

MEETING

CHIPPING BARNET AREA PLANNING COMMITTEE

DATE AND TIME

WEDNESDAY 2ND NOVEMBER, 2016

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF CHIPPING BARNET AREA PLANNING COMMITTEE (Quorum 3)

Chairman: Councillor Wendy Prentice
Vice Chairman: Councillor Stephen Sowerby MA

Alison Cornelius
Tim Roberts

Laurie Williams
Reema Patel

Andreas Ioannidis

Substitute Members

Philip Cohen
David Longstaff
Brian Salinger

Kathy Levine
Caroline Stock

Paul Edwards
Pauline Coakley Webb

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

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

Andrew Charlwood – Head of Governance

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Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	3 - 6
2.	Absence of Members (if any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (if any)	
4.	Report of the Monitoring Officer (if any)	
5.	Applegarth Manorside Barnet EN5 2LD - Underhill Ward	7-22
6.	Addendum (if applicable)	
7.	Any item(s) the Chairman decides are urgent	

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Decisions of the Chipping Barnet Area Planning Committee

13 October 2016

Members Present:-

AGENDA ITEM 1

Councillor Wendy Prentice (Chairman)
Councillor Stephen Sowerby (Vice-Chairman)

Councillor Alison Cornelius
Councillor Kathy Levine
Councillor Tim Roberts

Councillor Laurie Williams
Councillor Reema Patel

1. MINUTES

The minutes of the meeting held on 20 September were signed as an accurate record.

2. ABSENCE OF MEMBERS (IF ANY)

None.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. 8 POYNINGS WAY AND LAND ADJ 8 POYNINGS WAY LONDON N12 7LP (TOTTERIDGE WARD)

The Committee noted the addendum to the Officer's report which was circulated.

Having considered the report and the oral representations from Mrs Pinnes, Mrs Evans and Ward Member Councillor Richard Cornelius who spoke in objection, and a response from the applicant's agent the committee resolved to:

REFUSED the application which overturned the officer's recommendation for the following reasons as proposed by Councillor Steven Sowerby and which were agreed by all Members that voted in this way.

1) The proposed development, by reason of its size, siting, plot coverage and front forecourt arrangement would appear as a cramped and incongruous overdevelopment of the application site which would be detrimental to local character and not respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. The proposal would be detrimental to the character and appearance of the street scene and the wider locality, contrary to Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), and Policy DM01 of the Development Management Policies DPD (adopted September 2012), and policy 3.5 of the Mayors London Plan (MALP) 2016.

2) The proposed development, by reason of its layout and the insufficient turning and manoeuvring space would result in conflicts between vehicles in the development and those using Poynings Way, to the detriment of highway and pedestrian safety, contrary to Policies CS NPPF, CS1 and CS9 of the Local Plan Core Strategy (adopted September 2012), and Policy DM01 and DM07 of the Development Management Policies DPD (adopted September 2012).

3) The proposed new dwelling, by reason of its size, siting and proximity to No 6 Poynings Way would appear as a dominant, overbearing and visually intrusive addition when viewed from No. 6 Poynings Way, to the detriment of the amenities of the occupants of this neighbouring property. The proposal would be contrary to Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), and Policy DM01 of the Development Management Policies DPD (adopted September 2012).

INFORMATIVES

- One confirming the drawings subject of the refusal
- One encouraging the applicant to engage with the LPA prior to the submission of any future applications

The vote was recorded as follows:

For approval – 1
Refusal - 6

6. 21 HARMSWORTH WAY LONDON N20 8JT (TOTTERIDGE)

Having considered the report the Committee unanimously:

Approved the application subject to the conditions in the report and the addendum to the Officer's report which was circulated.

7. 117 PARK ROAD, BARNET (EAST BARNET)

Having considered the report the Committee:

Resolved to authorise confirmation of Tree Preservation Order without modification

8. 122 WOODVILLE ROAD BARNET EN5 5NS (HIGH BARNET)

The Committee noted the addendum to the officer's report which was circulated.

Having considered the report and the oral representations from Mrs Helen Hawthorn who spoke in objection to the report and a response from the applicant the committee resolved to:

Approve the application subject to conditions, the and with the additional condition which the Planning Officer noted prior to the vote.

The vote was recorded as follows:

Vote – 6 approved
0 against
1 abstained

Additional condition:

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 April 2013) and Policies 5.13 and 5.14 of the London Plan 2015.

9. FAIRLIGHT COTTAGE, 7 HORSESHOE LANE, LONDON, N20 8NJ (TOTTERIDGE WARD)

Prior to the consideration of the Item the Chairman noted that this item be deferred which the Committee agreed as it was considered necessary for this application to be dealt with alongside Condition 6, at the same time. Therefore the Committee noted that this application be reported to a future meeting.

10. LAND TO THE REAR OF WEST WALK BARNET EN4 8NU (BRUNSWICK PARK)

The Committee noted the addendum to the officer's report which was circulated.

Having considered the report and the oral representations Ward Member Councillor ward member Lisa Rutte who spoke in objection and a response from the applicant's agent resolved to:

Approved the application subject to conditions, the informatives and the addendum to the report as circulated

Having been put to the vote the Committee:

Vote – 4 approved
2 against
1 abstained

12. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 9:45pm

Location **Applegarth Manorside Barnet EN5 2LD**

Reference: **16/3156/OUT**

Received: 13th May 2016

Accepted: 24th May 2016

Ward: Underhill

Expiry 19th July 2016

Applicant: Mr H KAFIL

Proposal: Construction of new roof, first and second floor side extension and conversion of the building in to 5no self contained flats. Associated off street parking (OUTLINE APPLICATION) (AMENDED DESCRIPTION).

AGENDA ITEM 5

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
440115/3, Revision D.

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 Application for the approval of the reserved matters must be made before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 3 The development to which this permission relates must be begun not later than two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 4 Details of the landscaping shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out in accordance with those details as approved.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality, the flow of traffic and conditions of general safety on the adjacent highway or the enjoyment of neighbouring occupiers of their properties, in accordance with Policies DM01 and DM17 of the Development Management Policies DPD (adopted September 2012).

- 5 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No: 440115/3, Revision D 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 2015.

- 6 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 (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

- 7 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 before the development hereby permitted is commenced.

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 April 2013) and 7.21 of the London Plan 2015.

- 8 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water

meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason:

To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy 5.15 of the London Plan (2015).

9 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 Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

10 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

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

Reason: In the interests of highway safety 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 April 2013) and Policy 5.21 of the London Plan (2015).

11 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).

- 12 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).

- 13 Prior to construction commencing, the applicant shall submit for approval by the Council, details of a drainage strategy for the development setting out sustainable urban drainage system (SUDS) for the site. The SUDS shall be installed prior to occupation of the dwellings and shall be retained thereafter in accordance with the details approved by way of this condition.

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 April 2013) and Policies 5.13 and 5.14 of the London Plan (2015).

- 14 The property shall be used as self-contained units as shown on the hereby approved drawings 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 to comply with policy DM01 of the Barnet Development Management Policies Document (2012).

- 15 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) 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, 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).

- 16 Prior to the first use of the dwelling hereby permitted the approved access, circulation/turning areas and parking spaces shall be fully implemented and shall be retained thereafter and used only for purposes of access, circulation, turning and parking.

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), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2015.

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 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 £35 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 £4900 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 £18900 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.

Officer's Assessment

1. Site Description

The application site contains a two storey, detached dwellinghouse, located on the northern side of Manorside on a corner plot on the junction with Manor Road. The surrounding area comprises a mixture of both single family units and purpose built flatted development.

The host site is not located within a Conservation Area, is not a listed building or subject to any other relevant planning restrictions.

2. Site History

Reference: 16/0285/FUL

Address: Applegarth, Manorside, Barnet, EN5 2LD

Decision: Refused

Decision Date: 17 March 2016

Description: First floor side extension, creation of a second floor with a flat roof and conversion of garage into a habitable living space to facilitate a conversion of 1 no residential dwelling into 6 no self-contained flats with parking, refuse, amenity space, associated vehicular access and alterations to hard and soft landscaping . New front porch including alterations to front canopy. Changes to fenestration to the front, side and rear elevations.

Reference: 15/05033/FUL

Address: Applegarth, Manorside, Barnet, EN5 2LD

Decision: Refused (Appeal Dismissed - APP/N5090/W/15/3141081)

Decision Date: 27 October 2015

Description: First floor side extension, creation of a second floor with a flat roof and conversion of garage into a habitable living space to facilitate a conversion of 1 no residential dwelling into 6 no self-contained flats with parking, refuse, amenity space, associated vehicular access and alterations to hard and soft landscaping . New front porch including alterations to front canopy. Changes to fenestration to the front, side and rear elevations.

Reference: N06897A

Address: Applegarth Manorside Barnet EN5 2LD

Decision: Approved subject to conditions

Decision Date: 04 Dec 1990

Description: First Floor Side Extension

Reference: N06897

Address: Applegarth Manorside Barnet EN5 2LD

Decision: Approved subject to conditions

Decision Date: 22 Apr 1981

Description: First floor side and front extension over garage

3. Proposal

The applicant seeks outline consent for the construction of a new roof, a first and second floor side extension and conversion of the building into 5 self-contained flats with associated off street parking.

The layout proposed for the development is as follows:

Ground Floor: 2 bed, 3 person unit of 64m²
Ground Floor: 1 bed, 2 person unit of 51m²
First Floor: 2 bed, 3 person unit of 64m²
First Floor: 1 bed, 2 person unit of 51m²
Second Floor: 3 bed, 4 person unit of 100m²

4. Public Consultation

Consultation letters were sent to 99 neighbouring properties.

22 objections have been received, and the comments made are summarised as follows:

- Impact of the proposal on parking and highways.
- Unacceptable impact on the character of the area.
- Overlooking and loss of privacy.
- Disruption to surrounding residents caused by construction works.
- The building is of poor design.
- Overdevelopment of the site (residential and parking density).
- Largest flat should have access to the ground floor garden.
- Proposal is similar in format and layout to that previously refused in applications 16/0285/FUL and 15/05033/FUL
- Development contrary to London Plan 2015 Table 3.2.
- Development contrary to Barnet's adopted Residential Design Guidance 2013.
- Development contrary to policies CS1, CS4 and CS5 of the Adopted Core Strategy.
- Development contrary to policy DM01 of Barnet's adopted Development Management Policies.

4.1 Internal Consultation

Highways and traffic:

As the proposed access and parking arrangements are identical to those previously proposed in application reference 15/05033/FUL, noting that the current scheme represents a reduction from 6 to 5 residential flats when compared with the previous proposals. Consideration therefore given to the following referral comments previously provided in relation to that application.

The proposal for 3 x 1-bedroom and 3 x 2-bedroom flats would be acceptable with 5 parking spaces providing access to the parallel space is via the existing crossover and that a swept path plan is provided showing that vehicles can exit the site in a forward manner. However there is scope to provide a 6th parking space, not independently accessible, with access via the existing crossover, this would require for the 2 non-independent spaces to be allocated to the same unit. The proposal with 6 spaces, if achievable would be preferable.

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 27 March 2012. This is a key part of the Government's 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 March 2015

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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, DM04, DM08 and DM17.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

- 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 (adopted April 2013)

- 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.
- Notes that the conversion of existing dwellings into flats can have a cumulative impact on environmental quality and the character of established residential areas. Conversions can harm the character of areas by increasing activity, with increasing activity resulting in more people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries.
- Conversion proposals are likely to be resisted in areas of low density where predominantly there are single family occupation houses.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The principle of conversion to flats in the area.
- Whether harm would be caused to the character and appearance of the area
- Whether harm would be caused to the residential amenity of neighbouring occupiers;
- Whether the proposal would provide good quality accommodation for future occupants;
- Whether harm would be caused to highway safety.

5.3 Assessment of proposals

Impact of the proposal on the character and appearance of the area and on the residential amenity of neighbouring occupiers

Policy DM01 states that the conversion of dwellings into flats in roads characterised by houses will not normally be appropriate. The supporting text to this policy provides the main reason for this aspect of DM01, and notes 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'*.

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.

The principle of conversion of the existing dwelling 'Applegarth' into flats was considered with the previous refused application 15/05033/FUL, as well as within the subsequent appeal APP/N5090/W/15/3141081.

In assessing the previous application, the council determined that the location of the site at the junction of Manor Road results in the character of the site having a stronger relationship with Manor Road. It is within this context that it is considered that the proposed principle of the conversion of the property from a single family dwelling to flat

accommodation would be appropriate, given the prevalence of blocks of flats within that street scene in the immediate locality.

This determination was upheld in the subsequent appeal (APP/N5090/W/15/3141081) wherein the Inspector stated *'I therefore conclude that criteria (h) and (i) of Policy DM01 do not apply to the proposed development and I agree with the Council that the principle of redeveloping the appeal site to provide a small block of flats would be compatible with the character and appearance of the immediately surrounding area.'*

Whether harm would be caused to the character and appearance of the area

In respect to the impact of the proposal on the character and appearance of the area it is noted that the form of the development, being a three storey flat conversion, is not dissimilar to that previously proposed in application reference 15/05033/FUL, which was subsequently refused consent by Council and then dismissed on appeal.

In that respect, close consideration is given to the determination of the appeal inspector in APP/N5090/W/15/3141081, who stated:

"However, despite my acceptance of the principle of the change of use, the form of the conversion proposed would result in a building that would add nothing to the character of the area. On the contrary, Applegarth, which is currently a dwelling of restrained appearance that makes a modest impact on the surrounding street scene, would be transformed into a much more dominant building. Furthermore, that building would have a bland design with Applegarth's current variety of roof profile and elevations turning into a characterless slab with a pattern of windows which would have no variety and little visual interest.

I accept that there are already blocks of flat along Manor Road which share some of these characteristics. However, they represent no precedent in favour of the proposed development. On the contrary, the poor relationship of those developments to the character and appearance of the surrounding area argues strongly against the proposal for Applegarth. Its poorly articulated form would not only relate weakly to the character of the area but would be excessively prominent given Applegarth's corner site."

Notwithstanding the above, it is noted that the proposal contained in this application incorporates a number of significant changes to the appearance of the building when compared with the previous scheme proposed in application reference 15/05033/FUL. Specifically the proposal now incorporates:

- A standard pitched roof, with gable wall ends, exhibiting a comparable slope and form to the previously existing dwelling 'Applegarth'.
- 2 side dormer windows on the southern façade of the structure, and 3 side dormers on the northern façade of the structure, which exhibit hipped roof forms sympathetic to the pitch of the main building roof.
- Two, 2 storey side projections of 2.8 metres in width and 0.6 metres in depth, located under pitched roof forms, and projecting from the façade of the building fronting Manorside.
- A ground floor store room projection of 2.4 metres in width and 1.3 metres in depth, projecting from the façade of the building fronting Manorside.

It is considered that the elements above provide additional articulation to the appearance of the building when viewed from the principle elevations in both Manorside and Manor Road. Whilst it is noted that the overall height of the proposed structure will be approximately 1.7 metres above that of the existing dwelling, the retention of a pitched roof form and gable end walls ensures that the proposal is not an overly dominant structure

when compared with the square set flat roof proposal contained within previous application 15/05033/FUL.

Whether harm would be caused to the residential amenity of neighbouring occupiers

The application site is physically separated from neighbouring residential development to the south and east by the established public highways of Manor Road and Manorside. In this context it is considered that the impact of the proposed building on the amenity of neighbouring occupiers will be largely limited to occupants of the neighbouring flat building to the north at Vanburgh Court, and the neighbouring detached dwelling at 2 Manorside.

With respect to the neighbouring flat building established at Vanburgh Court, it is noted that the proposal will result in an overall increase in height of approximately 1.7 metres above that of the existing building. Notwithstanding this, it is not considered that the proposed structure would result in an unacceptable loss of outlook or restriction of natural light, when consideration is given to:

- The 4.8 metre separation distance maintained between the proposed structure and the neighbouring flat building at Vanburgh Court.
- The location of the application site being due south of the neighbouring flat building.
- The southern face of the neighbouring flat building and Vanburgh court exhibiting only obscure glazed bathroom and secondary windows which front a shared access driveway separating the building from the application site.

Similarly with respect to the neighbouring dwelling situated at 2 Manorside, it is noted that the proposed building will present a three storey façade of 7.0 metres in width, separated from the neighbouring building by distance of approximately 14.0 metres. It is subsequently not determined to result in any notable loss of outlook or natural light access to that property.

Notwithstanding the above mentioned impacts of the proposed building, it is noted that concerns have been raised during the public consultation process regarding the impact of the additional traffic and parking demand generated by the development on the amenity of surrounding residents. Whilst impact caused by the increase in intensity of residential development is acknowledged, the impact is considered to be acceptable having regard to the principle of development of flats on the site being previously established in appeal reference APP/N5090/W/15/3141081, and the internal referral to Council's Highways Department having raised no concerns with regards to the proposed vehicle access and parking arrangements.

On the basis of the above, it is not considered that the proposal would result in significant harm to the residential amenity of neighbouring occupiers.

Whether the proposal would provide good quality accommodation for future occupants

The proposed self-contained flats would comprise the following internal floorspace:

- 2 bed, 3 person unit of 64m² at ground floor.
- 1 bed, 2 person unit of 51m² at ground floor.
- 2 bed, 3 person unit of 64m² at first floor.
- 1 bed, 2 person unit of 51m² at first floor.
- 3 bed, 5 person unit of 100m² at second floor.

Each flat would meet the relevant minimum internal space standard requirement of either 50m² for a 1 bedroom, 2 person unit, 61m² for a 2 bedroom 3 person unit, or 90m² for a 3 bedroom 5 person unit.

All flats have been assessed and determined to comply with the criteria listed in council's Sustainable Design and Construction SPD. On this basis it is considered that the proposed flat conversion would provide suitable accommodation for future residents.

Impact of the proposal on highway safety

The highways officer's have raised no objection to the proposed development as per comments highlighted in the consultation section. However the applicant is advised that if the proposed crossover would cross a land or grass verge area which are not part of highways land, this would require permission from the land owners.

5.4 Response to Public Consultation

The objections raised are addressed below:

Comment:

Impact of the proposal on parking and highways.

Response:

The proposed parking and access layout is consistent with that previously considered acceptable to council in application references 15/05033/FUL and 16/0285/FUL, as confirmed in previous input to those applications by Council's Highways Department. On this basis, it is not considered that the proposal would result in a significant adverse impact on the surrounding parking and highways situation.

Comment:

Unacceptable impact on the character of the area.

Response:

The impact on the character of the area has previously been discussed within the body of this report.

Comment:

Overlooking and loss of privacy.

Response:

As discussed previously in this report, the proposed structure is physically separated from the neighbouring dwelling at 2 Mansorise by a distance of approximately 14 metres, and the neighbouring dwelling exhibits a largely blank façade on its eastern façade. In relation to the existing flats situated on the neighbouring property at Vanburgh court. It is noted that the proposed structure is separated by a shared common driveway and the neighbouring flat building exhibits only secondary bathroom windows on its southern façade which are obscure glazed. On this basis it is not considered that the proposal is likely to result in any unacceptable overlooking or loss of privacy to surrounding residents.

Comment:

Disruption to surrounding residents caused by construction works.

Response:

Whilst concerns regarding the construction works are acknowledged, these are not a material planning consideration and have therefore not been addressed in this report.

Comment:

The building is of poor design.

Response:

The appearance of the building has been discussed previously within the body of this report.

Comment:

Overdevelopment of the site (residential and parking density).

Response:

The principle of establishing flats on the property has previously been determined to be acceptable by Council, and this has been confirmed in the determinations of appeal reference APP/N5090/W/15/3141081. The proposed flats have been assessed against the criteria of Council's Sustainable Design & Construction SPD and have been determined to provide suitable accommodation for future occupants.

Comment:

Largest flat should have access to the ground floor garden.

Response:

Whilst the concern is acknowledged, it is noted that the proposed second floor flat retains exclusive access to its own private balcony. All flats will also benefit from having shared access to communal amenity space to be established at ground floor. This is considered to satisfy the requirements of Council's sustainable Design & Construction SPD with respect to outdoor amenity space, and will be capable of being addressed through conditions requiring review of the final landscaping plans and access details for shared outdoor amenity space.

Comment:

Proposal is similar in format and layout to that previously refused in applications 16/0285/FUL and 15/05033/FUL.

Response:

This is noted and discussed earlier within the body of this report.

Comment:

Development contrary to London Plan 2015 Table 3.2.

Response:

The principle of establishing flats and thereby increasing residential density on the property has previously been determined to be acceptable by Council, and this has been confirmed in the determinations of appeal reference APP/N5090/W/15/3141081. The proposed flats have been assessed against the criteria of Council's Sustainable Design & Construction SPD and have been determined to provide suitable accommodation for future occupants.

Comment:

Development contrary to Barnet's adopted Residential Design Guidance 2013.

Response:

The proposed flats have been assessed against the criteria of Council's Sustainable Design & Construction SPD and have been determined to provide suitable accommodation for future occupants.

Comment:

Development contrary to policies CS1, CS4 and CS5 of the Adopted Core Strategy.

Response:

The proposed development has been assessed against Barnet's Core Strategy DPD Adopted September 2012 and determined to comply with the intent of Council policy.

Comment:

Development contrary to policy DM01 of Barnets adopted Development Management Policies.

Response:

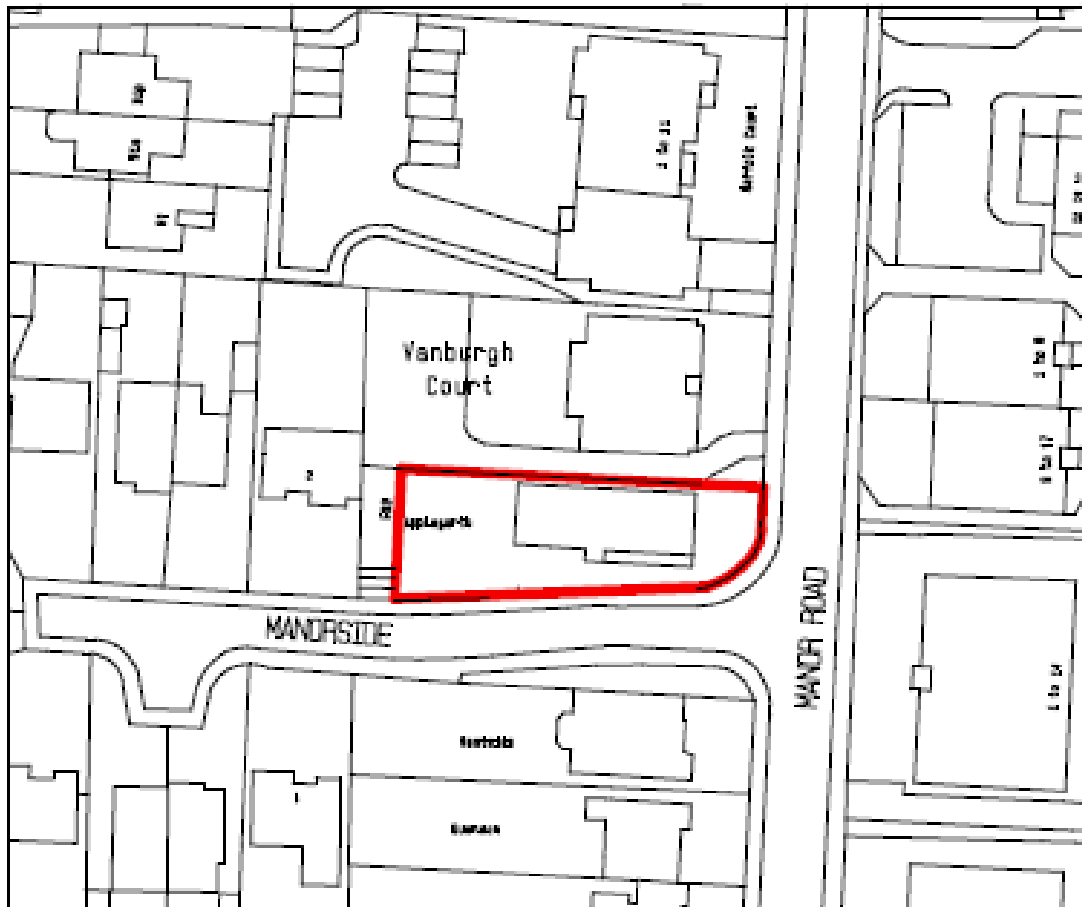
The proposed development has been assessed against Barnet's Development Management Policies DPSD, adopted September 2012, and determined to comply with the intent of Council policy.

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

The proposed development is considered to comply with the requirements of the Development Plan and is therefore recommended for approval.



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