

MEETING

PLANNING COMMITTEE A

DATE AND TIME

WEDNESDAY 2ND FEBRUARY, 2022

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF PLANNING COMMITTEE A (Quorum 3)

Chairman: Councillor Wendy Prentice
Vice Chairman: Councillor Helene Richman BA (Engineering), JD (Juris Doctor),
Barrister (Middle Temple), TEP

Councillors

Richard Cornelius	Tim Roberts	Elliot Simberg
Danny Rich	Gill Sargeant	

Substitute Members

Paul Edwards	Kath McGuirk	Mark Shooter
Thomas Smith	Reuben Thompstone	Zakia Zubairi
Eva Greenspan		

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

Andrew Charlwood – Head of Governance

ASSURANCE GROUP

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

Governance Service contact: planning.committees@barnet.gov.uk

Media Relations contact: Tristan Garrick 020 8359 2454

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the last meeting	5 - 8
2.	Absence of Members	
3.	Declaration of Members' Disclosable Pecuniary Interests and Other Interests (if any)	
4.	Report of the Monitoring Office (if any)	
5.	Addendum (if applicable)	
6.	32 Rowsley Avenue, NW4 1AJ 21/1049/HSE (Hendon)	9 - 22
7.	32 Rowsley Avenue, NW4 1AJ 21/1431/HSE (Hendon)	23 - 34
8.	Brummel House, 68 The Ridgeway, NW11 21/5377/S73 (Childs Hill)	35 - 48
9.	Land at 49 & 51 Beresford Avenue, N20 0AD 21/5999/RMA (Brunswick)	49 - 74
10.	18 Cotswold Gardens, NW2 1QU 21/5994/FUL (Golders Green)	75 - 88
11.	90 The Ridgeway, NW11 9RU 21/5834/FUL (Childs Hill)	89 - 106
12.	60 West Hendon Broadway, NW9 7AE 21/1522/FUL (West Hendon)	107 - 142
13.	131 Friern Barnet Road, N11 3DY 21/0891/FUL (Coppetts)	143 - 160
14.	19 Hale Lane, NW7 3NU 20/4814/FUL (Hale)	161 - 174
15.	Any item(s) that the Chairman decides are urgent	

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 planning.committees@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

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by uniformed custodians. It is vital you follow their instructions.

You should proceed calmly; do not run and do not use the lifts.

Do not stop to collect personal belongings

Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions.

Do not re-enter the building until told to do so.

This page is intentionally left blank

Decisions of the Planning Committee A

8 December 2021

Members Present:-

AGENDA ITEM 1

Councillor Wendy Prentice (Chairman)
Councillor Helene Richman (Vice-Chairman)

Councillor Richard Cornelius Councillor Gill Sargeant
Councillor Danny Rich Councillor Elliot Simberg
Councillor Tim Roberts

1. MINUTES OF THE LAST MEETING

RESOLVED that the minutes of the meeting held on 26 October 2021 be agreed as a correct record.

1. CHAIRMAN'S INTRODUCTION

The Chairman welcomed everyone to the meeting, outlining the covid protocols and explaining that the meeting would not be audio recorded or live streamed due to technical problems.

She also explained that the items relating to 32 Rowsley Garden had been withdrawn on the advice of Officers.

2. MINUTES OF THE LAST MEETING

RESOLVED that the minutes of the meeting held on 26 October 2021 be agreed as a correct record.

3. ABSENCE OF MEMBERS

None.

4. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS (IF ANY)

None.

5. REPORT OF THE MONITORING OFFICE (IF ANY)

None.

6. ADDENDUM (IF APPLICABLE)

Items contained within the addendum were dealt with under individual agenda items. The Committee noted the addendum to the Planning Agenda which was published and circulated prior to the meeting.

7. 32 ROWSLEY AVENUE LONDON NW4 1AJ 21/1431/HSE (HENDON)

The Chairman informed the Committee that this report had been withdrawn following Officer advice.

8. 32 ROWSLEY AVENUE LONDON NW4 1AJ 21/1049/HSE (HENDON)

The Committee noted that the application had been withdrawn on the advice of Officers.

9. 11 GLEBE CRESCENT LONDON NW4 1BT 21/3101/HSE (HENDON)

The Committee received the report.

A representation was heard from the agent.

The Committee voted on the Officer recommendation to refuse the application:

For (refusal)	6
Against (refusal)	0
Abstained	1

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

10. 1264 HIGH ROAD LONDON N20 9HH 21/1764/ADV (OAKLEIGH)

The Committee received the report, which was presented in tandem with the other two reports relating to this site. Separate votes were taken.

It was unanimously RESOLVED that the application be approved subject to conditions detailed in the report **AND** the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in their absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

11. 1264 HIGH ROAD LONDON N20 9HH 21/1763/LBC (OAKLEIGH)

The Committee received the report.

It was unanimously **RESOLVED** to Approve the application subject to the conditions detailed in the report, the addendum **AND** the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/ as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in their absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

12. 1264 HIGH ROAD LONDON N20 9HH 21/1762/FUL (OAKLEIGH)

The Committee received the report.

RESOLVED that it be unanimously agreed to approve the application, subject to the conditions detailed in the report, the addendum **AND** the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in their absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

13. 15 SOUTHBOURNE CRESCENT LONDON NW4 2LB 21/1015/HSE (HENDON)

The Committee received the report.

A representation was heard from the agent.

The Committee voted on the Officer recommendation to refuse the application:

For	6
Against	0
Abstained	1

RESOLVED that the application be refused, subject to the reasons detailed in the report, the addendum **AND** the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in their absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

14. ANY ITEM(S) THAT THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 7.43pm

Location 32 Rowsley Avenue London NW4 1AJ

Reference: 21/1049/HSE

Received: 26th February 2021

AGENDA ITEM 6

Accepted: 5th March 2021

Ward: Hendon

Expiry 30th April 2021

Case Officer: John Sperling

Applicant: Mallerton Ltd

Proposal:

Proposed merging of the single storey rear extension with crown roof and rear patio. Erection of single storey side and first floor rear extension. Retention of front extension facilitating a front porch and canopy (AMENDED DESCRIPTION AND DRAWINGS)

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in their 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:

032RO-A-01-001 - received 17 January 2022

032RO-A-01-002 - existing block plans - received 17 January 2022

032RO-A-01-002 - existing and proposed block plans - received 17 January 2022

032RO-A-02-001 - received 17 January 2022

032RO-A-02-002- received 17 January 2022

032RO-A-02-101 - received 17 January 2022

032RO-A-02-102 - received 17 January 202

032RO-A-03-001 - received 17 January 2022

032RO-A-03-002 - received 17 January 2022

032RO-A-03-003 - received 17 January 2022

032RO-A-03-004 - received 17 January 2022

032RO-A-03-101 - received 17 January 2022

032RO-A-03-102 - received 17 January 2022

032RO-A-03-103 - received 17 January 2022

032RO-A-03-104 - received 17 January 2022

032RO-A-05-001 - received 17 January 2022

032RO-A-05-002 - received 17 January 2022
032RO-A-05-101 - received 17 January 2022
032RO-A-05-102 - received 17 January 2022
032RO-A-06-001 - received 17 January 2022
032RO-A-06-002 - received 17 January 2022
032RO-A-06-003 - received 17 January 2022
032RO-A-06-004 - received 17 January 2022
032RO-A-06-101 - received 17 January 2022
032RO-A-06-102 - received 17 January 2022
032RO-A-06-103 - received 17 January 2022
032RO-A-06-104 - received 17 January 2022

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 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).

- 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 in the side elevations, of the extension hereby approved, facing Nos 30 and 34 Rowsley Avenue.

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).

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 comprises a semi-detached dwellinghouse, located on the eastern side of Rowsley Avenue. To the south, the host dwelling directly adjoins No.30 Rowsley Avenue, to the north, the application site shares a common boundary with No.34 Rowsley Avenue. To the rear, the application site abuts Nos 29 and 31 Downage.

The area is characterised by similar two storey semi-detached properties with amenity space to the rear and off-street parking facilities to the front.

The application site does not comprise a listed building and does not fall within a conservation area.

2. Relevant Site History

Reference: 18/6698/PNH

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Prior Approval Not Required

Decision Date: 17 December 2018

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres.

Reference: 18/6973/HSE

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Approved subject to conditions

Decision Date: 23 January 2019

Description: Single storey side and rear extension. New raised terrace area with associated access steps to garden level. New front porch

Reference: 19/6017/192

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Lawful

Decision Date: 11 November 2019

Description: Roof extension involving hip to gable, rear dormer window and 2no front facing rooflights

Reference: 19/5234/HSE

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Approved subject to conditions

Decision Date: 30 January 2020

Description: Single storey side and rear extension. First floor rear extension. New raised terrace area with associated access steps to garden level. New front porch (AMENDED DESCRIPTION).

Reference: 20/2488/HSE

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Refused

Decision Date: 21 October 2020

Description: Amalgamation of the ground floor rear extension with crown roof. Erection of ground floor side and first floor rear extension (AMENDED PLANS).

Reason for refusal:

1. The cumulative impact of the proposed formation of a crown roof to the existing ground floor rear extension, by virtue of its height, siting, and excessive rearward projection, would give rise to an unacceptable loss of outlook and overbearing sense of enclosure to the rear habitable rooms and garden of No 30 Rowsley Avenue, to the detriment of the residential amenity of neighbouring occupiers, contrary to Policy 7.6 of the London Plan (2016), Policy CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policies DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Residential Design Guide SPD (2016).

Reference: 20/5924/HSE

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Approved subject to conditions

Decision Date: 14 April 2021

Description: Single storey rear infill extensions between existing ground floor extensions. Erection of approved first floor rear extension

Reference: 21/1431/HSE

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Single storey rear infill extension. Erection of approved single storey side extension

3. Proposal

This application seeks full planning permission for the "Proposed merging of the single storey rear extension with crown roof and rear patio. Erection of single storey side and first floor rear extension. Retention of front extension facilitating a front porch and canopy (AMENDED DESCRIPTION AND DRAWINGS)."

The existing roof extension approved under 19/6017/192 is insitu at the application site.

The proposed application seeks to infill the ground floor rear extensions approved under prior notification reference number 18/6698/PNH. This proposed element would extend to the existing rear wall of the existing extensions. A crown roof design would be implemented, measuring an eave height of 2.53 metres from ground floor level and a maximum height of 3.6 metres.

The current submission includes the front porch extension, first floor rear extension, smaller ground floor rear extension and rear patio which was approved under planning reference number 19/5234/HSE.

The proposal is a resubmission of the development refused permission under planning reference number 20/2488/HSE. Since that time, a further grant of consent under 20/5924/HSE has authorised a single storey rear infill extension between the existing ground floor extensions - albeit at a lower height - in conjunction with the erection of the previously approved first floor rear extension. The scope of this application is therefore in effect limited to the addition of a crown roof to the ground floor rear extension.

The existing front extension facilitating a front porch and canopy would cumulatively measure a depth of 1.16 metres from the front wall of the property, a width of 5.5 metres up to the boundary line with No.30 Rowsley Avenue and a maximum height of 3.3 metres. The projecting canopy element protrudes 0.28 metres from the existing front extension (0.1 metres beyond the front wall of No.30) and expands the entire width thereof.

4. Public Consultation

24no original consultation letters were distributed and 22no objections were received.

The comments received shall be summarised in the following:

- Cumulative impact of the proposed crown roof to existing ground floor rear extension, by virtue of its height, siting and excessive rearward projection, would result in an unacceptable loss of outlook and sense of enclosure from the rear habitable room and garden at No.30 and 34 Rowsley Avenue. Impact would also be felt at Nos 28, 30, 36 and 38 Rowsley Avenue.
- No site visit made
- Submitted photos should be duly reviewed.
- Proposal is out of keeping with the character of the area.
- The property would be suitable for conversion into flats.
- Existing ground floor rear extension is unacceptable, especially when no notification was sent.
- Materials of the property are not found in the wider area.
- The current application and the previously refused application 20/2488/HSE so the decision should be consistent.
- The existing structure is already overshadowing, the proposed roof would worsen this impact.
- No notification was received of the larger 6 metre application. Please provide proof that this occurred.
- Concern over why councillors abstained in previous committee decision.
- We have no confidence in your ability to represent local residents fairly and will be contacting the local press to publicise this failure.

Following receipt of amended plans, a re-consultation has been carried out. The consultation period remains open until the 31st January 2022 and any further responses will be reported in the Addendum.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021. 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.

Existing policies in Barnet's Local Plan (2012) and the London Plan (2021) should not be considered out-of-date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF.

The Mayor's London Plan 2021

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 2041. 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.

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 and 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.

Barnet's Local Plan (2012)

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

Residential Design Guidance SPD (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. 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 developments 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 it states that developments 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.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- 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

Impact on the character and appearance of the property and general locality (Principle):

Any proposed 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), and D3 (of the London Plan).

Policy DM01 states that all proposals should preserve and enhance the local character of the area. This application relates to the amalgamation of the ground floor rear extension with crown roof, first floor rear extension and front porch.

It is noted that the ground floor rear extensions approved under reference number 18/6698/PNH have been constructed. As such, they constitute a material fall-back position for the consideration of this application - and consequently, the scope of the works at ground floor level are limited to the infilling of the 0.5m gap between the existing two extensions and formation of a crown roof.

On that basis, the infilling of the gap made between the two existing extensions to form a flush rear elevation is not in itself considered to be detrimental to the character and appearance of the host property.

With regards to the additional crown roof element, as a result of the Prior Approval extensions being set at a lower level, the resultant maximum height would not increase compared to the height (of the extension and rear patio combined) previously approved under 19/5234/HSE. This is confirmed by the distance from the top of the proposed roof to the first floor cill level for both applications being 1 metre. The difference from that scheme is that the ground floor extension is now of a greater depth - corresponding to that of the scheme already implemented pursuant to 18/6698/PNH.

The extension is also noted to wrap round to the side extension element (approved 19/5234/HSE) to create a visually congruent and sympathetically designed rear elevation that would be acceptable to the existing dwelling and wider locality.

With regards to the proposed first floor rear extension, it is considered that the assessment made under planning reference number 19/5234/HSE is relevant in this instance. In determining that application, the delegated report reads as follows:

Paragraph 14.23 of Barnet's Residential Design Guidance (2016) states that two storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable. It is noted that the proposal is 2 metres in depth and is situated 2.5 metres from No.30 and 3.7 metres from

No.34. The first floor rear extension would be set away from the first floor rear bay window so would be compliant with Paragraph 14.11 of Barnet's SPD (2016). As such, the proposal would appear sympathetic and not overly bulky or dominant in the context of the dwellinghouse and surrounding area. Having assessed the wider area, it is seen that numerous properties on the eastern side of Rowsley Avenue benefit from flat roofed two storey rear extensions. Given this element of the proposal is subordinate and sympathetically design the proposal is not considered to conflict with the character of the wider locality.

In terms of the ground floor side extension, again a similar proposal was made under reference number 19/5234/HSE. With regard to that element, the delegated report stated the following:

The proposed side extension would measure a depth of 9.06 metres, nearest to the boundary with No. 34, wrapping around to adjoin the proposed rear extension. Barnet's Residential Design Guidance SPD outlines that side extensions to existing buildings can be unacceptably prominent features in the streetscene, it goes on to stipulate that side extensions should not be more than half the width of the original dwellinghouse.

The host dwellinghouse measures a width of 7.50 metres, the proposed side extension would measure a width of 2.74, and therefore the proposed side extension is in compliance with the aforementioned guidance, officers have raised no concerns regarding its impact on the streetscene.

From the rear of the existing side extension, an additional rear extension would extend 3 metres in depth, 2.47 metres wide, maximum height of 3.5 metres and eave height of 2.7 metres (2 metres when measured from the patio level). This element is identical to the element approved under planning reference number 19/5234/HSE and is considered acceptable on character grounds.

Upon recent site visit by a Planning Manager it was ascertained that the existing front extension providing means of a front porch had been extended without receipt of planning permission. However, a variety of front extensions are in evidence and it is not considered to harmfully increase upon that granted in previous permissions, in particular as the front wall remains flush with that of the neighbouring property at No.30 Rowsley Avenue. As such, the proposed development is not considered to deleteriously proportioned to result in a materially harmful impact on the character and appearance of the existing property, streetscene or wider locality to warrant the application for refusal.

As such, it is found that - within the context of the existing works, previous approvals and minimal change thereof - the proposed extensions would not have a detrimental impact on the character of the dwellinghouse, the surrounding locality or the wider area. Therefore, the proposal would comply with policy DM01 of Barnet's Development Management Policies DPD.

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 policies D3 and D6 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 reason for refusal under planning reference number 20/2488/HSE states the following:

"The cumulative impact of the proposed formation of a crown roof to the existing ground floor rear extension, by virtue of its height, siting, and excessive rearward projection, would give rise to an unacceptable loss of outlook and overbearing sense of enclosure to the rear habitable rooms and garden of No 30 Rowsley Avenue, to the detriment of the residential amenity of neighbouring occupiers, contrary to Policy 7.6 of the London Plan (2016), Policy CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policies DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Residential Design Guide SPD (2016)."

On review of the above statement and for the sake of clarity, the planning department confirms that the proposed ground floor infill element is not considered to result in unacceptable harm to the neighbouring occupiers by virtue of being infilled between two existing prior notification extensions approved under 18/6698/PNH - as per the interim approval under 20/5924/HSE.

With the additional crown roof element, the overall height of the structure is not considered to unacceptably increase the maximum height of the rear extension relative to the neighbouring residents at No. 34 by reason of the closest element of the extension corresponding to that already approved under planning reference number 19/5234/HSE. Even with the level change exhibited between the host site and No.34, the impact on the neighbour is not considered materially worse than the previously approved application. It is stressed that in light of the crown roof being sloped away from the boundary line the visual manifestation of the extension would be softened to not result in a materially harmful impact on the neighbouring residents by reason of loss of outlook and sense of enclosure. Further to this, the proposed side extension does not propose any windows to the side elevation, so no loss of privacy is anticipated.

With regards to the impact to the neighbouring residents at No.30, it is accepted that this scheme represents a resubmission of that refused permission under 20/2488/HSE. However - as per the recommendation in that case - the additional massing of the crown roof element is not considered to unacceptably impact upon the amenity of neighbouring residents because it would not increase the height of that part of the extension closest to the rear elevation and windows of No 30 beyond which has already been approved under planning reference number 19/5234/HSE. It is accepted that this application proposes a deeper flank elevation along the boundary however, this depth corresponds to that subsequently approved under 20/5924/HSE. As such, the effective scope of consideration relates to the additional 0.6m in height of the deepest 3m of the flank wall. On that basis, any additional impact on outlook or corresponding sense of enclosure is not considered to be such as to merit refusal - relative to the consented works and any unsympathetic stepped roof design which might alternatively be proposed by way of an exact amalgamation of those two approvals.

It is acknowledged that whilst nearby surrounding properties may visually see the proposed development it is considered that the impact of which is not materially harmful by reason of loss of outlook, privacy or enclosure.

This application proposes a raised terraced area with steps to the rear of the property, measuring a height of 0.72 metres. It was noted that the host dwelling originally benefitted from a larger terraced area measuring a height of 1.09 metres from ground level.

Given that this application proposes a terraced area with a reduced height to that which is existing, officers do not consider that the proposed terraced area would be of unacceptable detriment to the privacy of the neighbouring occupiers.

Due to the subordinate scale and distance from respective neighbouring properties, the proposed first floor rear extension is not considered to be unacceptably overbearing on the neighbouring occupiers no result in a significant loss of outlook to the detriment of the occupiers.

The host dwelling benefits from an existing side extension measuring a height of 3.0 metres, this application proposes a side extension with a height of 2.86 metres, given this slight reduction in height from that which is existing, officers have raised no concerns regarding a loss of light, outlook or increased sense of overbearing on No.34. The proposed side extension does not propose any windows to the side elevation and therefore no concerns have been raised regarding the proposals impact on the privacy of the neighbouring occupiers at No.34. On balance, officers do not consider that this element of the proposal would unduly harm the amenities of the neighbouring occupiers.

It is considered that by virtue of its scale, height and design, the existing porch would not result in a significant loss of light, outlook or privacy for the neighbouring properties. On balance, it is not considered that the proposal would unduly harm the amenity of the neighbouring occupiers on Rowsley Avenue.

Overall, officers consider that the proposal would result in an unacceptable level of harm to the amenity of the neighbouring occupiers, and as such would comply with Policy DM01 of Barnet's Development Management Policies DPD.

5.4 Response to Public Consultation

- Cumulative impact of the proposed crown roof to existing ground floor rear extension, by virtue of its height, siting and excessive rearward projection, would result in an unacceptable loss of outlook, light and sense of enclosure from the rear habitable room and garden at No.30 and 34 Rowsley Avenue. Impact would also be felt at Nos 28, 30, 36 and 38 Rowsley Avenue.

On review, the impact to the immediate and surrounding residents is considered non-deleterious. Please see the main body of the report for further detail.

- No site visit made.

A site visit has been conducted at the application by the case officer on 28th November 2019. The site has recently been visited by a Planning Manager.

- Submitted photos should be duly reviewed.

The submitted photographs have been reviewed accordingly.

- Proposal is out of keeping with the character of the area.

The proposed development is considered acceptable within character of the existing dwelling, streetscene and wider area.

- The property would be suitable for conversion into flats.

The drawings attached to the application provide no indication that the building will be used for multiple occupancy but will instead remain as a single family dwellinghouse. Further planning permission would be required to convert the existing single family dwellinghouse into an HMO or flats.

- Existing ground floor rear extension is unacceptable, especially when no notification was sent.

Planning reference number 18/6698/PNH was approved as it satisfied the requirements of Class A (g) of The Town and Country Planning (General Permitted Development)(England) Order 2015 - as amended in 2016 by SI 2016 No. 332

The LPA issued consultation letters to the neighbouring properties under planning reference number 18/6698/PNH in accordance with the obligations in the Order. The materials of the extension were not specified under this permission, but would be required to be of similar appearance.

The existing prior approval ground rear extensions have been substantially completed according to the dimensions approved under planning reference number 18/6698/PNH. As such, these extensions are absolved from their reliance on permitted development rights. The completion of the extension allows for the accumulative development to have been constructed in two separate phases each reliant on its own permission.

- Materials of the property are not found in the wider area.

The materials of the property are not necessarily determined by the type of materials in the surrounding area.

- The current application and the previously refused application 20/2488/HSE so the decision should be consistent.

- The existing structure is already overshadowing, the proposed roof would worsen this impact.

The impact of the proposed crown roof would not be worse than developments previously approved at the site and is not considered harmful to warrant the application for refusal.

- No notification was received of the larger 6 metre application. Please provide proof that this occurred.

The LPA issued consultation letters to the neighbouring properties under planning reference number 18/6698/PNH in accordance with the obligations in the Order.

- Concern over why councillors abstained in previous committee decision.

Councillors reserve the right to abstain from decisions.

- We have no confidence in your ability to represent local residents fairly and will be contacting the local press to publicise this failure

Planning applications are determined in accordance with the Policies referred to in Section 5 under 'Planning Considerations.'

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, subject to conditions.



This page is intentionally left blank

Location 32 Rowsley Avenue London NW4 1AJ

Reference: 21/1431/HSE

Received: 16th March 2021

AGENDA ITEM 7

Accepted: 16th March 2021

Ward: Hendon

Expiry 11th May 2021

Case Officer: John Sperling

Applicant: Mallerton Ltd

Proposal: Proposed merging of the single storey rear extension with crown roof and rear patio. Erection of single storey side extension. Retention of front extension facilitating a front porch and canopy (AMENDED DESCRIPTION AND DRAWINGS).

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in their 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:

032RO-A-01-001 - received 17 January 2022

032RO-A-01-002 - existing block plan - received 17 January 2022

032RO-A-01-002 - existing and proposed block plans - received 17 January 2022

032RO-A-02-001 - received 17 January 2022

032RO-A-02-002- received 17 January 2022

032RO-A-02-101 - received 17 January 2022

032RO-A-02-102 - received 17 January 202

032RO-A-03-001 - received 17 January 2022

032RO-A-03-002 - received 17 January 2022

032RO-A-03-003 - received 17 January 2022

032RO-A-03-004 - received 17 January 2022

032RO-A-03-101 - received 17 January 2022

032RO-A-03-102 - received 17 January 2022

032RO-A-03-103 - received 17 January 2022

032RO-A-03-104 - received 17 January 2022

032RO-A-05-001 - received 17 January 2022

032RO-A-05-002 - received 17 January 2022
032RO-A-05-101 - received 17 January 2022
032RO-A-05-102 - received 17 January 2022
032RO-A-06-001 - received 17 January 2022
032RO-A-06-002 - received 17 January 2022
032RO-A-06-003 - received 17 January 2022
032RO-A-06-004 - received 17 January 2022
032RO-A-06-101 - received 17 January 2022
032RO-A-06-102 - received 17 January 2022
032RO-A-06-103 - received 17 January 2022
032RO-A-06-104 - received 17 January 2022

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 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 comprises a semi-detached dwellinghouse, located on the eastern side of Rowsley Avenue. To the south, the host dwelling directly adjoins No.30 Rowsley Avenue, to the north, the application site shares a common boundary with No.34 Rowsley Avenue. To the rear, the application site abuts Nos 29 and 31 Downage.

The area is characterised by similar two storey semi-detached properties with amenity space to the rear and off-street parking facilities to the front.

The application site does not comprise a listed building and does not fall within a conservation area.

2. Relevant Site History

Reference: 18/6698/PNH

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Prior Approval Not Required

Decision Date: 17 December 2018

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres.

Reference: 18/6973/HSE

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Approved subject to conditions

Decision Date: 23 January 2019

Description: Single storey side and rear extension. New raised terrace area with associated access steps to garden level. New front porch

Reference: 19/6017/192

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Lawful

Decision Date: 11 November 2019

Description: Roof extension involving hip to gable, rear dormer window and 2no front facing rooflights

Reference: 19/5234/HSE

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Approved subject to conditions

Decision Date: 30 January 2020

Description: Single storey side and rear extension. First floor rear extension. New raised terrace area with associated access steps to garden level. New front porch (AMENDED DESCRIPTION).

Reference: 20/2488/HSE

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Refused

Decision Date: 21 October 2020

Description: Amalgamation of the ground floor rear extension with crown roof. Erection of ground floor side and first floor rear extension (AMENDED PLANS).

Reason for refusal:

1. The cumulative impact of the proposed formation of a crown roof to the existing ground floor rear extension, by virtue of its height, siting, and excessive rearward projection, would give rise to an unacceptable loss of outlook and overbearing sense of enclosure to the rear habitable rooms and garden of No 30 Rowsley Avenue, to the detriment of the residential amenity of neighbouring occupiers, contrary to Policy 7.6 of the London Plan (2016), Policy CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policies DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Residential Design Guide SPD (2016).

Reference: 20/5924/HSE

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Approved subject to conditions

Decision Date: 14 April 2021

Description: Single storey rear infill extensions between existing ground floor extensions. Erection of approved first floor rear extension

Reference: 21/1049/HSE

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Merging of the single storey rear extension with crown roof. Erection of single storey side and first floor rear extension

3. Proposal

This application seeks full planning permission for the "Proposed merging of the single storey rear extension with crown roof and rear patio. Erection of single storey side extension. Retention of front extension facilitating a front porch and canopy (AMENDED DESCRIPTION AND DRAWINGS)."

The existing roof extension approved under 19/6017/192 is insitu at the application site.

The proposed application seeks to infill the ground floor rear extensions approved under prior notification reference number 18/6698/PNH. This proposed element would extend to the existing rear wall of the existing extensions. A crown roof design would be implemented, measuring an eave height of 2.53 metres from ground floor level and a maximum height of 3.3 metres.

This element is noted to be similar to the development refused under planning reference number 20/2488/HSE but the current submission proposes a lower crown roof (by 0.3m relative to the refused scheme) in order to reduce concerns over neighbouring amenity.

The existing front extension facilitating a front porch and canopy would cumulatively measure a depth of 1.16 metres from the front wall of the property, a width of 5.5 metres up to the boundary line with No.30 Rowsley Avenue and a maximum height of 3.3 metres. The projecting canopy element protrudes 0.28 metres from the existing front extension (0.1 metres beyond the front wall of No.30) and expands the entire width thereof.

4. Public Consultation

22no original consultation letters were distributed and 18no objections were received.

The comments received may be summarised in the following:

- Concern over depth, height and design of new infill extension and side extension.
- Cumulative impact of the proposed crown roof to existing ground floor rear extension, side extension and first floor rear extension, by virtue of its height, siting, excessive rearward projection and cumulative impact, would result in an unacceptable loss of outlook, light and overbearing sense of enclosure from the rear habitable room and garden at No.30 and 34 Rowsley Avenue. Impact would also be felt at Nos 28, 30, 36 and 38 Rowsley Avenue.
- Impact of first floor rear extension on neighbouring residents.
- There's no change from the previous refused permission under 20/2488/HSE so the decision should be consistent.
- The crown roof would increase the roof height by 1 metre and would result in a harmful impact to neighbours. A flat roof would be more in character and proportionate.

Following receipt of amended plans, a re-consultation has been carried out. The consultation period remains open until the 31st January 2022 and any further responses will be reported in the Addendum.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021. 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.

Existing policies in Barnet's Local Plan (2012) and the London Plan (2021) should not be considered out-of-date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF.

The Mayor's London Plan 2021

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 2041. 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.

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 and 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.

Barnet's Local Plan (2012)

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

Residential Design Guidance SPD (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. 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 developments 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 it states that developments 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.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- 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

Impact on the character and appearance of the property and general locality (Principle):

Any proposed 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), and D3 (of the London Plan).

Policy DM01 states that all proposals should preserve and enhance the local character of the area. This application relates to the amalgamation of the ground floor rear extension with crown roof and side extension.

It is noted that the ground floor rear extensions approved under reference number 18/6698/PNH have been constructed. As such, they constitute a material fall-back position for the consideration of this application - and consequently, the scope of the works at ground floor level are limited to the infilling of the 0.5m gap between the existing two extensions and increasing its current height of 3 metres to 3.3m

On that basis, the infilling of the gap made between the two existing extensions to form a flush rear elevation is not in itself considered to be detrimental to the character and appearance of the host property.

With regards to the crown roof, as a result of the Prior Approval extensions being set at a lower level, the resultant overall height would be 0.3 metres below the height of the previously approved extension under planning reference number 19/5234/HSE and of that refused consent under 20/2488/HSE. The extension is also noted to wrap round to the side extension to create a visually congruent and sympathetically designed rear elevation that would be acceptable to the existing dwelling and wider locality.

In terms of the ground floor side extension, again a similar proposal was made under reference number 19/5234/HSE. With regard to that element, the delegated report stated the following:

The proposed side extension would measure a depth of 9.06 metres, nearest to the boundary with No. 34, wrapping around to adjoin the proposed rear extension. Barnet's Residential Design Guidance SPD outlines that side extensions to existing buildings can be unacceptably prominent features in the streetscene, it goes on to stipulate that side extensions should not be more than half the width of the original dwellinghouse.

The host dwellinghouse measures a width of 7.50 metres, the proposed side extension would measure a width of 2.74, and therefore the proposed side extension is in compliance with the aforementioned guidance, officers have raised no concerns regarding its impact on the streetscene.

In this current application, it is noted the height of the side extensions has been altered to account for the level change experienced across the cross-section of the dwelling . It is noted however, that the extension would not further add to the height approved under 19/5234/HSE so is considered to be acceptable. From the rear of the existing side extension, an additional rear extension would extend 3 metres in depth, 2.47 metres wide, maximum height of 3.5 metres and eave height of 2.7 metres (2 metres when measured from the patio level). This element is identical to the element approved under planning reference number 19/5234/HSE. Overall therefore, officers consider that the proposal is sympathetic and subordinate to the existing property, streetscene and general locality. It is not considered that the side extension would harm the character of the local area.

No rooflights are proposed to the proposed side extension, unlike the two which were proposed under planning reference number 21/1049/HSE.

Upon recent site visit by a Planning Manager it was ascertained that the existing front extension providing means of a front porch had been extended without receipt of planning permission. However, a variety of front extensions are in evidence and it is not considered to harmfully increase upon that granted in previous permissions, in particular as the front wall remains flush with that of the neighbouring property at No.30 Rowsley Avenue. As such, the proposed development is not considered to deleteriously proportioned to result in a materially harmful impact on the character and appearance of the existing property, streetscene or wider locality to warrant the application for refusal.

As such, it is found that - within the context of the existing works, previous approvals and minimal change thereof - the proposed extensions would not have a detrimental impact on the character of the dwellinghouse, the surrounding locality or the wider area. Therefore, the proposal would comply with policy DM01 of Barnet's Development Management Policies DPD.

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 policies D3 and D6 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 reason for refusal under planning reference number 20/2488/HSE states the following:

"The cumulative impact of the proposed formation of a crown roof to the existing ground floor rear extension, by virtue of its height, siting, and excessive rearward projection, would give rise to an unacceptable loss of outlook and overbearing sense of enclosure to the rear habitable rooms and garden of No 30 Rowsley Avenue, to the detriment of the residential amenity of neighbouring occupiers, contrary to Policy 7.6 of the London Plan (2016), Policy CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policies DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Residential Design Guide SPD (2016)."

In terms of the impact to the residents at No.34, it was noted that a level change exists between the host dwelling and the neighbour. With the shallow crown roof element, the overall height of the structure would be set 0.8 metres below the neighbouring structure and protrude 2 metres from the neighbouring rear wall. Therefore, with the minimal protrusion from the neighbouring rear wall and the increase of 0.3 metres from the existing extension (approved via the prior approval process) the impact to the neighbouring residents is considered to appropriately mitigated and thus acceptable on grounds of outlook and sense of enclosure. No windows are proposed to the side elevation of the extension, so no loss of privacy is anticipated.

With regards to the impact to the neighbouring residents at No.30, the additional massing of 0.3 metres atop the existing extension is not considered to result in a materially harmful the impact to the neighbouring residents by reason of loss of outlook and sense of enclosure and improves upon the relationship previously refused by committee by reducing the overall height by c0.3m from that originally proposed - equating to just 3m above the corresponding ground level at No 30.

It is acknowledged that whilst nearby surrounding properties may visually see the proposed development it is considered that the impact of which is not materially harmful by reason of loss of outlook, privacy or enclosure.

The existing front extension and canopy, by virtue of its scale and massing and minimal protrusion from the neighbouring residents, is not considered to result in a materially harmful impact by reason of loss of outlook or sense of enclosure.

Overall, officers consider that the proposal would not result in an unacceptable level of harm to the amenity of the neighbouring occupiers and addresses the previous reason for refusal. As such would comply with Policy DM01 of Barnet's Development Management Policies DPD.

5.4 Response to Public Consultation

- Concern over depth, height and design of new infill extension and side extension.

The infill extension is noted to connect the existing ground floor rear extensions. Given the infill would be flush to the rear wall and height of the existing structures the impact is considered to be acceptable on character and amenity grounds.

- Cumulative impact of the proposed crown roof to existing ground floor rear extension, by virtue of its height, siting and excessive rearward projection, would result in an unacceptable loss of outlook, light and sense of enclosure from the rear habitable room and garden at No.30 and 34 Rowsley Avenue. Impact would also be felt at Nos 28, 30, 36 and 38 Rowsley Avenue.

On review, the impact to the immediate and surrounding residents is considered non-deleterious. Please see the main body of the report for further detail.

- Impact of first floor rear extension on neighbouring residents.

No first floor rear extension is included in the current application.

- There's no change from the previous refused permission under 20/2488/HSE so the decision should be consistent.

- The crown roof would increase the roof height by 1 metre and would result in a harmful impact to neighbours. A flat roof would be more in character and proportionate. The currently proposed crown roof atop the existing ground floor extensions and proposed infill element is noted to increase the roof height by a maximum of 0.3 metres. This increased height is not considered to result in material harm to the neighbouring residents, especially as the roof would be sloped away from the neighbouring property of No.24 Rowsley Avenue.

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, subject to conditions.



This page is intentionally left blank

Location **Brummell House 68 The Ridgeway London NW11 8PG**

Reference: **21/5377/S73** Received: 11th October 2021
Accepted: 12th October 2021

Ward: Childs Hill Expiry 7th December 2021

AGENDA ITEM 8

Case Officer: **Frances Haines**

Applicant: 68 Ridgeway Ltd

Proposal: Variation of condition 1 (Approved Plans) of planning permission reference 19/6271/FUL dated 25/11/20 for 'Conversion of the existing dwelling into 5no self-contained flats. Roof extension including front, side and rear dormer windows. Associated refuse and recycling, parking, cycle store and amenity space.' Variation to include enlargement of first floor rear windows, addition of a lift and internal alterations to the flats including addition of room in roof space with 1no front and rear rooflight [amended description]

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in their 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:

68RW-A- 01-001
68/70RW-A-03-101
U-BY-PP001 REV-5

U-BY-PP002 REV-6
68/70RW-A-03-102
68/70RW-A-03-003
68/70RW-A-03-103
68/70RW-A-03-104
68/70RW-A-03-105

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 have begun within three years from the date of the Appeal Decision Reference Number APP/N5090/W/20/3247108 dated 25/01/2019 (planning reference 19/6271/FUL).

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The materials to be used in the construction of the external surfaces of the building hereby permitted shall match those used in the existing building.

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 The development hereby permitted shall be carried out in accordance with the scheme of hard and soft landscaping submitted to and approved in writing by the Local Planning Authority under reference 21/0102/CON dated 19/02/2020.

All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use

Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and G7 of the London Plan 2021.

- 5 The development shall be implemented in accordance with the approved details relating to the refuse and recycling enclosures including point of collection, as approved under reference 21/0102/CON dated 19/02/2020 prior the first occupation of the development and shall be permanently retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 6 The cycle parking and cycle storage shall installed as approved under reference under reference 21/0102/CON dated 19/02/2020 and shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy T5 and Table 10.2 of The London Plan (2021) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 7 Vehicle parking shall be provided in accordance to the details approved under reference 21/0102/CON dated 19/02/2020 and that space shall thereafter be kept available at all times for the parking of vehicles in connection with approved development.

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

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies T6 and T6.1 of the London Plan 2021.

- 8 The development shall be implemented in accordance with the approved details under reference 21/0102/CON dated 19/02/2020 prior to the first occupation of the development relating to the boundary treatment to the gardens for the ground floor flats, and shall be permanently retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM16, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 9 Before the development hereby permitted is first occupied, the dormer to the side of the building facing 66 The Ridgeway shall be glazed with obscure glass only to a height of 1700mm above floor level 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).

- 10 Before the development hereby permitted is first occupied, copies of pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 11 Before the development hereby permitted is first occupied, the dwellings shall have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings-based approach used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

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

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. A pre-application advice service is also offered. 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 is located at 68 The Ridgeway, on the south side of The Ridgeway within the Childs Hill ward. The property benefits from extensions to the original building. The site is located within a CPZ zone Mon- Fri 11am-12pm. The site is located within an area with a PTAL of 3. The application site is not located within a conservation area, nor does it contain any listed buildings.

2. Site History

Reference: 18/7431/FUL

Address: Brummell House, 68 The Ridgeway, London, NW11 8PG

Decision: Approved subject to conditions

Decision Date: 11 February 2019

Description: Conversion of the existing dwelling into 2no self-contained dwellinghouses. Associated refuse and recycling, parking, cycle store and amenity space

Reference: 18/7537/HSE

Address: Brummell House, 68 The Ridgeway, London, NW11 8PG

Decision: Approved subject to conditions

Decision Date: 14 February 2019

Description: Single storey rear extension

Reference: 18/7539/HSE

Address: Brummell House, 68 The Ridgeway, London, NW11 8PG

Decision: Approved subject to conditions

Decision Date: 27 February 2019

Description: Roof extension involving raising of the roof height

Reference: 19/1646/FUL

Address: Brummell House, 68 The Ridgeway, London, NW11 8PG

Decision: Refused

Decision Date: 22 May 2019

Description: Conversion of the existing dwelling into 7no self-contained flats. Roof extension including dormer windows to front rear and side elevations. Single storey rear extension. Associated refuse and recycling, parking, cycle store and amenity space.

Reference: 19/1647/FUL

Address: Brummell House, 68 The Ridgeway, London, NW11 8PG

Decision: Refused

Decision Date: 22 May 2019

Description: Conversion of the existing dwelling into 6no self-contained flats. Roof extension including dormer windows to front rear and side elevations. Associated refuse and recycling, parking, cycle store and amenity space

Reference: 19/3650/FUL

Address: Brummell House, 68 The Ridgeway, London, NW11 8PG

Decision: Approved following legal agreement

Decision Date: 12 February 2020

Description: Conversion of the existing dwelling into 4no self-contained flats. Roof extension including dormer windows to front rear and side elevations. Associated refuse and recycling, parking, cycle store and amenity space

Reference: 19/4659/FUL

Address: Brummell House, 68 The Ridgeway, London, NW11 8PG

Decision: Refused

Decision Date: 15 October 2019

Description: Conversion of the existing dwelling into 5no self-contained flats. Roof extension including dormer windows to front rear and side elevations. Associated refuse and recycling, parking, cycle store and amenity space

Reference: 19/6271/FUL

Address: Brummell House, 68 The Ridgeway, London, NW11 8PG

Decision: Refused (appeal allowed)

Decision Date: 20 January 2020

Description: Conversion of the existing dwelling into 5no self-contained flats. Roof extension including front, side and rear dormer windows. Associated refuse and recycling, parking, cycle store and amenity space

Reference: 20/3580/S73

Address: Brummell House, 68 The Ridgeway, London, NW11 8PG

Decision: Approved subject to conditions

Decision Date: 7 October 2020

Description: Variation of condition 1 (Plan Numbers) pursuant to planning permission 19/3650/FUL dated 12/02/2020 for `Conversion of the existing dwelling into 4no self-contained flats. Roof extension including dormer windows to front rear and side elevations. Associated refuse and recycling, parking, cycle store and amenity space.` Amendments include creation of an additional bedroom on the proposed third floor and include an additional rooflight on the front and rear elevations to turn Flat 4 into a 4 bedroom, 7 person flat

Reference: 20/3736/CON

Address: Brummell House, 68 The Ridgeway, London, NW11 8PG

Decision: Approved

Decision Date: 7 October 2020

Description: Submission of details of conditions 9 (revised parking layout) 10 (cycle storage) 11 (Construction Management Plan) 12(Refuse/recycling) 13 (landscaping) 14 (Subdivision of Amenity Space) pursuant to planning permission 19/3650/FUL dated 12/02/2020

Reference: 21/0102/CON

Address: Brummell House, 68 The Ridgeway, London, NW11 8PG

Decision: Approved

Decision Date: 19 February 2021

Description: Submission of details of condition 3 (Landscaping) 4 (Refuse/Recycling), 5 (Cycle Storage), 6 (Vehicle Parking), 7 (Boundary Treatment) pursuant to planning permission 19/6271/FUL dated 25/11/2020

Reference: 21/0103/S73

Address: Brummell House, 68 The Ridgeway, London, NW11 8PG

Decision: Approved subject to conditions

Decision Date: 25 March 2021

Description: Variation of condition 1 (Approved Plans) of Planning Appeal Reference Number APP/N5090/W/20/3247108 dated 25/11/20 (planning reference 19/6271/FUL) for `Conversion of the existing dwelling into 5no self-contained flats. Roof extension including front, side and rear dormer windows. Associated refuse and recycling, parking, cycle store and amenity space.` Variation to include alterations to internal layout including addition of room in the roof space with addition of 1no front and 1no rear roof light. Creation of a lift. Alterations to rear fenestration. [amended]

Reference: 21/2050/S73

Address: Brummell House, 68 The Ridgeway, London, NW11 8PG

Decision: Refused

Decision Date: 15 June 2021

Description: Variation of condition No. 1 (Approved plans) of planning permission 19/6271/FUL, dated 25/11/2020 for `Conversion of the existing dwelling into 5no self-contained flats. Roof extension including front, side and rear dormer windows. Associated refuse and recycling, parking, cycle store and amenity space`. Variation to include alterations to internal layout including addition of room in the roof space with addition of 1no rear dormer window and 1no front roof light. Creation of a lift. Alterations to rear fenestration. [amended]

Reference: 21/4038/FUL

Address: Brummell House, 68 The Ridgeway, London, NW11 8PG

Decision: Approved subject to conditions

Decision Date: 8 September 2021

Description: Single storey rear extension to both ground floor flats

Reference: C07720F/00

Address: Brummell House, 68 The Ridgeway, London, NW11 8PG

Decision: Approved subject to conditions

Decision Date: 30 August 2000

Description: First floor side extension.

Reference: C07720E/00

Address: Brummell House, 68 The Ridgeway, London, NW11 8PG

Decision: Refused

Decision Date: 9 May 2000

Description: First floor side extension.

3. Proposal

The application seeks approval for the variation of condition 1 (Approved Plans) of planning permission reference 19/6271/FUL dated 25/11/20 for 'Conversion of the existing dwelling

into 5no self-contained flats. Roof extension including front, side and rear dormer windows. Associated refuse and recycling, parking, cycle store and amenity space.' Variation to include enlargement of first floor rear windows, addition of a lift and internal alterations to the flats including addition of room in roof space with 1no front and rear rooflight.

The ground floor flat 1 will be reconfigured to provide a study, which will result in a reduction to the bedroom size. The hallway will also be reduced in size to accommodate the lift in the communal area.

The ground floor flat 2 will be reconfigured to provide an additional bedroom, therefore making the flat a 3 bed, 5 person unit.

Additional habitable space will be created at third floor level within the roofspace, resulting in flat 5 becoming a 2 bed 3 person unit.

A lift will be installed at ground floor level to provide access to all levels.

A first floor rear window will be increased in size to be floor to ceiling in height.

It should be noted that a number of the proposed changes have been previously approved under application ref. 21/0103/S73. However, this latest application seeks to make additional internal changes, whilst also approving the previous external changes.

4. Public Consultation

Consultation letters were sent to 36 neighbouring properties. 7 responses were received from 6 properties, comprising 7 letters of objection. The objections can be summarised as follows:

- Continual extensions of permission
- Window alterations have been done
- Developers are doing as they please
- Construction has been going on for 2 years
- Noise from the works
- Enlargement of the windows will infringe on the privacy of neighbours
- Financial gain
- There should be limits on permissions and time for construction
- No further permissions should be granted
- Light pollution from further windows
- Windows will overlook neighbouring properties and gardens
- Had been advised the alterations had been approved already therefore untrue due to this application
- Home working impacted by noise
- Road closure and anti-social behaviour
- Proposed windows do not match the property and do not match the rest of the build
- Flats will result in a minimum of 10 cars
- Builders have been disruptive, and we cannot park outside our property
- Developers have no care for the area
- Developers keep pushing for more
- Lift has already been put in

4.1 Internal Consultation

Highways

The changes have no highways impact and so Highways would raise no objection to the proposal.

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 20 July 2021. 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 2021

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

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.

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft 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 the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted 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

In deciding whether a change is material a Local Planning Authority must have regard to the effect of the change on the planning permission as originally granted, together with any

previous changes made under this Section. The LPA should consider amendments under S73 providing that the proposed changes do not amount to a fundamental alteration of the consented scheme.

Upon review of the proposal and the alterations to the Planning Appeal Reference Number APP/N5090/W/20/3247108 dated 25/11/20 (planning reference 19/6271/FUL), officers are satisfied that the proposed changes do not have the effect of a fundamental alteration of the allowed scheme and can be determined within the scope of an application under S73.

- 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), D1 and D4 (both of the London Plan 2021).

The original proposal is for the conversion of the existing building to 5no self-contained flats and associated extensions and alterations. The proposed amendments include internal alterations to create an additional bedroom for flat 2 and flat 5 of the consented units, an increase in size to one of the first floor rear windows and additional rooflights to the front and rear elevations. Flat 1 will also be reduced in size to accommodate the lift within the communal area.

The proposed front and rear rooflights are considered to have an acceptable appearance and would not materially alter the character or appearance of the dwellinghouse. As such, this element of the proposed amendment is considered to have an acceptable impact on the local character.

The proposals include the creation of a lift internally. This has no external visual manifestation and is therefore not considered to be harmful to the local character.

The proposed alterations to the rear fenestration involve the replacement of the existing first-floor rear-facing windows. The proposed new windows are larger in terms of their height. However, they are still considered to be broadly in keeping with the appearance and alignment of the existing fenestration at the property and as such would not be unduly detrimental to the character or appearance of the existing property.

The proposed internal alterations include various changes to the layout of the proposed units. Firstly, the addition of habitable space at third floor level within the roofspace, resulting in flat 5 becoming a 2 bed 3 person unit. Secondly, the increase of 1no additional bedroom for flat 2 on the ground floor, resulting in this flat becoming a 3 bed 5 person unit. Flat 1 will be reduced in size but will keep the same occupancy and still meet the relevant space standards.

The total occupancy of the development is increased as a result of the changes from 14 people to 16 people. The number of households is not increased from the consented 5no flats. As such, there would be a negligible increase in comings and goings, refuse provision, deliveries and other impacts associated with flat conversions. Given the original permission and the mixed character of the area, the increase of 2 persons in this instance is not considered to result in an overdevelopment of the site. As such, this amendment is not considered to have an unacceptable impact on the local character.

Therefore, the proposed development is considered to accord with Policy DM01 of the Development Management Policies DPD.

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

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local 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 rooflights, given their scale and siting, would not materially impact the residential amenities of neighbouring occupiers. Likewise, the proposed new windows on the rear elevation are not considered to impact on neighbouring amenity. The windows will be in the same place as existing, albeit slightly larger in terms of height, and will therefore not result in any further overlooking than already existing.

The proposed additional bedrooms, as noted above, are not considered to result in an unacceptably greater intensity of use of the site. Given the mixed character of the area, the proposal is therefore not considered to have an unacceptable impact on neighbouring occupiers.

The impact on the amenities of future occupiers

The proposed alterations to the internal layouts of the allowed development would result in the following units:

Flat 1: 1-bedroom, 2-person (52.2 sqm);

Flat 2: 3-bedroom, 5-person (84.1 sqm);

Flat 3: 2-bedroom, 3-person (69.3 sqm);

Flat 4: 2-bedroom, 3-person (70.2 sqm);

Flat 5: 2-bedroom, 3-person (105 sqm)

The Sustainable Design and Construction SPD sets out the minimum space standards for new residential dwellings. All of the units would meet the minimum space standards for the relevant dwelling type, with the exception of Flat 2, which falls short of the minimum standard by approximately 1.6 sqm. In this instance, given the shortfall is negligible and the unit benefits from a good level of amenity in other respects, including a provision of private amenity space which exceeds minimum standards, it is not considered that this would warrant a reason for refusal.

The proposed new bedroom to Flat 5 at third floor level within the roofspace increases the floorspace of this unit to approx. 105.0 sqm. This substantially exceeds the floorspace of the unit of the appeal scheme, while the number of occupants of this unit is unchanged. The submitted plans demonstrate that there would be adequate internal ceiling height for this level and for at least 75% of the dwelling area overall. The rooflights are in this instance considered to provide adequate daylight and sunlight to the bedroom. Overall, the proposed unit is considered to continue to benefit from an adequate level of accommodation and the proposal would therefore accord with Policies DM01 and DM02 and the Sustainable Design and Construction SPD.

Highways

The proposal would not result in an increase in the parking range that the development is expected to provide in accordance with Policy DM17. Highways officers have been

consulted on this application. They are satisfied that the alterations to the units and the addition of 2no occupiers overall is unlikely to have a material impact on the parking requirements. As such, there is no objection on highways grounds, subject to the same conditions as the allowed scheme.

5.4 Response to Public Consultation

'Continual extensions of permission'

- The LPA are aware that there have been numerous applications at this site. This application seeks to ensure minor alterations are approved so that the approved plans for the final works are consistent.

'Window alterations have been done'

- A consent has been granted previously for alterations to the first floor rear windows, ref. 21/0103/S73, therefore the developer has the right to implement previous permissions.

'Developers are doing as they please'

- If the objector believes that works are being done without correct permissions in place, the objector can report this to planning enforcement

'Construction has been going on for 2 years'

- This is not a material planning consideration and building works are a short term impact.

'Noise from the works'

- This is not a material planning consideration and building works are a short term impact.

'Enlargement of the windows will infringe on the privacy of neighbours' and 'Windows overlook garden'

- The rear windows will only be enlarged in height, therefore no further overlooking will be created than already existing. The rear windows will only overlook the rear garden of the application site.

'Financial gain'

- This is not a material planning consideration

'There should be limits on permissions and time for construction'

- The original planning permission, 19/6271/FUL which this application seeks to vary, has a time limit of 3 years. The works must have started within 3 years of the date of the permission. Construction time is a short term impact and therefore not a material planning consideration.

'No further permissions should be granted'

- Each application is assessed on its own merits.

'Light pollution from further windows'

- It is not considered that the increase in size of the rear windows and the addition of roof lights will create a detrimental increase in light pollution.

'Had been advised the alterations had been approved already therefore untrue due to this application'

- A number of the elements have been previously approved in other applications. This application seeks to ensure all alterations are acceptable all on the same plans.

'Home working impacted by noise' and 'Road closure and anti-social behaviour'
- Building works are a short term impact and therefore not a material planning consideration. The LPA advise viewing the construction management plan for any concerns regarding the works themselves, viewable under application 20/3736/CON.

'Enlargement of the windows will infringe on the privacy of neighbours'
- There are existing first floor rear windows in place. This application seeks to make them larger in length, essentially making them floor to ceiling. This will therefore have no greater impact on neighbouring properties as no further overlooking is created.

'There should be limits on permissions and time for construction'
- The original permission, ref. 19/6271/FUL, conditioned the application for works to have commenced within 3 years of the date of decision. The LPA cannot put a time limit on construction time. The council can only permit working hours.

'Proposed windows do not match the property and do not match the rest of the build'
- The windows are considered to be in keeping with the rest of the property and will not harm the character and appearance of the property.

'Flats will result in a minimum of 10 cars'
- The LPA's highways department reviewed the proposal and found that the additional occupancy to what was already approved would not have any greater impact on the highways and parking. Approved parking arrangements will not change as a result of these amendments.

'Builders have been disruptive, and we cannot park outside our property' 'Developers have no care for the area'
- This is not a material planning consideration

'Lift has already been put in'
- The lift has already been approved under application ref. 21/0103/S73, therefore they do have the right to be implementing that permission.

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.

Location Land At 49 And 51 Beresford Avenue, N20 0AD

Reference: 21/5999/RMA Received: 11th November 2021
Accepted: 12th November 2021

Ward: Brunswick Park Expiry 7th January 2021

AGENDA ITEM 9

Case Officer: Stephen Volley

Applicant: Millen

Proposal: Reserved matters application seeking approval for appearance, scale and landscaping pursuant to Appeal reference APP/N5090/W/20/3248645 (outline application reference 19/5079/OUT) dated 29/10/20 for 'Erection of 6 Passive Semi-detached houses on land to the rear of 49 and 51 and provision of new access'

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in their 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:
Site Location Plan
BAB001 Rev 2 (dated 4/2/21) - Site Layout and Landscaping Plan
BAB002 Rev 3 (dated 3/3/21) - AIA and Habitat Plan amended version received 3/3/21
BAB004 Rev 4 (dated 12/11/2021) Site Sections
BAB006 (dated 01/12/2020) Garage Plan
BAB008 Rev 1 (dated 3/3/21) - Double Garage Plan
BAB EL 001 Rev 1 (dated 12/11/2021 - Plans and elevations
Tree Planting Schedule
Design and Access Statement Millen, 12th November 2021
Bauder Extensive Biodiverse Green Roof Solution Spec Details.

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 two years from the date of this permission. Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 3
 - a) No development other than demolition works shall take place until details/sample of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.
 - b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.
- 4
 - a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments and the main entrance gates, have been submitted to and approved in writing by the Local Planning Authority.
 - b) The treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat
 - c) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM16, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).
- 5
 - a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.
 - b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

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

- 6 a) A scheme of hard and soft landscaping shall be implemented in accordance with the following approved documents prior to the occupation of the hereby approved development:
BAB001 Rev 2 (dated 4/2/21) - Site Layout and Landscaping Plan
BAB002 Rev 3 (dated 3/3/21) - AIA and Habitat Plan amended version received 5/3/21
Design Access Statement, Millen, 12th November 2021
Tree Planting Schedule
Bauder Extensive Biodiverse Green Roof Solution Spec Details.
- b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
- c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
- Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.
- 7 The green roofs shall be implemented in accordance with the following approved documents prior to the commencement of the use or first occupation of the development and retained as such thereafter.
BAB001 Rev 2 (dated 4/2/21) - Site Layout and Landscaping Plan
BAB002 Rev 3 (dated 3/3/21) - AIA and Habitat Plan amended version received 5/3/21
Bauder Extensive Biodiverse Green Roof Solution Spec Details.
Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.
Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.
- 8 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on the approved drawings

shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2021.

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. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 2 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 are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £__ payment under Barnet CIL.
Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.
Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority. You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website. The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.
If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.
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.

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

2. Residential Annexes or Extensions: 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://www.planningportal.gov.uk) Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process. The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended. Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation. Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 4500.
- 4 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department
- 5 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway. To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway

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

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

- 6 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 7 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk
- 8 Any gates must open inwards and not out onto the public highway for health and safety reasons.
- 9 The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality. For developments that require an air quality report; the report should have regard to the air quality predictions and

monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 10 The submitted Construction Method Statement shall include as a minimum details of:
- o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
 - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
 - o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.
- The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

OFFICER'S ASSESSMENT

1. Site Description

The site is occupied by 49 and 51 Beresford Avenue, a pair of semi-detached dwellings, located at the top end of the cul-de-sac, in the Brunswick Park Ward. The gradient of the land drops away from the turning head in front of the dwellings. The site includes a substantial area of land to the rear of these dwellings, the garden land serving the houses, which extends back to the rear garden areas of Weirdale Avenue.

A railway tunnel passes under the site. The site does not fall within a conservation area, nor does it contain any listed buildings.

2. Site History

Reference: 21/5046/OUT

Proposal: Erection of 6no semi detached dwellings and 1no detached dwelling on land at 49 and 51 following demolition of no.51 Beresford Avenue

Decision: Refused

Decision Date: 11 November 2021

Reference: 20/6076/RMA

Proposal: Reserved matters application seeking approval for appearance, scale and landscaping pursuant to Appeal reference APP/N5090/W/20/3248645 (outline application reference 19/5079/OUT) dated 29/10/20 for 'Erection of 6 Passive Semidetached houses on land to the rear of 49 and 51 and provision of new access'

Appeal Decision: Pending - APP/N5090/W/21/3276065

Decision: Refused

Decision Date: 14 May 2021

Reasons for Refusal:

1. The scale of the proposed buildings, by virtue of their combined height, massing, design and siting, would result in an incongruous and discordant intervention that would fail to respect the existing pattern of development, to the detriment of the character and appearance of the surrounding area, contrary to Policy D3 of the London Plan (2021), Policy CS5 of the LB Barnet; Local Plan (Core Strategy) DPD (2012), Policy DM01 of the LB Barnet; Local Plan (Development Management Policies) DPD (2012) and Part 2 of the LB Barnet: Residential Design Guidance SPD (2016)
2. The scale of the proposed buildings, by virtue of their combined height, massing, design and siting, would result in an unacceptable loss of outlook

and visual amenity in particular to the rear habitable rooms and garden of No 53 Beresford Avenue, to the detriment of the residential amenities of neighbouring occupiers, contrary to Policy D3 of the London Plan (2021), Policy CS5 of the LB Barnet; Local Plan (Core Strategy) DPD (2012), Policy DM01 of the LB Barnet; Local Plan (Development Management Policies) DPD (2012) and Part 2 of the LB Barnet: Residential Design Guidance SPD (2016)

19/5079/OUT

Proposal: Erection of 6 Passive Semi-detached houses on land to the rear of 49 and 51 and provision of new access

Decision: Recommended for approval, refused at Committee (07.01.20), allowed at appeal with costs.

Decision Date: Refused 20.01.2020.

Appeal Decision: Allowed - APP/N5090/W/20/3248645

Appeal Decision date: 29th October 2020.

Reason for refusal:

1. The development would result in an increased level of vehicular activity on the proposed vehicular access road and on site and lead to unacceptable level of noise and disturbance from additional comings and goings to the detriment of the amenities of neighbouring occupiers in particular to Nos 47 and 49 Beresford Avenue. The increased vehicular activity would also impede the movement of larger vehicles on Beresford Avenue as a result of the narrow turning point at the top of the cul-de-sac. As such this would be contrary to Policy DM01 of the Development Management Policies (2012) and CS5 of Barnet's Core Strategy (2012).

18/2526/OUT

Proposal: Erection of 6 Passive Semi-detached houses on land to the rear of 49 and 51 and provision of new access.

Decision: No formal decision issued.

Decision Date: Committee date 17.07.2018.

Appeal Decision: Dismissed - APP/N5090/W/18/3208804

Appeal Decision date: 15th August 2019

The Chipping Barnet Area Planning Committee resolved to refuse the application for the following reasons (however the application was appealed on grounds of non-determination before a decision was formally issued).

1.The proposed development by reason of its size, siting, layout, design and scale would represent a cramped form of back-land development and an overdevelopment of the site that is out of keeping with and harmful to the character and appearance of the area, contrary to policies 3.5, 7.4 and 7.6 of the London Plan (Adopted 2016), policies CSNPPF, CS1 and CS5 of the Barnet Core Strategy (Adopted September 2012), policy DM01 of the Barnet Development Management Policies Document (Adopted September 2012) and the advice contained in the Barnet Residential Design Guide Supplementary Planning Document (Adopted October 2016).

2.The proposed vehicular access road would result in an increased level of vehicular activity on site and lead to unacceptable level of noise and disturbance from additional comings and goings to the detriment of the amenities of neighbouring occupiers in particular to Nos 47 and 49 Beresford Avenue. As such this would be contrary to Policy DM01 of the Development Management Policies (2012) and CS5 of Barnet's Core Strategy (2012).

17/3663/OUT

Proposal: Demolition of no existing buildings at 49 and 51 and erection of 5no detached dwellings at no 49 and 51. New access road.

Decision: Refused.

Decision Date: 08.01.2018

Appeal Decision: Dismissed - APP/N5090/W/17/3191245

Appeal Decision date: 19.01.2018

17/2208/OUT

Proposal: Demolition of no 51 and erection of 4no detached dwellings at no 49 and 51. New access road.

Decision: Refusal

Decision Date: 02.06.2017

16/3054/OUT

Proposal: Demolition of No 51 to facilitate new access drive and a residential redevelopment comprising 9 houses (2 detached 4x semi-detached, 3 x terraced) and a replacement garage and driveway to no 49

Decision: Deemed Refusal

Decision Date: 28.02.2017

Appeal Decision: Dismissed

Appeal Decision date: 17.02.2017

15/06599/OUT

Proposal: Demolition of No 51 to facilitate new access drive and a residential redevelopment comprising 13 houses (6 x semi-detached, 7 x terraced) and a replacement garage and driveway to No 49

Decision: Refuse

Decision Date: 01.02.2016

3. Proposal

Outline planning permission for 6 no. semi-detached houses was granted by appeal decision APP/N5090/W/20/3248645 dated 29th October 2020.

Condition 1 of that appeal decision states:

"Details of the appearance, landscaping, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved".

This current Reserved Matters application therefore seeks approval for appearance, scale and landscaping pursuant to Appeal reference APP/N5090/W/20/3248645 (outline application reference 19/5079/OUT) dated 29/10/20 for 'Erection of 6 Passive Semi-detached houses on land to the rear of 49 and 51 and provision of new access'

A number of additional plans were sought during the processing of this current application to bring it in line with the previously determined RMA application. To overcome Members previous objections drawing number BAB EL 001 Rev 1 proposes a reduction in the height and elevational bulk of the dwellings. The site section drawing numbered BAB004 Rev 4 shows these reductions in context with the topography of the land and neighbouring dwellings.

The drawings and documents being determined in this case are as follows:

Site Location Plan

BAB001 Rev 2 - Site Layout and Landscaping Plan

BAB002 Rev 3 - AIA and Habitat Plan amended version received 3/3/21

BAB004 Rev 4 (dated 12/11/2021) Site Sections (as amended)

BAB006 - Garage Plan

BAB008 Rev 1 - Double Garage Plan

BAB EL 001 Rev 1 – Plans and elevations

Tree Planting Schedule

Bauder Extensive Biodiverse Green Roof Solution Spec Details.

Design and Access Statement Millen, 12th November 2021

4. Public Consultation

Consultation letters were sent to 275 neighbouring properties.

During the processing of the application, it became apparent that the supporting documentation received from the application at validation stage was incomplete. A request was made for additional information and following the receipt of amended/additional drawings/documents a 14 day re-consultation period was carried out commencing 10th December 2021.

A total of 106 objections have been received raising the following objections to the application.

The comments can be summarised as follows:

- Restrictive covenants exist which prevent the development from being built
- Land ownership issues relating to access road
- The planning department has not acted to stop repeated applications
- The development will impact Eruvs
- The planning department has misled the Planning Inspectorate
- Overdevelopment
- Insufficient parking
- Unsafe access
- Highway safety
- Network Rail not consulted
- Footprint larger than approved layout
- Roof pitch contrived and out of character
- Excavation will harm trees
- Health and safety concerns
- There are more suitable locations than this back garden site
- Cramped, back land development and an overdevelopment of the site
- Not high quality design, will undermine architectural integrity of the host property and street scene
- Insufficient car parking

- Access road is unsafe and constrained for this volume of traffic, not sufficient for emergency vehicle access, no pavement proposed
- Access road will create excessive noise and vibration for the adjacent houses
- Overlooking / loss of privacy
- Impact on visual and residential amenity
- Noise and disturbance
- Vibration from trains passing through tunnel below the site
- Impact on wildlife
- Gated development is out of character
- geotechnical study required over a tunnel
- Third party wall concerns
- Bin-men collection procedures not agreed
- Impact on Oak tree, protected by TPO

An email was received from the Rt. Hon. Theresa Villiers MP on 1st December 2021, stating:

"I have noted the 27 objections (at the time of writing the email on 1st December 2021) to this latest application, many of which focus on the access road the developers wish to create by using an existing narrow alley between 47 and 49. It is pointed out that this service road is not owned by the developer and, while the plans suggest that there is ample space for two cars to pass each other, this is clearly not the case. An additional point made by one objector is the potential danger posed to any home owner using this service road to gain access to the rear of their properties because there is no room for a footpath or other pedestrian access.

Your records will show that I have objected to every planning application submitted for this site; and I would be grateful if you would record my further objections – and those of my constituents - to this latest application which I believe should be refused".

All the above objections, including the highway safety concerns received from the Rt. Hon. Theresa Villiers MP, are considered in the main body of this report.

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 published on 20th July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

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

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.

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, CS9, CS9,
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17

The Council's approach to development as set out in Policy DM01 is to minimise the 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.

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

Sustainable Design and Construction SPD (2016)

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

Residential Design Guidance SPD (2016)

- Part 2 of the SPD sets out the general guidelines for new residential development.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Relevant Planning History
- Scale
- Appearance
- Landscaping
- Network Rail

5.3 Assessment of proposal

- Relevant Planning History

The planning history of the site is extensive, however, for the purposes of determining this application particular reference is made to appeal decision APP/N5090/W/20/3248645, the previous Reserved Matters (RMA) application (20/6076/RMA) currently at appeal, and a recently refused application 21/5046/OUT that sought outline planning permission for the erection of 6no semi detached dwellings and 1no detached dwelling.

Appeal Decision APP/N5090/W/20/3248645

Appeal decision APP/N5090/W/20/3248645 dated 29th October 2020, Allowed an outline planning permission for the layout and access for a development of 6 no. houses.

21 conditions were attached to that appeal decision / outline planning permission which are briefly summarised as follows:

1. Reserved matters (appearance, scale, landscaping) to be submitted and approved by the LPA before any development takes place.
2. Reserved matters application to be submitted within 3 years of the date of the outline permission.
3. Development to commence within 2 years of the approval date of the last of the reserved matters.
4. The development hereby permitted shall be carried out in accordance with the following plans insofar as they relate to matters of access and layout: Location Plan; BAB001 Revision No. 9; BAB002 Revision No. 9; 9464-15.
5. No more than 6 dwellings shall be erected on the site.
6. Demolition and construction working hours.
7. Demolition and construction in accordance with approved Ecology mitigation / biodiversity enhancement report.
8. Water efficiency.
9. M4(2).
- 10 - Demolition and Construction Management and Logistics Plan (Pre-Demo).
- 11 - Tree Protection Plan (Pre-Demo).
- 12 - Land Levels (Pre-development).
- 13 - Excavations for foundations and services (Pre-development).
- 14 - Noise and vibration mitigation (Pre-development).
- 15 - Details of road junction (Pre-development).
- 16 - Acoustic fencing (Pre-occupation).
- 17 - Car parking to be laid out (Compliance).
- 18 - Electric vehicle charging facilities (Pre-occupation).
- 19 - Cycle parking (Pre-occupation).
- 20 - Refuse and recycling storage (Pre-occupation).
- 21 - Carbon dioxide emissions (Compliance).

The current reserved matters application seeks only to deal with the reserved matters required by condition 1 of the outline permission.

Separate future applications will be required in order to discharge conditions 10, 11, 12, 13, 14 and 15 before development can commence. Separate future applications will be required in order to discharge conditions 16, 18, 19 and 20 before the development can be occupied.

Previous RMA Application (20/6076/RMA)

A reserved matters application (20/6076/RMA) seeking approval for appearance, scale and landscaping has already been determined. The application was recommended for approval by Officers, subject to conditions, and refused by Planning Committee on 01st April 2021 for the following reasons:

1. *The scale of the proposed buildings, by virtue of their combined height, massing, design and siting, would result in an incongruous and discordant intervention that would fail to respect the existing pattern of development, to the detriment of the character and appearance of the surrounding area, contrary to Policy D3 of the London Plan (2021), Policy CS5 of the LB Barnet; Local Plan (Core Strategy) DPD (2012), Policy DM01 of the LB Barnet; Local Plan (Development Management Policies) DPD (2012) and Part 2 of the LB Barnet: Residential Design Guidance SPD (2016)*
2. *The scale of the proposed buildings, by virtue of their combined height, massing, design and siting, would result in an unacceptable loss of outlook and visual amenity in particular to the rear habitable rooms and garden of No 53 Beresford Avenue, to the detriment of the residential amenities of neighbouring occupiers, contrary to Policy D3 of the London Plan (2021), Policy CS5 of the LB Barnet; Local Plan (Core Strategy) DPD (2012), Policy DM01 of the LB Barnet; Local Plan (Development Management Policies) DPD (2012) and Part 2 of the LB Barnet: Residential Design Guidance SPD (2016)*

Outline Planning Application (21/5046/OUT)

Prior to the submission of this subsequent RMA application an outline application was submitted for the erection of 6no semi detached dwellings and 1no detached dwelling on land at 49 and 51 following demolition of no.51 Beresford Avenue. Details of access, appearance, layout and scale were determined with landscaping being reserved for future consideration.

A request was made for the application to be called in for a committee decision unless Officers were minded to refuse the application. The application was refused under delegated authority on 11th November 2021 for the following reasons

- 1 The demolition of No 51 would unacceptably undermine the overall architectural integrity of the host property and the wider street scene which is characterised by regular gaps and spacing between buildings. As such the proposal would be contrary to the NPPF, Policies D3, D4 and D5 of the London Plan 2021, Policies CS5 of the LB Barnet; Local Plan (Core Strategy) DPD (2012), Policy DM01 of the LB Barnet; Local Plan (Development Management Policies) DPD (2012) and the LB Barnet: Residential Design Guidance SPD (2016)
- 2 The replacement dwelling (no.51), by virtue of its close proximity to the proposed access road, would provide future occupiers a poor standard

of accommodation in terms of noise and disturbance from road traffic and pedestrian movements to and from the site. As noise mitigation measures cannot be secured along the plot frontage without causing harm to the character and appearance of the area the proposal is contrary to Policy D3 of the London Plan (2021), Policy CS5 of the LB Barnet; Local Plan (Core Strategy) DPD (2012), Policy DM04 of the LB Barnet; Local Plan (Development Management Policies) DPD (2012) and Section 2.14 of The LB Barnet: Sustainable Design and Construction SPD (2016).

Officers raised no objections to the appearance, scale and landscaping of the 6 houses so the focus of the Councils refusal reasons in this case was based on the proposed changes to the site frontage to Beresford Avenue. With the proposed demolition of No.51, and access being sought directly through the site, the application was considered contrary to policy and refused for the reasons listed above.

Scale

The term scale is defined by Article 2(1) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 as "the height, width and length of each building proposed within the development in relation to its surroundings".

Condition 4 of the outline application allowed on appeal (19/5079/OUT) states:

"The development hereby permitted shall be carried out in accordance with the following plans insofar as they relate to matters of access and layout: Location Plan;

BAB001 Revision No. 9; BAB002 Revision No. 9; 9464-15."

BAB001 Revision No. 9 is the approved Site Layout Plan

BAB002 Revision No. 9 is the approved AIA Plan

9464-15 is the approved Survey Plan/Topo Drawing.

The relevant submitted reserved matters application drawings for consideration of Scale are:

BAB EL 001 Rev 1 (dated 5/2/21) - Plans and Elevations

BAB004 Rev 4 (dated 12/11/2021) Site Sections

BAB006 Rev 1 (dated 3/3/21) - Garage Plan

BAB008 Rev 1 (dated 3/3/21) - Double Garage Plan

Width and Depth of dwellings:

The width of the proposed dwellings is consistent with the approved layout plan at 12.4m wide. The depth of the proposed dwellings is consistent with the approved layout plan at 10.8m from the front gable to the rear wall.

The width and depth of the proposed dwellings are considered to be acceptable in terms of Scale.

Appearance

Proposed Dwellings:

The elevation drawings depicted in drawing number BAB EL 001 Rev 1 have been amended since the determination of the previous RMA application refused by planning committee with the height and elevational bulk of the dwellings being reduced. These amendments were supported by Officers in the previous outline application (21/5046/OUT) refused for other planning reasons. The Officer report states:

“In terms of height, the applicant proposes to reduce the height of all 6 dwellings from 8.9 metres to 7.9metres. The consistency in the height of dwellings is fundamental to achieving good design and differences in height between proposed and existing dwellings can have a profound effect on massing, design and siting. However, in this case, the 6 houses would not be visible within the street scene and thus, do not need to slavishly conform to existing building heights. In any event, the falling land levels within the application site and proposed excavations, means that the highest point (ridge heights) of the proposed houses will be below the highest point (ridge heights) of the nearest neighbouring houses and this will be more so with the height reduction now being proposed.

In terms of Appearance, the Government attaches great importance to the design of the built environment and to achieving high quality inclusive design. This is achieved by preserving or enhancing local character and respecting the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets as required by the NPPF, London Plan, Policy CS5 of Barnet's Core Strategy DPD (2012) and Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012).

In this case the proposed houses are considered to be of high quality design commensurate with the character and appearance of the area. The architectural style of each dwelling seeks to respond to the post war vernacular found within Beresford Avenue but also incorporates more modern features such as glazed gables to provide greater daylight and sunlight to habitable rooms. The dwellings will not be visible within the context of the existing street scene so the design approach adopted in this case is considered acceptable subject to a condition requiring more detailed information on the type of materials being proposed”.

There have been no material changes in or around the application site since the previous RMA application was determined. Due to the backland location of the site the proposed houses are set back from the existing street scene thereby reducing their visibility. The site section drawing numbered BAB004 Rev 4 shows the height and elevational bulk of the dwellings sitting comfortably within the context of the sites topography without causing harm to the character and appearance of the area or the amenity of neighbouring occupiers. The height and appearance of the proposed houses are considered by Officers to be acceptable and in accordance with design policy objectives for achieving high quality inclusive design.

Proposed Garages:

The width and depth of the proposed garages are consistent with the approved layout plan at approximately 10m by 5m for the 4 car garages by Plots 5&6 and Plots 1&2 and 5.5m by 5.5m for the 2 car garage by the entrance. The design of the garages is simple in form and detail and will blend in seamlessly within the proposed layout of the site.

Landscaping

"landscaping" as defined by Article 2(1) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

- (a) screening by fences, walls or other means;
- (b) the planting of trees, hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features;

The landscaping drawings and documents submitted under this application (listed below) are identical to those assessed and considered acceptable by the Landscape Officer in the previous RMA application (20/6076/RMA). For completeness, the Landscape Officer has been reconsulted and is satisfied that the proposed landscaping details, which include replacement tree planting, tree protection measures and habitat measures for bats, birds and hedgehogs, are acceptable and policy compliant. A protected Oak tree (TPO/CA/233/T1) is located on the southern boundary close to the boundary with 53 Beresford Avenue. The submitted plan AIA Habitat Plan dwg no. BAB 002 shows that this tree and the tree root protection area can be excluded from the construction zone for the construction of plots 5 and 6.

BAB001 Rev 2 (dated 4/2/21) - Site Layout and Landscaping Plan

BAB002 Rev 3 (dated 3/3/21) - AIA and Habitat Plan

Tree Planting Schedule

Bauder Extensive Biodiverse Green Roof Solution Spec Details

Network Rail

There is significant history of consultation with Network Rail with the Council first making contact in July 2017. Network Rail's comments on the previous reserved matters application on 19th February 2021 are as follows:

"Thank you for the further enclosures outlining contact between the applicant and our ASPRO team. However it is noted that this is dated 2015, and is in general a generic letter outlining all of the points that need to be taken into consideration in progressing the scheme; in addition although correspondence between Mr Galloway of NR and the two owners of Nos 49 & 51 Beresford Road indicated there was no objection in principle to the development this was subject to "discussing detailed proposals" in due course. NR's representations to the 2017 planning application (17/3663/OUT) were thus made in that context, with no objection in principle subject to the need to see details of foundations &c. to ascertain the best layout/design which would not affect the tunnels beneath. Network rail also took the opportunity to alert the applicant to the existence of the hidden shaft and the need to carry out further ground investigation (under NR supervision). The assumption was that such conditions would form the basis of an approval, although it is noted that scheme was subsequently refused.

Network rail confirmed "that as they were not a party to the 2019 appeal process we did not make any representations; had we done so our position would have been that a condition relating to ground conditions & foundation detail should have been put in place to ensure such details were provided before the approval of the reserved matters. The Inspector did recognise the importance of the hidden shaft, as provided for in condition 13 of the appeal decision, and we note the written promise of the applicant to enter into an asset protection agreement to carry this forward. However without such important detail how does the applicant know that the approved layout is capable of being implemented, particularly with respect to the hidden shaft? As such we would again suggest that it is premature to agree reserved matters on scale when GI investigative works have not been carried out. It is of course a matter for the local authority as to whether to grant permission for reserved matters as it stands; we would only point out that if subsequent GI works dictate a requirement for a revised layout then a fresh planning application may be required for the scheme."

Network rail has been reconsulted as part of this application and raise similar issues as follows:

"As per our previous response we consider it premature for a layout to be sought when precise details of the hidden tunnel shaft in particular are still unknown, meaning that the submitted layout may have to change once investigations have taken place. However, we can confirm that the applicant has engaged with our Asset Protection section so as to carry out ground investigations, but it remains unclear as and when the results of such investigation will be available.

If the Authority is minded to approve the application we require a condition to be attached to any approval concerning foundation detail to be submitted and agreed in writing with the Authority in conjunction with Network Rail".

The above comments of Network Rail on the current Reserved Matters application are noted, however, as previously determined, Officers remain satisfied that Network Rail's request for a pre-commencement condition requiring a method statement relating to ground foundations and the railway tunnel shaft can be addressed by Condition 13 of the 19/5079/OUT appeal decision / outline planning permission.

If subsequent work undertaken in relation to the details required by Condition 13 of the outline planning permission do dictate that a revised layout / fresh planning

application is required then the applicant will be required to submit a separate new application at that time”.

Officers are of the view that the outcome of those investigations should not be pre-empted at this stage and are satisfied that there is no Railway related / Network Rail reason to refuse this current reserved matters application (which relates only to matters of scale, appearance and landscaping).

5.4 Response to Public Consultation

It should be noted that Outline Planning permission (access and layout) for 6 houses has already been granted by appeal decision APP/N5090/W/20/3248645 (19/5079/OUT). It is also important to note that the current reserved matters application relates only to the ‘Scale’, ‘Appearance’ and ‘Landscaping’ associated with the proposed development. Representations and comments submitted in relation to this application should therefore relate only to these matters.

It is considered that all relevant material planning considerations have been addressed in the above report. Many of the objections raised have already been considered in the previous RMA application and these are copied below. These are followed by additional objections raised in this application.

‘Responses to specific objection comments:

Restrictive covenants exist which prevent the development from being built

Response - Restrictive covenants are covered by separate legislation and are not a material planning consideration for this reserved matters application.

Land ownership issues relating to access road

Response - Land ownership matters are covered by separate legislation and are not a material planning consideration for this reserved matters application.

The planning department has not acted to stop repeated applications

Response - The applicant is entitled to submit more than one application in order to address previous reasons for refusal. The current application is a reserved matters application following the outline planning permission granted at appeal.

The development will impact Eruvs

Response - The proposal is not anticipated to have any impact on the Eruvs - in any case this is a private matter and not a material planning consideration

The planning department has misled the Planning Inspectorate

Response - The planning department has not misled the planning inspectorate. Planning Inspectorate is completely unbiased and cannot be influenced by any party. Inspectors reach their own conclusions after having assessed the appeal application.

Overdevelopment

Response - Outline planning permission has been granted for the layout of the proposed development and the LPA and Planning Inspectorate are satisfied that the proposed development is not an overdevelopment.

Insufficient parking

Response - Sufficient parking is proposed and has been approved by the outline application.

Unsafe access / Highway safety

Response - These matters were considered and approved by the outline planning permission.

Network Rail not consulted

Response - Network Rail was consulted - please see relevant section in report above. A condition has been attached see condition 13 of the appeal decision

Footprint larger than approved layout

Response - the footprint and layout is as per the approved outline permission.

Excavation will harm trees

Response - A tree protection condition is attached to the outline planning permission.

Health and safety concerns

Response - A Demolition and Construction Management and Logistics Plan condition is attached to the outline planning permission.

There are more suitable locations than this back garden site / Cramped, back land development and an overdevelopment of the site

Response - the principle of the proposed development has already been approved by the outline permission.

Not high quality design, will undermine architectural integrity of the host property and street scene / Roof pitch contrived and out of character

Response - the appearance of the proposed houses is considered to be acceptable.

Access road is unsafe and constrained for this volume of traffic, not sufficient for emergency vehicle access, no pavement proposed / Access road will create excessive noise and vibration for the adjacent houses

Response - These matters were considered as part of the outline planning permission

Overlooking / loss of privacy / Impact on visual and residential amenity

Response - No harmful loss of privacy or residential amenity will occur as a result of the proposed development

Noise and disturbance / Vibration from trains passing through tunnel below the site

Response - a relevant condition is attached to the outline planning permission

Impact on wildlife

Response - a relevant condition is attached to the outline planning permission

Gated development is out of character

Response - the gated development has been approved by the outline planning permission. Details of the gates will be required to be submitted as part of the boundary treatments condition.

Additional objections and concerns not previously raised are considered below using the same format.

Fraudulent misrepresentation of facts

Response: The Council's complaints team are currently reviewing this claim following a formal complaint being lodged by a local resident during the processing of the application.

The Council should have declined to determine the application following refusal of the previous RMA application.

Response: The Council's decision to determine this subsequent RMA application follows legal advice. The LPA has the power to decline to determine an application for planning permission if, within the last two years, either: 1. The Secretary of State has refused a similar application (which has been "called in") or has dismissed an appeal against the refusal of a *similar* application by the LPA or; 2. The LPA has refused at least two *similar* applications without either of them being appealed. In doing so, the LPA must be of the view that no significant change to the development plan (relevant to the application) or in the relevant material considerations since then. Neither situation applies in this case.

Certificate of ownership not served correctly

Response: A check of the application form identifies that the correct notification procedure has been carried out

Prior costs awards granted to Millens should be overruled

Response: The Planning Inspectorate has previously awarded the applicant costs. The Council is obliged and required to make payment.

Failure to consider the potential impact on a protected Oak tree (Mature Oak)

Response: The tree is located outside the site boundary on the south western boundary of the site. The canopy of the tree falls within the site and suitable tree protection measures are agreed by the Landscape Officer.

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

For all the above reasons this reserved matters application is recommended for approval, subject to conditions



OrthoBase Survey © Crown Copyright 2013. All rights reserved.
Ordnance number: 10002562. Pithead scale: 1:4250

1 LOCATION PLAN
Scale: 1:1250

This page is intentionally left blank

Location 18 Cotswold Gardens London NW2 1QU

Reference: 21/5994/FUL

Received: 12th November 2021

Accepted: 16th November 2021

Ward: Golders Green

Expiry 11th January 2022

AGENDA ITEM 10

Case Officer: Frances Haines

Applicant: Mr Michael Brodtman

Proposal:

Conversion of a single residential dwelling into 2no self-contained residential units with associated refuse and cycle storage. Reduction to built height of the front parapet of the side extension [amended description]

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in their 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:

T04072021-001
T04072021-002
T04072021-003V3
T04072021-004V3
T04072021-005V4
T04072021-006V3

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 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 5 Details of cycle parking including the type of stands, gaps between stands, location of cycle parking and type of store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 4 long stay cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 6 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which

achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Polices document (2012), Policies SI1 and SI13 of the London Plan 2021 and the 2016 Mayors Housing SPG.

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

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy SI5 of the London Plan (2021).

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. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal

charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

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.

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
2. Residential Annexes or Extensions: 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

Please visit

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 4500.

- 4 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 5 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

Please Note: A maximum width of a crossover allowed from a public highway is 4.2 metres.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

OFFICER'S ASSESSMENT

1. Site Description

The application site is located at 18 Cotswold Gardens consisting of a two-storey semi-detached dwellinghouse with front and rear amenity space. The area surrounding proposed site is mainly residential consisting of similar two-storey semi-detached properties with front and rear amenity spaces. The site is located within the Golders Green ward.

2. Site History

Reference: 21/0713/HSE

Address: 18 Cotswold Gardens, London, NW2 1QU

Decision: Approved subject to conditions

Decision Date: 23.07.2021

Description: Part single, part two storey rear extension. New pitched roof over existing first floor flat roof. New front porch (Amended Plans)

3. Proposal

The proposal is to convert the existing single family dwelling into 2no self-contained flats, with associated refuse and cycle storage.

Flat 1 will be located on the ground floor and will be a 3 bedroom, 4 person flat. Occupants will have access to 105sqm of private amenity space.

Flat 2 will be located across the first floor and loft space and will be a 3 bedroom, 4 person flat. Occupants will have no access to private amenity space.

4. Public Consultation

Consultation letters were sent to 33 neighbouring properties. 14 objections have been received. The objections can be summarised as follows:

- Too many houses being turned in to flats
- More likely to be 3 flats rather than 2
- Overdevelopment and densification
- Overcrowding
- Tenants won't engage with the community as one family would
- Multiple cars are against the original ethos of the garden estate
- Traffic and lack of parking consideration
- Intensification will increase the risk of this junction
- Flat conversions have had a noticeable negative cumulative impact on our area
- Numerous refuse bins have adversely affected and cluttered the character of our area at the expense of biodiversity.
- Poor design
- Potential access to a second floor flat
- These homes were built as family homes
- Many houses with ugly loft and rear extensions
- Pressure put on to services and schools
- Goes against local authority guidance on SUDs drainage

4.1 Internal consultation:

Highways: The LPA's Highways department were consulted regarding the proposal. No objections were raised subject to conditions.

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 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 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 2021

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

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, DM03, DM08, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the 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.

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft 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 the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

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:

- o Principle of the development
- o Whether the proposal provides satisfactory living accommodation for future occupiers
- o Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- o Whether harm would be caused to the living conditions of neighbouring residents
- o Impact on trees and landscaping
- o Impact on highways;
- o Refuse Storage;
- o Cycle Storage.

5.3 Assessment of proposals

Principle of conversion into flats

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

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of

car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

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

Policy DM01 of Barnet's Local Plan Development Management Policies DPD 2012 (LP) 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.

It is recognised that it is not always appropriate to allow the conversion of a single-family dwelling house into flatted accommodation. However, in the case of this application it is acceptable.

Cotswold Gardens is predominantly residential. An examination of planning history and council tax records shows that some properties on Cotswold Gardens have been converted to self-contained flats. This includes the nearby properties at Nos 44 and 56 Cotswold Gardens and Nos 22 and 54 Grampian Gardens, along with other properties on Cotswold Gardens and within the Golders Green Estate.

Upon a review of planning history in Cotswold Gardens the principle of flats has been established in the following applications: application 44 (15/04606/FUL), 56 (F/00284/09) 94 (19/1940/FUL), 100 (18/7314/FUL) 103 (20/2718/FUL) and 147 (F/00299/14). Weight is given to the prevalence of existing flat conversions in the area. In addition, the VOA Council Tax records confirm a number of flat conversions in situ along Cotswold Gardens. Overall, officers also conclude in this instance that the proposed conversion would be acceptable in this location and would not be contrary to local planning policy including Policy DM01(h).

The conversion of a single family dwelling into flats in this location is therefore considered to be acceptable in principle.

Whether the proposal provides satisfactory living accommodation for future occupiers:

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough.

The London Plan (2021), Barnet's policies and Sustainable Design SPD (Oct 2016) set out the minimum space requirements for residential units and bedrooms.

- The minimum requirements for Gross Internal floor Area (GIA) for 3 bedroom 4 persons, one storey dwellings is 74sq metres

- The requirements for Gross Internal floor Area (GIA) for 3 bedroom 4 persons, two storey dwellings is 84sq metres

The proposed flats would all exceed these requirements, therefore offering a good level of amenity for future occupiers.

Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m² and should be at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m² and should be at least 2.75m wide and every other double (or twin) bedroom and at least 2.55m wide.

The bedrooms in the proposed flats meet these requirements.

Room Stacking:

The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. The proposed layout provides reasonable stacking provision.

Glazing:

Barnet's Sustainable Design SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room. Bedrooms and living rooms/kitchens should have a reasonable outlook with clear glazed windows. The bedrooms and living spaces in both flats all have good outlook, therefore providing good amenity for future occupiers.

Amenity Space

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room.

The ground floor flat will have sole access to the rear garden which is 105sqm. This exceeds the minimum requirement in terms of space and therefore will offer a good level of amenity for future occupiers.

Paragraph 2.3.312 of the Mayor's Housing SPG (March 2016) states that: 'In exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement. This area must be added to the minimum GIA.'

The first floor/loft flat does not have access to any outdoor space. The flat comprises of 6no habitable rooms. Therefore, an excess of 30sqm of internal space would need to be provided to make up for the shortfall of outdoor space. The minimum GIA for this size flat is 84sqm. 111sqm of floor space has been provided, therefore an excess of 27sqm is provided. Although this is a 3sqm shortfall, given the proximity of the property to Clitterhouse Playing fields (located behind the site and within a 5 minute walk), on balance, the proposed flat is considered to offer a good level of amenity for future occupants.

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), D1 and D4 (both of the London Plan).

The front parapet wall of the existing two-storey side extension has been increased in height without planning consent. It is considered that this element appears dominant within the street scene. As such, amendments were requested and received during the application process which reduced the height by approx. 0.3 metres. This would be 0.5 metres taller than the pre-existing height and would now sit above the eaves of the main building. On balance, it is not considered that this increase in height would have a detrimental impact on the character and appearance of the property and street scene. The flat roof appearance was an established part of the property; therefore this continuation is not considered to have any further significant impact.

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

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

The existing property serves a 5no. bed family dwelling capable of accommodating up to 8.no persons. The existing front entrance would provide common resident access whilst internal doors would provide separate access to respective units. The 2no self-contained flats would cumulatively accommodate up to 8no persons across the site. The occupancy level therefore would be the same as existing levels, however a change in tenure from single family to flatted development thereby accommodating 2no. unrelated groups across the site is apparent. Given site circumstances which includes the same occupancy and established residential use of the site and local area, the conversion is not considered to result in an intensity of use that would be harmful to the neighbouring residential occupiers by way of noise and disturbance and comings and goings.

Given the above reasons, the scheme is considered acceptable on the grounds of residential amenity.

Impact on highways:

The LPA's Highways department were consulted regarding the proposal.

The site lies within a PTAL 2 zone, which means that there is poor public transport accessibility to and from the site.

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 2 and 3 off-street parking space. The applicant has proposed 2 car parking spaces to be accommodated off-street which is acceptable on highways grounds.

Refuse and Recycling Storage:

Proposals for residential conversions must include suitably enclosed refuse areas at the rear of the property. If it is not practical, storage areas at the front or side of the property should be adequately screened so as not to become a dominant feature, and to avoid loss of amenity. The application shows that the refuse area will be situated in the front garden. This is considered to be an acceptable location for the bin store. A condition has been proposed regarding the detailed design and size of the bins stores.

Cycle Storage:

Cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport. A minimum of 4x cycle parking spaces are required for this proposal (2x for each of the units).

2 x cycle spaces have been proposed for both flats, therefore meeting the minimum requirement. Highways have requested further details by way of condition to ensure enclosed and lockable.

5.4 Response to Public Consultation

'Too many houses being turned in to flats'

- Flatted development is a characteristic of properties along Cotswold Gardens and within the Golders Green estate. Whether these were granted consent of converted without, it is evidence that these contribute towards the character. Therefore, the LPA have no grounds to refuse the principle of flats as it would not be contrary to the mixed character of the area.

'More likely to be 3 flats rather than 2'

- This application is only for 2 flats and this is clear on the floor plans. 3 flats would require planning permission and would need to meet relevant space standards.

'Overdevelopment and densification' / 'Overcrowding'

- The occupancy levels will remain the same as the existing property. Therefore, the site will not increase in density. The extensions were previously approved.

'Tenants won't engage with the community as one family would'

- This is not a material planning consideration

'Multiple cars are against the original ethos of the garden estate'

- The flat sizes will not result in a large amount of cars

'Traffic and lack of parking consideration'

- Parking has been provided. An increase of 1 unit will not result in traffic.

'Intensification will increase the risk of this junction'

- The site will not be intensely occupied, with the same occupancy level as existing. Highways have raised no objection to flatted development on this junction.

'Flat conversions have had a noticeable negative cumulative impact on our area'

- It is not considered that this conversion will negatively impact the surrounding area as flatted development forms part of the established character.

'Numerous refuse bins have adversely affected and cluttered the character of our area at the expense of biodiversity.'

- The applicant will be required to provide details of the bin storage facilities prior to the flats being occupied. This is so that officers can ensure the storage facility is acceptable in terms of appearance and impact on the street scene

'Poor design'

- The extensions are not a consideration as these have already been approved. The flats are considered to be of a good design, offering a good level of amenity for future occupants (assessed in more detail in the main body of the report)

'Potential access to a second floor flat'

- This application is only for 2 flats and this is clear on the floor plans. 3 flats would require planning permission and would need to meet relevant space standards.

'Many houses with ugly loft and rear extensions'

- The extensions are not a consideration as these have already been approved.

'Pressure put on to services and schools'

- As an additional unit has been created, the owner will be subject to paying Community Infrastructure Levy.

'Goes against local authority guidance on SUDs drainage'

- This is not a material consideration of this application

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 acceptable impact on the character and appearance of the application site and the general locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



Location 90 The Ridgeway London NW11 9RU

Reference: 21/5834/FUL

Received: 3rd November 2021

AGENDA ITEM 11

Accepted: 4th November 2021

Ward: Childs Hill

Expiry 30th December 2021

Case Officer: Sinead Normoyle

Applicant: BY Developments

Proposal: Conversion of the existing dwelling into 3no self-contained flats including part single, part two storey side and rear extension, roof extension involving 1no side and rear dormer window

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in their 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:

090RI-A-01-001
090RI-A-01-002
090RI-A-02-001
090RI-A-02-002
090RI-A-03-001
090RI-A-03-002
090RI-A-03-003
090RI-A-03-006
090RI-A-05-001
090RI-A-05-002
090RI-A-06-001

090RI-A-06-002
090RI-A-06-003
090RI-A-06-004

09-ORI-A-01-001
09-ORI-A-01-002
09-ORI-A-01-101
09-ORI-A-01-102
09-ORI-A-03-101
09-ORI-A-03-102
09-ORI-A-03-103
09-ORI-A-03-106
09-ORI-A-05-101
09-ORI-A-05-102
09-ORI-A-06-101
09-ORI-A-06-102
09-ORI-A-06-103
09-ORI-A-06-104

Transport Statement April 2021,
Location Plan,
Planning Statement.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

- 4 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 5 a) Before the development hereby permitted is first occupied, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 6 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).

- 7 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the wholesome water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012), Policy SI 5 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

- 8 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 9 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 10 Before the development hereby permitted commences details of the proposed parking spaces and vehicular access to those spaces shall be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 11 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation at first and second floor level facing 92 The Ridgeway 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).

- 12 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 in the side elevation(s), of the extension(s) hereby approved, facing 88 or 92 The Ridgeway.

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).

- 13 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
 - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
 - vii. noise mitigation measures for all plant and processors;
 - viii. details of contractors compound and car parking arrangements;
 - ix. details of interim car parking management arrangements for the duration of construction;
 - x. details of a community liaison contact for the duration of all works associated with the development.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

- b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

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. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a payment under Mayoral CIL.

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 are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a payment under Barnet CIL.

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

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

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

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.

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

2. Residential Annexes or Extensions: 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

Please visit

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to

have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from:

<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 4500.

- 4 The applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed vehicular access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant. To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section Development and Regulatory Services, London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW.

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

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

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

clean and tidy condition.

If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

- 6 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licences please contact the councils Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk.
- 7 The applicant is advised that due to the large number of schools and school children in the area that site deliveries during the construction period should not take place between 0800 hrs to 0900hrs and 1500 hrs to 1600 hrs. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.

OFFICER'S ASSESSMENT

1. Site Description

The application site contains a two-storey detached single family dwelling consisting of 4 bedrooms located on the south side of The Ridgeway which is predominantly residential in character.

The property is characterised with two storeys with a large front gable and front dormer window with a pitched roof mirroring the neighbouring property.

The surrounding area is predominantly residential comprising a mixture of two-storey detached, semi-detached and terraced residential properties. Wessex Gardens Primary School is located approximately 322 metres away from the site to the southwest. The site lies within walking distance from Golders Green Town Centre location including a primary shopping area and a wide range of local facilities.

The property is not listed and does not fall within a designated conservation area.

2. Site History

Reference: 21/1100/192
Address: 90 The Ridgeway, London, NW11 9RU
Decision: Lawful
Decision Date: 29 April 2021
Description: Erection of an rear outbuilding

Reference: C14641A/02
Address: 90 The Ridgeway, London, NW11 9RU
Decision: Approved subject to conditions
Decision Date: 15 April 2002
Description: Two storey side extension.

Reference: C14641/01
Address: 90 The Ridgeway, London, NW11 9RU
Decision: Refused
Decision Date: 18 December 2001
Description: Two storey side extension following removal of existing garage.

Reference: C14641B/02
Address: 90 The Ridgeway, London, NW11 9RU
Decision: Approved subject to conditions
Decision Date: 3 September 2002
Description: Demolition of existing garage and erection of part single, part two storey side extension.

3. Proposal

Conversion of the existing dwelling into 3no self-contained flats including part single, part two storey side and rear extension, roof extension involving 1no side and rear dormer window.

4. Public Consultation

Consultation letters were sent to 52 neighbouring properties.

Five objects were received:

- o Too many flats,
- o Poor design,
- o Disturbance,
- o Appearance of the front of the building,
- o Overpopulating the area,
- o Car parking,
- o Party wall
- o Overlooking,
- o Change in character,
- o Noise,
- o Detrimental effect on mental health.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was published 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

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

Relevant policies:

D4 - Good Design

D5 - Inclusive Design

D6 - Housing Quality and Standards

D7 - Accessible Housing

H2 - Small Sites

H12 - Housing Size mix

SI 2 Minimising Greenhouse Gas Emissions

T6.1 - Residential Car Parking

Barnet's Local Plan (2012)

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

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, DM15

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

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

5.3 Assessment of proposals

The principle of flats in this location

Policy CS5 of Barnet's Core Strategy (2012) states that that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high-quality design. It also states that the Council enhance the

borough's high-quality suburbs and historic areas through the provision of buildings of the highest quality that are sustainable and adaptable.

Paragraph 2.8.1 of Barnet's Development Management Policies Document DPD (2012) states: "The conversion of existing dwellings into flats can have a cumulative effect that is damaging to 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 particularly where they are highly accessible. However, even in such locations they can harm the character of areas by changing external appearance and increasing activity. Such activity can often involve more people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries."

Paragraph 15.5 of Barnet's Residential Design Guidance SPD (2016) states: "Conversions generate extra movement of people and vehicles and the alterations required to accommodate such a use can impact upon the character and appearance of a locality. Conversion proposals are therefore likely to be resisted in areas of low-density housing where predominantly there are single family occupation houses and where the external alterations would impact on the appearance of the local area (e.g. hardstanding for a parking space and refuse storage areas)."

All units will be accessible from a sole entrance at the front of the property creating an outward appearance of the property functioning as a single-family dwelling.

No. 62, 68, 70 and 92 The Ridgeway have been converted into flats. As such, the principle of flat development has been established in the area.

Impact of the Proposal on the Character and Appearance of the Area

The NPPF attaches great importance to the design of the built environment, stating 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" (para.124).

Policy DM01 states, 'development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

The application proposes the erection of a partial ground floor side extension, two-storey rear extension and loft extension to facilitate the conversion of the property to three flats.

All units will be accessible from a sole entrance at the front of the property creating an outward appearance of the property functioning as a single-family dwelling.

The proposed single storey ground floor front and side extension measures 2.9m in width and 3.2m in height would be built up to the shared neighbouring boundary with no. 92 The Ridgeway. The side extension would infill an area of approx. 7sqm. The existing side extension would be increased in height from 3.2m to 3.5m.

At the rear, the ground floor elevation would be infilled and levelled off and extended by just under 4m on the side nearest no. 92. At first floor level it is proposed to infill a section to remove the existing bay window. The two-storey rear extension would feature a pitch roof design.

Two subordinate dormers are proposed, a new rear dormer on the rear roof slope is

proposed and the dormer is considered to be subservient and sits well within the existing sloping roof plane maintaining an approximate distance of 1.2m from the sides of the roof. The height of the existing side extension is to be increased although it remains below the main ridge and one dormer is proposed on the side roofslope which appears subordinate within the roofslope.

The overall proposed height and width of the dormers are designed to be subservient to the roof.

It is not considered that the proposal will detrimentally impact the character and appearance of the surrounding area.

Impact on Residential Amenities

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

The rear extensions would be set well away from the boundary with no. 88. At ground floor, the extension would extend approx. 1.5m past the ground floor of no. 92's extension. At first floor, the extension would project no further rearward relative to no. 92 and it is considered, given the spacing between the properties, that the additional roof height would have no significant impact on the amenities of no. 92.

As such, the proposal is not considered to detrimentally impact adjacent properties with regards to sunlight, daylight, outlook, overshadowing, privacy/overlooking, and sense of enclosure.

In relation to potential noise and disturbance arising from 3 households, it is considered that the additional activity associated with the use would not be so great as to cause undue harm to neighbouring amenities.

Provision of adequate accommodation for future occupiers

In terms of the amenity for future occupiers, the Planning Authority expects a high standard of internal design and layout in new residential development to provide an adequate standard of accommodation. The London Plan and Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units.

Unit 1 - 1 x bedroom 2 person = 61.88m²
Unit 2 - 3 x bedroom 4 person = 90.70m²
Unit 3 - 3 x bedroom 6 person = 112.31m²

Total of 12 proposed people living in the building. Moreover, the proposal provides two family-sized units with 3 bedrooms.

The proposal meets the recommended minimum space requirements as set out by The London Plan and Barnet's Sustainable Design.

Light/Outlook

Barnet's Sustainable Design SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room. The

ground and first floor units benefit from adequate levels of glazing and dual aspect outlook.

The proposed units all benefit from dual aspect. Unit 3 has a dormer to the side in the roof. Although this is to a bedroom and would face no. 92 and would need to be obscure glazed, overall there is considered to be an adequate level of light and outlook for the unit. The proposed levels of daylight/sunlight proposed for the flats is also considered 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'.

The proposed layout is acceptable in terms of the privacy of adjoining and potential occupiers. The private amenity area immediately to the rear of the house will be subdivided and feature fencing to reduce overlooking. As such, the proposal is found to comply with Policy DM01 in this regard.

Room stacking/siting

The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. The stacking arrangement is considered acceptable.

Ceiling height

Policy D6 of the new London Plan states that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space. The minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling.

The proposed ground and first floor flat meets the minimum ceiling height of 2.5m for at least 75% of the gross internal area.

The loft would not meet the minimum ceiling height of 2.5m for at least 75% of the gross internal area. However, given this is a two-storey flat and exceeds the minimum space standard it is considered acceptable on this occasion.

The first floor features the main living area, kitchen, and double bedroom all benefiting from a ceiling height of 2.5m. The loft includes two bedrooms and a bathroom it would not meet the minimum ceiling height of 2.5m, however it is not considered to result in an overall poor standard of accommodation by virtue of the first floor providing the sufficient heights to all the communal living areas and the main bedroom.

Provision of adequate outdoor amenity space for future occupiers.

In terms of outdoor amenity space, Barnet's Sustainable Design and Construction SPD sets out the minimum standards for outdoor amenity space provision in new residential developments. For flats 5m² of space per habitable room.

Unit 1 will be located on the ground floor and benefits from private amenity space totalling

33sq.m. Unit 2 is located on ground and first floor levels a family sized unit benefitting from private amenity space totalling 51sq.m. Unit 3 located at first and second floor level will have access to a communal amenity space to the rear totalling 93sq.m.

Overall, the proposal is considered to provide an acceptable level of residential accommodation for future occupiers.

Highways and parking provision

The site is located on the southern side of The Ridgeway, NW11 that facilitates connections to Finchley Road (A598) heading east and Hendon Way (A41) to the southwest. A41 forms part of the Transport for London Road Network (TLRN).

The plot of land is occupied by a two-storey detached single family dwelling consisting of 4+ bedrooms. Vehicular access to the site is taken from The Ridgeway, NW11 via an existing vehicular crossover of approximately 3-metre width. There is also a pedestrian access gate off The Ridgeway, NW11 serving an internal walkway leading to the property entrance.

The surrounding area is predominantly residential comprising a mixture of two-storey detached, semidetached and terraced residential properties. Wessex Gardens Primary School is located approximately 322 metres away from the site to the southwest. The site lies within walking distance from Golders Green Town Centre location including a primary shopping area and a wide range of local facilities.

The Ridgeway, NW11 and the nearby roads have been included in an one-hour Controlled Parking Zone (CPZ - BX) in operation from Monday to Friday between 11am and 12pm. Additionally, Pay and Display parking bays operating from Monday to Friday between 10am and 5pm allowing a maximum stay of 6 hours have been put in place on Wessex Gardens, NW11 further southwest.

The Public Transport Accessibility Level (PTAL) for the site is assessed as 1b which is regarded as very poor accessibility.

Based on the PTAL rating for the site as 1b (very poor), 3.5 off-street parking spaces would be required to meet the parking standards of DM17 policy. Therefore, the provision of 2 car parking spaces on site is falling short of 1.5 spaces as per the residential parking requirements of DM17 policy.

The applicant has undertaken a car parking survey subject to the Lambeth Methodology standard practice on the site's surrounding roads situated within a 200-metre walking distance. The surveys were carried out on Tuesday 10th March 2020 and Wednesday 11th March 2020 at 3:30am and 2am respectively.

The results of the process have been included in the Transport Statement submitted in support of this planning application focusing on the parking availability within the CPZ - Zone BX in the immediate vicinity of the site. Out of 63 parking spaces on The Ridgeway/Wessex Gardens, NW11 and Ridge Hill, NW11, 36 were occupied leaving 27 parking spaces available for residents resulting in a parking stress of 57% which is well below the 85% threshold indicating that the nearby roads experience parking saturation issues.

Additionally, the site lies adjacent to an area that has a PTAL score of 3 and therefore medium accessibility to public transport services due to its proximity to the A41 where the

24-hour Transport for London (TfL) bus route 113 runs on A41 and several bus routes run on A502 to the southwest and northeast of the site respectively.

Taking the above factors into consideration, it is not expected that potential overspill of parking arising from the proposed development will cause any material impact on the existing and surrounding local highway network and so the proposed parking provision would be acceptable on highway grounds.

5.4 Response to Public Consultation

The majority of objections have been assessed and dealt with within the report and through conditions relating to character, design, overpopulating the area, disturbance, car parking, overlooking.

Party wall agreements and mental health issues are not material planning considerations in the context of the development proposals.

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 acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is also considered to have an acceptable impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



This page is intentionally left blank

Location **60 West Hendon Broadway London NW9 7AE**

Reference: **21/1522/FUL** Received: 18th March 2021
Accepted: 24th March 2021

Ward: West Hendon Expiry 23rd June 2021

AGENDA ITEM 12

Case Officer: **Dominic Duffin**

Applicant: Daniel Gold

Proposal: Demolition of an existing two-storey retail building and erection of an eight storey residential led mixed use building with 2no live/ work units at ground floor and 63no residential units on first and floors above. Associated external parking and associated landscaping.

OFFICER'S RECOMMENDATION

Approve subject to s106

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

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:
 1. The Council's legal and professional costs of preparing the Agreement and any other enabling agreements.

2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.

3. Affordable Housing

-Provision of affordable housing units consisting of 4 London Affordable Rent units and 2 shared ownership units and a contribution of £45,325, or if in the first instance, units being provided on site, have been clearly discounted, a contribution of £666,844 towards Affordable Housing provision within the borough.

-An Early Stage Viability Review if the development has not been completed to the ground floor slab level within two years of the permission being granted

-A Late Stage Viability Review, triggered when 75 per cent of the units in the scheme are sold or let

4. Employment and Training

-The applicant would be required to enter into a Local Employment Agreement with the Council to secure non-financial contributions towards employment/learning/apprenticeships, as listed in the Committee Report or a financial contribution of £354,695.80, subject to indexation

5. Carbon Offset Payment

Payment of £83,679 towards Carbon Offset to meet mayoral zero carbon target.

6. Travel Plan/Highway Works

-Submission of a Travel Plan and associated monitoring contribution of £15,000

-£9,750 in sustainable travel plan incentive

- £10, 000 towards a review of the West Hendon Controlled Parking Zone

- A contribution of £2,392.01 towards the amendment of the Traffic Management Order (TMO) to ensure that the new occupants are prevented from purchasing CPZ parking permits and a monitoring contribution of £119.60.

7. Meeting the Council's costs of monitoring the planning obligation

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:

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

Location Plan (60TB2-MCB-XX-SI-DR-A-0001-S2-P3), Existing Ground Floor (60TB2-MCB-XX-00-DR-A-0110-S2-P1), Existing First Floor (60TB2-MCB-XX-01-DR-A-0110-S2-P1), Existing Sections (60TB2-MCB-XX-ZZ-DR-A-0130-S2-P1), Existing Site Plan (60TB2-MCB-XX-SI-DR-A-0110-S2-P3)

Proposed Site Plan (60TB2-MCB-XX-SI-DR-A-0100-S2-P5), Proposed Ground Floor Plan (60TB2-MCB-XX-00-DR-A-0100-S2-P5), Proposed Levels 1-6 (60TB2-MCB-XX-01-DR-A-0100-S2-P1), Proposed level 07 Plan (60TB2-MCB-XX-07-DR-A-0100-S2-P1), Roof Plan (60TB2-MCB-XX-08-DR-A-0100-S2-P1), Section A (60TB2-MCB-XX-ZZ-DR-A-0140-S2-P1), Section B (60TB2-MCB-XX-ZZ-DR-A-0141-S2-P1), Section C (60TB2-MCB-XX-ZZ-DR-A-0142-S2-P1), Proposed East Elevation (60TB2-MCB-XX-ZZ-DR-A-0151-S2-P1), Proposed West Elevation (60TB2-MCB-XX-ZZ-DR-A-0150-S2-P1), Proposed South Elevation (60TB2-MCB-XX-ZZ-DR-A-0152-S2-P1), Proposed North Elevation (60TB2-MCB-XX-ZZ-DR-A-0153-S2-P1), Highway Access Arrangement (60TB2-MCB-XX-00-DR-C -0380-D5-P1)

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 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy D4 of the London Plan 2021.

- 4 a) No development shall take place, until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD.

- 5 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
 - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
 - vii. noise mitigation measures for all plant and processors;
 - viii. details of contractors compound and car parking arrangements;
 - ix. details of interim car parking management arrangements for the duration of construction;
 - x. details of a community liaison contact for the duration of all works associated with the development.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

- 6 Notwithstanding the approved plans, prior to the first occupation of the development, a parking layout plan showing details of 53no off street parking spaces including 9no disabled spaces and a loading area within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not to for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 7 Prior to occupation of the development full details of the electric vehicle charging points to be installed in the development shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include provision for not less than 20% of the approved residential parking spaces to be provided with active electric vehicle charging facilities and 80% passive electrical charging facility (11 active and 44 passive). The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy T6.1 of the London Plan.

- 8 Prior to first occupation of the development details of cycle parking including the type of stands, gaps between stands, location of cycle parking and type of store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 105 cycle parking spaces (103 long-stay for residential, 3 short stay) in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012 and policy T5 of the London Plan 2021.

- 9 Prior to the first occupation of the development, hereby approved, a full Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved delivery service plan, and all loading shall take place within the site.

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 10 Prior to the first occupation of the development, hereby approved, a full Parking Management Plan (PMP) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved delivery service plan.

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 11 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reasons: In the interest of good air quality in accordance with London Plan policy SI.1.

- 12 A Remediation Method Statement detailing the remediation requirements, using the information and recommendations obtained from the site investigation by Ian Farmer Associates (December 2020), and also detailing any post remedial monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016).

- 13 The measures approved as set out in the noise report by Cole Jarman, ref 15/0555/R2 under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and policy D14 of the London Plan 2021.

- 14 The level of noise emitted from any installed plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and policy D.14 of the London Plan 2021.

- 15 a) No commencement of the use or occupation of the development hereby approved shall take place until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

- b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policies D13 and D14 of the London Plan 2021.

- 16 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the work unit ; as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and D14 of the London Plan 2021.

- 17 Before the development hereby approved is occupied, an updated air quality neutral assessment report shall be written in accordance with the relevant current guidance. This report shall be submitted to and approved by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

a) If the report shows that the site does not conform to the air quality neutral benchmark requirements then a scheme of offset measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development.

b) The approved measures shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy GG3 and SI1 of the London Plan 2021.

- 18 The approved mitigation scheme as set out in the Air Quality Assessment by Air Quality Consultants dated January 2021 shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy SI.1 of the London Plan 2021.

- 19 Prior to the first occupation of the development hereby approved, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that the building can achieve full 'Secured by Design' Accreditation and 'Secured by Design' accreditation shall be obtained for the approved development.

The development shall only be carried out in accordance with the approved details.

Reason: To protect the amenity of the area in accordance with Policies DM01 and DM04 of the Barnet Development Management Policies (adopted) September 2012.

- 20 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and G.7 of the London Plan 2021.

- 21 a) No lighting shall be fixed on the external faces of the building hereby approved, unless and until details of external lighting are submitted to and approved in writing by the Local Planning Authority beforehand.

Any lighting must be designed and used to minimise impacts on bats and their insect food. All exterior lighting should follow the guidance of the Bat Conservation Trust. Current (June 2014) advice is at <http://www.bats.org.uk/>.

b) The lighting shall be installed in accordance with the details approved before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse effect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document (DPD) 2012 and London Plan Policy G6

- 22 Prior to occupation of the development hereby approved, a scheme of ecological enhancements, to incorporate into the scheme ecological net gain, as detailed in section 6.3 of the Jomas Dusk Bat Activity Survey Report (June 2021) shall be provided, to include two No. bat roosting tubes incorporated into the fabric of the new structure.

The enhancements shall be incorporated into the design, and retained in perpetuity.

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse affect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document DPD (2012) and London Plan Policy G.6

- 23 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016).

- 24 No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure in accordance with Policy SI 13 of the London Plan 2021.

- 25 No flat shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority, and have been installed in their entirety; details of privacy screens to adequately screen the private amenity areas/balconies associated within the development. The screens shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers at the development and 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).

- 26 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 27 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) the following operations shall not be undertaken without the receipt of prior specific express planning permission in writing from the Local Planning Authority on the buildings hereby approved:

- The installation of any structures or apparatus for purposes relating to telecommunications on any part the development hereby approved, including any structures or development otherwise permitted under Part 24 and Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any equivalent Order revoking and re-enacting that Order.

Reason: To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with policies CS5 and DM01 Barnet Local Plan.

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

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy SI5 of the London Plan 2021.

- 29 Prior to the first occupation of development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieves an improvement of not less than 37% in carbon dioxide emissions, when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), and Policy SI2 of the London Plan 2021.

- 30 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policy D7 of the London Plan 2021.

- 31 The residential units as shown in the hereby approved drawings shall be used as self-contained units under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 32 a) Notwithstanding the details submitted with the application and otherwise hereby approved no residential units shall be occupied or use undertaken until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016); and Policies D6 and SI7 of the London Plan 2021

- 33 Prior to occupation of the development hereby permitted, details of the size, design and siting of any photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out and constructed in accordance with the approved details, prior to occupation of any of the residential units..

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan and Policies D3, D4, D5 and D6 of the London Plan 2021.

- 34 Prior to occupation of the development, details of the proposed roof layout/amenity area/roof garden shall be submitted to the council for agreement. The scheme shall proceed in accordance with the agreed details and the agreed amenity area retained in perpetuity for use by residents of the development.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and G.7 of the London Plan 2021.

- 35 The work part of the Live/Work Units hereby approved and shown on the approved plans shall only be for purposes within use Class E of the Use Classes Order, as amended in September 2020, and for no other purpose, unless agreed by the Local Planning Authority.

Reason: To enable the Local Planning Authority to exercise control of the type of use and to safeguard a continued employment use in accordance with policy DM14 of the Development Management Policies DPD (adopted September 2012).

- 36 The residential parts of the Live/Work Units hereby approved and shown on the approved drawings shall only be used for residential purposes in association with the Work part of the said Live/Work units and shall not be used for any other purpose.

Reason: In order that the residential element of the proposed Live/work units is retained and so that residential amenity of both the new unit and those neighbouring occupiers shall be protected.

RECOMMENDATION III:

- 1 That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:

- 2 That if the above agreement has not been completed or Section 106 agreement has not been submitted by 01 December 2021, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):
 1. The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).
 2. The proposed development does not provide a legal agreement to mitigate the highways impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and parking provision contrary to policy CS9 of the Adopted Core Strategy and policy DM17 of the Adopted Development Management Policies DPD.
 3. The proposed development does not include a formal undertaking to meet the costs of the required carbon off-set provision. The proposal would therefore not address the impacts of the development, contrary to Policy SI.2 of the London Plan (2016), Policy CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM04 of the Adopted Development Management Policies DPD.
 4. The proposed development does not include a formal undertaking to provide a Local Employment Agreement (LEA) to deliver skills, employment and training opportunities, to the detriment of the economy of the Borough and contrary to Policies CSNPPF, CS8 and CS15 of the Local Plan: Core Strategy DPD (2012), Policy DM14 of the Local Plan: Development Management Policies DPD (2012) and the Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD (2014)
 5. The proposed development fails to provide a comprehensive scheme of landscaping, including a formal undertaking to deliver street trees along this part of West Hendon Broadway, to compensate for the impact of the building on visual amenity and improve air quality, to the detriment of the character and appearance of the street scene and surrounding area, contrary to Policy G.7 of the London Plan (2016), Policies CSNPPF, CS1, CS5 and CS15 of the Local Plan: Core Strategy DPD (2012) and Policy DM01 of the Local Plan: Development Management Policies DPD (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. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £__ payment under Mayoral CIL.

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 are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £__ payment under Barnet CIL.

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

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

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest.

There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

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.

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

2. Residential Annexes or Extensions: 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

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

4 If a pump lorry is to be operated from the surface of the public highway, any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

- 5 Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.
- 6 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk.
- 7 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
 - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
 - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
 - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
 - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
 - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.
- Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.
- 8 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 9 The applicant shall carry out a "before" and "after" condition survey of around the perimeter of the site. The "before" survey shall be submitted to the highways section prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development and thereafter submitted to the highways section. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.

- 0 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on the public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to the Development Team for approval. The applicant is also advised that the cost of repairing any consequential damage to public highway as a result of the development proposal shall be borne by the applicant

OFFICER'S ASSESSMENT

This application has been brought to Committee as a departure from the policies contained within the Development Plan. With regard to Policies D9 of the London Plan 2021 and Local Plan Policies CS05 and DM05, the proposal involves the construction of a tall building outside of an area designated for such development. The substantive justification behind the recommendation for approval is set out within the body of the report and also references previous decisions on the same site.

1. Site Description

This application submission relates to a site that covers an area of approximately 0.22 hectares on the north-east side of West Hendon Broadway. The site is located approximately 300m south-east of West Hendon Local Centre and 380m from Staples Corner to the south. The existing site currently has a two-storey building in position which formerly housed a tile showroom. The building is served by a primary lift and stair core, situated at the main entrance facing the site entrance to the south.

The area does not have a distinct character with a mixture of residential flats opposite, as well as other commercial development on this side of West Hendon Broadway, with a mixture of building heights and sizes. Sutherland House which is a 6-storey office block is adjacent to the site. There are 5 storey blocks of flats at Verulam Court on Woolmead Avenue further to the west. The site is not located within any designated areas.

2. Relevant Site History

16/0972/FUL - Demolition of existing building (Tile and Sanitaryware Showroom) and erection of an 8 storey mixed use building with 1230sqm of Sui Generis use (Tile and Sanitaryware showroom) on ground and first floors and 48 no self-contained residential units on the upper floors with green roof and solar panels. Provisions for basement parking, external parking spaces, cycle storage, refuse and amenity space. Approved following signing of Legal Agreement - 15/03/2017

17/6434/FUL- Demolition of an existing two-storey retail building and erection of an eight-storey residential led mixed use building with retail use at ground floor and first floor level and 53 no residential units above. Associated external parking and associated landscaping. Approved following signing of Legal Agreement - 01/10/2019.

20/0292/QCC - Demolition of an existing two-storey retail building and erection of an eight storey residential led mixed-use building with 3 live/ work units at ground floor and first floor level and 60no residential units on first and floor above. Associated external parking and associated landscaping. Advice issued - 20/09/2020

Sutherland House (adjacent site):

H/03141/14 - Change of use from B1 office to C3 residential (33 Units) - Prior Approval Not Required - 05.08.2014

15/03085/OUT - Erection of 3 storey office building - Approved following signing of Legal Agreement - 01/08/2016

3. Proposal

The application seeks planning permission for the demolition of the existing building and construction of an eight-storey residential led mixed use development with 2no live/ work units at ground floor and 63no residential units on the floors above.

55 car parking spaces, including 7 disabled spaces, along with 120 secure and enclosed

cycle spaces would be provided around the building. Amenity space would be provided via a combination of private balconies and rooftop communal garden space, The scheme proposes a range of market units comprising 1 and 2 bedroom apartments. The proposal outlines a mix of 28 one bed units, 37 two bed units, inclusive of the live/work units.

The main materials would be beige and dark grey brick, textured fibre cement, and glass. The beige brick facade will be offset from the darker brick and fibre cement areas providing a contemporary design.

4. Public Consultation

Consultation letters were sent to 108 neighbouring properties, a site notice is displayed and an advert was placed in the local press. No responses have been received.

Internal Consultations

Traffic and Development:

Amendments sought to layout, no in principle objection. No objection subject to legal agreement, conditions and informatives;

- S106 agreement: s106 contribution of 15k towards travel plan monitoring, £10k towards CPZ review and CPZ permit restrictions.

Drainage Officer:

No objection, subject to conditions for Drainage Strategy

Refuse and recycling:

Confirm that the waste strategy for this application is acceptable to the Street Scene Collections Team.

Environmental Health Officer:

No objection subject to conditions

External consultations

TfL:

Cycle parking

- 116 long and 3 short stay cycle parking spaces will be provided for the residential use. This is in line with policy T5 (Cycling) of the London Plan. TfL requests further information on what a 'live/work' unit entails, and how many people will occupy the units so we can ensure this element of the proposal also complies with policy T5.

Car parking

- The amount of car parking proposed is in line with London Plan policy T6.1 (Residential parking).
- 7 disabled parking spaces are proposed, which is slightly above the 5% required by London Plan policy. A Parking Design and Management Plan should be submitted alongside to demonstrate how an additional 7% of dwellings could be provided with a designated disabled bay if the existing provision becomes insufficient.
- At least 20% of the car parking spaces should have active charging facilities, with passive provision for all remaining spaces.
- The application documents state no changes will be made to the existing access and egress points. However, the highway access arrangement drawing suggests construction works to The Broadway. TfL would like clarity on what this involves.
- As the development is close to bus stops, TfL is concerned about the construction access and the proposed works, which could be disruptive. Therefore, we would like to remind the applicant to liaise with TfL asset operations and bus operations for any construction works on the highway and any temporary arrangements once further information is provided, during the pre-construction and construction stages. The applicant should aim to minimise the impact on the operation of bus services and accessibility to the bus stop.

Metropolitan Police Service:

- Respectfully request that a planning condition is attached to any approval, whereby the development must achieve Secured By Design accreditation, prior to occupation

Thames Water

No objection subject to conditions and informatives;

- Condition: Pilling Method Statement

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was published 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

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

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, CS3, CS4, CS5, CS6, CS9, CS10, CS11, CS12, CS14, CS15

Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM05, DM08, DM10, DM11, DM14, DM16, 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.

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft 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 the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

Residential Design Guidance SPD (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. 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 developments 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 it states that developments 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.
- *Delivering Skills, Employment, Enterprise and Training from Development through S106 (2014)*
- *Barnet Trees Policy (October 2013)*
- Planning Obligation SPD (adopted April 2013)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Planning History;
- Principle of Development;
- Affordable Housing;
- Employment Contributions;
- Impact on the character and appearance of the application site, the street scene and the wider locality;
- Impact of the proposal on the amenity of neighbouring residents;
- Impact of the proposal on the amenity of future occupants of the development;
- Highway and Pedestrian Safety;
- Refuse and Recycling;
- Ecology and Biodiversity;
- Flood Risk and Drainage; and
- Sustainability.

5.3 Assessment of proposals

Planning History/Principle of Development

Planning History

The proposed building would replace the existing structure with a new build eight storey residential block. The site does have some recent planning history which is materially relevant to this proposal. The most recent application 17/6434/FUL, granted consent for a 53 unit 8 storey scheme but with a retail element retained on the ground and first floors. The main change with this scheme is the increase in the number of units from 53 to 65 and the omission of the retail element and its replacement with the proposed live/work units. However, the principle of an 8 storey residential building has previously been agreed through the extant consent and planning history beforehand.

Retail Element

Under the pre-app submission the council concluded the following;

...."The site is located outside a town centre and as such there is no policy aim to ensure the retention of retail floorspace at this location. The extant consent does retain a large element of A1 floorspace. The submission outlines that there have been difficulties in securing an A1 use to occupy any new scheme and that the A1 element is leading to viability issues. The NPPF does encourage the promotion of mixed-use developments, and the live/work units offer some modest element of business use at the site. However what is proposed is largely a residential development. Given that the site is outside an area where retail uses are protected, and policy DM14 "Existing Employment Uses" relates to uses within the B Class for business purposes, it is not considered the retention of retail is entirely necessary, and genuine live - work units (comprising a mix of residential and business uses which cannot be classified under a single class within the Use Classes Order) would ensure an active frontage. Therefore the new mix can be broadly accepted"....

It is noted the number of live/work units has been reduced from 6 to 2 since the pre-application advice was issued. Whilst any retention of a business use at the site is somewhat tokenistic, this area is in a state of change with other applications to replace commercial units along the road with residential schemes currently with the council. The site has been vacant for some time, and the council previously agreed a reduced retail presence in the building. There are residential blocks opposite the site, and a residential presence along the road continues to grow. In light of this, it is considered the proposed mix can be accepted and a residential building at this location can be justified. Contributions towards a Local Employment Agreement could be agreed through a Section 106 obligation. The live/work mix can be agreed by condition.

Tall Building

The proposal is for a tall building, as designated under policy DM.05 of the Local Plan, being 8 storeys in height. Policy states that proposals for tall buildings will not be supported outside of designated areas, as identified under the policy. The site is not within a designated area.

Notwithstanding this, the council have previously considered an 8 storey building at the site as being acceptable, particularly owing to a generally incoherent local streetscape and the existence of Sutherland House, a taller structure adjacent to the site, despite the policy conflict. Whilst the London Plan, and recently adopted policy D.9 "Tall Buildings" further encourages tall buildings to designated locations, given previous considerations, which accepted a case for a tall building at the site, and the existence of an extant consent for the same overall height and bulk of a building, it considered that a tall building can be accepted on the site, benefiting from a fallback to develop the previous consent, and the overall acceptability under previous considerations.

Furthermore, the council's emerging Local Plan has identified further designated areas which may be appropriate as additional locations for tall buildings (Policy CDH04). This includes the "A5 corridor", within which this site resides, as an area where tall buildings could be acceptable.

Policy GSS11 "Major Thoroughfares" outlines how redevelopment along Barnet's main road corridors, including the A5, can provide a significant supply of sites for growth. The policy states that "thoroughfares may have potential for residential led tall building development in certain locations optimising site availability and good public transport accessibility, providing the opportunity for revitalising these areas".

Whilst the emerging plan can only be afforded limited weight, it is considered this adds further justification to the case for a tall building on this plot.

Unit Mix

The proposed development provides the following mix of units:

- o 28 x 1-bedroom units;
- o 37 x 2-bedroom units; and

Policy DM08 of the Development Management Policies states that:

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

Dwelling size priorities are:

- i. For social rented housing - homes with 3 bedrooms are the highest priority
- ii. For intermediate affordable housing - homes with 3/4 bedrooms are the highest priority
- iii. For market housing - homes with 4 bedrooms are the highest priority, homes with 3 bedrooms are a medium priority.'

The proposals would provide a mix of one/two-bedroom units, including the live/work units. Previously the council concluded that given the location of the site and the constraints in respect of the shape of the plot, provision of amenity space and to a lesser extent parking, as well as its reasonable accessibility, the mix of accommodation was considered appropriate.

The supporting text to the policy does state that it is intended to be applied flexibly. It further states that it may not be appropriate to meet the standards in town and local centres. The site is not within a town or local centre. However, given the previous agreement of 1 and 2 bedroom units and the constraints of the site, and the financial realities of the London property market which means a demand also exists for smaller units, the mix can, on balance, be accepted. Policy H10 of the London Plan recognises the role that one and two bed units can play in freeing up existing family housing. It also recognises a higher proportion of one and two bed units are generally more appropriate in locations which are closer to a town centre or underground station or with higher public transport access and connectivity. There are some concerns on the unit mix, but the scheme offers the opportunity to redevelop a brownfield site and contribute to the housing requirement of the borough in a meaningful way.

Affordable Housing/Viability

As the proposed scheme would provide more than 10 units, it is required to provide affordable housing in line with Policy DM10 below:

Having regard to the borough-wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units gross or covering an area of 0.4 hectares or more.

The tenure mix required would be 60% social rented and 40% intermediate as confirmed by the Housing Officer.

The application as submitted proposed no affordable housing be provided as part of the scheme. Consequently, the overall provision fell considerably short of the target set policy DM10.

The applicant provided a viability report (Turner Morum, April 2021). In line with standard practice, the council have had these findings independently appraised by BNP Paribas. In response to the BNP assumptions and conclusions the applicant provided revised reports (Turner Morum, 14th June 2021) which were once again reviewed by BNP (28th June 2021). Common ground was reached on profit levels (including taking into account contributions in relation to highways/parking, employment loss, and carbon offset payments).

Further discussions have taken place between McBains (the Applicant's QS) and CDM (the Council's QS) in relation to the construction costs for the proposed Development. Under this final round of discussion, BNP reported back to the council (14th October 2021) on an agreed position between the parties, with the total construction cost equating to £13,558,362. BNP have therefore adopted that figure within their appraisal.

BNP have undertaken further appraisals of the proposed development taking into account the amendment to the construction costs identified above. The proposed development with 100% private housing generates a RLV of £3,753,570 providing a surplus of £666,844 against the viability benchmark - which represents one option for discharge of the affordable housing obligation.

Alternatively, BNP have undertaken a further appraisal to establish the quantum of affordable housing that could viably be provided onsite (within the context of the above).

The scheme with 9.5% affordable housing (4 London Affordable Rent units and 2 shared ownership units) generates a RLV of £3,132,051 providing a surplus of £45,325 (as a further commuted sum payment) against the viability benchmark.

In addition to whichever option is taken forward, BNP have maintained their recommendation that the Council include both an early and late-stage review mechanism within the Section 106 Agreement.

The above contributions would therefore be secured through a Section 106 Agreement.

Skills and Employability

The proposed scheme would result in the creation of more than twenty-five residential units. Therefore, it would meet the threshold set out in the Council's 'Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD (2014)' which requires a scheme to enter into a Local Employment Agreement (LEA). The LEA sets out the skills, employment and training opportunities to be delivered from development and includes all employment opportunities generated by construction. The Council Skills and Employment Team has assessed the proposal and set out the below requirements to ensure that the proposal complies with this requirement.

The SPD-SEET calculations and requirements are outlined in the following table;

Part 1a - Non-financial obligations

Outputs

- a) Progression into Employment (unemployed under 6 mths) 3
- b) Progression into Employment (unemployed over 6 mths) 2
- c) Apprenticeships (min NQV Level 2) 4
- d) Work Experience (min 10 days) 7
- e) School/College/ University Site Visits 43
- f) School/College Workshops 34
- g) Local Labour 30%
- h) Local supplier requirements 2

1b No of Affordable Residential Units 0 proposed

Construction Training Initiative Not applicable

1c No of End User Jobs 0

Part 1c -Local Employment Agreement (LEA) Not applicable

Part 2 - Financial Contributions

2a Loss of Floorspace (non-residential) Financial Contribution

Existing Floorspace 0

Replacement Floorspace 0

Floorspace Compensation 0

2c Commuted sums in lieu of Local Employment Agreements

Apprenticeship Contribution £159,678.40 subject to indexation

Employment Contribution £25,123.69 subject to indexation

Total LEA payment in Lieu £354,695.80 subject to indexation

The Applicant has the options to either contribute a financial compensation of £354,695.80pc defined within Table Part 2c, or discharge the Non- Financial Obligations defined within Table Part 1a.

These contributions can be secured through an obligation in an executed section 106 Agreement.

Impact of the proposal on character and appearance of the application site, the street scene, and the wider locality.

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'.

Notable aspects of the scheme are; 8 storeys in height, grey cladding/glazing panel finish, glazing panels, metal balustrade balconies and brickwork finish to the ground floor element.

The site is largely standalone and a similar bulk and scale to the extant scheme is proposed. The proposed design, again similar to the extant scheme, and relatively typical in design of a taller structure raises no significant concerns.

The scheme proposes a largely cladding and glazed finish, with recessed/steel balustrade balconies. The materials would provide a mix of contemporary and traditional influences, which, for a standalone structure is generally acceptable. Given this standalone context, a scheme of this nature, using good quality materials, availing of the opportunity to provide a signature building at this largely aesthetically dated location, would not appear out of place from a design perspective, and would bring some visual benefits. As discussed above, emerging policy acknowledges the role that tall buildings can play in regenerating areas,

such as where the application site is located, whilst optimising the development potential of existing sites. The proposed scheme complies with existing and emerging policy.

The rear façade faces towards the M1 motorway and railway line, it follows the same design rationale as the front elevation, and has the same height, bulk and scale. The proposed form of the rear elevation is considered acceptable.

Once again, the development will only appear 1.5 stories higher than Sutherland House to the north and located within an area of incoherent townscape with a mix of building forms and heights, the proposed appearance can be accepted.

Trees and Soft Landscaping

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

There are no trees of worth on the site consisting of the building and areas of hardstanding. A more detailed landscape proposal than what has been submitted would be required, the site is constrained in terms of providing any meaningful landscaping, but a condition agreeing hard and soft landscaping details can be agreed on any approved scheme.

Impact of the proposal on the amenities of neighbours

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbour's amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected.

The Council's SPD 'Residential Design Guidance' states that new buildings and extensions should normally be subordinate and respect the original building. The Council's guidance advises that new development 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 building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

In new residential development there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. There are no residential properties on this side of West Hendon Broadway in the immediate vicinity of the site. There are residential properties located some 90m to the rear on Dallas Road, and residential properties opposite at Verulam Court, some 55m away. A daylight and sunlight assessment has been submitted in support of the planning application. This confirms that potentially impacted residential properties, taking into account the massing of the proposed building, would not suffer harmful loss of daylight or sunlight from this scheme.

The approved development for conversion to residential at Sutherland House has now expired and was unimplemented.

Officers are satisfied that the proposed building would not give rise to a harmful level of enclosure or overlooking to neighbouring occupiers located along the site's boundaries.

Impact on amenity of future occupiers

In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. The London Plan and Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units.

In terms of the size of the units; the internal floorspace of all the units meet or exceed the minimum space standards as set out in the London Plan (2021).

The SPD standards for bedrooms require double bedrooms to provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm. Each of the proposed bedrooms complies with this requirement.

The London Plan states that a minimum ceiling height of 2.5 metres is required for at least 75% of the gross internal area of a dwelling. Each of the proposed units complies with this requirement.

The layout does not significantly alter from previous consented schemes, policy avoids single aspect, north facing units, the scheme includes a north-east facing elevation to the rear of the Broadway, but it is considered each of these units would receive suitable levels of daylight/sunlight, demonstrated by the submitted Daylight/Sunlight report, and the outlook would be acceptable. End units are double aspect.

Paragraph 2.3.1 of the LB Barnet: Sustainable Design & Construction SPD (2016), outdoor amenity space for flatted developments may be provided "communally around buildings, on roofs or as balconies". With regard to the provisions of Table 2.3 (of the SPD, pursuant to Policy DM02(7)), the requirement is for a minimum of 5 sq. m of outdoor amenity space per habitable room. Approximately 500 sq. m of communal amenity space would be provided by a roof garden and each flat would be served by balcony areas with a total sq. m of 433 sq m, a total amenity space of 933 sq. m. All the units would be served by small balcony areas, with the communal space supplementing the provision. The development would be served by 228 habitable rooms, rooms of greater than 20 sq. m counting as double, and this would result in a requirements of 1,140 sq. m of floorspace, a shortfall of approximately 207 sq. m.

All units are served by an amenity area and it is considered a suitable level of private amenity space will be provided. Further to this, given the quality and quantum of space at the West Hendon Playing Fields, Woodfield Recreational Park and Welsh Harp Open Space and their relative proximity to the application site, Officers are satisfied that they provide a viable and appropriate source of additional external amenity space for future residents, to account for any cumulative short-fall in onsite amenity space. The council can also consider a s106 contribution which could contribute to the improvement of public amenity space within the local area.

Highway and Pedestrian Safety

The site fronts onto West Hendon Broadway (A5), a key north-south route on the western end of the borough which forms part of the transport for London Strategic Route Network. The section of the A5 fronting the site is dual carriageway road with two lanes in each direction separated by a central island with a safety fence to prevent pedestrian crossing in this section of the road.

The site is located on the edge, but within, the boundary of West Hendon CPZ 2 which operates Mon-Fri, 11am-12noon. There are parking restrictions in the form of double yellow lines/red route and loading restrictions on the southbound carriageway which fronts the site .

The site lies in an area with a PTAL rating of 3, which represents a moderate level of public transport accessibility. There are 8 bus routes (183,83 32, 82, 266, 122, 232, 182 & 142) can be accessed from stops within 1-6 minutes walking distance of the site. Hendon rail station is located 550 metres to the north and can be reached within 8 minutes by foot.

The proposal consists of demolition of the existing building and the erection of 2 work/live units on the ground floor and 63 self-contained apartments (28x1bed, 37x2bed) on the first and upper floors. The parking requirement for the site based on policy DM17 is between 37-74 spaces. Based on a PTAL of 3,

The applicant proposes 55 car parking spaces including 7 disabled bays are shown on the ground floor plan and this is acceptable subject to the applicant agreeing to enter into a s106 agreement with the Council to deny residents of the development the right to purchase CPZ permits, and making a contribution of 10k towards CPZ review.

Electric vehicle charging points shall be provided in accordance with London Plan standards. This equates to 10 active and 45 passive spaces. It appears from the ground floor plan that only 12 active points are provided. A condition for details of electric vehicle charging points is therefore requested by condition.

22 cycle parking spaces are shown on the ground floor plan. The cycle store next to the plant room holds 98 cycle spaces and there is a covered cycle store next to the car park. Based on London Plan standards, 102 long stay cycle parking and 3 short stay cycle parking are required and as such the provision meets this requirement.

Highways further advised that;

"The internal layout of the site is not acceptable as parking bay Nos 20 and 21 are too close to the junction with the access road, It is recommended that these bays are deleted. The applicant is asked to confirm locations for loading/unloading within the site. Confirmation that the applicant has rights of way over this access is needed".

The applicant has submitted an amended site plan (60TB2-MCB-XX-SI-DR-A-0100-S2-P2) removing these 2 spaces and reducing the parking provision to 53. This provision is acceptable. The applicant confirms rights of way access over the adjacent access where some of the parking spaces are located. The submitted location plan, confirms the applicant is in ownership of the adjoining access (outlined in blue).

A parking management plan which sets out how parking will be allocated, disabled parking managed, illegal/obstructive parking enforced is also requested. This can be supplied by way of a condition. A delivery and servicing plan is requested and this can also be secured by way of a condition.

Due to the number of units proposed, trip generation is unlikely to be a major issue as movements to/from the site compared with flows on the adjacent highway is insignificant.

The parking management plan is requested as above. This must set out the criteria for allocation of spaces, how inconsiderate and illegal parking will be enforced and where the parking spaces will be leased, free or paid for. This can be secured by way of a condition,

Given the scale of development a travel plan is required for the site, outlining sustainable travel measures, and a contribution of £15K is required for travel plan monitoring. A contribution of £150 per household towards travel plan incentives is also requested by highways.

Highways would raise no objection to the proposal subject to a s106 contribution of 15k towards travel plan monitoring, £10k towards CPZ review and CPZ permit restrictions and suggested conditions and informatives.

The proposed development involves minor alterations to the existing vehicular access. Works would therefore be carried out on the adopted highway and for this the applicant would need to obtain a s184/s278 licence from the Council. This would be added as an informative to any permission granted.

Refuse and Recycling

Any formal application must demonstrate compliance with Barnet's Waste and Recycling Guidance (2019). The Street Scene Collections Team confirm that the waste strategy for this application is acceptable.

Ecology and Biodiversity

The applicants submitted a Preliminary Bat Roost Assessment (Aspect Ecology, May 2021). The report states that *"roosting opportunities are available and overall the building is considered to offer low suitability for roosting bats. In accordance with latest best practice guidelines 1, further survey work is recommended in the form of a single dusk emergence or dawn re-entry survey in order to determine the presence/likely absence of bat roosts, and to inform the assessment of potential impacts on bats from the proposed redevelopment"*

Therefore, further bat presence/absence surveys on the buildings were required.

The applicant has submitted a Bat Survey (Jomas Engineering Environmental, June 2021). These have been assessed by the ecologist. The survey has noted a likely absence of roosting bats. No further surveys are recommended, however standard precautionary measures are recommended for the works given the presence of crevice roosting bats noted during the dusk surveys. If at any time following the start of demolition works, a bat roost or evidence of a bat roost is observed, all work would need to cease until a suitably licensed bat ecologist has been consulted and advice sought on how best to proceed under current laws and legislation. Where a bat roost is identified, destruction of the roost would usually need to be covered by a European Protected Species (EPS) Licence obtained from Natural England.

Ecological enhancements, including bat boxes, could be provided to improve the site's ecological value post development, and this is to be secured by way of a planning condition.

Flood Risk and Drainage

National standards for SUDs require the Council as Lead Local Flood Authority (LLFA) to be satisfied that major development meets the minimum standards of operation and that there are clear arrangements in place for on-going maintenance over the lifetime of the development.

The LLFA have confirmed that a drainage strategy for the site can be agreed by condition.

Environmental Health

The submission has been supported by a Noise assessment, Air Quality Assessment and Contaminated Land Survey. All suggest methods of mitigation which can be secured by condition. The air quality report shows that the development is not Air Quality neutral for transport emissions, therefore there is a need to offset this. Other ways could include the following: -

- Car club provision;
- Eco driver training;
- Signing up to anti-idling campaigns;
- Car sharing;
- Cycle storage;
- Provision of electric bikes/ bike hire schemes;
- Additional on-street EV infrastructure;
- Public transport subsidies.

The scheme does provide an over-provision of cycle places, and a travel plan will also secure and promote green travel measures. Electric charging points will also encourage more economically friendly modes of transport. It is considered these measures can help offset on air quality.

Environmental Health have stated the following in their response, and the applicant has been advised accordingly;

"I would like to note that should the Busy Bees furnace begin operations again, there is currently no environmental health legislation that will stop smell from burning wood offcuts drifting over to the residents when the wind is in the right direction. We have powers to stop dark smoke, and to stop nuisance levels of smoke (not low levels of smoke).

Nuisance legislation can be difficult when the operator is using a furnace approved for use in a smoke control area, which would be the case here. If the wind blows smoke in that direction then residents will have to close their windows and doors".

Sustainability

The proposal is required to comply with the Mayor's London Plan 2021 which requires a reduction in carbon dioxide emissions of at least 35%. The applicant has submitted an Energy Assessment prepared by McBains in support of the planning application. The EA states that the proposed renewable technologies are expected to achieve a site-wide carbon dioxide reduction of 37.4% over the Part L baseline.

To enable the proposed development to meet the zero-carbon reduction target, the report identifies a one off carbon offset payment of £52,850 will be required in line with the London Plan Policy. This figure is based on a shortfall of 29.4 tonne CO₂ per year for a period of 30 years at a rate of £60 / tonne of CO₂. Given the London Plan 2021 now has a £95 per tonne requirement, the contribution would be £83, 679.

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 the London Plan 2021.

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

5.4 Response to Public Consultation

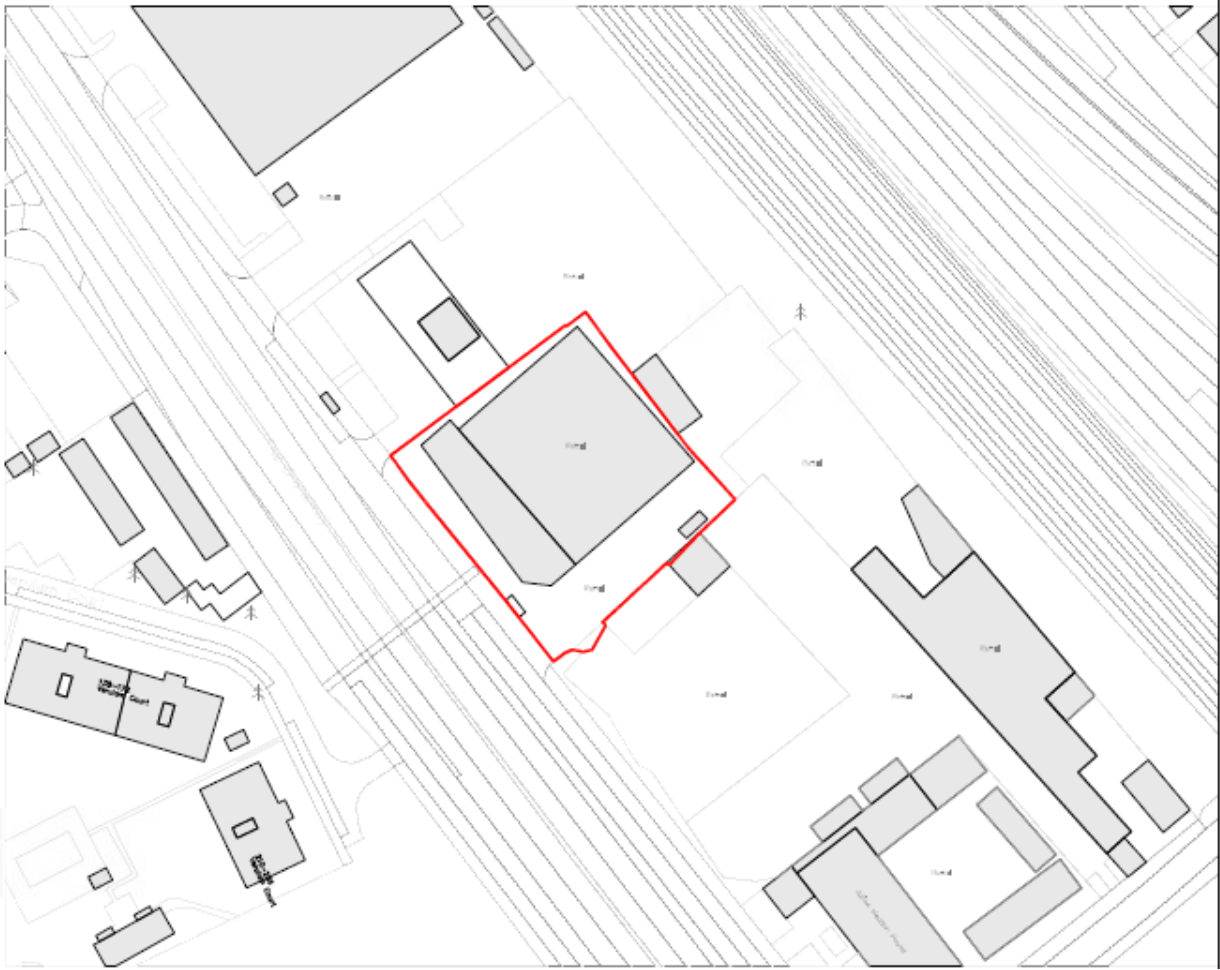
No comments received.

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

In light of the above appraisal, it is considered that the proposed development is acceptable. It is therefore recommended for APPROVAL subject to conditions and a suitable legal agreement to secure contributions as discussed above.



This page is intentionally left blank

Location 131 Friern Barnet Road London N11 3DY

Reference: 21/0891/FUL

Received: 18th February 2021

AGENDA ITEM 13

Accepted: 18th February 2021

Ward: Coppetts

Expiry 15th April 2021

Case Officer: Zakera Matin

Applicant: CGV Holdings LLP

Proposal:

Conversion of the existing dwelling into 3no self-contained flats including part single, part two storey rear extensions following demolition of existing extensions. Associated refuse/recycle area and cycle store

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in their 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:

163/20 1

163/20 3

163/20 4

Planning Statement

Parking Survey

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 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).

- 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 in the flank elevation(s), of the extension(s) hereby approved, facing no.133 and 129.

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 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and

CS14 of the Adopted Barnet Core Strategy DPD (2012).

7 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

8 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

9 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping for the forecourt, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

- 10 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

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

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

- 12 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a payment under Mayoral CIL.

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 are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a payment under Barnet CIL.

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

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

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy,

please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

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.

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

2. Residential Annexes or Extensions: 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

Please visit

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and

is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 4500.

- 4 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 5 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 6 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance towards any damage to the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic related to the proposed development. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

OFFICER'S ASSESSMENT

The application is referred to committee because of number of objections received.

1. Site Description

The application site is an end of terrace dwelling located on the northern side of Friern Barnet Road. The property features single storey rear, first floor rear projection, loft conversion. The property is a 4 bed 8 person dwelling.

The application site and neighbouring properties are characterised by front gable roofs. Surrounding properties include terraced, semi-detached and detached dwellings predominantly with 2 to 3 storeys in height. Neighbouring properties are extensively extended at the rear.

There is a side garage which has been recently given permission under ref: 20/5766/FUL to demolish and construct a two storey dwelling with rooms in the roofspace. This existing garage is not part of the application site. A recent site visit shows that no work has started, and the existing garage remains as existing.

The surrounding area is predominantly residential in character consisting of single-family dwellings, flatted conversions and developments.

The proposal property is not listed and does not fall within a conservation area.

2. Site History

Reference: 20/3541/FUL

Address: 131 Friern Barnet Road N11 3DY

Description: Conversion of property into 3 no self-contained units. Part single, part two storey side and rear extension. Alterations and extension to existing roof. Associated refuse/recycling area and cycle store

Decision: Refused

Date: 22.10.2020

Reasons:

The proposed development would by reason of its size, bulk, design including its awkward form amount to a poor form of design, to the detriment of the character of the existing dwelling and wider locality contrary to Policies 3.5, 7.4 and 7.6 of the London Plan (2016), Policies CS NPPF, CS1, CS5 of the Local Plan Core Strategy (Adopted September 2012), and policies DM01 of the Local Plan Development Management Policies DPD (Adopted September 2012) and the Residential Design Guide (2012).

The proposed first floor side/rear extension element, by reason of its excessive depth, bulk and proximity to the boundary, would result in an unacceptable loss of outlook and increased sense of enclosure as perceived from habitable windows from No.129 and 133 Friern Barnet Road to the detriment of the residential amenities of neighbouring occupiers and contrary to Policy DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the LB Barnet: Residential Design Guidance SPD (2016).

The proposed extensions and internal layout, by virtue sense of enclosure, loss of light and privacy and disturbance, would result in a poor and sub-standard accommodation detrimental to the amenity of future occupants. of Bedroom 2 and 3 (Unit 1). The proposal is contrary to Policy 3.5 of the adopted London Plan (2016), Policy CS5 of the Barnet's Local Plan (Core Strategy) DPD and Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (both adopted September 2012), SPD: Sustainable Design and Construction (Adopted 2016) and SPD: Residential Design

Guidance (Adopted 2016).

The proposed subdivision of the rear amenity space, by virtue of its container-like appearance, would adversely impact the usability of the space to the detriment of the future occupiers of the site. In addition, the access to the rear amenity space, by virtue of its narrow alley-way would have an adverse effect on residential amenities of the future residents. The proposal would therefore be contrary to policy DM01 and DM02 of the adopted Barnet Development Management Policies and the Supplementary Planning Document: Sustainable Design and Construction and Supplementary Planning Document: Residential Design Guidance.

Reference: 20/5766/FUL

Address: 131 Friern Barnet Road N11 3DY

Description: Erection of a two storey dwelling with rooms in the roofspace following demolition of the existing garage. Associated off street parking, cycle store, refuse and recycling and amenity space

Decision: Approved subject to conditions

Date: 04.06.2021

Reference: N04929

Address: 131 Friern Barnet Road N11 3DY

Decision: Approved subject to conditions

Decision Date: 8 September 1975

Description: Alterations involving conversion of dwelling house into three self-contained flats.

Reference: N04929A

Address: 131 Friern Barnet Road N11 3DY

Decision: Approved subject to conditions

Decision Date: 23 April 1980

Description: Double garage at rear

Reference: N04929B

Address: 131 Friern Barnet Road N11 3DY

Decision: Approved subject to conditions

Decision Date: 13 November 1987

Description: Erection of attached three-storey house.

Reference: N04929C

Address: 131 Friern Barnet Road N11 3DY

Decision: Approved subject to conditions

Decision Date: 16 June 1991

Description: Erection of detached garage.

3. Proposal

The proposal is for conversion of the existing dwelling into 3no self-contained flats including part single, part two storey side and rear extension. Associated refuse/recycle area and cycle store.

Single storey rear infill extension would be 9m deep on the side of existing single storey rear projection and would be 2.2m wide. It would feature a flat roof.

First floor rear extension would be 3m deep on the side of existing first floor rear projection and would be 2.2m wide. It would feature a mono-pitched roof.

The ground floor 1 would be 3 bed, 5person flat with a Gross Internal Area (GIA) of 89 sqm. There would be two double bed, one single bed, bathrooms, storage and living, dining, kitchen.

The first floor 2 would be 1 bed 2 person flat with gross Internal Area (GIA) of 52 sqm. There would be a double bed, shower room and living dining kitchen and storage.

Flat 3 at second floor would be a studio flat with Gross Internal Area (GIA) of 37 sqm with a shower.

4. Public Consultation

Consultation letters were sent to 128 neighbouring properties.

Six objections received as below

- insufficient parking
- 2 planning applications on same property
- two many family homes have been converted into flats.
- Site plan is not correct

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was published in July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

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

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. 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.

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, CS 4, CS5.
- Relevant Development Management Policies: DM01, DM02, DM08, DM17.

Barnet's Draft Local Plan 2021

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

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)

- Provides detailed guidance that supplements policies in the adopted Local Plan and sets out how development should preserve and enhance character within the Borough.

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 conversion into flats
- 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 the proposal provides a satisfactory level of accommodation for future residents
- Impact on Highways
- Impact on trees

5.3 Assessment of proposals

The applicant has submitted amended site plan and revised elevations. The revised site plan shows the existing detached garage is not part of the site. The first floor roof of the proposed rear extension has been amended to show pitched roof.

A recent site visit shows the existing garage remains existing on site and no work has started as per a recent approved permission under 20/5766/FUL.

The proposal is different from the refused scheme under 20/3541/FUL, where the first floor rear extension had a depth of total 9.2m and featured a flat roof. The current proposal has been reduced in scale.

- Principle of Conversion into Flats

Core strategy CS4 of Barnet emphasised on providing housing choice in Barnet. In Paragraph 9.1.1 it states

"In order to create successful communities, we need to maximise housing choice providing a range of sizes and types of accommodation that can meet aspirations and increase access to affordable and decent new homes. This includes homes for those who need larger dwellings including families, as well as homes for smaller households such as single key workers, or older and vulnerable people who may require accommodation in order to live independently."

Paragraph 9.2.3 further mentions that, "Barnet's households are forecast to get smaller; the average household size will fall to 2.29". Paragraph 9.2.7 states that, "It is important that the size and mix of homes delivered will match the size and composition of Barnet's changing population."

DM8 of Barnet Development Management Policy ensures variety of sizes of new homes to meet housing need. In paragraph 9.1.2 it States that, "Barnet's growing and increasingly diverse population has a range of needs that requires a variety of sizes of accommodation."

In this respect the proposed conversion would provide one, 3 bed 5 person family unit at ground floor level, 1bed two person flat at first floor and a studio flat at second floor in the space of existing single family dwelling . Though the proposal would result in loss of a single family dwelling, the conversion would facilitate the need of diverse community in Barnet by providing different size units. The proposal would provide a 3 bed family unit and the proposed conversion would therefore comply with the policy.

SPD Residential Design Guide 2016 in paragraph 15.2 mentions that, "Conversions in appropriate locations should not have any detrimental effect; they should not raise privacy

issues, parking problems or have adverse effects on residential amenity."

Paragraph 15.5 of the SPD further states that, "Conversions generate extra movement of people and vehicles and the alterations required to accommodate such a use can impact upon the character and appearance of the locality. Conversion proposals are therefore likely to be resisted in areas of low density housing where the character is predominantly in single family occupation and where the external alterations would impact on the appearance of the local area (e.g. two front doors).

From reviewing satellite imagery and looking at the Council Tax website, a number of other properties along Friern Barnet Road have undertaken similar works to convert their properties into flats. It is considered therefore that the area is mixed with and characterised by flats. The conversion of a single-family dwelling into flats in this location is therefore considered to be acceptable in principle. The principle of conversion was also established in previous applications 20/3541/FUL and N04929.

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

Policy DM01 states that: 'Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.'

A recent site visit shows the existing garage remains existing on site and no work has started as per a recent approved permission under 20/5766/FUL. This garage site is not part of application site.

The proposal does not include any change to the front elevation. There would be no change on the vehicular access. The existing entrance door at ground level would be used for the proposal.

The proposal includes a single storey rear extension which would be an infill extension and would be sited on the side of the existing single storey rear projection and would have same depth and would feature a flat roof with similar height as the existing. This element of the proposal is not considered to have any detrimental impact on the character of the property.

The proposal is different from the refused scheme under 20/3541/FUL, where the first floor rear extension had a depth of total 9.2m and featured a flat roof. The current proposal has been significantly reduced in scale.

Unlike the previous refused scheme, the proposal includes first floor rear extension which would be only 3m deep and would be an infill extension sited to the side of the existing first floor rear projection. The depth at 3m is considered modest. It is noted that, the first floor would be a full width extension with mono- pitched roof. However, It is noted that neighbouring properties are extensively extended with deep single and two to three storey rear extensions. In this context, where neighbouring properties are extensively extended at the rear and when the rear of the proposal would not be rightly visible from the street, it is not considered that this element of the proposal would have any additional detrimental impact on the character of the area.

Overall. It is considered that, the proposal would not have any detrimental impact on the character of the property, street scene and local area.

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

The proposal includes a single storey rear extension, which would be an infill extension sited on the west side of the existing single storey rear projection. It would have a depth of 9m similar to the existing and would feature a flat roof as the existing with same height as existing. This element of the proposal would not have any detrimental impact on the amenities of neighbouring property no.129 as it would be buffered by the subject property. This element of the proposal would be sited 5.6m away from the common boundary with no.133 which also features a single storey rear extension along the common boundary. It is not considered that this element of the proposal would have any detrimental impact on the amenities of neighbouring property no.133 because of the separation gap present.

The proposal is not considered to have any detrimental impact on the existing garage on the side, which features an existing kitchen at the rear and rear elevation features kitchen windows. That kitchen and garage does not feature any side window facing the proposal. The proposal features high level windows facing the existing garage, which are not considered to have detrimental impact on the amenities on that garage site.

The proposal includes a first floor rear infill extension of 3m depth same as the existing and would be sited to the west side of the existing first floor rear extension. This element of the proposal would not have any detrimental impact on the amenities of neighbouring property no.129 as it would be buffered by the subject property. It is noted that, no.129 features a deep three storey rear extension sited away from the boundary and a loft conversion with a flat roofed dormer. The proposed first floor element would be sited 5.6m away from the common boundary with neighbouring property no.133 and would not cause any overshadowing or overbearing impact for no.133 because of the acceptable depth of 3m at first floor level and separation gap of 5.6m.

The existing garage does not feature any habitable room at loft and it is not considered that the proposed first floor rear extension would have any detrimental impact on the amenities of the garage site. Furthermore, no flank wall window is proposed facing the garage site, and there would not be overlocking impact.

It is considered that the proposal would not introduce any additional impact on the amenities on the neighbouring properties in terms of daylight, outlook, privacy, overlooking or overbearing impact.

The proposed occupancy level would be same as existing occupancy of 8 person. On this basis the proposal is not considered to result in unacceptable noise and disturbance.

Overall, the scheme is not considered to be harmful to the residential amenities of neighbouring occupiers.

- Whether the proposal provides a satisfactory level of accommodation for future residents

The London Plan (2016) and the Sustainable Design and Construction SPD (2016) set out the minimum space requirements for residential units and bedrooms. The proposed 3 bed 5 person ground floor flat with 89 Gross Internal Floor Area would be above the required 86 sqm and would meet the requirement. The double bedrooms are calculated above required 11.5 sqm. The single bed would be more than 7.5 sqm. The bedrooms would

meet the required standard. The unit would provide sufficient storage space of 2.5 sqm.

The first floor flat with GIA of 52 sqm would meet the requirement for 1 bed 2 person which is required 50 sqm, as per London Plan. There would be 1.5 sqm storage space which would meet the minimum standard.

The studio flat with a shower and GIA of 37 sqm would meet the requirement.

The proposed flats would be dual aspect and would provide reasonable level of outlook and daylight for each of rooms. The flats would provide acceptable living space and would overall be acceptable.

Residential Design Guidance advocates for appropriate stacking of new units to avoid living areas being located above bedrooms which are likely to experience noise sensitivity. It is noted that, the living area of first floor flat would be above the bedroom of ground floor flat, which is not ideal. A condition requiring sound insulation in accordance with Building Regulations will be recommended. While there may be some impact on the living conditions of the proposed ground floor, this is not considered to be of sufficient harm to warrant refusal and can be reduced through sound insulation measures to be incorporated.

The existing rear garden would provide amenity space for the ground floor flat and would meet the minimum standard. The applicant did not show any amenity space for upper floor flats. However, the upper floor flats would be two person flat and studio and would not be family units. The issue is a balanced one, the public park at Princes Park Manor on the opposite side of Friern Barnet Road (the entrance to which is some 73 m away) offers some mitigation and on balance it is considered that, overall this deficiency should not result in the application being refused.

- Refuse and recycling

The submitted drawings show refuse storage at the front of the property. The plans do not show the materials and details of the bin storage. It is recommended a condition is included to require final details of the refuse and recycling stores.

- Impact on Highways

Highways officers were consulted on the proposal. The officer informed that, 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 2 and 3 off-street parking spaces.

The applicant has not made provision to provide off-street car parking space. The officer recommended Car Parking Survey to be conducted in line with the Lambeth Methodology, by the applicant. It is advisable to include photographic evidence of the survey, to ascertain whether there is sufficient availability on street to accommodate the potential overspill.

The applicant subsequently provided parking survey which demonstrated that, there is 60 parking spaces available within 200m of the site. It is therefore, considered that the required 2/3 parking spaces can be accommodated on nearby on street.

The applicant has made provision to provide cycle parking spaces at the rear end and the front end of the property. A condition is attached for detail of cycle parking.

Impact on Trees

Councils Arboriculturist has no objection to the proposal subject to conditions for Tree protection and method statement to include on site monitoring of tree protection measures and Landscaping to frontage.

5.4 Response to Public Consultation

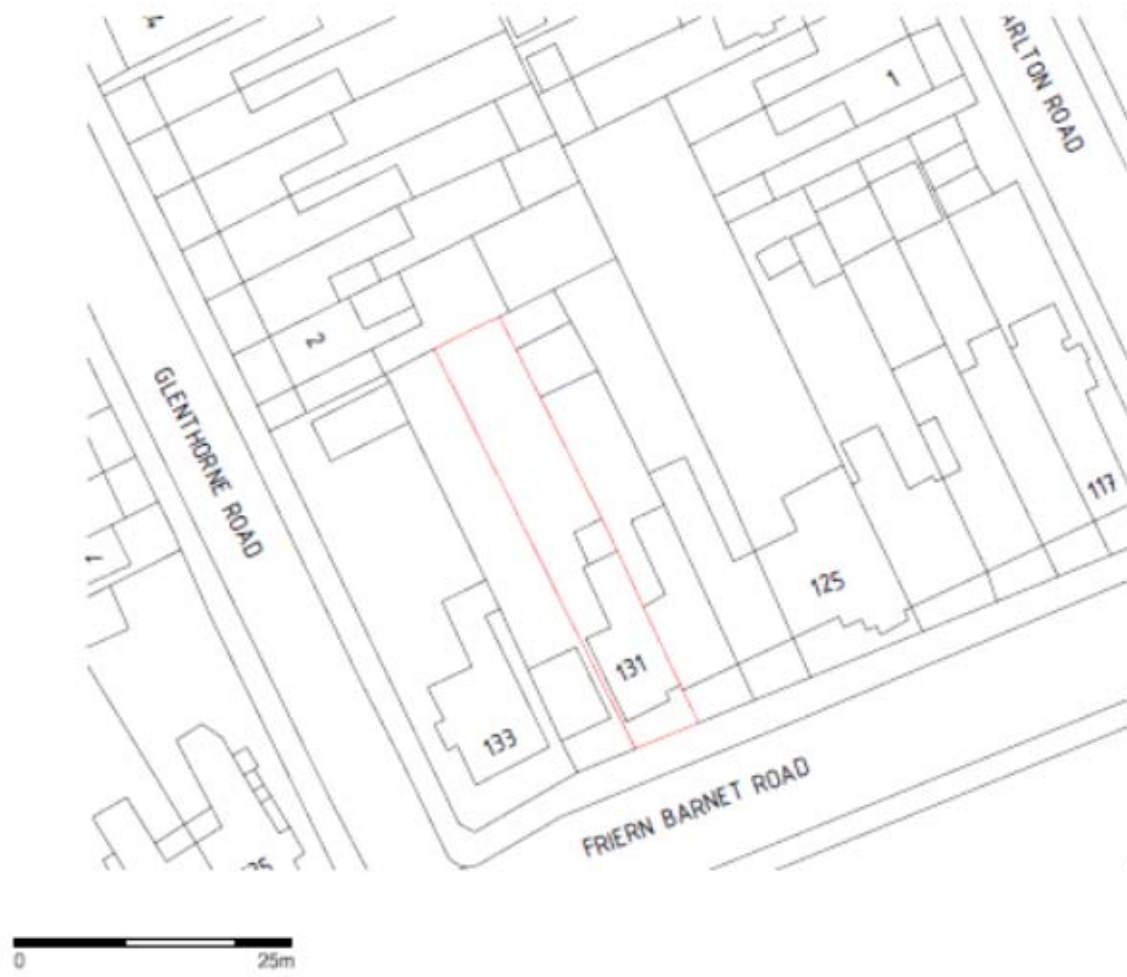
Addressed in the report.

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 and provide a satisfactory level of accommodation for the future occupiers of the units. This application is therefore recommended for approval.



This page is intentionally left blank

Location 19 Hale Lane London NW7 3NU

Reference: 20/4814/FUL

Received: 12th October 2020

Accepted: 12th October 2020

Ward: Hale

Expiry 7th December 2020

AGENDA ITEM 14

Case Officer: Helen McGuinness

Applicant: Mr Krzysztof Kulpa

Proposal: Conversion of existing dwelling into 3 no. self contained flats. Change to side and rear fenestration. Associated cycle store, refuse and recycling store.

OFFICER'S RECOMMENDATION

Approve subject to s106

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

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Amendment to the Traffic Management Order:
 - A contribution of £2,072.55 towards the amendment of the Traffic Management Order (TMO) to ensure that the new occupants are prevented from purchasing CPZ parking permits

-Meeting the Council's costs of monitoring the planning obligation

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:

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

Design and Access Statement (received 12.10.20)
05/1034/PRELIM/101 A Photos (received 12.10.20)
05/1034/AS Exist 110 A As Exist Plans (received 12.10.20)
05/1034/AS Exist 111 A As Exist Elevs & Roof Plan (received 12.10.20)
05/1034/PLAN/600 A Proposed Block & Site Location Plans (received 12.10.20)
05/1034/PLAN/601 B Prop Ground Floor Plan (received 12.10.20)
05/1034/PLAN/602 B Proposed First Floor Plan (received 12.10.20)
05/1034/PLAN/603 B Proposed 2nd Floor Plan (received 12.10.20)
05/1034/PLAN/604 B Proposed Elevations (received 12.10.20)
05/1034/PLAN/605 Bin & Bike store details (received 12.10.20)

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 existing parking spaces shown in the approved plans (1486.P02) shall be retained at the site and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012; Policy DM17 of Development Management Policies (Adopted) September 2012 and Policy T6.1 of revised London Plan (March 2021).

- 4 Before the development hereby approved is first occupied, cycle parking and storage enclosures shall be provided in accordance approved drawings 05/1034/PLAN/605 - Bin and Bike Store Details and 05/1034/PLAN/600 A Proposed Block and Site Location Plans to London Plan cycle parking standards and that area shall be permanently retained thereafter and not used for any purpose other than for the parking of cycles associated with the development.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012; Policy DM17 of Development Management Policies (Adopted) September 2012 and Policy T5 of the revised London Plan (March 2021)

- 5 Before the development hereby approved is first occupied, screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, shall be provided in accordance approved drawings 05/1034/PLAN/605 - Bin and Bike Store Details and 05/1034/PLAN/600 A Proposed Block & Site Location Plans and shall be permanently retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 6 Before the development hereby permitted is first occupied, the existing amenity space shall be subdivided in accordance with the details shown on the approve drawing d05/1034/PLAN/600 A Proposed Block & Site Location Plans and retained as such thereafter.

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

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

Reason: To encourage the efficient use of water in accordance with Policy CS13 of the Barnet Core Strategy (2012) and Policy SI5 of the London Plan (2021) and the 2016 Mayors Housing SPG.

- 8 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction DPD (adopted April 2013).

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted within two months of the date of the resolution, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not provide a legal agreement to mitigate the highways impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and highway safety, contrary to Policy T6.1 of the London Plan (2021), Policy CS9 of the Adopted Core Strategy (2012) and Policy DM17 of the Adopted Development Management Policies DPD (2012) and the Planning Obligations SPD (2013)

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. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. 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 is a semi-detached property located at 19 Hale Lane, in the ward of Hale.

It is not within a conservation area and is not a statutory or locally listed building. There are no Tree Preservation Orders on site.

2. Site History

Reference W03913

Address: 19 Hale Lane NW7

Decision: Refused

Decision Date: 23.01.1973

Description: Conversion into three separate flats including room in roof space.

Reference W03913A

Address: 19 Hale Lane NW7

Decision: Refused

Decision Date: 13.06.1973

Description: Conversion of semi-detached house into ground floor flat and maisonette over involving the formation of an additional bedroom in the roof space. Provision of Parking space (front bay retained).

Reference W03913B

Address: 19 Hale Lane NW7

Decision: Approved Subject to Conditions

Decision Date: 13.06.1973

Description: Conversion of semi-detached house into ground floor flat and first floor maisonette involving the formation of an additional bedroom in the roof space. Provision of parking space (front bay demolished).

Reference: 19/2727/192

Address: 19 Hale Lane, London, NW7 3NU

Decision: Lawful

Decision Date: 28 June 2019

Description: Roof extension, including rear dormer window with juliette balconies and 3 no. rooflights to front roofslope. Single storey rear extension

Reference: 19/3908/FUL

Address: 19 Hale Lane, London, NW7 3NU

Decision: Withdrawn

Decision Date: 22 August 2019

Description: Conversion of existing dwelling into 3no self-contained flats including single storey rear extension, roof extension involving rear dormer window with juliette balcony and 3no front facing rooflights. Changes to side fenestration and openings. Associated cycle store, refuse and recycling store

Reference: 19/6436/192

Address: 19 Hale Lane, London, NW7 3NU

Decision: Lawful

Decision Date: 29 January 2020

Description: Single storey side and rear extension. Roof extension, including rear dormer window with juliette balconies and 3 no. rooflights to front roofslope.

ENF/1722/19

Address: 19 Hale Lane, London, NW7 3NU

Decision: Pending

Description: Building Works without the Consent of Planning Permission

3. Proposal

The proposed application seeks planning permission the conversion of existing dwelling into 3 no. self-contained flats, change to side and rear fenestration and associated cycle store, refuse and recycling store. The proposed flats comprise:

Flat A - located on the ground floor with 2 bedrooms (4 person) with access to the rear garden as ancillary space.

Flat B - located on the first floor with 1 bedrooms (1 person)

Flat C- Located on the first and second floors with 1 bedroom (2 person)

The rear garden would be split into three parts to create separate amenity space for each flat with access to a cycle store. A shared bin store will be located to the front of the dwelling.

4. Public Consultation

Consultation letters were sent to 68no neighbouring properties.

5no objections were initially received raising the following concerns:

- Additional flats would mean more cars in an area whereby parking is already restricted.
- Possible road safety concerns when viewing oncoming traffic in a narrow part of the road due to high volume bins associated with more individuals living in one area.
- Division of the dwelling will ruin the appearance of the area with the increase in parking provisions and bin use/storage.
- Any extensions to the rear of the dwelling at first floor level will restrict natural light into neighbouring properties.
- The proposed Juliet balcony will reduce privacy of neighbouring occupiers and allow overlooking into neighbouring gardens.
- Side elevation windows will reduce privacy of neighbouring occupiers.
- The conversion of the existing property would result in over-development and sub-standard living accommodation.
- If approved, this will set a precedent in the area encouraging over-development and sub- standard living conditions.

The LPA note 1no objection was purportedly withdrawn following further discussions between the parties. However, officers retain some concern as to the ambiguity of the circumstances behind the withdrawal and on that basis the proposal is being brought before the Committee, notwithstanding that there are now only 4no official objections.

4.1 Internal Consultee

Traffic and Development

- The proposed development is acceptable on highways grounds subject to conditions and informatives.

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was published on 20th July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

The 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.

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, 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.

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted 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 the principle of conversion of the dwelling into flats is considered acceptable
- 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 the local highways network and car parking

5.3 Assessment of proposals

Whether the principle of conversion of the dwelling into flats is considered acceptable

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.

In assessing whether flats are appropriate in this location, policy DM01 of Barnet's Development Management Policies states that consideration should be given to the character of the road and where proposals involve the loss of dwelling houses in roads characterised by dwelling houses, this will not normally be appropriate.

Section 2.8 of the Development Plan Policies document addresses the issue of flat conversions, with 2.8.1 stating that "the conversion of existing dwellings into flats can have a cumulative effect that is damaging to the quality of the environment and detracts from the character of established residential areas". Further supporting guidance is provided by the Residential Design Guidance SPD (RDG SPD) adopted in 2016 (Section 15).

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.

Upon further investigation of the surrounding area, there appears to be a mixture of housing types. Planning history searches also indicate permission for conversion into flats has been granted to properties in the surrounding area including 21 & 213 Hale Lane and also historically to the host site (however this was not implemented). When looking at the VOA website, it is also clear that there have been flat conversions in other nearby properties with the same post code including but not limited to 7, 9, 13, 17, 25 Hale Lane. Therefore, the conversion of the current dwelling into 3 units is not considered to be contrary to Policy DM01 relating to the principle of development and therefore found to be acceptable.

It is also noted that permission for the sub-division of the property was previously granted under W03913B.

- 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 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plan), D1, D3 and D6 (of the London Plan).

Whilst the principle of converting the existing property into flats has been established from the surrounding area as acceptable, Paragraph 2.8.2 of the Development Management Policies DPD goes on to establish that: "Where conversions are acceptable any external alterations should seek to minimise their impact on the external appearance of the property and local character."

The only external change proposed is the alteration of the side and rear fenestration to include soft landscaping such as hedging. The arrangement of cycle and refuse storage and subdivision of the rear garden is considered acceptable.

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

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan policy D6 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.

Policy DM04 of Barnet's Development Management Policies Document DPD (2012) states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

Privacy is an important design issue and the positioning of homes, including their windows and balconies, should be carefully considered to ensure that adequate privacy is maintained. In particular, habitable rooms and areas of private gardens close to dwellings should not be excessively overlooked by windows or elevated amenity areas such as balconies/terraces.

This submission relates to the conversion of a single dwelling into 3no. self-contained flats.

There exists 7no windows and 1 doorway to the north-west elevation. 1no window and doorway on the ground floor will be replaced by 1no window totally 6no. windows to the NW elevation. As the windows on the first-floor will not be altered and currently sit at approximately 5.00 metres from the neighbouring side elevation, it is not considered to have any detrimental impact on neighbouring amenities relative to the existing situation.

Additionally, the conversion of the existing dwelling to 3no. self-contained flats is not considered to result in an intensity of use that would be unreasonably harmful to the neighbouring residential occupiers by way of noise and disturbance from comings and goings and general activity, as the site lies on a busy road, opposite the motorway and mainline railway and at the edge of the Town Centre. Consequently, it is considered that much of any noise would be assimilated into the higher than average ambient acoustic environment. Internally, sound insulation test certificates are to be secured by way of condition.

- Whether satisfactory living standards would be provided for future occupiers:

In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. Table 3.1 within Policy D6 of the London Plan 2021 provides minimum space standards for new dwellings.

The London Plan 2021 states the nationally described space standard sets a minimum ceiling height of 2.5 metres for at least 75% of the gross internal area of the dwelling so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space.

According to the supporting statement:

The Gross Internal Area (GIA) for flat A (2 bed, 4 person) would be 73m². This is compliant with the London Plan space standards.

The GIA given for Flat B (1 bed 1 person) is 37m². This is compliant with the London Plan space standards.

The GIA given for Flat C (1 bed 2 person) is 58m². This is compliant with the London Plan space standards.

Table 2.4 from Barnet Residential Standards states that bedrooms should have a reasonable outlook with clear glazed windows. In this scheme, the internal layout has been configured as such that the bedrooms have a window on the rear or front elevation and therefore is considered acceptable in terms of outlook.

Policy DM04 of the Development Management Document (2012) part D. states that proposals will be refused if it leads to an unacceptable level of noise and disturbance unless the scheme can demonstrate any mitigation measures. The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. Para 2.14 of the Sustainable Design and Construction SPD 2016 states that internally the layout can help mitigate the impact of noise using the following measures:

- o Locate rooms that are sensitive to loud noise (i.e. bedrooms/living rooms) away from areas of the site that are most prone to loud or continuous noise.
- o Stacking rooms with similar uses on top of each other (i.e. living rooms, kitchens) to avoid unnecessary noise disturbance (Also see Residential Design Guidance section 9).

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. A condition to that effect is proposed.

Amenity space:

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. The Sustainable Design and Construction SPD advises that 5m² should be provided per habitable room for flats.

The rear garden has been subdivided in order to provide rear amenity space for each of the individual flat. Flat A has been provided 32 sqm, Flat B 22 sqm and Flat C 23sqm. This is seen as sufficient to meet the minimum outdoor amenity space requirements of 5sqm per habitable room.

The rear amenity space for Flats B and C can be accessed via a side passage connected to the front of the property and Flat A can access theirs via the proposed ground floor extension.

The application is considered acceptable on the grounds of the residential outdoor amenity provided for future occupiers.

- Whether harm would be caused to the local highways network and car parking:

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

The Council's Highways team has been consulted and comments are summarised here:

- The site falls within a PTAL rating of 4 meaning there is good public transport accessibility to and from the application site. Bus routes can be accessed within a 2-minute walking distance of the site with the nearest tube station located at 4 minutes walking distance. There is a Controlled Car Parking in operation on streets surrounding the site.

- Considering the PTAL of 4 and parking restriction of 1 hour within the CPZ, the overspill by 1.5 parking space would be acceptable.

This would however be subject to acquiring 2 parking spaces off-street and a Legal Agreement to amend the Traffic Order that regulates the issue of permits

Two car spaces to the front of the dwelling are also retained. The recommendation is subject to a proposed s106 Agreement to limit permit access.

Bin stores should be designed to include storage for both refuse and recycling and be in compliance with policies as set out in the Sustainable Design and Construction SPD (section 2.12) and Barnet's 'Provision of Household Recycling and Waste Service' guide. The location of the bin store is acceptable on highways grounds.

The required number of cycle parking spaces is 4no. The cycle parking spaces and location of the store is acceptable.

Therefore, the above proposal is considered to be acceptable subject to Legal Agreement.

Sustainability

In terms of water consumption, each unit should 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). A condition has been attached to satisfy the above requirement.

5.4 Response to Public Consultation

- Comments received in relation to car parking and traffic provisions have been addressed by the relevant consultee evaluation and discussed in the body of the assessment.
- Comments received in relation to the character and appearance of the area and building have been addressed in the body of the assessment and found to be compliant with relevant policy.
- Comments received in relation to impacts on neighbouring amenity have been addressed in the body of the assessment and found to be compliant with relevant policy.

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 and legal agreement, 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.

