant and incongruous feature in this location. It would not therefore respect the context and character of the adjacent houses to which it is most closely related, or to the overall street scene."

### 3. Proposal

Demolition of existing garage and erection of a three storey dwelling. Building has an asymmetrical gable front, and a balcony on front elevation at first floor level. Building footprint would be 8810 mm depth by 4110mm width

The proposed dwelling's windows are restricted to the front and rear elevations, alongside rear lightwells serving the ground floor. Materials are brick; slate roof, with no window frames specified. There are proposed cycling, waste and recycling storage next to the front door under balcony. No designated parking spaces form part of the scheme and there is no rear garden area due to plot restraints. The proposed entrance is via front of the property onto Booth Rd.

Internal Dwelling Details (as measured from plans)

Gross Internal Area - 58m<sup>2</sup> - 25m<sup>2</sup> ground floor / 16.5m<sup>2</sup> first floor / 16.5m<sup>2</sup> second floor

Total Number of Habitable Rooms: 3

Bedroom (2nd floor) 10square metres

Living room (1st floor) 14.2 square metres

Kitchen / dining (ground floor) 25 square metres

Private Amenity Space - 3.04 square metres (1st floor balcony)

### 4. Public Consultation

Neighbour consultation letters were sent to 69 neighbouring properties and a general site notice (posted on 27.02.20). Two responses were received, split over 4 representations, which are summarised below:

- o Loss of sunlight and daylight and enclosure on 1 Booth Road,
- o 3 windows that directly look down below into the garden of 1 Booth Road
- o Poor design result including its first floor and shallow depth
- o Loss of garage

- o Suitable only for non-elderly

These issues are covered in the main assessment section of this report.

#### 4.1 Internal Consultation

No comment from Highways Team on the current application, but on the preceding application with the same transport parameters, they noted the following on 23.07.19:

The site is on a local road and in a CPZ. The proposal will generate a parking requirement of 1 -1.5 vehicles. No parking provision is proposed. This is acceptable as the site is in a CPZ provided the applicant agrees to enter into a s106 agreement with the council to deny occupants of the development the right to purchase CPZ permits.

Also, the provision of two cycle parking spaces is acceptable. However, cycle parking should be provided in a secure, covered, sheltered and enclosed environment. Also, the type of stands used must allow both wheels and the frame of the bicycle to be locked.

Details of cycle parking are therefore requested by way of a planning condition Erecting a new dwelling will render the existing crossover redundant and so the applicant is requested to reinstate the redundant crossover to footway. To enable this work to be carried out on the public highway, the applicant needs to obtain a s184 licence from the Council.

As the proposal involves demolition and construction works in a residential road, Highways would recommend that a demolition and construction management and logistics plan condition is imposed. Highways would raise no objection to the proposal to demolish the existing garage and erect a new two storey plus basement level dwelling subject to the applicant agreeing to enter into a s106 agreement to deny occupiers of the new dwelling the right to purchase CPZ permits and the following conditions/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) (June 2019 revision) 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 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

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

Mayors Housing Supplementary Planning Guidance (March 2016)

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, CS2, CS5.

Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan -Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan. 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 emerging policies and draft site proposals.

- Relevant Development Management Policies: DM01, DM02,DM03, DM08, 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.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

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

Colindale Area Action Plan (2010)

Planning Obligations Supplementary Planning Document (April 2013)



## 5.2 Main issues for consideration

The main issues for consideration in this case are:

- i. The Impact on the appearance and character of the area
- ii. The impact on the amenities of neighbouring occupiers
- iii. Whether the proposal provides satisfactory living accommodation for future occupiers
- iv. Parking and highways
- i. Refuse and recycling storage

## 5.3 Assessment of proposals

### 5.3.1 The Impact on the appearance and character of the area

Development proposals must respect the character and appearance of the local area, relate appropriately to the site's context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies DM01 and CS05 of the Barnet Local Plan, and 7.4 and 7.6 of the London Plan.

Policy DM01 states that all proposals should be based on an understanding of local characteristics preserve and enhance the local character of the area. They should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The immediate area where the proposed new dwelling would be sited is characterised by terraced grouping, each with a distinct and regular gap between building groups typical of a regimented streetscene.

The proposed dwelling would be three storeys in height, narrow in its form and built within a small plot with no front or back garden - apart from the front yard area heavily restricted by the combined front porch and substantial balcony integrated into the structure of the building. This design, whilst now reflecting the eaves heights and other characteristics of the adjacent properties to a greater extent than the previous application, is still problematic due to its incongruity within the constricted plot size. When viewed within the wider streetscape, it is considered to result in an atypical and cramped appearance, and would appear uncharacteristically narrow in its plot in relation to its height.

The proposed dwelling would be set 1 metre away from the side elevation of 1 Booth Road. Whilst it is acknowledged that there are other properties in the street have similar separation distances, or are terraced, this gap here would not help mitigated against the otherwise cramped form of development highlighted above.

It is also considered that the proposed storage area for bins and cycles would result in an unattractive bulky feature beyond the established building line of Booth Rd that would be harmful to the appearance of the street scene.

These issues have been highlighted in one of objections received regarding the current application and also echo the concerns and reasons for the dismal of the last appeal. The Inspector's appeal decision notes that an "atypical balcony detail, and narrow width, would appear as a discordant and incongruous feature in this location."

Given its location, the proposed dwelling would be a significantly visible addition to the local streetscape, which would exacerbate the effects of its awkward relationship with 1 Booth Rd and the overdevelopment of its plot. It fails to fully respond to the character of the

surrounding area in design terms, where the nature of the plot and end of building line location would be more suggestive of a mews style scale.

As such, the proposed development goes against the established pattern of development to the detriment of the character of Booth Rd and the wider locality.

### 5.3.2 The impact on the amenities of neighbouring occupiers

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The proposed dwelling is located with the existing building lines of Booth Rd and has no windows on either of its side elevations. The restricted plot results in the property being significantly setback from 1 Booth Road at the rear, allowing the windows on the side elevation of the adjacent property to remain largely unobstructed. As such, there is little to no amenity impact on this property in these terms.

The proposed first floor window on the rear elevation would require obscure glazing to avoid close quarter line of sight interactions with the neighbouring windows noted above and the garden area to its rear, and it is not listed or shown as such on the submitted plans, design and access or planning statements. It is anticipated that this could be conditioned to feature obscure glazing in any potential approval, however this has not been explored further given the other issues associated with the current design.

While it is acknowledged that the increase in height over the existing outbuilding will bring a greater sense of enclosure to the house to the south, as highlighted in one of the objection representations, it remains approximately 9 metres away from the rear extension and 15 metres away from the main house at 185 Colindale Avenue. The respective orientations are also favourable, with the application site being to the north of the Colindale Avenue properties and therefore far less impactful in terms of loss of direct sunlight.

As such, the impact on this property and those beyond on Colindale Avenue is well within acceptable limits. This assessment is generally in line with Inspectors' view of the previous scheme (with its slightly larger massing):

"15. Rear windows at No.'s 183 and 185 look onto the existing boundary fence. I do not consider the additional portion of development that would be visible above the boundary fence to unacceptably harm the outlook from these windows or reduce light levels. Overall, taking account of the location of windows, separation distances, and orientation to the appeal site, I do not consider the living conditions of the occupiers of both dwellings would be harmed by an overbearing or visually intrusive form of development, or result in a sense of enclosure."

### 5.3.3 Whether the proposal provides satisfactory living accommodation for future occupiers

The rooms in the newly created dwelling would have access to natural light; meet London Plan / Nationally Described Space Standards in terms of bedroom size, gross internal floor area (58m<sup>2</sup>) and internal storage provision (1.5m<sup>2</sup>). The conditions within ground floor are on balance considered acceptable, with the rear of the living area being serviced by portal style roof lights.

Barnet's Sustainable Design and Construction SPD notes that dwellings should provide outdoor amenity space (see Section 2.3 Outdoor Amenity Space, pages 10-11) at 40m<sup>2</sup> for a new houses with 4 or less habitable rooms. As per the glossary entry in the same document (page 51) habitable rooms that exceed 20m<sup>2</sup> will be counted as two.

Barnet's Residential Design Guidance states that all dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides a reasonable level of privacy. The size, shape and slope gradient of amenity space is key to its usability. Front gardens do not normally offer quality private amenity space.

The designated outdoor private amenity space for the development within the proposals is the front balcony. The front yard, including the front steps, is also noted as amenity area in the planning statement. However, it would be of very poor quality and not come close to meeting the required standards to be considered towards the overall total outdoor amenity space given its restrictive size, nature (steps are specifically excluded), proximity to the public highway (including noise impacts) and proposed waste / recycling / cycling storage (odour and visual amenity) and general privacy issues.

As a new building requires 40 m<sup>2</sup> of space (dwellings up to four habitable rooms) and provides 3 m<sup>2</sup>, it is massively deficient and the limited external green space (Colindale Park - a relatively small area approximately 300 metres away) is not present in enough quantity or quality to provide any sort of mitigation on this issue.

The agent has looked to explore making a financial contribution to off-site outdoor amenity space to remedy this fact, but given the small-scale of the scheme and amount of shortfall, this is not considered to be acceptable or workable solution in this particular context.

The proposed dwelling has 58m<sup>2</sup> of gross internal area, which meets the nearest applicable criteria (one bedroom / two person / two storey) laid out Table 3.3 of the Barnet Residential Guidance, London Plan and National Space Standards. The fact that a three storey configuration is not available is perhaps also indicative of the overdevelopment of the site.

#### 3.5.4 Parking and highways

Policy DM17 states that the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be 2 to 1.5 spaces per unit for detached and semi-detached houses.

The PTAL score for the site four (good), which attracts a parking requirement of 1.5 spaces. No off street parking is proposed and there is the loss of the space associated with the existing garage.

As a single, one bedroom dwelling in an accessible location with good access to local transport links the potential parking overspill is limited. The transport team note that this would be acceptable given a restriction in control parking zone residential permit for future occupiers. This approach is in line with both the previous application on the site, which did not list this as a refusal reason and the associated appeal decision, where the issues was not covered by the Planning Inspector.

Again it is anticipated that this could be relatively easily overcome in any potential approval through the use of a s106 legal agreement to restrict residential permits for occupiers. However, this does not feature as part of the current application and has not been explored

further given the other issues associated with the current design and therefore forms a reasons for refusal.

Covered, secure and accessible cycle storage has been included within the scheme in an area within the front garden. This is large enough to successfully accommodate the required 2 spaces per dwelling; is screened by existing boundary treatment; and is easily accessible from both the highway and building.

#### 5.3.5 Refuse and recycling storage

Sufficient refuse and recycling storage is provided on the plans in the front yard area, which is large enough to successfully accommodate the needs of the dwelling; is screened by the proposed boundary treatment; and is easily accessible from both the highway and building.

### 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

While the site's use for an additional residential dwelling is acceptable in principle, the development would have to be scaled appropriately to lessen its impact on the streetscene and to allow for increased outdoor amenity space. It is expected that the issues identified around privacy and parking could be overcome via conditions and legal agreements in a future application.

The proposal is considered not to accord with the requirements of the Development Plan in current form and is therefore recommended for REFUSAL



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**Location**                      **9 Beech Walk London NW7 3PJ**

**Reference:**                    **20/1622/HSE**

Received: 31st March 2020

Accepted: 2nd April 2020

Ward:                              Hale

Expiry 28th May 2020

Applicant:                      MRS KHALIQUE

Proposal:                        Part single, part two storey side and rear extension. Roof extension involving rear dormer window and 1no front facing rooflight (AMENDED PLANS)

**AGENDA ITEM 8**

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

9BEECHWALK/1  
9BEECHWALK/2  
9BEECHWALK/3/C REV C  
9BEECHWALK/4/C REV C

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 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 Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing No. 7 shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 5 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time above ground floor level in the side elevations of the extensions hereby approved, facing No 7 or No 11 Beech Walk

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 6 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 in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

#### **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.



## **Officer's Assessment**

### **1. Site Description**

The application site contains a two-storey detached single family dwellinghouse located on the north-western side of Beech Walk. The area surrounding the proposed site is primarily residential, consisting of similar two-storey detached and semi-detached residential dwellings with some in the local area benefitting from various extensions.

It is noted that the left-hand side of the rear elevation is 2.6m rearward as the design of the 'original dwellinghouse'.

The site is not within a conservation area, nor is it a listed building.

### **2. Site History**

Reference: W15824/07

Address: 7 Beech Walk, London, NW7 3PJ

Decision: Approved subject to conditions

Decision Date: 24 May 2007

Description: Two-storey rear extension and single storey side extension.

### **3. Proposal**

The application seeks approval for a "Part single, part two storey side and rear extension. Roof extension involving rear dormer window and 1no front facing rooflight".

Amendment has been made during the lifetime of the application to make it more in line with Barnet SPD Guidance.

The proposed ground floor rear extension measures a depth of 4.5m and a width of 6.74m. The proposed ground floor side extension measures a depth of 4.8m and a width of 2m. These two components will be link together to form a L shaped extension.

The proposed first floor rear extension measures the same dimension as the ground floor, with a depth of 1.9m and a width of 6.74m. The proposed first floor side extension measures a depth of 4.8m and a width of 1m as the setback from the side. These two components will be link together to form a L shaped extension.

The proposed rear dormer will have a width of 1.1 metres, a height of 1.2 metres and a depth of 2.2 metres. The dormer will be set up from the eaves by 0.7 metres and set down from the ridge of the roof by 0.9 metres.

In addition, 1no. front facing rootlights and 5no. side rooflights are proposed.

### **4. Public Consultation**

Consultation letters were sent to 13 neighbouring properties. 7 responses have been received.

Reasons for objection:

- overbearing
- loss of light
- potential of HMO conversion in the future
- intrusion of privacy

## 5. Planning Considerations

### 5.1 Policy Context

#### National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was amended on 19th February 2019. 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 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

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

#### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

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.

### Supplementary Planning Documents

#### Residential Design Guidance SPD (adopted October 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 October 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:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

### **5.3 Assessment of proposals**

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

The Residential Design Guidance stipulates that a depth of 3.5 metres is considered acceptable for a single storey rear extension on a semi-detached dwelling house. In the same document, it states that single storey side extension should not be more than half of

the width of the original dwellinghouse. As the proposed rear extension measures a depth of 1.9m beyond the existing projection at ground floor level, and the proposed single storey side extension measures only 2m in width (which is less than half of the width of the original dwellinghouse), these elements are considered to be in compliance with the Barnet SPD guidance.

The Residential Design Guidance states 'two storey rear extensions need to ensure they do not lead to loss of light to, and outlook from, windows and glazed doors positioned close to the extension, unacceptable sense of enclosure to house and garden, overbearing impact, harm to the character or appearance of the property and area'. On top of the criteria of ground floor side extension, Barnet SPD stipulates that "first floor side extensions should normally be set back 1 metre from the front main wall of the existing house.". The proposed first floor extension measures a depth of 4.5m to the rear, a width of 6.74m and a height of 1.9m. This is to match with the proposed ground floor extension and mirror the two-storey rear extension of the neighbour No. 11. The proposed first floor side extension measures a setback of 1.3m from the front wall and a side setback of 1m from the side wall. As such, it is in compliance with the Barnet SPD guidance.

Barnet's SPD 2013 outlines that dormer windows should be sympathetic to the main roof of the house. Dormer roof extensions should normally be subordinate features on the roof and should not occupy more than half the width or half the depth of the roof slope. The dormer extension should be set in at least 1 metre from the party wall, flank wall or chimney stack. The proposed rear dormer will have a width of 1.1 metres, a height of 1.2 metres and a depth of 2.2 metres. The dormer will be set up from the eaves by 0.7 metres and set down from the ridge of the roof by 0.9 metres. As it is not more than half of the width of the roof slope, it is considered that the proposal is acceptable, sympathetic in design and subordinate in appearance.

Officers note that the side extensions of the proposal will be viewable from the front of the host dwelling. Yet, with adequate setbacks from the front wall and the side wall, thus it is considered that the rear extension will not impact adversely on the existing streetscene of Beech Walk.

With the benefit of aerial photographs, it is found that the proposed two storey rear/ side extension would not be unique to 9 Beech Walk. Other neighbouring properties such as No. 7 and No. 11 also benefit from extensions with similar design. Therefore, the principle of a two-storey rear/ side extension would not be considered of detriment to the character of the surrounding area.

Given that the site is a large residential dwelling house, officers consider that the proposal would be a proportionate addition to the dwelling house. As such, it is not found that the established character and appearance of the existing dwelling and general locality would be affected should this proposal receive approval.

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

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

With regards to 7 Beech Walk, the potential harm from the rear extensions might be the loss of sunlight and overlooking problem to the neighbour. Yet, it is found that No. 7 currently

benefits from two-storey side/ rear extensions with similar design. As the proposed ground floor and first floor elements are just to extend till the existing rear wall of No. 7, it is considered that the proposal will not have harmful amenity impact. In addition, 2 small side windows are proposed on the side wall facing No. 7. A condition will be imposed to make sure the windows are obscured glazed and non-opening to safeguard the amenity standard of No. 7.

As for 11 Beech Walk, this property is next to the host dwelling on the right. As the rear extensions are on the left-hand side of No. 9, it would not have a detrimental impact in the way of residential amenity.

The small rear dormer window facing the garden of No. 9 does not considered to have any amenity impact to the neighbourhood.

A number of properties along Beech Walk have rooflights installed and can be done under permitted Development. As such the impact upon the street scene and amenity cause by the proposed rooflights is considered acceptable.

Therefore, it is considered that the extension would have an acceptable impact on the residential amenity of neighbouring occupiers and its character and appearance would have no impact on the street scene.

#### **5.4 Response to Public Consultation**

The potential future conversion of the property into an HMO is not relevant to the consideration of this application as it does not form part of the proposal. Any such future conversion would require planning permission and be subject to oversight of the LPA

Other concerns have been addressed in the report.

#### **6. Equality and Diversity Issues**

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

#### **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL





- 1 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) 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 applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 2 The plans accompanying this application are:

- PL01, PL06 A, PL07 A, PL08 A, PL09 A, PL10, PL11 A, PL 12 A, PL 13 A, PL15, 06.940.29 Rev A, 06.940.30 Rev A, 06.940.31 Rev A, 06.940.32 Rev A, 06.940.33 Rev A, 06.940.34 Rev A, 06.940.28, 06.942.24, 06.942.25, 06.942.26, 0.942.21, 06.942.20, 06.943.22, 06.942.23



## **Officer's Assessment**

This application has been called to the Committee at the request of Cllr Shooter

### **1. Site Description**

The application site contains a two storey, detached property of a contemporary design, set over four storeys (including lower ground floor level), with prominent two storey front bay and a mono-pitched roof

The property is located on the west side of Wykeham Road, close to the junction with Queens Road. The site is immediately adjacent to, but not included within, the designated Hendon Town Centre.

The junction with Queens Road is framed on both sides by mansion blocks of three storeys with additional units in the roof space. North of that, Wykeham Road itself is characterised by well-proportioned detached and semi-detached single family dwellings with driveways and hedged boundaries behind low brick walls.

The application site is the first property in the street on the western side. Properties on this side lead down to the cutting containing the Northern Line to the rear.

The building is not Listed, nor located on land designated as Article 2(3) (Conservation Area). There are no protected trees on, or adjacent to, the application site. The property benefits from a front driveway providing 1no parking space and benefits from a PTAL rating of 5 (out of 6).

### **2. Relevant Site History**

16/6556/CON

Reference: 16/6556/CON

Address: Hamptons, 12 Wykeham Road, London, NW4 2SU

Decision: Approved

Decision Date: 20 December 2016

Description: Submission of details of conditions 3 (materials) and 4 (Demolition and Construction Method Statement) pursuant to planning permission 16/0674/FUL dated 03/02/2016

Reference: 16/0674/FUL

Address: Hamptons, 12 Wykeham Road, London, NW4 2SU

Decision: Approved subject to conditions

Decision Date: 7 March 2016

Description: Demolition of existing detached single dwelling and erection of three storey dwelling including basement level and lightwell to front, with associated amenity space, soft landscaping, refuse storage, cycle storage and off-street parking

### **3. Proposal**

This application seeks retrospective planning permission for the conversion of existing dwelling into 3no self-contained flats.

The proposed units are comprised as:

Flat 1: 3 Bedroom 6 Person (3B6P) 248m<sup>2</sup>

Flat 2: 2 Bedroom 4 Person (2B4P) 96.48m<sup>2</sup>

Flat 3: 2 Bedroom 4 Person (2B4P) 62.49m<sup>2</sup>

The alterations to façade would involve minor alterations to the fenestration including size and design comparative to the approved and alterations to the glass balustrade at second floor level.

In addition, the proposed development also involves alterations to existing landscaping. Associated parking, refuse/ recycling store and cycle store.

#### **4. Public Consultation**

The consultation was undertaken including a site notice and letters to 81no neighbouring properties.

No objections were received.

This application has been called in by Cllr Shooter for the following reason: " I believe it would be better for committee to consider this application due to the appearance of the current property to resemble flats already and the flats next door and opposite being a consideration."

#### **5. Planning Considerations**

##### **5.1 Policy Context**

###### Revised 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 published on 19 February 2019. 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 Revised 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 Revised NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

###### The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

### The Mayor's Draft London Plan

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

### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM08, 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.

### Supplementary Planning Documents

#### Residential Design Guidance SPD (adopted October 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 October 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:

- 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 harm would be caused to the living conditions of neighbouring residents;
- Whether satisfactory living standards would be provided for future occupiers; and
- Whether harm would be caused to highway safety.

## 5.3 Assessment of proposals

### Background

The existing detached dwellinghouse was granted planning permission under Reference no.: 16/0674/FUL. Then, the host property converted into three self-contained flats without planning permission. The existing external appearance and landscape are very similar to the approved scheme.

### 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 Chapter 2 of the Core Strategy, 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 flat 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 states that proposals should be based on an understanding of local characteristics. Criterion (h) of the same policy states that the conversion of dwellings into flats in roads "characterised by houses" will not normally be appropriate. This is because the loss of houses would change the character of the area. The policy states that the ' conversion of dwellings into flats in

roads characterised by houses will not normally be appropriate' and it is considered that the principle behind this policy is also relevant to the current proposal.

The supporting text to Policy DM01 sets out the rationale behind this, which results in part from the characterisation study undertaken as part of the production of the Local Plan. This sets out the character of different parts of the borough and how this character changes and evolves over time. The supporting text states that protecting the character helps to maintain Barnet's heritage, and that development proposals which are out of keeping with the character of an area will be refused.

In particular, DM01(i) states that:

'Loss of houses in roads characterised by houses will not normally be appropriate.'

The submitted planning statement stated Nos. 20 Queens Road (Planning reference nos.: 19/6611/191, 15/05486/FUL) and 24 Sydney Grove Lane (Planning reference no.: 19/4683/FUL) are examples of converted self-contained flats in the vicinity.

Firstly, 19/6611/191 is a lawful development certificate for existing use, so the assessment was against General Permitted Development Order rather than the council's local planning policy, so it is not considered as a material consideration. Secondly, the submission of planning application reference no.: 15/05386/FUL followed a dismissed appeal at the site made under an appeal reference no.: APP/N5090/D/15/3003892. However, the Planning Inspector considered the principle of flat development on No. 20 Queens Road acceptable.

In the case of No.24 Sydney Grove, the principle of flats was considered acceptable on No.24 due to the mixed character on Sydney Grove. The delegated report (19/4683/FUL) stated the following:

" The character of the street is considered to be a mixture of both flats and single family dwellinghouse suggesting the introduction of one additional conversion in this location would indeed preserve the character of the area. Given the mixed character of the street it is not considered the conversion of the property to flat would be acceptable in accordance with Policy Dm01 of the Development Management Policies DPD."

Therefore, it is evidenced that those applications were considered on an individual basis and the circumstances are relatively different from this application including the street character and planning history. As such, they are not considered as a material consideration in this case.

It is acknowledged Wykeham Road is predominately single family dwellings, there are two blocks of converted developments - Wykeham Court and Hendon Park Mansions located on the southern end of Wykeham Road and at the junction of Queens Road. It is noted that Wykeham Court and Hendon Park Mansions are adjacent to Hendon Park which forms part of this cluster of buildings running alongside Queens Road, which is of hotels, parks, synagogue, flats and dwellinghouse. Therefore, these prominent corner locations to the southern side of the street are of a different character than the application site further north along Wykeham Road which benefits from a more traditional suburban character.

Notwithstanding, the existing contemporary design of the host property constitutes a significant contrast from the other houses, the appearance of the existing house is not a material planning consideration as it was considered acceptable on character grounds on planning application reference no.: 16/0674/FUL. The delegated report under planning reference no.:16/0674/FUL stated:

'The proposed replacement dwelling, although contemporary in its design, is considered to reflect the nature of residential development within this area which is dominated by large detached single dwelling houses with mixed character and appearance.'

Hence, the existing detached dwelling house under planning application reference no.: 16/0674/FUL was built to replace the original detached single dwellinghouse on the application site. As such, the planning assessment concluded that the principle of a single dwelling house was considered acceptable and matched with the prevailing character of Wykeham Road. But the principle of converting the existing detached house into flats would be significantly different with a single family detached dwellinghouse.

The street character of Wykeham Road has not materially changed since 2016 and the location of the application site forms part of the cluster of the single family houses. Despite Wykeham Road has a mixed character, the typology map in the Barnet's Local Plan Development Management Policies (sourced by the Characterisation Study 2010) shows that the Wykeham Road falls with the category of 'Suburban' which is sufficient to consider that Wykeham Road is generally characterised by single family dwellinghouses. Hence, after research was carried out on council tax records which shows that there are no properties on Wykeham Road have been converted to flats.

There is an Appeal Decision (Under reference no.: APP/N5090/W/15/3139738 on Nos. 21 - 23 Wickliffe Avenue, Barnet N3 3EL) stated:

'Whilst precedent is not an argument I can see that an incursion on the appeal site into the family dwelling area up this road might make it more difficult to prevent replication which in turn would be additionally harmful and changing to the character of the area.'

In this case, the current proposal does not match with the prevailing street character and the introduction of converted flats would certainly be at odds with the character of this section of the Wykeham Road. Therefore, it is deemed that the principle of conversion of a single family dwellinghouse into flats in Wykeham Road would be contrary to policy DM01 on character grounds, in that it would result in the loss of a house in a street predominantly characterised by houses.

It is therefore deemed that the proposed conversion at Wykeham Road would be unacceptable and consequently this element of the proposal is recommended for refusal.

#### Impact of the proposal on the character and appearance of the building, the street scene and the wider area

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'.

It is noted that the majority of the built form of existing property benefit from planning permission (Reference no.:16/0674/FUL).

There are some minor differences between what was previously approved and present and these include alterations to the size of the rear and front fenestration and minor alterations at roof level in regards to fenestration and balustrades. These changes are subtle and do not

materially alter the design or aesthetic of the built form of the development. It is considered that in light of the previous approval and the minor alterations are acceptable. Therefore, it is considered that the proposed conversion would respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Officers should note the palette of materials were agreed as part of a condition application (16/6556/CON) pursuant to planning permission 16/0674/FUL dated 03/02/2016. The palette of materials remains unchanged and is therefore acceptable.

#### Whether the proposal provides a satisfactory living environment for future occupiers

The scheme proposes the following internal space standards:

Lower ground floor and ground floor:

Flat 1: 3 Bedroom 6 Person (3B6P) 248m<sup>2</sup>

First floor:

Flat 2: 2 Bedroom 4 Person (2B4P) 96.48m<sup>2</sup>

Second floor:

Flat 3: 2 Bedroom 4 Person (2B4P) 62.49m<sup>2</sup>

Lower ground floor and ground Floor:

The proposed ground floor unit provides sufficient Gross Internal Area (GIA) for a single storey 3 Bedroom, 6 Person unit, which has sufficient bedroom spaces for the number of potential inhabitants, and they are under the standards prescribed in the Council's adopted Sustainable Design and Construction SPD (October 2016) and the Mayor's London Plan (2016). The unit benefits from a dual aspect, providing a reasonable standard of natural light access and visual outlook.

First floor:

Flat 2 would also provide sufficient GIA and a 2 Bedroom 4 Person unit. The unit benefit from dual aspect windows. The London Plan sets a requirement of 75% of a new dwelling to be above 2.3 metres in head height.

Second Floor:

Flat 3 would be a 2 Bedroom, 4 Person unit which would meet the minimum GIA standards prescribed in the Council's adopted Sustainable Design and Construction SPD (October 2016) and the Mayor's London Plan (2016). The sustainable design and construction SPD also states that a minimum ceiling height of 2.5 metres for at least 75% of the dwelling area is strongly encouraged. It would have 3m headroom height which would comply with the minimum standards of London Plan.

Amenity space:

Flat 1 would have a balcony with an area of 19.13m<sup>2</sup> at ground floor level facing at their rear garden area with a direct access from the master bedroom. At lower ground floor level, there would be a direct access to the rear garden area at lower ground floor level. Flat 2 would have a balcony with an area of 13.79m<sup>2</sup> at first floor level facing at their rear garden area with a direct access from the bedrooms. Flat 3 would have a balcony with an area of 25.9m<sup>2</sup> and it wraps around the rear, front and southern elevations of the house.

The Mayor's Housing Supplementary Planning Guidance (March 2016) Standard 27 stated that the minimum depth and width for all balconies and other private external spaces should be 1500m.

Although the balconies do not fully comply with the minimum standard under the Mayor's Housing Supplementary Planning Guidance (Standard 27), the provision of outdoor amenity space was considered acceptable under the previously approved scheme under Reference no.: 16/0674/FUL. It is acknowledged that there are no changes in the size or location of the balconies under the current proposal. Moreover, the rear garden area is accessible via the side gate of the site and was considered providing sufficient amenity space for the future occupiers of the unit under the previously approved planning application.

On balance, the proposal would provide sufficient private outdoor amenity space for the occupiers from each unit. Besides, it would provide adequate outlook from each habitable room window. As such, the proposal is considered to form a quality standard of accommodation for the future occupiers of the unit.

No details were submitted on the arrangement of the rear garden for the occupiers under the current proposal. The planning statement stated that the rear garden area would be made available for all the occupiers from the units, this would be acceptable.

#### Privacy:

Policy DM01 states that 'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'.

Each of the units has a private terrace and they have all comprise privacy screening to prevent significant overlooking to neighbouring amenity areas and the terrace at first floor level would be set away from the boundary with No. 14 by over 4 metres. As such, the proposal is not considered to result in a significant loss of privacy and overlooking the neighbouring.

The proposed layout is acceptable in terms of the privacy of adjoining and potential occupiers. There are no identifiable issues of overlooking. As such, the proposal is found to comply with Policy DM01 in this regard.

#### Stacking:

Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels. In the event of an appeal, the sound insulation level will be enforced by an appropriate condition.

The proposed internal stacking shows the siting of the proposed dining room for Flat 2 sited above the bedroom for Flat 1. Furthermore, the siting of the proposed dining room for Flat 3 would also sit partially above the dining room for Flat 2.

On balance with the introduction of appropriate sound insulation the internal stacking is considered acceptable, helping to ensure a minimum of noise disturbance between the units.

#### The impact on the amenities of neighbouring occupiers



It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The principle of development in the current application is the same as the previously refused application (Under reference no.: 16/0674/FUL), which was not considered to cause any adverse amenity impacts to the neighbouring occupiers. As such, the proposed development would not consider resulting in an unacceptable impact on the amenities of neighbouring occupiers and the scale and size of the development are very similar.

The proposed rear terraces have all comprise privacy screening to prevent significant overlooking to neighbouring amenity areas and the terrace at first floor level would be set away from the boundary with No. 14 by over 4 metres. As such, the proposal is not considered to result in a significant loss of privacy and overlooking to the neighbouring.

The uplift of the proposed comparative to what was approved would be approximately an additional 1 person. This is not considered to result in any additional levels of noise and disturbance that would warrant refusal.

Taking all material considerations into account, it is found that the proposed development would protect the amenities of neighbouring occupiers, in accordance with Policy DM01 of Barnet's Local Plan.

#### Parking and cycle stores

The site has a PTAL value of 3 (Average). According to the Parking Standards as set out in Barnet Council's Local Plan Development Management Policy DM17, the range of vehicular parking spaces which would need to be provided as part of the proposed development is between 3 and 4.5 spaces. The Council's Highways' Department considered no objection to the proposal subject to a Section 106 Legal Agreement to deny future occupants of the right to purchase Control Parking Zone permits and submit evidence of availability of on-street spaces at night.

The applicant did submit an amended Site Plan (PL06-A) illustrating two spaces to the front of the property on the existing hard standing. Highways have assessed this plan and consider that this is not a workable layout and as one space would block the pedestrian access to the site.

As such the proposal has been assessed on the circumstance of one accessible parking space. As such the proposal results in a shortfall of parking spaces of between 2 and 3.5 spaces.

The Council's Highways' Department considered no objection to the proposal subject to a Section 106 Legal Agreement to deny future occupants of the right to purchase Control Parking Zone permits or following submission evidence which illustrate sufficient availability of on-street spaces for any potential overspill

The applicant has not agreed to enter into a section 106 nor have they provided a parking survey to indicate there is sufficient on-street spaces for any potential overspill.

As such the proposal fails to comply with the requirements of Policy DM17 of the Development Management Policies DPD.

## Refuse

A minimum of 5 cycle parking spaces are required accordance with London Plan standards. However, the location of the cycle store shown on the proposed ground floor plan indicate 2 Sheffield stands providing 4 cycle parking spaces which falls short of the minimum requirement.

Furthermore, in accordance with the London Plan any long stay cycle parking should be provided in a covered, sheltered, secure, lockable and enclosed compound. Details of cycle parking would therefore request by way of a planning condition in the event of an approval.

## Refuse

Supplementary Planning Document: Residential Design Guidance (2016) states that waste and recycling can be visually intrusive within the street scene. It goes onto state that waste and recycling storage areas should be integrated within the building or provided on-site and screened within an enclosure or by landscaping avoiding area in front of dwellings.

Refuse storage proposals are acceptable and it is assumed existing refuse collection and servicing arrangements will continue. Details of refuse storage are requested and this should include elevations of the proposed refuse store which should ideally be in a covered enclosure. In the event of an appeal, a condition would be attached to ensure this provision.

## Accessibility and Sustainability

In respect of carbon dioxide emission reduction, the scheme should have been designed to achieve a 6% CO<sub>2</sub> reduction over Part L of the 2013 building regulations. This level of reduction is to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition would be attached to any permission to ensure compliance with this Policy.

In terms of water consumption, a condition would be attached to any permission to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore could be conditioned to meet the necessary sustainability and efficiency requirements of the London Plan in the event of approval.

## **5.4 Response to Public Consultation**

N/A

## **6. Equality and Diversity Issues**

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

## **7. Conclusion**

Having taken all material considerations into account, it is considered that the proposed subdivision of the existing large detached single family dwellinghouse, into three smaller dwelling units, would be out of character with the surrounding area, contrary to the character of the street and causing the loss of a house in a street predominantly characterised by houses.

The proposal would provide insufficient off-street parking provision and in the absence of a legal agreement to amend the traffic order or a parking survey to demonstrate that there is sufficient on street parking capacity for the potential parking overspill, the development would be to the detriment of highway and pedestrian safety and the free-flow of traffic.

As a result, the proposal would be contrary to Policy DM01, DM08 and DM17 of the Barnet Development Management Policies DPD (2012), Policies CS1, CS5 CS9 and CS15 of the Barnet Core Strategy (2012), Policy 7.6 of the London Plan (2016) and the guidance contained within the Barnet Residential Design Guidance Supplementary Planning Document (2016).

This application is recommended for Refusal.

