

**MEETING**

**FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE**

**DATE AND TIME**

**WEDNESDAY 20TH JUNE, 2018**

**AT 6.00 PM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ**

**TO: MEMBERS OF FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE (Quorum 3)**

Chairman: Councillor Eva Greenspan  
Vice Chairman: Councillor John Marshall MA (Hons)

Councillors:  
Alan Schneiderman                      Shimon Ryde                      Danny Rich  
Melvin Cohen                              Claire Farrier

**Substitute Members**  
Gabriel Rozenberg                      Jennifer Grocock                      Dean Cohen  
Alison Moore                              Peter Zinkin                      Kath McGuirk  
Geof Cooke

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**

Governance Service contact: Tracy Scollin 020 8359 2315 [tracy.scollin@barnet.gov.uk](mailto:tracy.scollin@barnet.gov.uk)

Media Relations contact: Sue Cocker 020 8359 7039

**ASSURANCE GROUP**

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## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	5 - 12
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.	Addendum (if applicable)	
6.	44 Glebe Road, N3 2AX 18/1545/FUL	13 - 24
7.	89 and 91 Highfield Avenue, NW11 9TU 18/0034/FUL	25 - 48
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9.	Aston House Cornwall Avenue, N3 1LF 18/1678/FUL	71 - 86
10.	70 North End Road, NW11 7SY 18/1480/FUL	87 - 98
11.	Land to the Rear Of 1069 Finchley Road, NW11 0PU 18/2056/S73	99 - 116
12.	142 Pennine Drive, NW2 1NH 18/2245/FUL	117 - 128
13.	40-42 Golders Green Road, NW11 8LL 18/1257/LBC	129 - 138
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16.	Tudor Court, 2 Crewys Road, NW2 2AA 17/3921/FUL	175 - 190
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21.	994 - 996 High Road, N20 0QG 18/0778/FUL	251 - 270
22.	14-16 The Grove, NW11 9SH 18/1219/FUL	271 - 282
23.	129 The Vale, NW11 8TL 17/8189/FUL	283 - 302
24.	Any item(s) the Chairman decides are urgent	

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## Decisions of the Finchley and Golders Green Area Planning Committee

23 April 2018

PRESENT:-

Councillor Eva Greenspan (Chairman)  
Councillor John Marshall (Vice-Chairman)

Councillors:

Councillor Arjun Mitra  
Councillor Alan Schneiderman

Councillor Melvin Cohen  
Councillor Shimon Ryde

Councillor Jim Tierney

### 1 MINUTES OF LAST MEETING

The minutes were approved as an accurate record.

### 2 ABSENCE OF MEMBERS (IF ANY)

There were none.

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

Councillor Cohen declared an interest in relation to items 10 and 11, 18 Dingwall Gardens; an objector, Mr Elvio Gambiaruto, was known to him.

Councillor Ryde noted that he had previously declared an interest in relation to item 12, 452 Finchley Road; because the ownership of the property had changed there was no longer an interest for him to declare.

4 **REPORT OF THE MONITORING OFFICER (IF ANY)**

There was none.

5 **ADDENDUM (IF APPLICABLE)**

An addendum was received in relation to items 8 and 14.

6 **129 THE VALE LONDON NW11 8TL**

The Chairman reported that this item had been deferred to a future meeting at the request of the applicant.

7 **23 THORNFIELD AVENUE LONDON NW7 1LT 17/7604/HSE**

The Chairman moved to defer this item to ask the applicant to produce a Basement Impact Assessment. This was duly seconded.

The vote was recorded as follows:

For (deferral) – 7

Against (deferral) – 0

**Carried** – the application was **deferred** for the reason above.

8 **10 MANOR HALL AVENUE, LONDON, NW4 1NX TPF/0778/17 (TREE)**

The Principal Planner presented the report and addendum to the Committee.

Further to a discussion the Chairman moved to refuse the application on the grounds that the tree was of special amenity value and its loss was not justified as a remedy for the alleged subsidence damage on the basis of the information provided.

For (refusal) – 7

Against (refusal) – 0

It was **resolved** that the application was **REFUSED** for the above reason.

9 **49 BROUGHTON AVENUE LONDON N3 3EN 17/3448/RCU**

The Planning Officer presented the report to the Committee.

A representation was heard from Mr Pickering against the application.

A representation was heard from Mrs Ruth Geiger against the application.

The Governance Officer read out a statement from Cllr Graham Old against the application.

The applicant was not present.

Further to a discussion the vote was recorded as follows:

For (approval) – 0

Against (approval) – 7

The fence by reason of its height, design and materials is unduly obtrusive and detrimental to the character and appearance of the general locality and views from Windsor Open Space. The proposals would be contrary to policy DM01 and DM15 of the Adopted Barnet Development Management Policies 2012.

The application was **REFUSED** for the above reasons.

10 **GROUND FLOOR FLAT 18 DINGWALL GARDENS LONDON NW11 7ET 17/8219/FUL**

The Planning Officer presented the report.

As the item had been deferred the objectors and applicant's agent had already addressed the Committee at the previous meeting.

Further to a discussion the vote was recorded as follows:

For (approval) – 0

Against (approval) – 5

Abstained - 2

The proposals by reason of their size, bulk, massing and siting of refuse would be detrimental to the character and appearance of the general locality, streetscene and site property and to the visual amenities of the occupiers of no.20 Dingwall Gardens, causing harmful loss of outlook and overbearing appearance. The proposals would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012., policy CS5 of the Adopted Barnet Core Strategy, and the Supplementary Planning Document: Residential Design Guidance.

The application was **REFUSED** for the above reasons.

**11 FIRST FLOOR FLAT 18 DINGWALL GARDENS LONDON NW11 7ET 17/8220/FUL**

The Planning Officer presented the report.

As the item had been deferred the objectors and applicant's agent had already addressed the Committee at the previous meeting.

Further to a discussion the vote was recorded as follows:

For (approval) – 0

Against (approval) – 4

Abstained – 3

The proposals by reason of their size, bulk, massing and siting of refuse would be detrimental to the character and appearance of the general locality, streetscene and site property. The proposals would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012., policy CS5 of the Adopted Barnet Core Strategy, and the Supplementary Planning Document: Residential Design Guidance.

The application was **REFUSED** for the above reason.

**12 452 FINCHLEY ROAD LONDON NW11 8DG 18/0726/FUL**

The Planning Officer presented the report.

A representation was heard from Miss Aarti Wadhvani in objection to the application.

A representation was heard from Mr Michele del Vicario in objection to the application.

Mr Nigel Dexter, agent of the applicant, addressed the Committee on behalf of the applicant.

Further to a discussion Cllr Shimon Ryde moved to **REFUSE** the application and was seconded by the Chairman.

For (refusal) – 7

Against (refusal) – 0

**Carried** - the application was **REFUSED**.

The reasons for refusal were discussed and the vote was recorded:

The proposed additional storey by reason of its massing, siting and design would visually dominating and obtrusive and be detrimental to the character and appearance of the streetscene, general locality and the local townscape. It would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012, policy CS5 of the Adopted Barnet Core Strategy, and policy 7.4 and 7.6 of the Mayor's London Plan (MALP) 2015.

The Committee unanimously **REFUSED** the application for the above reasons.

13 **39 NETHERCOURT, LONDON N3 1PS**

The Planning Officer presented the report to the Committee.

Mr Christopher Athanasi spoke to the Committee in objection to the application.

Mr Mark Springthorpe, agent of the applicant, spoke to the Committee.

Further to a discussion the vote was recorded as follows:

For (approval) – 0

Against (approval) 6

Abstained - 1

The proposed extension by reason of its size, bulk, design and siting would be cause harmful loss of outlook and light to neighbouring occupiers and appear overbearing. The proposals would be detrimental to neighbouring residential and visual amenity, being contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012.

The application was **REFUSED** for the above reasons.

14 **592 FINCHLEY ROAD LONDON NW11 7RX 17/7949/FUL**

The Planning Officer presented the report and addendum to the Committee.

A representation was heard from Mr Howard Freeman in objection to the application.

Ms Beth Evans, agent of the applicant, addressed the Committee.

Further to a discussion the vote was recorded as follows:

For (approval) – 3

Against (approval) 4

Cllr Shimon Ryde moved to refuse the application and was duly seconded.

The proposed outbuilding by reason of its size, design, siting and proposed use would result in harmful noise and disturbance from associated general activity, resulting in a harmful loss of residential and visual amenity to neighbouring occupiers including the upper flats. The proposals would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012.

The vote was recorded as follows:

For (refusal) – 4

Against (refusal) 3

Resolved that the application was **REFUSED** for the reasons above.

15 **72 HENDON LANE LONDON N3 1SL 18/0220/FUL**

The Planning Officer presented the report to the Committee.

The applicant was present but did not address the Committee.

Further to a discussion the vote was recorded as follows:

For (approval) – 6  
Against (approval) – 0  
Abstained – 1

Resolved - that the application was **APPROVED**.

16 **707 HIGH ROAD LONDON N12 0BT 18/0782/FUL**

The Planning Officer presented the report to the Committee.

The applicant was not present.

The vote was recorded as follows:

For (approval) – 4  
Against (approval) – 3

**Resolved** – that the application was **APPROVED**.

17 **1B AND 1C SNEATH AVENUE LONDON NW11 9AJ**

The Planning Officer presented the report to the Committee.

The agent for the applicant spoke to the Committee.

Further to a discussion the vote was recorded as follows:

For (approval) – 4  
Against (approval) – 1  
Abstained – 2

**Resolved** that the application was **APPROVED**.

18 **ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT**

None.

The meeting finished at 8.05pm



**Location**                      **44 Glebe Road London N3 2AX**

**Reference:**                    **18/1545/FUL**

Received: 12th March 2018

Accepted: 13th March 2018

Ward:                              Woodhouse

Expiry 8th May 2018

Applicant:                        Mr J Neophytou

Proposal:                         Conversion of existing single family dwelling into 2no. self-contained flats including roof extension with rear dormer window and 3no. rooflights to front roofslope and a single storey rear extension with associated refuse store and cycle parking

AGENDA ITEM 6

**Recommendation:** Approve subject to conditions

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

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

- Existing OS Map, Site Block Plan, Site Plan and Photographs, Drawing No.1676-E01-00 Rev P1;
- Existing Ground, First Floor and Roof Plans, Drawing No.1676-E02-00 Rev P1;
- Existing Sectional Elevation and Rear Elevation, Drawing No.1676-E03-00 Rev P1;
- Proposed Ground and First Floor Plans, Drawing No.1676-P02-00 Rev P3;
- Proposed Second/Loft Floor Plan and Roof Plan, Drawing No.1676-P02-01 Rev P2;
- Proposed Sectional Elevation and Rear Elevation, Drawing No.1676-P03-00 Rev P2;
- Proposed Refuse and Recycling Store Details, Drawing No.1676-DT01-00 Rev 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 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).

- 4 Before the development hereby permitted is first occupied, enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins shall be implemented in full accordance with drawing 1676-DT01-00 Rev P1 and be 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 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 March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 6 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).

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

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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](http://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 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](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to

commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

2. Residential Annexes or 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://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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

## **Officer's Assessment**

### **1. Site Description**

The application site comprises a mid-terrace dwellinghouse located on the south side of Glebe Road within the Woodhouse Ward. The site is residential in character and is dominated by terraced properties. It has no off-street parking provision.

The application site is not a listed building and does not lie within a Conservation Area.

### **2. Site History**

No relevant planning history

### **3. Proposal**

The proposed development includes:

Conversion of existing single-family dwelling into 2no. self-contained flats including roof extension with rear dormer window and 3no. rooflights to front roof slope and a single storey rear extension with associated refuse store and cycle parking

### **4. Public Consultation**

Consultation letters were sent to 110 neighbouring properties.

23 responses have been received comprising 12 letters of objection and 11 letters of support.

The following is a summary of public comments:

- Lack of available on-street parking;
- Provision of more parking;
- Lack of green areas and infrastructure (reliance on private vehicle);
- Noise of construction work;
- Dormer window not in keeping with the street;
  
- Will provide more housing;
- More affordable housing;

### **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 Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

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

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

development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan. The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

### 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 document. Both were adopted in September 2012. The following policy documents were consulted:

#### Core Strategy Policies:

- National Planning Policy Framework (NPPF) (2012): CS
- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS14.
- Relevant Development Management Policies: DM01, DM02, DM07, DM08 and DM17.

### Supplementary Planning Documents

#### Residential Design Guidance SPD (Adopted 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

#### Sustainable Design and Construction SPD (Adopted 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

## **5.3 Assessment of proposals**

### The principle of flats in this location

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.

Within Chapter 2 of the Core Strategy, which is a material consideration in the determination of this application, the Council state the following: "The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impact on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flat accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate.

When assessing the principle of conversions from single family dwellings to multiple units we first assess the precedent of sub-divisions in the near vicinity of the proposal site (Glebe Road search area) within the last 5-10 years, below are the conversions which are on our system (which we base our assessment on, not conversions which may have occurred without the benefit of a planning application):

- 17/0618/FUL: 74 Glebe Road (Conversion of an existing dwelling into 2no self-contained units) Approved subject to conditions;
- 16/3104/191: 30 and 30A Glebe Road (Use of property as 2no. self-contained flats Use Class C3) Lawful;
- 15/07933/FUL: 74 Glebe Road (Single storey rear extension. Roof extension involving rear dormer window with 3no rooflights to form conversion of single family dwelling into 2no self contained flats) Refused by the LPA, Allowed at Appeal;
- 15/00048/FUL: 1A Glebe Road (Construction of new second floor to provide 1 no. additional self-contained flat) Approved subject to conditions;
- F/04624/14: 1A Glebe Road (Construction of 2nd floor to provide 1no. self-contained flats);

As noted above there are 5 applications for either subdivision, lawful use or additional units within the last 10 years in the close vicinity of the proposal site. The road is still predominately single family dwellings but there have been applications granted for the subdivisions of properties.

The locality that surrounds the application site contains a significant number of flat conversions and taking this into account it is considered that the proposed would not be harmful to the established character of the site and streetscene.

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 considered to be acceptable.

#### Whether the proposal provides a satisfactory living environment 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.

#### Floor Area:

The London Plan (2016) and Barnet's policies and Sustainable Design SPD (Oct 2016) set out the minimum GIA requirements for residential units as follows:

- 1 bedroom 2 persons, 1 storey - 53m<sup>2</sup>
- 1 bedroom, 2 persons, 2 storeys - 64m<sup>2</sup>

Flats A and B each meets the above standards:

Flat A - 53m<sup>2</sup> (1 bed, 2 persons, 1 storey)

Flat B - 64m<sup>2</sup> (1 bed, 2 persons, 2 storeys)

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 m<sup>2</sup> and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All of the bedrooms in the proposed flats meet these requirements.

#### Floor to ceiling height:

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling. Each of the flats complies with this standard

#### 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. All habitable rooms within the proposed flats meet this requirement.

#### 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. It is noted that there is a proposed dining/living room on the first floor (upper floor flat) which overlaps a bedroom to the ground floor flat. Environmental Health were consulted on this application but did not provide any comments regarding this element of the proposal. A condition is proposed concerning sound insulation.

#### 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 m<sup>2</sup> per habitable room (definition of a habitable room is set out in the glossary including the maximum size considered before a room is counted as two (20 sqm).

Flat 1 has been allocated all of the private outdoor amenity space to the rear of the property which is more than the required standard. The upper floor flat (Flat 2) has not been allocated private outdoor amenity space. The upper unit is not a family sized unit and the site is located within a short walk of local parks (Victoria Park) which, on balance, is



considered reasonable substitute for additional amenity space when read in conjunction with the oversized unit highlighted above.

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

The proposed single storey rear extension will be a proportionate addition (3m in depth) that will not detract from the established character and appearance of the host property. The proposed extension will still appear as a harmonious and subordinate addition to the host property and will replace the current temporary roof area to the side and rear of the property.

The dormer window size and design complies with the SPD requirements and is considered a proportionate addition to the house.

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

Neighbouring property at no.46 has the benefit of an approximately 3.5m extension; the proposed extension will not extend beyond this neighbouring extension and as such it is not considered that the proposed extension will have an impact on this neighbouring property. The extension is set away from the boundary with no. 46.

It is therefore considered that on balance the proposed extension will not have an impact on the living conditions of the occupiers of any neighbouring property to an unacceptable level.

The proposals would comply with the aforementioned policies and Council Residential Design Guidance and would be a proportionate addition to the dwellinghouse. It would have an acceptable impact on the character and appearance of the streetscene, site property, general locality and the residential amenity of neighbouring occupiers.

#### Parking and Highways

The proposal is to convert the existing single-family dwelling unit to provide 2x1 bedroom units. The existing dwelling does not have any parking. No parking is proposed for the conversion. Taking into consideration the following.

The proposal is for a conversion;

- o The site is not located within a CPZ;
- o The site is within a walking distance of the town centre;
- o The site is located within a PTAL rating of 2

It is considered that the parking demand arising from this application would be largely similar to that arising from the existing dwelling house. On balance the proposed development without any parking provision is acceptable on highway grounds.

Cycle parking provision should be in accordance with the London Plan (2016) that requires a minimum of 1 cycle space per 1-2 bed unit. The proposal provides 2 enclosed cycle bays to the front of the property which meets the London Plan requirement.

#### Refuse and recycling storage

Policy DM02 states that proposals for residential conversions must include suitably enclosed storage 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 to the front of the property and be adequately screened. Sufficient refuse and recycling provision is proposed.

## **5.4 Response to Public Consultation**

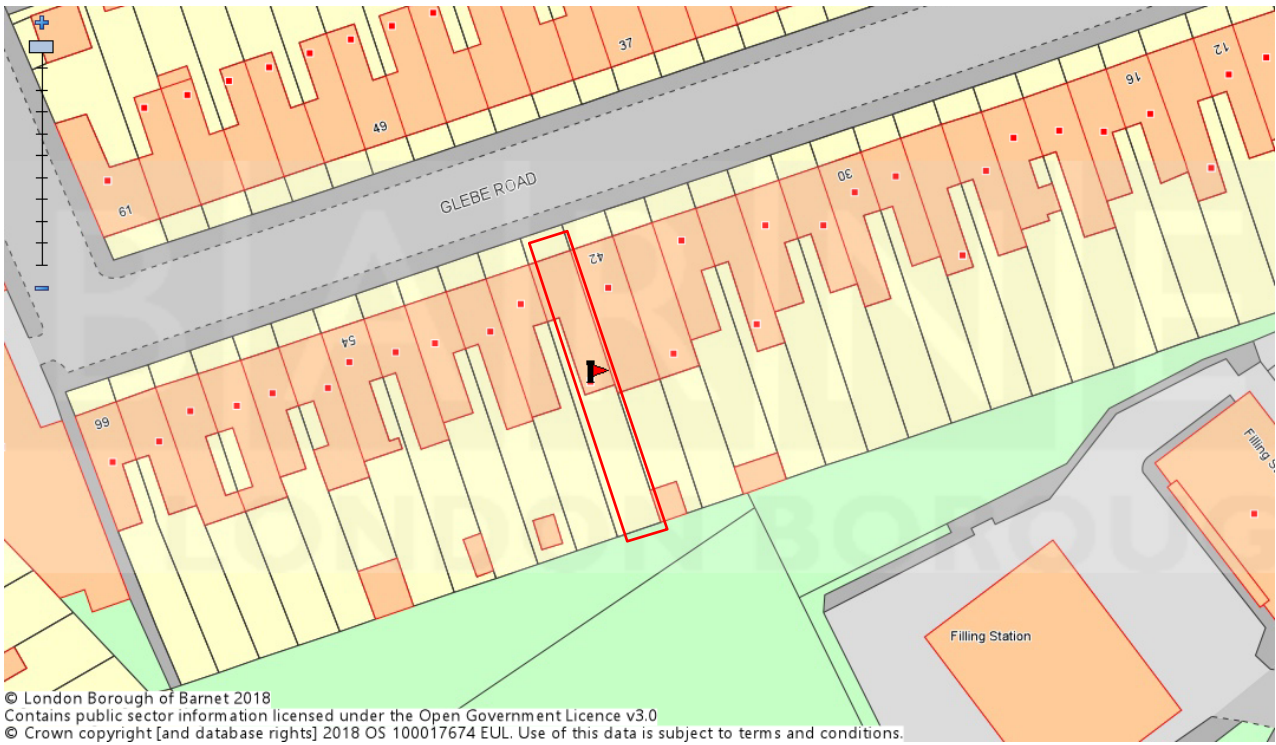
The public comments raised have been considered and addressed within the above report.

## **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 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.



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**Location**                    **89 And 91 Highfield Avenue London NW11 9TU**

**Reference:**                **18/0034/FUL**

Received: 2nd January 2018

Accepted: 11th January 2018

Ward:                        Golders Green

Expiry 8th March 2018

Applicant:                Mr .

Proposal:                    Conversion of No. 89 into 3no self contained flats with associated parking. Single storey rear extensions to both properties, first floor rear extension to no. 89

AGENDA ITEM 7

**Recommendation:** Approve subject to conditions

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

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

(MAY)A-03 (Combined Existing Plans and Elevations), (DEC)A-00 (Location Plan), (DEC) A-05 (Combined Proposed Plans and Elevations), (DEC)A-07 Rev A(Existing and Proposed Site Plan), A-10 (Refuse Area Detail, Elevations and Plan), Design and Access Statement prepared by Mario Minchella Architects dated December 2017, Email Confirming Number of Occupancy dated 15 March 2018.

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).

- 6 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).

- 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 5.15 of the London Plan (2015).

- 8 Before the building hereby permitted is first occupied the proposed window(s) in the north elevation facing No 87 Highfield Avenue 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 April 2013).

- 9 The property shall be used as self-contained units as shown in 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.

- 10 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. (DEC) A-07; 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.

- 11 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).

- 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 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 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 13 a) The site shall not be brought into use or first occupied until details of the means of enclosure of the subdivided amenity area, 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).

- 14 a) Notwithstanding details already submitted, no development shall take place until a scheme of hard and soft landscaping to the front forecourt area including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the Local Planning Authority.
- 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.

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

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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](http://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.

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.

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](mailto:cil@barnet.gov.uk).

#### Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or 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://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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 4 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 5 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.
- 6 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via [crossovers@barnet.gov.uk](mailto:crossovers@barnet.gov.uk).

- 7 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on 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 Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that photographic survey shall be undertaken of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

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, Barnet House, 1255 High Road, Whetstone N20 0EJ

## **Officer's Assessment**

The application was presented to Finchley and Golders Green Area Planning Committee on 26 March 2018. During the course of the meeting Mr Beider, the co-owner of No 91 and one of the named applicants on the application form denied knowledge of the application which led to the questioning of the validity of the application by the Committee. As the Committee could not gain clarity on the proposed development, the Chairman moved to defer the item to allow officers confirm that they are satisfied that the information contained in the application form is correct.

Section 65(5) of the Town and Country Planning Act 1990 stipulates that a Local Planning Authority should not entertain a planning application that does not comply with the requirements of the Development Management Procedure Order ("DMO"). Article 13 of the Development Management Order requires the appropriate notice to be served and the correct certificate to be submitted with the application.

Following the Committee meeting, the agent submitted evidence that the application had been submitted with Mr Beider's authorisation and on his behalf. Mr Beider has also confirmed in writing that he is aware of the application and he and his wife gave consent for the joint application to be submitted in their names as joint applicants. In view of the evidence and written confirmation from Mr Beider, officers are satisfied that Section 65(5) was complied with and the application is valid and can therefore be determined by the Area Planning Committee."

The report which was reported to the Area Committee in March is attached for your consideration.

**Location**                    **89 And 91 Highfield Avenue London NW11 9TU**

**Reference:**                **18/0034/FUL**                    Received: 2nd January 2018  
Accepted: 11th January 2018

Ward:                        Golders Green                    Expiry 8th March 2018

Applicant:                Mr .

Proposal:                    Conversion of No. 89 into 3no self contained flats with associated parking. Single storey rear extensions to both properties, first floor rear extension to no. 89

**Recommendation:** Approve subject to conditions

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

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

(MAY)A-03 (Combined Existing Plans and Elevations), (DEC)A-00 (Location Plan), (DEC) A-05 (Combined Proposed Plans and Elevations), (DEC)A-07 Rev A(Existing and Proposed Site Plan), A-10 (Refuse Area Detail, Elevations and Plan), Design and Access Statement prepared by Mario Minchella Architects dated December 2017.

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).

- 6 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).

- 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 5.15 of the London Plan (2015).

- 8 Before the building hereby permitted is first occupied the proposed window(s) in the north elevation facing No 87 Highfield Avenue 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 April 2013).

- 9 The property shall be used as self-contained units as shown in 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.

- 10 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. (DEC) A-07; 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.

- 11 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).

- 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 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 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

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

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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.

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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](http://www.planningportal.gov.uk/cil).

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

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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.

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### Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of



development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or 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://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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 4 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 5 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.

- 6 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via [crossovers@barnet.gov.uk](mailto:crossovers@barnet.gov.uk).
- 7 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on 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 Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that photographic survey shall be undertaken of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

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, Barnet House, 1255 High Road, Whetstone N20 0EJ

## Officer's Assessment

### 1. Site Description

The application site is located on the northern side of Highfield Avenue within the Golders Green ward.

The site properties are a pair of two storey semi-detached single family dwelling houses. The properties are not listed and do not lie within a conservation area.

### 2. Site History

Reference: 15/04381/FUL

Address: 89 Highfield Avenue, NW11 9TU

Decision: Refused

Decision Date: 14.09.2015

Description: Conversion of private dwelling house into 3no self-contained flats with associated parking. Two storey rear and side extensions and hip to gable roof extension with rear dormer window

Reason(s)

1. The proposed conversion, by reason of inadequate unit size and floor to ceiling heights of the loft unit and living room/kitchen size of the ground floor unit would not provide a satisfactorily high quality of amenity for future occupants. The proposal would be contrary to Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and the Residential Design Guidance SPD (adopted April 2013).

2. No private outdoor amenity space has been provided for the use of future occupiers of the upper floor flats, contrary to Policies CS1 and CS5 of the Council's Core Strategy (2012), Policies DM01 and DM02 of the Council's Development Management Policies DPD (2012), Residential Design Guidance and Sustainable Design and Construction SPDs (2012), Policy 3.5 including accompanying Table 3.3 of the London Plan (2015) as well as the objectives of National Planning Policy Framework.

3. The proposed two storey side/rear extension and single storey rear extension by reason of their excessive size, siting, excessive reward projection and relationship to no. 91 Highfield Avenue, would result in an unduly obtrusive and overbearing form of development and lead to an unacceptable sense of enclosure and loss of outlook/light, detrimental to the visual and residential amenities of the occupier of no. 91 Highfield Avenue, contrary to policies CS NPPF, CS1 and CS5 of the Core Strategy DPD (2012), policies DM01 of the Local Plan Development Management Policies (2012), The London Plan (2015), Barnet's Sustainable Design and Construction Document SPD (2013) and the Residential Design Guidance SPD (2013).

4. The proposed roof extensions by reason of their size bulk and design would unbalance the symmetry of the pair of semi-detached houses and detract from the character and appearance of the host property and the general locality, contrary to Policies CS1 and CS5 of the Adopted Core Strategy (2012), Policy DM01 of the Adopted Local Plan Development Management Policies DPD (2012) as well as the Council's Adopted SPD Residential Design Guidance (2013).

Reference: 16/3051/PNH

Address: 89 Highfield Avenue, NW11 9TU

Decision: Prior Approval Required and Refused

Decision Date: 13.06.2016

Description: Single storey rear extension with a maximum depth of 6metres from the original rear wall. Eaves height of 2.8metres and maximum height of 2.8metres

Reference: 16/0483/PNH

Address: 89 Highfield Avenue, NW11 9TU

Decision: Prior Approval Required and Refused

Decision Date: 02.02.2016

Description: Single storey rear extension

Reference: 17/3190/FUL

Address: 89 And 91 Highfield Avenue London NW11 9TU

Decision: Refused

Decision Date: 02.08.2018

Description: Conversion of No. 89 into 3no self contained flats with associated parking. Single storey rear extensions to both properties.

Reason(s)

1. The proposed conversion, by reason of inadequate unit sizes of the first floor and attic unit, and floor to ceiling heights of the attic unit would not provide a satisfactorily high quality of amenity or outlook for future occupants. Inadequate outlook would be provided for the ground floor unit. Furthermore, no private outdoor amenity space has been provided for the use of future occupiers of the upper floor flats, contrary to Policies CS1 and CS5 of the Council's Core Strategy (2012), Policies DM01 and DM02 of the Council's Development Management Policies DPD (2012), Residential Design Guidance and Sustainable Design and Construction SPDs (2012), Policy 3.5 including accompanying Table 3.3 of the London Plan (2015) as well as the objectives of National Planning Policy Framework.

Appeal decision: Dismissed

Appeal Decision date: 20.12.2017

### **3. Proposal**

The proposal seeks permission for conversion of No. 89 into 3no self contained flats with associated parking. Single storey rear extensions to both properties and first floor rear extension to no. 89

Both properties benefit from existing single storey rear outriggers extending their outside walls. It is proposed to infill the space between these outriggers with a joint single storey rear extension. The extension at the rear of no. 89 would be 6m deep overall whilst that at no. 91 would be some 1.7m shorter at 4.3m deep and would line up with its existing rear outrigger. The extension at 91 would project some 2.7m beyond its outrigger.

The proposed first floor rear extension at no. 89 would be built above the existing outrigger and would be 2m deep, 3m wide and 2.7m high to a flat roof.

Two off street parking spaces are proposed at the front of no. 89.

The proposed gross internal floor space for each apartment is as follows:

Flat 1 (Ground Floor)	2 bed 3 persons (66sq.m)
Flat 2 (First Floor)	1bed/1person (40sq.m)
Flat 3 (First & Second Floor)	1 person studio ( 44sq.m) (37sq.m habitable)

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

Consultation letters were sent to 90 neighbouring properties.  
5 objections have been received

It should be noted that some of the objections do not have a full postal address provided.

The views of objectors can be summarised as follows;

- o parking
- o over crowding of the area
- o development should be for families not studios
- o retain property as 3 bedroom family house
- o No loss of on-street parking
- o Proposed development will attract more crime
- o There are enough flats in the area
- o Area should be maintained for housing

#### **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 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 July 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 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 is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM08, DM17.

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

### Supplementary Planning Documents

#### Residential Design Guidance SPD (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 April 2013)

- 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**

This application seeks consent for the erection of single storey rear extension to both application properties and the conversion of 89 into three self-contained flatted units.

There has been previous refusals at the application site: 15/04381/FUL was for no.89 to be converted into 3no self-contained flats as well as for a two storey side/rear extensions, a hip to gable roof extension and full width rear dormer refused by the local planning authority. The application was refused by the local planning authority. The grounds for refusal related only to the impact on the amenities of future occupiers in relation to insufficient and inadequate amenity space; no objection was made to the principle of flats in this location.

Similarly, 17/3190/FUL was for conversion of No. 89 into 3no self contained flats with associated parking. Single storey rear extensions to both No 89 and 91. This application differed from the previous application in the way it included a joint rear extension with the neighbouring property at no.91 Highfield Avenue and did not include the second storey side/rear extensions and hip to gable roof extension with rear dormer window which was proposed in the previous application (15/04381/FUL). The grounds for refusal related only to the impact on the amenities of future occupiers in relation to inadequate unit sizes, floor to ceiling heights of the attic units, inadequate outlook and lack of private amenity space for future occupiers of the upper floor flat. The Council's reasons for refusal was the subject of an appeal, which was dismissed in December 2017.

The Planning Inspector conclusion in deciding the appeal is that there would be "no harm with regards to the internal space provision for the first floor and attic units", however there was "harm in terms of the lack of private outdoor amenity space for the first floor and attic units and the lack of light and outlook for the ground floor". It was on this basis that the appeal was dismissed.

It should be noted that in the two previous appeals no objection was made to the principle of flats in this location.

Principle of self-contained units:

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.

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

considered to be acceptable. From conducting the site visit and looking at the VOA website it is clear that a number of other properties in the vicinity have undertaken similar works to convert their properties into flats. There are many examples of previously converted buildings on Highfield Avenue including nos. 2a, 51, 67, 95, 103, 109 and 111. Some of these are historic conversions but others have been given consent since the adoption of the Development Management Policies in 2012. The principle of conversion of this property to flats in this location is therefore considered acceptable.

#### Impact on the character of the area

A number of properties within the vicinity of the host properties have undertaken similar rear extensions, namely the neighbouring properties at no.87 and no.91. It is therefore considered that the proposed extensions will be proportionate additions that will not detract from the established character and appearance of the host properties, street scene and wider locality.

The properties benefit from large rear gardens and the proposed extensions will not be detrimental to the amount of outdoor amenity space on the property and available for future occupiers. Although the development will increase the footprint of the dwelling, the extension is not considered to be of a scale that would have a harmful impact on the character of development in the area.

#### Impact on living conditions of future occupiers

It is considered that the current application has been amended to comply with the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan 2016 and it is considered to provide adequate internal space for future occupier. The proposal will comprise of 1x 1 bed units, 1 x 2 bed units and 1 x studio. Although the Councils Sustainable Design and Construction SPD require a minimum gross internal floor area of 50sqm and 70sqm respectively, the London Plan (2016) requires 40sqm for 1 bed 1 person and 61sqm for 2b 3person accommodation. The applicant has confirmed in writing the number of persons per flat.

In view of the above the flats would meet the minimum space and room standards required by the London Plan.

The proposed gross internal floor space for each apartment is as follows:

- Ground Floor - 2 bed 3 persons (66sq.m)
- First Floor - 1bed/1person (40sq.m)
- First & Second Floor - 1 person studio ( 44sq.m) (37sq.m habitable)

The outlook from the rooms and accessible daylight to the rooms would comply with Councils Sustainable Design and Construction SPD, and would provide a good level of amenity for the future residents. The units have been designed so rooms are laid out on a 'like above like' basis to ensure that there is no inappropriate stacking between units.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m<sup>2</sup> per habitable room.

It is noted that the existing residential units have access to a communal amenity space. The existing garden will be subdivided into two garden areas which would be acceptable; the first and second floor flats would have access to 35.7m<sup>2</sup> of garden space and the ground floor flat would have access to 36sqm of garden space.



Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels; this will be enforced by an appropriate condition attached to the decision. The proposed internal stacking is considered appropriate and acceptable, helping to ensure a minimum of noise disturbance between the units

An appropriate area for the storage of recycling and refuse bins has been provided at the rear of the site, and cycle storage for is also provided at the rear adjacent to the entrance to the communal terrace. This is considered to be acceptable.

#### Impact on the amenities of neighbours

The following exterior changes are proposed:

- joint single storey rear extension for both properties at no. 89 and no.91.
- first storey rear extension to No 89

When assessing the potential impact, the amenities of both neighbouring occupiers were carefully considered and addressed separately below:

87 Highfield Avenue: The neighbouring occupier benefits from both ground and first floor rear extensions of similar proportions to those proposed thus preserving the amenities of neighbouring occupiers.

93 Highfield Avenue: It is not believed that the amenities of this neighbouring property will be affected as the proposed extension is not located along the boundary with this neighbouring property.

#### Parking

The site has a PTAL of 6a (excellent) with bus, train, tube available within the PTAL calculation area,. The proposed development proposes two residential parking spaces, this is in line with DM17.

Cycle parking is in line with London Plan minimum standards.

The storage provision refuse / recycling and cycle parking storage space is line with the Council's requirement.

The application is recommended for approval on Highways ground subject to conditions and informatives.

#### Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition would be attached in the event planning permission is granted to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 6% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy

5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition would be attached in the event planning permission is granted to ensure compliance with the Policy

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

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

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

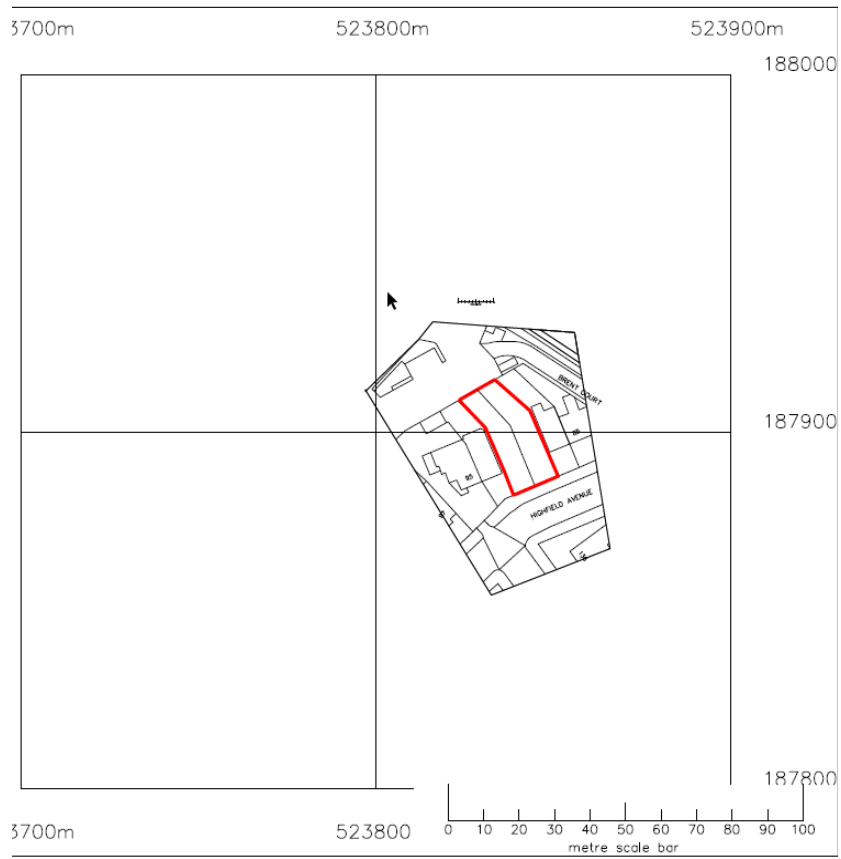
Comments have been addressed in the assessment above

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

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

#### **7. Conclusion**

Having taken all material considerations into account, it is considered that 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.



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**Location** Oak Lodge 54 The Bishops Avenue London N2 0BE

**Reference:** 17/6561/FUL

Received: 16th October 2017

Accepted: 17th October 2017

**Ward:** Garden Suburb

Expiry 16th January 2018

**Applicant:** Mr Jon O'Brien

**Proposal:** Demolition of existing dwellinghouse and erection of a three storey, plus lower ground floor and two basement levels, detached building comprising of 18no. self-contained residential units. Associated amenity space, hard and soft landscaping, refuse storage and cycle store. Provision of basement level car parking

AGENDA ITEM 8

**Recommendation:** Refuse

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

- 1 The proposed development will involve the loss of a Locally Listed building located within the Hampstead Garden Suburb Conservation Area. It is not considered that the case submitted for the demolition of the building is acceptable and that the building could be successfully repair and retained. The demolition of the Locally Listed building would result in the loss of a non-designated heritage asset and would have a harmful impact on the character and appearance of the conservation area, which would not be outweighed by the public benefits of the proposed development as in accordance with under paragraph 138 and 133 of the NPPF. As such the proposed development is contrary to policy 7.8 of the London Plan 2016, Policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012) and Policies DM01 and DM06 of the Adopted Development Management Policies DPD (2012).
  
- 2 The proposed development, by reason of its size, siting, massing, bulk and design would constitute overdevelopment of the site and cumulatively through its external appearance and plot coverage would introduce an incongruous form of development to the area, having a harmful impact on the character and appearance of the site and street scene and would not preserve or enhance the character and appearance of this part of the Hampstead Garden Suburb Conservation Area. In the opinion of the Local Planning Authority, the harm caused is considered to be significant and as in accordance with paragraph 133 of the NPPF, the harm caused outweighs the public benefits. As such the proposed development is contrary to policies 7.4, 7.6 and 7.8 of the London Plan 2016, Policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), Policies DM01 and DM06 of the Adopted Development Management Policies DPD (2012).

- 3 The development does not include a formal undertaking to secure a contribution to affordable housing, contrary to Policies CS4 of the Local Plan Core Strategy (adopted September 2012), and Policy DM10 of the Local Plan Development Management Policies DPD (adopted September 2012) and Affordable Housing Supplementary Planning Document (adopted February 2008).

**Informative(s):**

- 1 The plans accompanying this application are:

Site Location Plan 1:1250

TS17-2225 (Existing Topographical Survey)

TS17-2225 (Existing Elevations)

TS17-2225 (Existing Sections)

Existing Tree Constraints Map

002 (Proposed Site Plan)

003 B (Proposed Spa Level Plan)

004 K (Proposed Basement Plan)

005 K (Proposed Lower Ground Floor Plan)

006 I (Proposed Ground Floor Plan)

007 H (Proposed First Floor Plan)

008 H (Proposed Second Floor Plan)

009 F (Proposed Roof Plan)

010 D (Proposed Front and South Side Elevations)

011 D (Proposed Rear and North Side Elevations)

012 F (Site Levels)

013 E (Gross Internal Levels)

014 A (Long Section)

015 (Proposed Lower Ground Floor Plan with Site)

016 (Proposed Ground Floor Plan with Site)

Arboricultural Impact Assessment (dated 17.4.18)

Appendix 1 BS5837 Tree Constraints Survey Schedule (dated 15.8.17)

Appendix 2 Recommended Tree Works (dated 15.8.17)

Construction Management Plan (dated 16.10.17)

Construction Traffic Management Plan (dated 16.10.17)

Daylight and Sunlight Report (01.11.17)

Design and Access Statement (received 17.10.17)

Financial Viability Assessment (dated 29.11.17)

Flood Risk Assessment (dated 24.10.17)

Heritage Statement (Heritage Matters) (dated 16.10.17)

Supplementary Heritage Statement (dated 01.06.18)

Heritage Statement (Turley) (dated Oct 17)

Supplementary Heritage Note (dated May 18)

Independent Review of Financial Viability Appraisal (dated Jan.18)

Market Appraisal (Glentree International) (dated 17.10.17)

Additional Letter (Glentree International) (dated 7.12.17)

Phase 1 Preliminary Ecological Appraisal (dated Nov.17)

Planning Statement (dated 17.10.17)

Report on Condition of Structural Fabric (Fluid Structures) (dated 2.6.17)

Report on Structural Appraisal (Jampel Davison & Bell)  
Screening and Scoping Hydrology Report (dated 23.10.17)  
Site Waste Management Plan (dated 16.10.17)  
Sustainability Statement (dated 20.10.17)  
Transport Statement (dated 16.10.17)  
Utilities Statement (19.10.17)  
Ventilation and Extraction Statement (20.10.17)

- 2 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant sought formal pre-application advice which was provided. Unfortunately the submitted scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

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

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking were set at a rate of £0 per sq m.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

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

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; failure to provide such information at the due date will incur both surcharges and penalty interest. There are various

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

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

#### Relief or Exemption from CIL

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)
2. Residential Annexes or Extension: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self-Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk).

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



## **Officer's Assessment**

### **1. Site Description**

The application site is located on the western side of The Bishops Avenue and lies within the Hampstead Garden Suburb Conservation Area. The total area of the site is approximately 0.89 hectares.

The site comprises of a detached two storey dwelling house which is designated as a Locally Listed Building. It is constructed in red brick with a clay tile pitched roof. The property has been altered and extended over the years.

The Bishops Avenue Conservation Area Statement states that the site falls within Zone 4 of the Conservation Area. This zone is characterised as:

*Zone 4 includes all the locally listed properties. In summary, this part of The Bishop's Avenue is characterised by relatively secluded properties which, although substantial, retain a domestic and human scale through the scale and design of their components and their relationship to gardens and trees.*

The site is described within the Statement as follows: *Oak Lodge. 1927. Locally Listed. Restrained brick and tile vernacular.*

The site is extensively covered by a large number of moderate and high value trees which are located within the site and designated under a number of individual and group Tree Preservation Orders (TPO).

### **2. Site History**

Reference: C02311G

Address: 54 The Bishops Avenue London N2

Decision: Approved subject to conditions

Decision Date: 10.01.1996

Description: Demolition of existing house and erection of detached house incorporating lower ground floor. New driveway and vehicular accesses at front.

Reference: C02311F

Address: Oak Lodge, 54 The Bishops Avenue London N2

Decision: Approved subject to conditions

Decision Date: 10.01.1996

Description: Demolition of house.

Reference: C02311E

Address: Oak Lodge, 54 The Bishops Avenue London N2

Decision: Withdrawn

Decision Date: 30.07.1996

Description: Demolition of house and erection of detached house incorporating extended lower ground level.

### **3. Proposal**

The application seeks to demolish the existing building on site and construct a three-storey building with lower ground floor to provide 18no. self-contained units. Two further

basement levels are proposed to accommodate an underground car park and servicing level and a spa, pool and gym area.

The overall design and form of the building is to reflect a Georgian style with a series of projecting and receding bays, focussed on a central bay on the front and rear elevations and delineated by simple Doric columns.

The building would measure approximately 47.6m in width, 54m in depth and a maximum height of 14.5m.

The proposal will provide 18 units in total comprising of 16 x 3-bed and 2 x 4-bed units.

The underground car park will provide 44 spaces, comprising of 36 spaces contained within double garages, 6 visitor spaces and 2 disabled spaces. Vehicles will utilise the existing entrance off The Bishops Avenue and a ramp will lead down to the basement level.

The proposal consists of considerable new tree planting and landscaping to the front and rear of the site.

The proposal has been amended during the application, consisting of the following amendments:

- Reduction of car parking spaces from 60 to 44;
- Lower ground lightwells along southern elevation have been pulled back.

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

This application has been referred to the Finchley and Golders Green Planning Committee by Councillor Rozenberg for the following reason:

*The site (and much of the street) is in disuse, and the market for such grand properties has declined in recent years. There is a strong public benefit to bringing The Bishops Avenue into proper use again. The proposed housing block would be more in tune with local demand (as shown by similar projects nearby). I do not believe that the existing building needs to be saved, and the proposed design is of sufficient architectural standard that in my view it deserves to be carefully considered.*

44 consultation letters were sent to neighbouring properties.

A site notice was erected on 26.10.2017

A press notice was published on 24.10.2017

13 responses have been received, comprising 1 letter of objection, 2 representations and 11 letters of support.

The objections received can be summarised as follows:

- Proposed building is alien to the character of the Bishops Avenue;
- Existing building should be repaired and restored as a house;
- Deterioration of the building should not be permitted as a reason for its demolition.

The representations received can be summarised as follows:

- No in principle objection but concerns raised in relation to site traffic during construction process;

- Parked construction vehicles will restrict access in and out of neighbouring sites causing safety issues.

The letters of support can be summarised as follows:

- Redevelopment of derelict property;
- Derelict properties are an eyesore and attract negative attention from the public and the media;
- Existing property is in very poor condition;
- Proposal would be well screened from the street;
- Proposal is of a good design;
- Demolition has been previously accepted;
- Critical that a sense of community is restored and promoted by regenerating one of these long term derelict properties;
- Provision of Community Infrastructure Levy and affordable housing contribution;
- Provision of new housing stock;
- Local employment;
- Additional council tax generated;
- Positive contribution for the streetscape and conservation area;
- News that some of the homeless of Barnet are rehoused as far away as Newcastle when schemes such as these offer the real opportunity to create affordable housing in the borough without raising council tax to do so.

#### Statutory Consultees

**Arboricultural Officer** - The site as a whole would greatly benefit from a smaller development that retains more trees and leaves larger areas of open spaces for the garden. This approach would better fit the character of The Bishops Avenue Conservation Area, historic land use and provide more space for amenity and wildlife.

**Conservation Officer** - Objection - comments contained within the main report.

**Drainage** - No objection

**Historic England** - Proposed scheme would not preserve or enhance the significance of the conservation area. The scheme would cause harm to the conservation area. This harm should be taken into consideration in making your decision, and weighed against any identified public benefits of the proposals.

**Environmental Health** - Further information required. No objection.

**Metropolitan Police** - No objection - appropriate security measures could be installed.

**Thames Water** - No objection.

**Traffic and Development** - No objection - comments contained within the main report.

#### Other consultees

**Hampstead Garden Suburb Trust** - The house strongly meets the criteria for local listing and is a significant contributor to the character of the conservation area. The proposal cannot be said to either preserve or enhance the character and appearance of the conservation area.

## 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 Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2016

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

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

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

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS7, CS9, CS12, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM10, DM16, DM17

#### Supplementary Planning Documents

The Bishops Avenue Character Appraisal  
Residential Design Guidance SPD (adopted October 2016)

## 5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of the development, namely the demolition of the locally listed building, would be acceptable and the impact on the conservation area;
- Whether the proposal would have an acceptable impact on the character and appearance of the site, street scene and conservation area;
- Whether the proposal makes satisfactory provision for affordable housing;
- Whether the proposal would provide an acceptable level of amenity for neighbouring and future occupiers;
- Whether the proposal would have an acceptable impact on highway and pedestrian safety;
- Whether the proposal would have an acceptable impact on trees, ecology and landscaping;
- Whether the proposal would have an acceptable with regard flood risk, drainage and soils;
- Sustainability issues and utilities; and
- Impact on security in the area.

## 5.3 Assessment of proposals

Whether the principle of development, involving the demolition of the existing building would be acceptable and the impact on the conservation area

Oak lodge is a Locally Listed Building. It is described within The Bishops Avenue Character Appraisal Statement as '*Oak Lodge. 1927. Locally Listed. Restrained brick and tile vernacular*'. It is acknowledged that a number of unsympathetic changes have been made to the building, however, it is considered that the property itself retains the essential form of a large property set in spacious grounds, and remains much as originally designed. There is little description on the building other than the above and there is no reference to the building's architect detailed within the listing or on Council records. However, the building has been locally listed due to its architectural and historic merit.

Policy DM06 of Barnet's Development Management Policies DPD states that there will be a presumption in favour of retaining all Locally Listed Buildings in Barnet and any buildings which make a positive contribution to the character and appearance of the borough's conservation areas.

The applicant has undertaken considerable assessment of the existing building, the conservation area and the resulting heritage impact of the proposed development. This has resulted in two heritage reports being supported which have been subsequently added to by recently submitted supplementary notes. The Conservation Area Appraisal and its identification as a positive contributor to the character and appearance of the conservation area is acknowledged, however, the consultant reports set out that its contribution is not as significant as the weight placed on it by the LPA.

On Oak Lodge, Turley have been unable to confirm the identity of the architect. The Turley Heritage report states that the building whilst of a picturesque form, is consistent with this architectural idiom, it lacks the secondary scale of detailing and finish that would enrich the composition; as a result the building is comparatively plain. The report considers that the

poor extensions and alterations have had a cumulative adverse effect on its quality and contribution to the conservation area. The effects of the lengthy decline in the buildings fabric are now so extensive that its local architectural and historic interest is significantly eroded. A further Heritage Statement by Heritage Matters comments that Oak Lodge would not fit the criteria of Barnet's guidelines for the selection of locally listed buildings. In terms of the design, the report states that the building is not considered to be a well-executed example of the architectural style. The loss of this building would not be significant in its own right.

The applicant has sought to justify the proposal to demolish the existing building by submitting structural reports which state that retention is unviable. Very recently, the applicant has submitted a demolition and rebuild cost plan which estimates a cost in the region of £11.2million to retain the building as a dwelling. However, due to the timescales of the submission of this report coinciding with the publication of the committee report, the LPA at this time has not had the ability to confirm whether these costs are accurate/realistic.

In contrast to these reports, the Council has received a representation from the Architectural Advisor of the Hampstead Garden Suburb Trust (HGST). In his professional opinion, it is clear that this is a house designed by John Carrick Stuart Soutar. He disputes the assessment of the submitted consultant heritage reports and counters that the "plainness" of the house and lack of "secondary scale of design" were intentional. In his opinion, the consultant heritage statement is flawed and does not account for this attribution. He states that there is no reason that this house could not be retained and adapted and expresses his opinion that the house strongly meets the criteria for local listing.

It has become evident through the course of the application, that there is a strong difference of professional opinion between the applicant's heritage consultants, HGST and the Council's Conservation Officer as to the architect of the building and the quality and contribution of the building's design. It is important to note, that these are professional opinions expressed within the submitted responses to the LPA and that the architect has not been an influence in the decision making or listing of Oak Lodge as a Locally Listed Building. In plain terms, irrespective of who designed the property, the building would still be locally listed.

The site is also located within Zone 4 of the Hampstead Garden Suburb Conservation Area - The Bishops Avenue Character Appraisal Statement. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'in exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The Council's Conservation Officer considers the site also makes a positive contribution to the significance of the conservation area. The Appraisal states *"the quality vernacular found most predominately in Zone 1 and Zone 4 is vitally important and displays the taste of a previous generation of wealthy owners. Although this character is more subdued and understated, it is nevertheless key to the area's special architectural and historic interest."* The Conservation Officer adds further that Zone 4 includes all the locally listed buildings running from Hampstead Lane to Kenstead Hall. This part of The Bishops Avenue is characterised by relatively secluded properties which, although substantial, retain a domestic and human scale. On the western side of the road, six original locally listed

houses remain, altered but the original properties on their plots, of which Oak Lodge would be the most undeveloped.

Paragraph 138 of the NPPF states that *"Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole."*

In terms of the site's contribution to the significance of the conservation area, it is considered that the Oak Lodge is one of the original properties that helped established The Bishops Avenue. The site's contribution to the significance of the conservation area is also commented on by Historic England. They comment *"The building is locally listed and, notwithstanding its current disused condition, makes a positive contribution to the conservation area."*

The Conservation Officer expresses a concern with the on-going loss of many of the original properties along the street and as such, the property's significance as a non-designated heritage asset is increased, defining its positive contribution to the significance of the conservation area. Therefore, great weight is afforded to its significance when weighed up against the public benefits of the proposal.

The consultant heritage reports state that the significance of the building towards the conservation is not so significant. In considering the contribution made, the Turley report considers it is necessary to account for the degraded condition of the existing building. The property has not been inhabited for over 20 years and is in an advanced stage of decay. Turley consider that this should be given significant weight and that the decline in the building fabric is now so significant, that it has reduced the contribution made by the existing building to the significance of the conservation area. The Heritage Matters report does not consider that the site meets Historic England's checklist for a building that makes a positive contribution to the conservation area. However, this statement from Heritage Matters can be disputed as Historic England have acknowledged in their opinion that the building does contribute positively to the conservation area.

Again, in contrast to the submitted Heritage Reports, HGST consider that the building is a significant contributor to the character of the conservation area.

Having considered all the elements, the LPA considers that the Locally Listed building is in its own right, of sufficient architectural and historic merit. Barnet policy DM06 states that there will be a presumption in favour of retaining all Locally Listed buildings. Despite the information submitted by the applicant, the LPA is not convinced that the applicant has fully considered or demonstrated that the building could not be suitably retained. In addition, it is considered the Locally Listed building has a positive contribution to the conservation area, in terms of its architectural and historic value. It is considered that its loss will result in harm to this area of the conservation area. As stated within NPPF, this harm will be weighed against the public benefits of the scheme. This will be considered throughout the report.

Comments have been raised from the applicant and in the letters of support, that the LPA approved the demolition of the building in 1995. However, that decision was made 23 years ago and national and local policy has moved on considerably since that time. The

retention and conservation of heritage assets are a cornerstone of national policy. Barnet's current policy DM06 states that there is a presumption in favour of retaining all locally listed buildings. Given the considerable period of time that has since past and the change in policy, this decision has no weight in the assessment of this application.

#### Impact on the character and appearance of the site, street scene and conservation area

##### *Scale, Bulk, Massing*

The proposed building would measure approximately 47.6m in width, 54m in depth and a maximum height of 14.5m. It would represent a vast and substantial increase of built form compared to the existing building. Whilst a separation distance of approximately 10m from the side elevations to the neighbouring boundary appears sufficient on its own merits, when you consider the proposed width and depth, the building is considered to be significantly oversized and out of scale for the application site.

Whilst an external appearance of three-storeys is not in itself objectionable and is demonstrated within the Design and Access Statement as being broadly similar to other buildings within the street, it is the overall bulk and massing of the proposed building which is considered to be significantly out of context of the street scene and harmful to the character and appearance of the conservation area.

The Character Appraisal highlights that that the construction of 'Super houses' has had a detrimental impact on the character and special interest of the street. The ever-increasing size, scale and massing of many of these properties (even when dressed in Neo-Georgian details) are considered to be out of scale with the character of the area. The properties in Zone 4 are considered to retain a domestic and human scale through the scale and design of their components and their relationship to gardens and trees. The proposed building would be completely at odds with this character, occupying a large proportion of the site and resulting in the loss of open garden space which is a main essential characteristic of the properties in this zone. The amount of development including the three basement levels would be built out and penetrate a large amount of root protection areas of the trees along the site boundaries.

##### *Design and external appearance*

The overall design and form of the building is to reflect a Georgian style with a series of projecting and receding bays, focussed on a central bay on the front and rear elevations and delineated by simple Doric columns.

It is considered that the proposed design and external appearance is wholly inappropriate and bears no reflection or consideration to the vernacular and red brick material character commonly found in this street scene.

Historic England within their response summarise the proposal as "The application would replace a locally listed building which contributes positively to the conservation area, reflecting its scale and tone, with one which does not draw from its historic character. The new design is the type of the building that has been identified in the Conservation Area Appraisal as already undermining its character elsewhere along the road." The response continues "In the context of current national policy and local appraisals, we continue that the proposed scheme would cause harm to the conservation area that, though not substantial, appears to form part of a trend of development identified in the conservation area appraisal as having real cumulative impact."



The HGST in their representation also raise strong concerns over the design and scale of the building, "setting the wrong tone for new developments throughout the conservation area, and possibly the suburb." In their opinion the proposed new building "would be completely at odds with the original character of the road, far too large, inappropriate in its architectural language, aggressively attention seeking and pushed too far forward on plot." They disagree with the submitted heritage statement that the proposal will enhance the significance of the conservation area.

In terms of the overall scale and design, there are strong concerns raised by the LPA based on the above issues. However, these concerns are also raised by Historic England and the HGST.

Overall, it is considered that the proposed development would represent overdevelopment of the site by reason of its size, siting, design, massing and bulk and would have a significant harmful impact on the character and appearance of the site and this area of the conservation area. It is considered that the proposed size, siting, mass, bulk and design of the proposed replacement building would cause significant harm to the existing site, street scene and this part of the conservation area.

#### Principle of whether the provision of purpose built flats would be acceptable

Policy DM01 of the Development Management Policies DPD states that the loss of houses in roads characterised by houses will not normally be appropriate.

This part of The Bishops Avenue (Zone 4) is characterised by mansion style houses on very large plots. It is acknowledged that there are isolated flatted developments which have been granted permission by the LPA. However, it is not considered that these developments define the predominant character of the road.

The applicant has looked at this issue in depth within the submitted Planning Statement and Design and Access Statement. These documents assess the character of the whole street, however, The Bishops Avenue is subdivided into four zones, each with differing characteristics. For this site, it should be primarily considered in relation to Zone 4. The most notable site in this is Buxmead which comprises of 20no. flats. However, each application is assessed on their own merits and in the instance of Buxmead, there were special circumstances which warranted the approval of the application. There was a previous institutional use on the site where the frequency of people could be considered similar to the previous use and that the proposed locally listed building was retained and adapted.

The predominate character of this zone of the conservation area is mansion style houses and therefore it is acknowledged that the use of the site as flats could be considered to cause harm to the character of the area in land use terms. The use of the site as 18no flats would generate higher levels of general activity than a single house. The proposal would result in the proposed building being significantly closer to the neighbouring sites.

The applicant has submitted a number of material considerations to support the provision of flats such as the more efficient use of land, oversupply of large mansion style houses which are not selling and very few of the single dwellings being occupied.

In this specific case, it is considered that the character of this part of The Bishops Avenue is characterised by large mansion style dwellings and that the introduction of flats would

cause some harm. However, the material considerations raised in terms of benefits will need to be considered and weighed against the harm.

### Affordable Housing

Given that the development is for 18 dwelling units, the proposal would require provision of affordable housing under policy DM10 of the Development Management Policies 2012. Policy DM10 states that '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 applicant has provided a viability report by GL Hearn. This states that it would not be viable for the scheme to provide affordable housing on site.

The LPA has commissioned Gerald Eve to review this independently. Gerald Eve were satisfied on the most part that the applied assumptions within the submitted Financial Viability Appraisal (FVA) appeared reasonable and in accordance with the NPPF and RICS professional guidance. However, they were of the opinion that a number of assumptions required reasonable adjustment, such as the developers return, Gross Development Value and build costs. Gerald Eve were of the opinion that the scheme is both viable and deliverable and would appear to support a surplus which could be contributed towards affordable housing.

Following discussions between GL Hearn and Gerald Eve, the applicant provided further justification in terms of the risks associated with delivering the scheme. In addition, the applicant confirmed that they would be willing to offer a contribution of £1million towards affordable housing. Following a further assessment, Gerald Eve were of the opinion that the £1million offered by the applicant demonstrated a reasonable financial payment towards affordable housing.

Affordable housing is normally sought on site. However, consideration is given to the location of the site on The Bishops Avenue, the nature of the plots and the high land values. These are considered to constitute exceptional circumstances that would justify a contribution in lieu of affordable housing provision on site, in accordance with the Supplementary Planning Document on affordable housing.

It is considered that following the assessment of the FVA and the financial contribution offered, the proposal makes an acceptable provision for affordable housing.

### Impact on the amenity of neighbouring residents

In terms of neighbouring properties, the closest residential properties are Kenstead Hall to the north and Barons Court to the south. The rear boundaries of properties along Winnington Road also back on to the western edge of the application site.

The northern elevation which faces onto Kenstead Hall would be set approximately 9.8m away from the shared boundary, with the separation between the closest building within the site being 20m. Between these sites, there is a considerable difference in levels, with the ground floor level of the application site being 4-5m higher than Kenstead Hall.

The southern elevation which faces onto Barons Court would be set approximately 9.7m away from the shared boundary, with the separation between the elevations being 14m. Barons Court sits approximately 2m higher than the application site.

The applicant has submitted a daylight/sunlight assessment which addresses the potential impact on these two residential properties. In relation to Kenstead Hall, the report states that the main house is located approximately 30m from the shared boundary. The report acknowledges that there is a later single storey addition located close to the boundary with side facing windows. A subsequent site visit was undertaken and confirmed that this building element is used for storage. As such no detailed daylight and sunlight assessment was undertaken. In relation to Barons Court, an assessment was undertaken which found that all windows and rooms will be fully compliant with BRE guidelines. It is accepted that the proposal would not cause harmful loss of light or outlook to neighbouring properties, nor would the building appear unduly overbearing when viewed from the adjacent residential properties.

In terms of overlooking, it is considered that the distance from neighbouring properties would not result in harmful overlooking of the adjacent properties.

The use of the site as 18no. flats would generate higher levels of general activity than one house, for example through comings and goings of the proposal's residents and the use of the private balconies, terraces and roof terraces. It is acknowledged that the existing landscaping and trees which is proposed to be significantly improved, would help mitigate the increase of general activity. On balance, it is considered that there would be a greater frequency of noise, but this would not unduly harm neighbouring residential amenity as a result of any noise and disturbance.

#### Provision of accommodation 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. The London Plan and the Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units.

The proposal would provide 16 x 3-bed and 2 x 4-bed units. All of the proposed flats would easily exceed the minimum internal space standards.

Whilst there is living accommodation located within the lower ground floor, this mainly comprises of bedrooms, cinema/games room, bathrooms, TV/snug rooms and dressing rooms. The proposal includes the provision of large lightwells which would principally serve the bedrooms to allow for daylight/sunlight to enter these areas. These rooms are associated with duplex units where the main living accommodation is located on the ground floor. All the proposed units would have acceptable outlook. Overall, the level of accommodation is considered to be acceptable.

Barnet's Local Plan expects that sufficient and functional space should be provided for all new homes and flats wherever possible. Each flat would have the provision of a private balcony and the upper level flats having access to a roof garden. In addition to the private balconies/ terraces, all units would have access to the large communal garden to the rear of the site.

Overall, it is considered that the proposals would provide an acceptable level of amenity for future residents.

### Highways safety and 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.

Policy DM17 sets out parking standards as follows for the residential use:

For 3 bedroom units 1.0 to 1.5 spaces per unit

For 4 bedroom units 1.5 to 2.0 spaces per unit

The proposal would provide 16 x 3-bed and 2 x 4-bed units and would have the following parking requirements:

16 x 3bd	1.0 - 1.5	16.0 - 24.0
2 x 2bd	1.5 - 2.0	3.0 - 4.0

A parking provision of 19 to 28 parking spaces is required for the proposal to accord with the parking standards of policy DM17. Following an initial objection from the Council's Traffic and Development service in regards to the over provision of 60 car parking spaces, the applicant reduce the number of spaces to 44. This would comprise of 36 parking spaces within 18 double garages, 6 visitor parking spaces within parking bays and 2 disabled spaces within the parking bays. Following a further assessment by the Council's Highways Officer, consideration was given to the sites PTAL level of 1b (very poor accessibility), it's not located within a town centre and is not within a control parking zone (CPZ). The Highways Officer comments that although the proposed parking provision of 44 parking space is still higher than the parking provision required under DM17, on balance taking into the amendments, the proposal is considered to be acceptable on highway grounds.

The existing vehicular access to the site is to be retained. This would lead to a ramp down towards the basement parking area. A 1:12 gradient for the ramped access is proposed, which is in accordance with highway requirements.

It is proposed that refuse will be collected from the kerb side and the bins will be brought to the back of the public highway on the day of collection.

Overall, the proposal is considered to be compliant with policy DM17 in terms of access, parking and refuse. The Council's Traffic and Development service are satisfied with the proposal subject to a number of conditions being attached should planning permission be granted.

## Trees, Ecology and Landscaping

### *Trees*

The applicant has submitted an Arboricultural Impact Assessment. This details that 91 trees were surveyed, comprising of 11 x Category A, 21 x Category B, 68 x Category C and 2 x Category U trees. It is proposed that 19 trees are to be felled; 1 x Category B, 17 Category C and 1 Category U.

The Council's Arboricultural Officer has reviewed the assessment and associated plans. He comments that "the submitted tree constraints plans by Landmark Trees, identifies a large number of moderate and high value trees within the site. These trees are an intrinsic part of the character of The Bishops Avenue. Typical of The Bishops Avenue, this site has a large detached property located within a mature garden. Any new development must support and enhance these vitally important sylvan features. The majority of the trees on the site are mature native trees made up of oak, yew, sycamore, hornbeam, ash, beech and holly. A few ornamental trees are also present on site.

There are a number of group Tree Preservation Orders (TPO) on the site and three individual TPOs.

The proposal would result in the removal of T36 (applicant's plan) which is an Atlantic Cedar and is designated as TPO T88. However, the tree is valued as a Category C as it has been damaged by high winds. The loss of this tree is considered to be acceptable by the Council's Arboricultural Officer and can be suitably replaced.

Concerns were raised regarding the impact on the valuable trees around the edge of the property. Following discussions between the Council and the consultant Arboriculturist, amended plans were submitted to pull back the lower ground floor along the southern elevation. It is acknowledged that this represents an improvement on the previous submission, however the report still identifies that there will be a high impact on T33, a tree with special protection (TPO). The report recommends that special measures will be implemented to mitigate the impact of root removal, by soil treatments and crown reduction. The Council's Arboricultural Officer acknowledges this mitigation may in the short term have the desired effect but will eventually result in degradation to this tree.

From the submitted lower ground and ground floor plans within the Arboricultural Impact Assessment, it is evident that the proposal, by the extent of the development proposed would encroach and impact a large number of trees, of which a number fall within the TPO designations.

Overall, the Council's Arboricultural Officer considers that the site as a whole would greatly benefit from a smaller development that retains more trees and leaves larger areas of open spaces for the garden. This approach would be better fit the character of The Bishops Avenue Conservation Area, historic land use and provide more space for amenity and wildlife.

While the removal of some trees is considered to be acceptable and can be suitably replaced, it is acknowledged that the impact of existing trees throughout the site could have been further improved through a smaller scheme. However, on balance it is considered that the loss of and impact to the existing trees could be suitably mitigated by the addition of significant landscaping which is proposed as part of the submission and the planting of mature trees. Final details of trees species, sizes and their position could be

sought via a planning condition. Therefore the impact on these trees is not considered to warrant an individual reason for reason.

### *Ecology*

The applicant has submitted a Phase 1 Preliminary Ecological Appraisal which is comprised of a desk-based study and a site investigation.

This report advises that the site has generally moderate value for bat foraging and commuting, including along the tree lines which border the site. None of the trees on the site have high bat roosting potential, with the exception of a single oak tree within the garden. This tree and all other mature trees are understood to be proposed for retention within the development. All other trees are considered to be of low to negligible bat roost potential having few or no suitable features. The hedgerow, shrub areas and trees identified within the survey site could provide suitable nesting habitat for a number of bird species. The buildings had no signs of birds breeding. It is recommended that any site clearance involving woody vegetation and demolition is undertaken outside of the bird breeding season (Mid-march to mid-August).

All buildings were internally and externally inspected for signs and evidence of bats. The report advises that no signs or evidence of bat activity were observed on site. The outbuildings surveyed were all found to be low to negligible in respect of suitability or potential for roosting bats. No signs or evidence of bats were observed on the site or nearby.

The report recommends a number of ecological and biodiversity mitigations and improvement measures. Overall the report advises that the proposed development has a negligible risk of significant harm or impact to protected, priority or rare species or habitats.

The Council's Arboricultural Officer has reviewed the report and is accepting of its findings. The proposed ecological and biodiversity recommendations should be included in a future landscape plan.

### *Landscaping*

No formal landscape plan has been submitted but it is advised within the submission that the applicant will commission a landscape designer. A CGI representation of the proposed rear landscaping has been created and displayed within the Design and Access Statement. An overview of the landscape proposal is detailed within the submitted Design and Access Statement. A formal garden and mature planting will be sited at the front of the site, with supplementary mature screening planting along the side boundaries. At the rear, the proposed landscaping has been designed to have a character and function as a single, private garden accessible by the residents, without formal subdivision into separate ancillary domestic spaces. The existing tennis court at the rear of the site will be refurbished.

The Council's Arboricultural Officer advises that a landscaping scheme is expected to build upon the strong features of the site such as the predominance of native tree species, no internal boundaries and the open space in the centre of the site. The design must also look to diversify the species range to provide resilience to climate change and pest and diseases. Trees, shrubs and herbaceous plants should aim to provide year round interest both visually and for wildlife such as bees and butterflies. Provision of naturalised water features would be very beneficial. Roof gardens are a good way of providing additional

green/recreational space. The planting palette for the gardens should take local climatic conditions into account in order to minimise on-going inputs such as irrigation.

In summary, a detailed soft and hard landscape plans would be required. This is not essential to the assessment of the application and can be sought via a condition.

### Flood Risk, drainage and soil

The site is located within Flood Zone 1 (low risk). The applicant has submitted a flood risk assessment which confirms that the risk of flooding to the proposed development from all sources is considered to be low. The report proposes a number of mitigation measures to ensure that there will be no increase in the risk of flooding to other areas via any source.

The Council's Drainage team have reviewed the submitted documents and comment that there is insufficient information regarding the management of surface water runoff. No drainage strategy has been provided. However, it is not considered that the lack of sufficient detail would result in refusal of the application and the details can be sought at a later point via condition.

A Screening and Scoping Hydrology Report has been prepared and submitted as part of the application. This details that the proposal comprises of three basement levels - lower ground, basement and spa). The basement area is 60.0m (north to south) by 62.5m (east to west), with the floor level of the spa level is 85.699m AOD. A structural scheme has not yet been developed but the report expects a secant piled wall along the basement perimeter with a suspended reinforced concrete slab supported by bearing/tension piles.

In terms of geology and hydrogeology, the report advises that there is a water-bearing aquifer unit beneath the site. Groundwater has been observed in local boreholes at depths higher than that of the floor level of the proposed basement.

There will an overall increase in man-made impermeable area so the amount, timing and quality of surface water runoff will be changed by the development. No water will go to ground as a result of the basement development, as the ground is not suitable for infiltration SUDS. Runoff will be managed by attenuation SUDS so that water is not released to sewers at a rate greater than at present.

### Sustainability

The proposal is required to comply with policy 5.2 of the Mayor's London Plan. The Sustainable Design and Construction SPD advises that a reduction in carbon dioxide emissions by 35% is required. The applicant has submitted a Sustainability/Energy Statement which confirms that a 35% improvement over Building Regulations will be achieved.

The proposal would contain the provision of lifts to serve all floors which would comply with Building Regulation M4(2) and policy 3.8 of the London Plan.

The Sustainability Statement confirms that efficient water fittings will be installed to reduce internal water demand.

## Utilities

The applicant has submitted a utilities statement. This advises that the provision of a suitable local sub-station or transformer will be required to serve the proposed development. However, the applicant has yet to discuss this with UK Power Network (UKPN). The site is served by a mains gas supply and the applicant will need to discuss with National Grid to confirm upgrades and infrastructure requirements. The applicant will engage with Thames Water to discuss complete flow rate and water pressure to ascertain impact on the existing supply and drainage infrastructure from the site.

## Security

The metropolitan Police have provided a response. Following discussions between the planning agent and the Designing Out Crime Officer, the Officer is confident that appropriate security measures will be installed. Due to the high end nature of this development, this increases the risk for targeted crime and therefore a condition is requested to ensure that a bronze accreditation will be achieved for this scheme.

## **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. The Planning Balance**

In accordance with the NPPF, the harm identified to the significance of the heritage asset should be weighed against the public benefits. To reflect the requirement to have special regard to the desirability of preserving designated heritage assets, the LPA gives significant importance and weight to the harm arising from the resulting loss of the Locally Listed building and to this part of the Hampstead Garden Suburb Conservation Area. This is reinforced by the significant weight given to the harm that would be caused by the proposed replacement building which would not preserve or enhance the significance of this area of the Hampstead Garden Suburb Conservation Area. Combining the weight of these concerns, the LPA considers that cumulatively the proposal amounts to substantial harm to the significance of the heritage assets.

The proposed public benefits of the scheme are acknowledged which consist of the provision of additional housing, bringing the site into use, the provision of a contribution towards affordable housing and to the Community Infrastructure Levy.

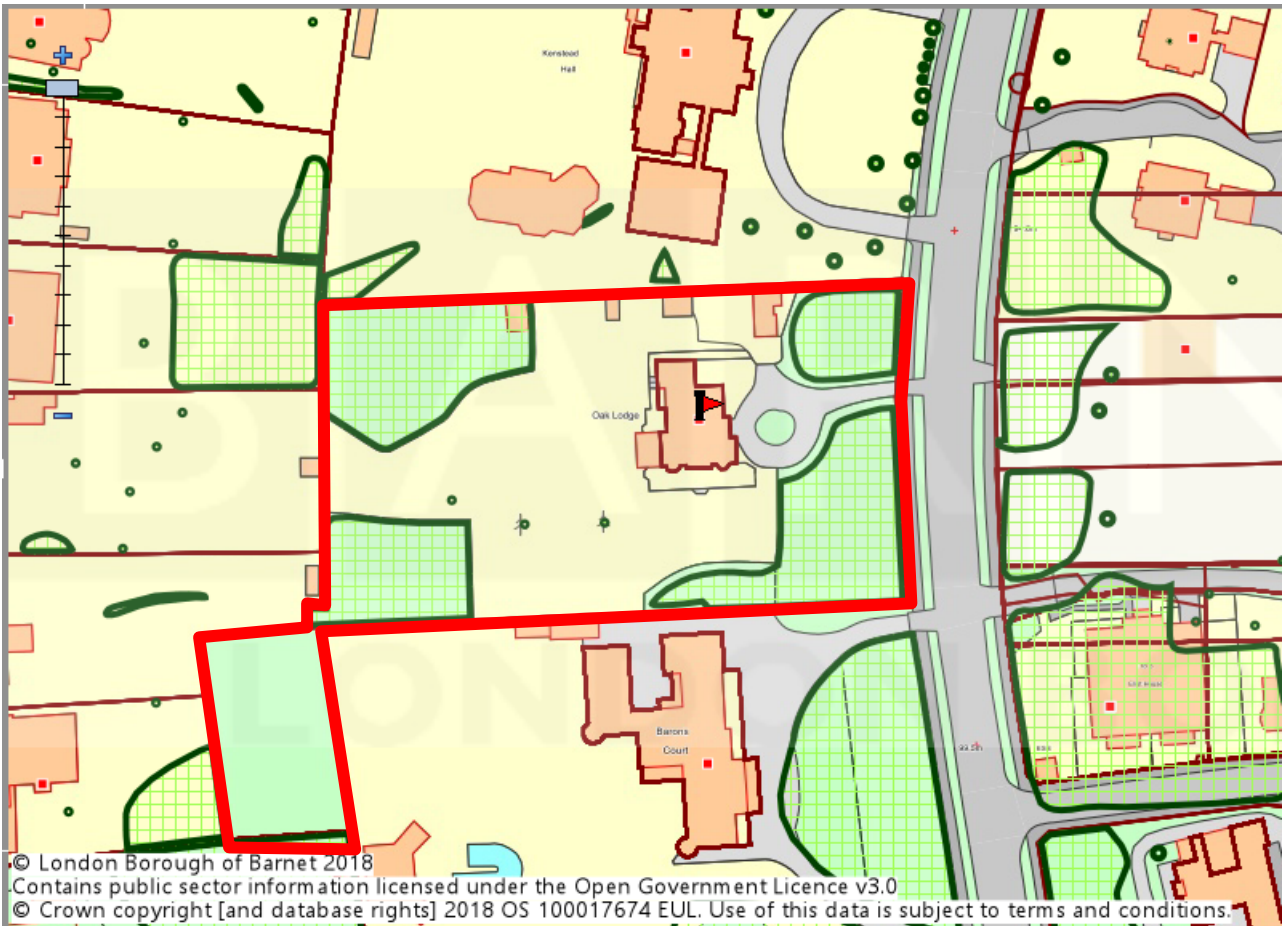
Weighing all these factors in the balance, the LPA consider that the extensive and significant harm caused by the proposed development would overwhelmingly outweigh the benefits of the scheme.

## **8. Conclusions**

Having taken all material considerations into account, it is considered that the proposed development would have an unacceptable impact through the loss of the Locally Listed building and causing harm to the significance of the conservation area. The proposed replacement building is considered to be harmful to the character and appearance of the site, street scene and would not preserve the special architectural and historic interest of the conservation area. The development is not considered to have an adverse impact on



the amenities of neighbouring occupiers, future occupiers and is considered to be acceptable on highways grounds. This application is therefore recommended for refusal.



**Location**                      **Aston House Cornwall Avenue London N3 1LF**

**Reference:**                    **18/1678/FUL**

Received: 15th March 2018

Accepted: 19th March 2018

Ward:                              West Finchley

Expiry 14th May 2018

Applicant:                      Everjoy Property Ltd & The Trustees of the Kinit Trust

Proposal:                        Construction of three storey side extension at first, second and third floor levels with canopy to front elevation (over existing vehicular access), two-storey rear extension at second and third floor levels and additional fourth storey with external terrace to existing three storey (main) office building. Installation of air conditioning units. Associated alterations to new front entrance door

**AGENDA ITEM 9**

**Recommendation:** Approve subject to s106

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

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. Submission of Full Travel Plan;
4. Contribution towards monitoring of the Travel Plan - £5,000.

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Planning Performance and Business Development Manager/Head of Development Management approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Head of Development Management or Head of Strategic Planning:

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

E16-029/S100 (Site Location Plan)  
E16-029/SIT000 A (Existing Site Plan)

E16-029/EXE001 B (Existing South & North Elevations)  
E16-029/EXE002 B (Existing East & West Elevations)  
E16-029/EXP000 D (Existing Level 0 Plan)  
E16-029/EXP001 D (Existing Level 1 Plan)  
E16-029/EXP002 D (Existing Level 2 Plan)  
E16-029/EXP003 C (Existing Roof Level)  
E16-029/EXS001 B (Existing Sections 1-2)

E16-029/PRE001 E (Proposed South & North Elevation)  
E16-029/PRE002 F (Proposed East & West Elevation)  
E16-029/PRP000 F (Proposed Level 0 Plan)  
E16-029/PRP001 H (Proposed Level 1 Plan)  
E16-029/PRP002 I (Proposed Second Floor Level)  
E16-029/PRP003 L (Proposed Third Floor Level)  
E16-029/PRP004 C (Proposed Roof Level)  
E16-029/PRS001 C (Proposed Sections 1-2)

Daylight and Sunlight Report (received 15/03/2018)  
Design and Access Statement (received 31/05/2018)

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 Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 4 No site works or works on this development including construction work shall commence until a Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:
- 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.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 5 a) No development other than demolition works shall commence on site in connection with the development hereby approved 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 Policy 7.15 of the London Plan 2016.

- 6 Prior to occupation of the development the proposed parking spaces within the parking area as shown on Drawing. E16-029/PRP000 REV.F submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with the approved development.

Reason: To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced 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, Cycle parking spaces shall be provided in accordance with Drawing. E16-029/PRP000 REV.F and that area shall not thereafter be 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 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 8 The level of noise emitted from the 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 7.15 of the London Plan 2016.

- 9 The premises shall be used for B1(a) and for no other purpose (including any other purpose in Class B 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.

- 10 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).

### RECOMMENDATION III:

- 1 That if an agreement has not been completed by 31 August 2018, that unless otherwise agreed in writing, the Head of Development Management should REFUSE the application 18/1678/FUL under delegated powers for the following reasons:

1. The proposed development does not include any provision to submit a full travel and monitor its progress, contrary to policy CS9 of Barnet's Adopted Core Strategy (2012) and policy DM17 of the Adopted Development Management Policies DPD (2012).

### Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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](http://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 payment under Mayoral 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](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

2. Residential Annexes or 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://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 Refuse collection points should be located within 10 metres of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.



- 5 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on 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 Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that photographic survey shall be undertaken of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

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, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 6 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 minimize 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](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto: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.

- 7 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.

## **Officer's Assessment**

### **1. Site Description**

The application site is located on the northern side of Cornwall Avenue and consists of a three-storey office building. Immediately to the rear and attached to the subject building is County House, a four-storey office building. This is indicated as being within the control of the applicant but does not form part of the proposed development. The site is located within the Finchley Church End town centre.

The site's context comprises of three-storey mixed-use buildings on Ballards Lane to the east, with commercial units on the ground floor and residential flats on the upper levels. Cornwall Avenue is predominately residential with two-storey, semi-detached and terraced properties. Immediately adjacent to the site are Barton House and Bridford House, two-storey semi-detached dwellings with rooms in the roofspace.

### **2. Site History**

Reference: C00062K/06

Address: Aston House, Cornwall Avenue N3 1LF

Decision: Approved subject to conditions

Decision Date: 05/02/2007

Description: 1 No. externally illuminated sign and 1 No. internally illuminated logo sign

Reference: C00062J/06

Address: Aston House, Cornwall Avenue N3 1LF

Decision: Approved subject to conditions

Decision Date: 05/02/2007

Description: Installation of new aluminium entrance doors, new glass canopy and an entrance gate.

### **3. Proposal**

The application seeks the construction of a three-storey side extension with under-croft at ground floor and canopy to front elevation, two-storey rear extension at second and third-floor levels and additional fourth-storey. The proposal also involves alterations to the front entrance door and installation of air conditioning units to the rear of the building.

The proposal will provide an additional 399sqm of office space.

The proposal has been amended during the application, consisting of the following amendments:

- Reduction of size of side (east) elevation windows facing Ballards Lane;
- Reduction of proposed extension at second floor level - further stepped away from Barton House;
- Re-arrangement of third floor extension to reduce rear projection;
- Removal of third floor external terrace facing Barton House.

### **4. Public Consultation**

Consultation letters were sent to 226 neighbouring properties.

8 responses have been received, comprising 7 letters of objection and 1 letter of comment.

The objections received can be summarised as follows:

- Overdevelopment
- Proposed extensions appear bulky
- Not in keeping with residential area
- Proposed external materials are out of character with the street scene
- Impact on sunlight on properties along Ballards Lane
- Overbearing appearance of proposed extensions
- height will exceed residential properties adjacent
- Reduction of natural light
- Increase of vehicles associated with the proposed extension
- Presence of a Thames Water drain pipe along the rear boundaries of Ballards Lane into Aston House car park

The representations received can be summarised as follows:

- No objection provided that a condition is added to provide adequate parking space for any extra vehicles

## **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 Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2016

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

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

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

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS6, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM11, DM14, DM17

### 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:

- Provision of new office accommodation;
- 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; and
- Highways safety and parking.

## **5.3 Assessment of proposals**

### Provision of new office accommodation

Policy DM14 of the Barnet Development Management Policies Document requires that all proposals for new office space should follow a sequential approach which considers town centre sites before edge of centre sites. The reasoning behind this is so to continue and contribute to the vitality of Barnet's town centre. Edge of centre proposals will need to demonstrate that there are no town centre sites available.

Aston House is an established office building located within the Finchley Church End town centre and therefore the principle of additional office accommodation, subject to compliance with relevant policies, is considered to meet the objectives of Barnet Local Plan policies CS8 and DM14.

### Impact on the character and appearance of the host building, street scene and surrounding area

Policy DM01 expects that 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 proposed side extension, excluding the additional top storey, would match the scale and height of the existing building and as such this element of the scheme is considered to be acceptable. Whilst it would extend to the side boundary, a separation distance of approximately 12m would remain between the rear elevations of properties in Ballards Lane. In terms of character and visual appearance, this is considered to be acceptable as it retains a visual distinction between Ballards Lane and Cornwall Avenue and does not create a terracing effect.

In terms of scale and massing of the overall development, it is considered that the proposed side extension and additional fourth-storey, when viewed from the junction at Ballards Lane, would be viewed together with the higher density buildings along Ballards Lane. Whilst the overall height would be slightly taller than the buildings along Ballards Lane, this is not considered to be to such an extent that the proposal would appear excessively dominating within the street scene. The proposed fourth-storey has been stepped back from the front and side elevations in order to reduce its visual impact. From street scene level outside the front elevation, the views of the fourth-storey would be limited due to its set-back. From Ballards Lane, views of the proposed rear extension would not be available.

The context of Cornwall Avenue differs from that of Ballards Lane, with buildings being residential in nature and of smaller building heights. As such views of the proposed fourth-storey and rear extensions become more readily visible. The proposed front element of the fourth-storey has been stepped further away from the side elevation (approx. 5m) which is considered to help successfully reduce the visual massing. As you travel along Cornwall Avenue towards the application site, views of the site are seen in conjunction with the higher density buildings of Ballards Lane. For these reasons, it is considered that the additional fourth-storey does not have a harmful effect on the character and appearance of the street scene. The fourth storey then projects back out towards the rear of the site. It would be set back approximately 8m from the existing front elevation. Due to its siting and set-back, this element of the scheme is considered to be acceptable and would not have a detrimental impact on the character and appearance of the street scene and surrounding area. The proposed side extension would appear in scale to the existing building. From Cornwall Avenue, views of the rear extension would be limited.

The extensions are proposed to be constructed with curtain wall panels which will consist of a combination of glazed panels, dark grey aluminium panels and metal perforated panels. This provides a visual contrast to the existing brick building. This material will only represent a proportion of the overall building and is considered acceptable for the context of a commercial building located in a town centre.

#### Impact on the amenity of neighbouring occupiers

There are residential properties located to the east along Ballards Lane and to the west along Cornwall Avenue which are likely to be most affected by the proposed development.

In terms of overlooking, it is acknowledged that the building is used as offices and therefore will not have the same impact as if the site consisted of residential dwellings. Between the proposed eastern elevation and the rear elevations of Ballards Lane, there is an approximate separation distance of 12m. The applicant has amended the eastern elevation to reduce the number of windows and clear glazing. There will be a number of windows which will be fitted with metal perforated panels which will act as an alternative design solution to obscure glazing. This in combination with the revised eastern elevation plans is considered to be acceptable and would not result in a harmful impact in terms of

overlooking to the residents of Ballards Lane. On the western elevation, the windows on the proposed second floor closest to Barton House and Bridford House will be fitted with the perforated panels to prevent direct overlooking. Clear glazing will be inserted further down the rear projection where it steps in from the side elevation. It is considered that the stepped back siting of this element would prevent direct overlooking of the rear gardens and the views back towards the rear elevations would be at an angle. The third floor is further stepped back and any potential views towards the neighbouring windows would again be at an angle. For these reasons, the proposal is not considered to result in any significant harm in terms of overlooking to the neighbouring properties at Barton House and Bridford House.

In terms of potential overbearing impact from the extensions, it is considered that the separation distance and the stepped nature of the fourth floor does not result in a harmful overbearing appearance from the Ballards Lane properties. On the western elevation, the applicant has submitted revised drawings which further reduce and re-arrange the massing along this side. The proposed second floor would be set back approximately 2.1m at its closest point to Barton House, increasing to 3.5m. At third floor level, the separation distance would measure approximately 2.8m at its closest point to Barton House, increasing to 6.5m. It is now considered the impact on the adjacent properties has been sufficiently addressed and the impact reduced to an acceptable level.

The applicant has undertaken and submitted a Daylight/Sunlight report which assesses the proposed impact on the neighbouring properties. On Ballards Lane, the report finds that the majority of windows and rooms facing the development meet the BRE guidelines for both VSC and daylight distribution. There is only one window that does not fully meet the guidelines. It is overhung by an existing roof and meets the criteria for daylight distribution. In relation to Barton House, immediately adjacent, the majority of windows and rooms within this property would meet BRE guideline. There are a number of existing windows along the eastern elevation (facing the existing Aston House) of this property which currently experience poor levels of daylight. These calculations have been based on the original drawings which have been subsequently amended and the massing reduced and further stepped away from Barton House. As such, the proposal is not considered to have a harmful impact in terms of loss of light to any of the neighbouring properties.

### Highways Safety and Parking

Policy DM17 expects new developments for office accommodation to provide parking in accordance with the London Plan standards.

The Council's Traffic and Development service has reviewed the proposal and comments that there are no changes being proposed to the existing vehicular access, however the applicant is proposing to reduce the available off-street parking from 12 to 10 car parking spaces. Although the car parking provision is being reduced and the proposed size being increased, the provision of 10 spaces is still well within the London Plan requirements. In considering that the site is located within a CPZ zone, is located within a town centre location within walking distance of local amenities and has a PTAL level of 4, on balance the proposal is not expected to have a detrimental impact on the surrounding public highway. As such the proposal is considered acceptable on highways grounds. The Highways Officer has commented that the applicant is required to submit a full travel plan and provide a contribution towards the monitoring of the travel plan. This will be secured as part of a legal agreement.

The refuse collection arrangement is to remain as per the existing arrangement.

## **5.4 Response to Public Consultation**

The majority of issues raised within the submitted representations have been addressed in the assessment section above. The potential impact upon the Thames Water drain pipe is not a material planning consideration and is covered by other legislation.

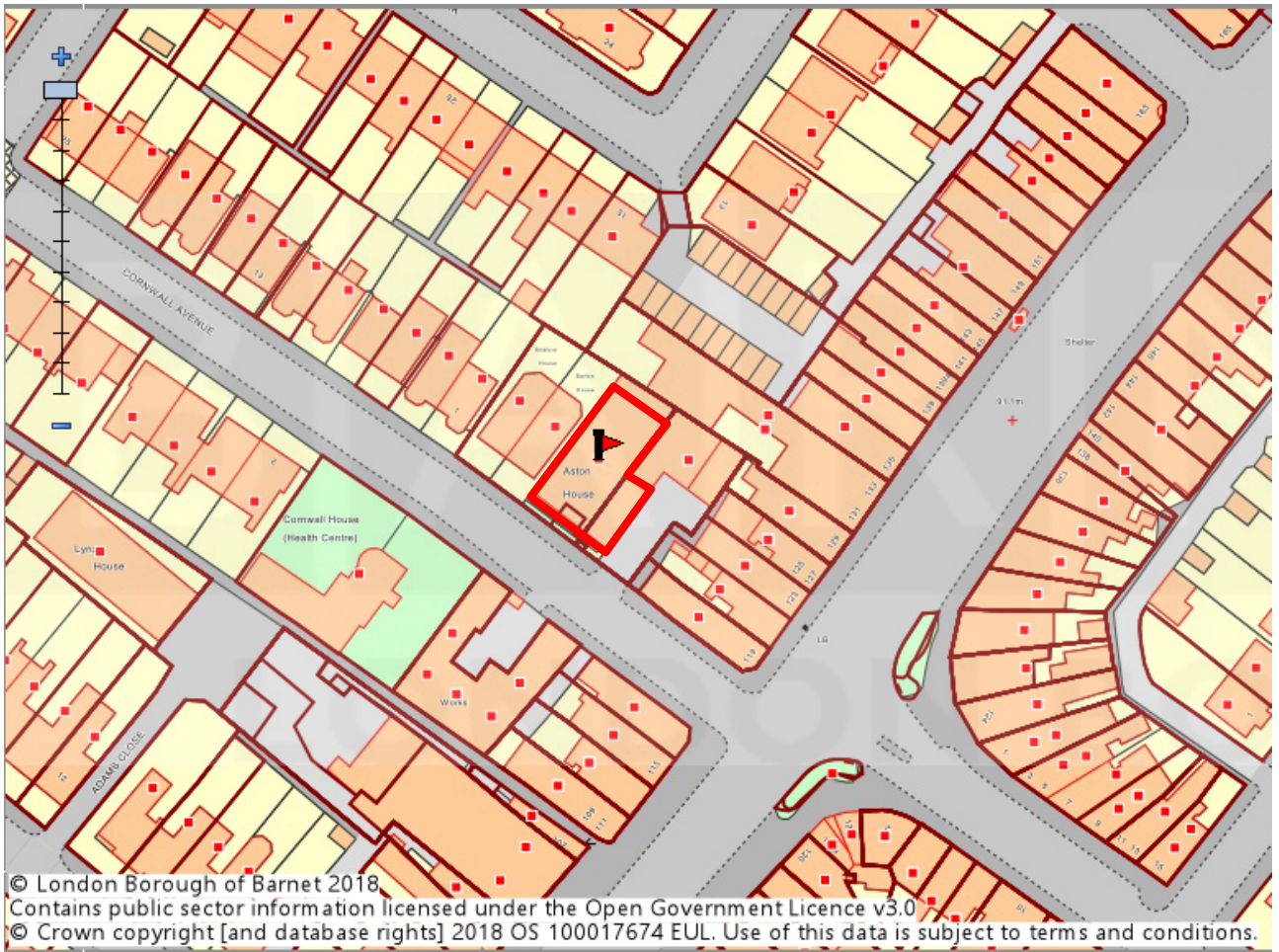
## **6. Equality and Diversity Issues**

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 the completion of a legal agreement and 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 or on the public highway. This application is therefore recommended for approval.





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**Location**                            **70 North End Road London NW11 7SY**

**Reference:**                    **18/1480/FUL**

Received: 8th March 2018

Accepted: 13th March 2018

Ward:                                Childs Hill

Expiry 8th May 2018

Applicant:                        Goldberg Properties (London) Limited

Proposal:                         Partial demolition of existing first floor. Part single, part two storey rear extension. Alterations to windows in rear dormer. Conversion into 2no. self-contained flats. Associated amenity space and refuse storage

AGENDA ITEM 10

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his/her 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:

172/1.0 (Location Plan)  
172/1.01/C (As Existing Plans)  
172/1.02/C (As Existing Section & Elevations)  
172/1.10 D (Proposed Plans)  
172/1.11/D (Proposed Section AA & Loft Plan)  
172/1.12/D (Proposed Elevations)

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     Notwithstanding the approved plans 172/1.11 D (Proposed Section AA & Loft Plan) and 172.1.12 D (Proposed Elevations), the approved ground floor and first floor elevations shall be constructed with a pitched roof and finished with a roof tile to match the appearance of 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 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).

- 5 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments between outdoor spaces, 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).

- 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 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 March 2016 Minor Alterations to the London Plan 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 SPD (adopted April 2013).

- 9 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 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.

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

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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](http://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 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](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

2. Residential Annexes or 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://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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

## **Officer's Assessment**

### **1. Site Description**

The application site is located on the southern side of North End Road and consists of a semi-detached two-storey dwellinghouse. There is a large dormer window roof extension which has been predominantly constructed.

North End Road is a residential street comprising of two and three storey buildings. There are also a mix of single family dwellings and flat conversions.

The property is not listed nor does it lie within the conservation area, although the Hampstead Garden Suburb Conservation Area is located north-east of the site, on the other side of the road.

### **2. Site History**

Reference: 17/4033/192

Address: 70 North End Road London NW11 7SY

Decision: Lawful

Decision Date: 26 July 2017

Description: Roof extension involving hip to gable, rear dormer window, 3no. rooflights to front elevation to facilitate a loft conversion.

### **3. Proposal**

The application seeks a partial demolition of existing first floor and construction of a part single, part two-storey rear extension, and conversion of the property into 2no. self-contained flats. The proposal also consists of the provision of associated amenity space and refuse storage.

The application has been amended during the application, consisting of the following changes:

- Reduction of the depth of the proposed first floor extension.

### **4. Public Consultation**

Consultation letters were sent to 127 neighbouring properties.

8 responses have been received, comprising 6 letters of objection, and 1 letters of comment.

The objections received can be summarised as follows:

- Conversion of flats out of character
- Loss of family house
- Overdevelopment of the site
- Loss of privacy and overlooking
- Loss of light
- Additional noise
- Inadequate garden provision
- No parking provision



## 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 Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2016

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

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

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

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS13, CS15
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM17

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02

states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

### Supplementary Planning Documents

#### Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

#### Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- The principle of conversion from single family dwelling to self-contained units;
- 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 adequate provision of accommodation is provided for future occupiers;
- Highways and parking; and
- Any other considerations.

## **5.3 Assessment of proposals**

### Principle of converting to flats

Policy DM01(h) states that "Conversions of dwellings into flats in roads characterised by houses will not normally be appropriate."

North End Road is a long road, connecting the Golders Green Town Centre to the west and the eastern edge of the borough with Camden Council. There are some purpose-built blocks of flats on the road. Planning history indicates that few properties on the road have obtained planning permission for the conversion into flats; mainly those located closer to the town centre location. However, some conversions may have been implemented prior to planning records. Officers have carried out an analysis of North End Road using VOA records to identify the number of flats on the road. The road contains 96 properties, of which 25 have been converted to flats. Excluding the purpose-built blocks of flats, records indicate that 27% of the properties on North End Road have been converted to flats. It is therefore considered that the street is characterised by a mixture of flats and single-family dwellings.

Taking into account the mixed nature of the road, the principle of a flat conversion on this site is accepted and is not considered, subject to compliance with all other relevant policies, to have a harmful effect on the character and appearance of the street scene and surrounding area.

#### Impact on the character and appearance of the host property, street scene and surrounding area

The proposed extensions are to the rear of the property and not visible from the street scene. However, consideration is given to the impact on the character and appearance of the host building.

The Council's Residential Design Guidance SPD states that a ground floor extension of 3.5m to semi-detached properties is normally considered to be acceptable. 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.

The proposed ground floor element measures 3m in depth and the first floor would project approximately 1m beyond the existing elevation and that of the neighbouring property. Cumulatively, as amended, the proposed extensions are considered to be subservient and do not have a harmful impact on the character and appearance of the host property and surrounding area.

#### Impact on the amenity of neighbouring residents

There are residential properties on either side of the application site along North End Road and to the rear along Park Avenue.

The ground and first floor elements would comply with the Council's SPD requirements. The height of the extensions are considered to be appropriate and would not appear overly dominant to the neighbouring properties. For these reasons, the proposal is not considered to have a significant harmful impact on the residential amenity of neighbouring properties in terms of overlooking, overbearing impact and loss of light/outlook.

It is considered that the levels of noise associated with the use as 2 flats would not be so out of keeping in this location as to cause undue harm to the amenities of neighbouring residents.

### Provision of adequate accommodation 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. The London Plan and the Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units. The proposed units would measure:

Flat 1 - 2B4P - 79.14sqm

Flat 2 - 3B5P - 114sqm

Following a review of the internal floor plans, both proposed units are deemed to meet the minimum internal space standards. Both units would be dual aspect and considered to have acceptable levels of outlook and daylight/sunlight.

Barnet's Local Plan expects that sufficient and functional space should be provided for all new homes and flats wherever possible. The Sustainable Design and Construction SPD advises that 5sq.m should be provided per habitable room for flats. It is proposed to subdivide the existing rear garden into two areas, 22.4sqm for the ground floor and 26.36sqm for the upper floor flat. This provision of outdoor amenity space is considered to be acceptable and complies with the SPD requirements.

### Highways and 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 existing property comprises of 6-bedrooms and does not benefit from any off-street parking provision. The site is located within a PTAL of 5 and is within walking distance and local amenities and Golders Green Town Centre.

Policy DM17 sets out parking standards as follows for the residential use:

For 2 and 3 bedroom units 1.0 to 1.5 spaces per unit

The proposal would provide 1 x 2-bed and 1 x 3-bed units which would have a parking requirement of 2 to 3 spaces overall. On balance, considering the existing family dwelling has a parking provision of 2 spaces, the proposed two units would have an equivalent parking provision of the existing 6-bed dwelling. Taking into account this factor, along with the site's location, it is not considered that the proposal would have a harmful effect on the public highway and is compliant with policy DM17. Within the submitted Planning Statement, it comments that 1 space would be provided at the front of the site. However, this would be a horizontal space which is not deemed appropriate by the Council's Traffic and Development service. Any formal space needs to be vertical to the public highway. However, taking into account the above assessment, the proposal is deemed to be acceptable without the provision of an off-street parking space.

It is proposed that a refuse and recycling store will be sited at the front of the site and will be easily accessible off the public highway for collection.

## **5.4 Response to Public Consultation**

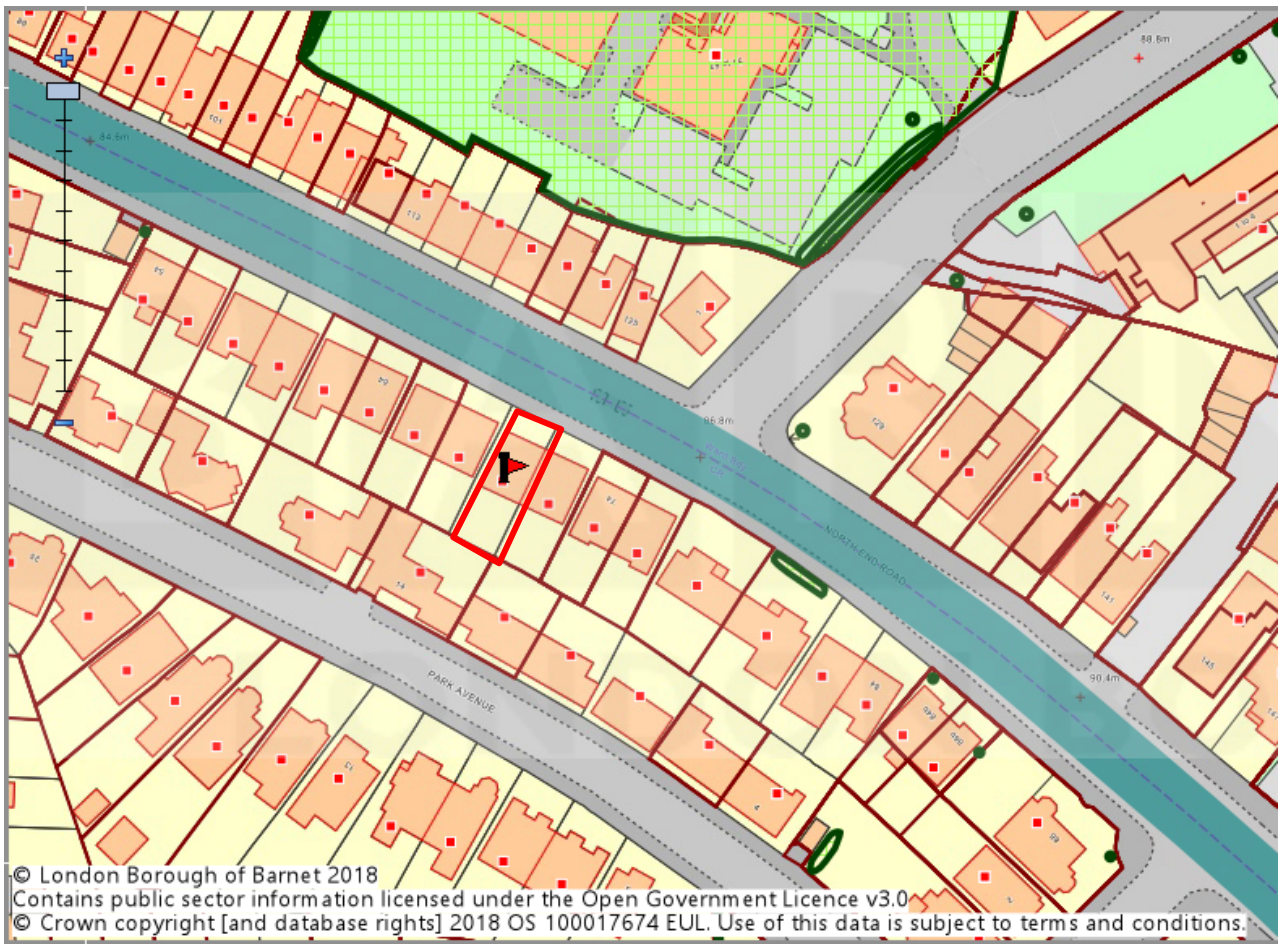
The issues raised within the received representations have been addressed within the assessment section above.

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

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

## **7. Conclusion**

Having taken all material considerations into account, it is considered that 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 To The Rear Of 1069 Finchley Road London NW11 0PU

**Reference:** 18/2056/S73

Received: 3rd April 2018

Accepted: 3rd April 2018

**Ward:** Garden Suburb

Expiry 29th May 2018

**Applicant:** -

**Proposal:** Variation of condition 2 (Approved Plans) and removal of condition 8 (Unit 6 Obscure Glazing) of planning permission 17/2723/S73 dated 18/07/2017 pursuant to planning permission 15/01377/FUL allowed by appeal (ref. APP/N5090/W/15/3136451) for "Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings." Variation to include installation of roof terrace and opaque glazing to Unit 6

**Recommendation:** Approve subject to conditions

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

- 1 This development must be begun within three years from the date of the approval of application reference 17/2723/S73.

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:  
Drawing no. 1415-PL-000; Drawing no. 1415-PL-200 Rev B; Drawing no. 1415-PL-221 Rev B; Drawing no. 1415-PL-303 Rev B; Drawing no. 1415-PL-306 Rev B; Drawing no. 1415-PL-321 Rev B; Drawing no. 1415-PL-322 Rev B; Drawing no. 1415-PL-323 Rev B; Drawing no. 1415-PL-331 Rev B; Details of 1.8m obscure balustrade; Details of 1.2m side balustrade.

Original Approved Plans:

Drawing no.1415-PL-011; Drawing no. 1415-PL-212; Drawing no. 1415-PL-301; Drawing no. 1415-PL-302; Drawing no. 1415-PL-304; Drawing no. 1415-PL-305; Drawing no. 1415-PL-320; Drawing no. 1415-PL-330.

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).

- 3 The development shall be carried out in accordance to the levels details approved by the Local Planning Authority under reference 16/2478/CON dated 7th June 2016.

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.

- 4 The development shall be implemented in accordance with the details of materials for the external surfaces of the building(s) and hard surfaced areas as approved by the Local Planning Authority under application reference 16/2956/CON dated 16th June 2016.

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.

- 5 No dwelling shall be occupied until the refuse bin store shown on plan No 1415—PL-200 has been provided in accordance with further details to be submitted to and approved in writing by the local planning authority. Thereafter, the store shall be retained and kept available for use by the occupiers of the development.

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 Part 1

The development shall be carried out in accordance with the Remediation Method Statement as approved by the Local Planning Authority under application reference 16/3700/CON dated 15 July 2016.

Part 2

In addition:



i) If, during the course of construction, any contamination is found which has not been identified previously, no further work shall take place until that contamination has been removed or rendered harmless, in accordance with additional measures to be submitted to and approved in writing by the local planning authority; and

ii) If any contamination has been found to be present at any stage, either before or during construction, no part of the proposed development shall be brought into use until a verification report has been submitted to and approved by the local planning authority, showing that all such contamination has been treated, and the site rendered safe for occupation, in accordance with the original contamination scheme and any further measures subsequently agreed.

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 April 2013) and 5.21 of the London Plan 2015.

7 a) The scheme shall be carried out in accordance with the hard and soft landscaping details approved under reference 16/2478/CON by the Local Planning Authority dated 7th June 2016.

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 2015.

8 Proposed Unit 6 shall not be occupied until the proposed obscure glazing panel to the roof terrace at a height of 1.8m facing Temple Gardens, as indicated on Drawing no. 1415-PL-303 Rev B and document titled "Details of 1.8m obscure balustrade" shall be installed and shall be permanently retained as such thereafter.

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

9 None of the dwellings hereby permitted shall be occupied until provision has been made for cycle parking and cycle storage facilities in accordance with Drawing No 1415-PL-200. Such provision 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 None of the dwellings hereby permitted shall be occupied until the proposed parking spaces have been provided in accordance with Drawing No 1415-PL-200. That area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development. The disabled parking space shall be provided and permanently retained for the use of disabled persons and their vehicles and for no other purpose.

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.

- 11 The development shall be implemented in accordance with the access arrangements including the one-way access arrangement with vehicular entrance from Temple Gardens and egress onto Finchley Road and access details approved by the Local Planning Authority under reference 16/2971/CON dated 14th June 2016. None of the dwellings hereby permitted shall be occupied until the proposed one way operation has been implemented in accordance with these approved details.

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.

- 12 None of the dwellings hereby permitted shall be occupied until electric vehicle charging points have been installed in accordance with details to be submitted to the local planning authority and approved in writing. The charging points shall thereafter be retained and maintained for the use of occupiers of the development.

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 6.13 of the London Plan.

- 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.

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 Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 14 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.

- 15 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (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). 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 Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 16 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 March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

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

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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 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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 3 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](http://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 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 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](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or 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.

- 4 The London Fire Brigade strongly recommends that sprinklers are considered for new development. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses and housing providers, and can reduce the risk to life. The Brigade's opinion is that there are opportunities for developers and building owners to install sprinkler systems in order to save money, save property and protect the lives of the occupier.

## Officer's Assessment

### 1. Site Description

The site is located to the rear of the former Police Station at no.1069 Finchley Road (west) within the Garden Suburb Ward.

The existing building is two storeys with an additional two storeys within a mansard roof. The building features larger parapet walls to either side. To the rear, the building steps down to three storeys with basement. There is also a detached two storey block to the rear close to dwellings on Temple Gardens. The site has two points of access, from Finchley Road, and Temple Gardens.

Planning permission was granted at the site for a purpose built block of 9no flats.

In addition, planning permission was recently granted for the redevelopment of the building at front fronting Finchley Road 16/7565/FUL.

### 2. Site History

#### Relevant Planning History at the host site:

**Reference:** 17/2723/S73

Address: Land To The Rear Of Former Golders Green Police Station, 1069 Finchley Road, London, NW11 0PU

Decision: Approved subject to conditions

Decision Date: 18th July 2017

Description: Variation of condition 2 (Plans) pursuant to planning permission 15/01377/FUL allowed by appeal (ref. APP/N5090/W/15/3136451) for 'Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings'.

Variations include changes to the entrance foyer and associated small amendments to the northern elevation and internal alterations. Layout changes to flats on first to fourth floor. Changes to the window configuration on each elevation, siting of the third floor balcony on the western elevation and small extension to the fourth floor roof terrace. Alteration to the layout of the pathway between parking spaces 7 and 8

Variation of conditions 5 (Bin Stores), 9 (Cycle Parking) and 10 (parking spaces) to reword and reflect changes to drawing numbers.

Variation of condition 8 (obscure glazing to Unit 8) to reflect re-numbering of the second floor unit to the west to read Unit 6 and associated changes to drawing number

**Reference:** 16/3700/CON

Address: Land To The Rear Of Former Golders Green Police Station, 1069 Finchley Road, London, NW11 0PU

Decision: Approved

Decision Date: 15 July 2016

Description: Submission of details of Condition 6 Part 1 (Soil Contamination) pursuant to planning permission 15/01377/FUL dated 04/04/16

**Reference:** 16/2956/CON

Address: Land To The Rear Of Former Golders Green Police Station, 1069 Finchley Road, London, NW11 0PU

Decision: Approved

Decision Date: 16 June 2016

Description: Submission of details of Condition 4 (details of materials) pursuant to planning permission 15/01377/FUL (04/04/2016)

**Reference:** 16/2971/CON

Address: Land To The Rear Of Former Golders Green Police Station, 1069 Finchley Road, London, NW11 0PU

Decision: Approved

Decision Date: 14 June 2016

Description: Submission of details of condition 11 (Access) pursuant to planning permission 15/01377/FUL dated 04/04/16

**Reference:** 15/01377/FUL

Address: Land To The Rear Of Former Golders Green Police Station, 1069 Finchley Road, London, NW11 0PU

Decision: Refused but Approved at appeal (APP/N5090/W/15/3136451)

Decision Date: Appeal approved 4th April 2016

Description: Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings

**Reference:** 16/2478/CON

Address: Land To The Rear Of Former Golders Green Police Station, 1069 Finchley Road, London, NW11 0PU

Decision: Approved

Decision Date: 07 June 2016

Description: Submission of details of condition 3 (Levels), 7 (Landscaping) pursuant to planning permission 15/01377/FUL dated 04/04/16

*Relevant Planning History at adjacent site to the front:*

**Reference:** 18/1947/S73

Address: 1069 Finchley Road London NW11 0PU

Decision: Pending Decision

Description: Variation of condition 1 (Plan Numbers) pursuant to planning permission 16/7565/FUL dated 04/05/2017 for 'Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels . Associated 10no. cycle parking spaces, refuse/recycling provision and amenity space. Relocation of entrance, new fenestration at front and front rooflights.

**Reference:** 17/7490/FUL

Address: 1069 Finchley Road London NW11 0PU

Decision: Refused

Decision Date: 09 March 2018

Description: Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels . Associated 12no. cycle parking spaces,



refuse/recycling provision and amenity space. Relocation of entrance, new fenestration at front and front rooflights

Reason for refusal:

The proposals in the absence of a legal agreement to amend the traffic order, preventing residents from obtaining parking permits, would result in increased parking pressures that will be detrimental to the free flow of traffic and highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Adopted Barnet Core Strategy 2012.

**Reference:** 16/7565/FUL

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved following legal agreement

Decision Date: 04 May 2017

Description: Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels . Associated 10no. cycle parking spaces, refuse/recycling provision and amenity space. Relocation of entrance, new fenestration at front and front rooflights

### 3. Proposal

The applicant seeks planning consent for the variation to condition 2 (Approved Plans) pursuant to planning permission 17/2723/S73 dated 18/07/2017for:

"Variation of condition 2 (Plans) pursuant to planning permission 15/01377/FUL allowed by appeal (ref. APP/N5090/W/15/3136451) for 'Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings'.

Variations include changes to the entrance foyer and associated small amendments to the northern elevation and internal alterations. Layout changes to flats on first to fourth floor. Changes to the window configuration on each elevation, siting of the third floor balcony on the western elevation and small extension to the fourth floor roof terrace. Alteration to the layout of the pathway between parking spaces 7 and 8

Variation of conditions 5 (Bin Stores), 9 (Cycle Parking) and 10 (parking spaces) to reword and reflect changes to drawing numbers.

Variation of condition 8 (obscure glazing to Unit 8) to reflect re-numbering of the second floor unit to the west to read Unit 6 and associated changes to drawing number"

The amendments to the current application include the installation of roof terrace with obscure glazing fronting Temple Gardens and the removal to require opaque glazing to Unit 6 as detailed under condition 8 of the approval.

The approved block is staggered in heights at 2, 3, 4 and 5 storeys with flat roof. The lower section of the building, at two storeys in height, abuts the rear gardens of Temple Gardens, and the proposed terrace on this roof would serve Unit 6. This roof has an overall depth of 7.9m; the proposed terrace would be 4m in depth and set back 3.9m from the boundary with Temple Gardens. The roof terrace would be sited 18.3m from the roof accommodation of properties on Temple Gardens (mainly 12-16 Temple Gardens).

The balustrade to the west fronting Temple Gardens would be 1.8m in height and span a length of 13.95m. The length of the terrace would be 10.2m by a depth of 4m located to the west of the site, adjacent to the rear gardens on Temple Gardens. To the north and south elevations (the sides of the roof terrace) the glazing would be at a height of 1.2m.

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

Consultation letters were sent to 242 neighbouring properties. 11 responses have been received, comprising 11 letters of objection.

The objections received can be summarised as follows:

- Development already exceeds the perimeter of the previous development;
- Roof terrace and removal of obscure glazing, which was conditioned for a reason, will affect neighbours;
- Overcrowding;
- Loss of privacy to Temple Gardens/ gross violation of privacy;
- Direct overlooking;
- Additional noise;
- New building is already higher than the Police Station at the front;
- Parking is already a problem;
- The approval already states that ample amenity space is provided, there is no need for a roof terrace;
- Gross overdevelopment & density;
- The proposed screening will be visible from neighbouring windows;
- Screening not designed to prevent overlooking into neighbouring gardens;

The Council's Environmental Health officers were consulted and considered that there would not be a detrimental impact to neighbouring amenity in terms of noise subject to the planning conditions. This is discussed in more detail in the section below.

A site notice was erected on the 12th April 2018.

#### **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 Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless

any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2016

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

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

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

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS10, CS11, CS15
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM13, DM14, 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.

#### 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:

- 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**

#### Introduction

The proposal seeks to vary condition 2 (plans) of the approved scheme to allow for a roof terrace serving Unit 6. In conjunction with this, it is also proposed to remove condition 8 which seeks obscure glazing to the west elevation windows of Unit 6.

As no other changes are proposed, the assessment below will assess the differences between the approved and proposed schemes.

### Impact on Character

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. Furthermore the NPPF stipulates that development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality. However, whilst the NPPF advocates that planning should not attempt to impose architectural styles or particular tastes it is considered proper to seek to promote or reinforce local distinctiveness.

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

The proposed roof terrace would cover the majority of the length of the west elevation and have a depth of 4m. The principle of roof terraces have been established by the original approval and therefore it is not considered that these would be detrimental to the established character.

The applicant has provided examples of the balustrade detailing on both the west elevation and the northern and southern elevations. The treatment of the enclosure around the terrace is considered to reflect the character and materiality of the rest of the building.

In conclusion it is not considered that the proposed terrace would have an unacceptable impact on the character of the area.

### Impact Amenity of neighbouring occupiers

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

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected. 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 neighbouring buildings 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 occupiers and users.

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between windows serving habitable rooms should be 21 metres. The principle behind this distance is that this is an appropriate space to prevent unacceptable levels of overlooking between different households. The proposed balcony would be set less than this distance at 18.3m, measured from the roof accommodation of properties on Temple Gardens which are directly opposite the host site. To mitigate against direct overlooking, a balustrade with a height of 1.8m spanning a distance of 13.95m between the roof terrace and the properties on Temple Gardens is proposed. The combined height and span of the balustrade, beyond the periphery of the proposed roof terrace would mitigate against direct overlooking to the nearest properties at 10-16 Temple Gardens due to the splayed vision; this has been demonstrated by one of the submitted drawings (drawing no. 1415-PL-200 Rev B) indicating the limited sightlines due to the terrace.

The applicant has provided details of the type of obscure glazing/ balustrade treatment to the west elevation. To the north and south, there are no direct neighbours and therefore the balustrade to these elevation would be clear glazed at a height of 1.2m. Officers consider that this treatment, particular to the west, would prevent direct overlooking to the nearest neighbouring properties.

In terms of noise and disturbance, officers have consulted with colleagues in the Environmental Health team, who consider that the "the changes to the balconies after mitigation through the planning conditions are not likely to have a significant effect on the noise impacts on neighbouring residential." Environmental Health officers consider that the means to prevent overlooking (the 1.8m balustrade), would also have beneficial aspects in terms of reducing the noise from users of the terrace due to the height. On balance, it is considered that the balustrade would mitigate against unacceptable levels of noise from the terrace and therefore the proposal is acceptable in this regard.

The application also seeks the removal of condition 8 of approval 17/2723/S73 which was worded as follows:

"Proposed Unit 6 shall not be occupied until the proposed windows in the second floor west elevation facing Temple Gardens, as shown on Drawing No 1415-PL-303, has been glazed with obscure glass only and shall be permanently retained as such thereafter and this shall be permanently fixed shut with only a fanlight opening."

It is accepted that this condition would not be required as the balustrade would provide the level of protection from direct overlooking sought by this condition. It is therefore agreed that this should be removed. Nonetheless, it considered that whilst the original wording of condition 8 is no longer applicable, in the event that the application is approved, it is considered that a condition should be added to require the obscure glazing panel to the roof terrace to be installed prior to occupation of Unit 6. It is recommended that the condition is worded as follows:

"Proposed Unit 6 shall not be occupied until the proposed obscure glazing panel to the roof terrace at a height of 1.8m facing Temple Gardens, as indicated on Drawing no. 1415-PL-303 Rev B shall be installed and shall be permanently retained as such thereafter."

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

For the reasons stipulated above and subject to conditions, it is considered that the proposal would have an acceptable impact on the amenity of neighbouring occupiers.

#### Accessibility and Sustainability

In respect of the sustainability and accessibility measures, these will remain the same as the previously approved application.

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

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

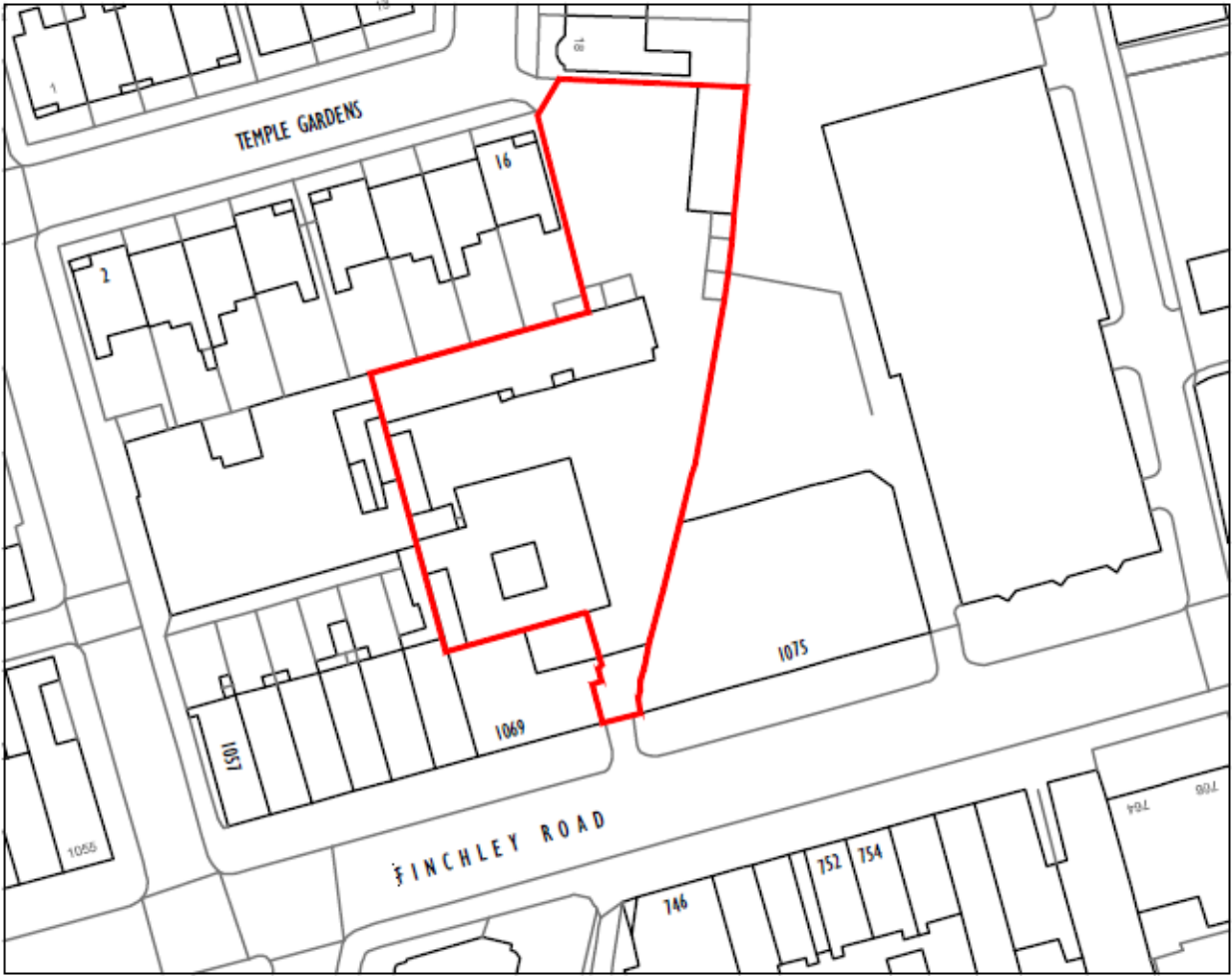
It is considered that the planning related objections have been addressed in detail in the report above. Given that the number of units would remain the same, it is not considered that the development would result in further parking pressures than previously considered acceptable and established by the consent.

### **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 proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval. The amendments hereby proposed are considered to be minor material alterations to the approved scheme.



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**Location** 142 Pennine Drive London NW2 1NH

**Reference:** 18/2245/FUL

Received: 12th April 2018

Accepted: 23rd April 2018

**Ward:** Golders Green

Expiry 18th June 2018

**Applicant:** Mrs Sonal Patel

**Proposal:** Conversion of dwelling house into 2no self-contained flats following part first floor rear extension

AGENDA ITEM 12

**Recommendation:** Approve subject to conditions

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

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

- Site Location Plan
- Block Plan
- T12061702-C-V2
- T12061703-C-V2
- T12061704-C-V2
- Design and Access 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 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 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 first floor side elevation(s), of the extension(s) hereby approved, facing the side boundary with No. 140 Pennine Drive and No. 144 Pennine Drive.

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).

- 5 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).

- 6 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 March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 7 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 7% 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) and policies 5.2 and 5.3 of the London Plan (2016).

- 8 a) Before the development hereby permitted is first occupied, the amenity areas of the sub-division of the amenity area(s) as shown on the approved drawing No. T12061702-C-V2, shall be implemented.

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 2016).

- 9 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on the approved Drawing No. T12061702-C-V2; 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), Policy CS9 of Core Strategy (Adopted) September 2012 and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

- 10 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).

- 11 Before the development hereby permitted is occupied, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason: To ensure and promote easier access for disabled persons to the approved building 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 which in turn refers to London Plan Parking Standards.

- 12 The property shall be used as self-contained units as shown in 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.

- 13 The layout of the residential units as indicated on the hereby approved plans shall be implemented 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 policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (October 2016)

- 14 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 (October 2016).

- 15 The use of the outbuilding hereby permitted shall at all times be ancillary to and occupied in conjunction with the first floor flat and shall not at any time be occupied as a separate unit or dwelling.

Reason: To ensure that the development does not prejudice the character of the locality and the 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 186-187, 188-195 and 196-198 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 is a semi-detached property within the Golders Green Estate situated on the north west side of Pennine Drive.

It is not situated within a conservation area and is not a listed building.

### **2. Site History**

Reference: 17/3584/192

Address: 142 Pennine Drive, London, NW2 1NH

Decision: Lawful

Decision Date: 27.07.2017

Description: Roof extension involving hip to gable, rear dormer window, 3no. rooflights to front elevation to facilitate a loft conversion. Single storey rear extension. Erection of rear outbuilding. New front porch.

### **3. Proposal**

The application seeks consent for the 'Conversion of a dwelling into 2no self-contained flats following first floor rear extension'.

Dimensions:

First floor rear extension:

The first floor element would have a width of approximately 3.2m, a depth of 3m, a height of 5.5m to the eaves and 6.7m to the top of the pitched roof from the natural ground level, set down from the main roof and rear dormer by 1.8m. It would be set away from the side boundary with No. 140 Pennine Drive by 1.4m and from the side boundary with the attached dwelling at No. 144 Pennine Drive by 2.4m.

### **4. Public Consultation**

Consultation letters were sent to 119 neighbouring properties.

17 responses have been received, comprising 1 letter of 16 objectors and 1 no. single letter of objection.

The objections received can be summarised as follows:

- Issues with parking / traffic
- Increase in rubbish leading to domestic problems including rats
- Loss of light to both adjoining properties
- Loss of privacy
- Works have commenced and may not be built safely
- Roof extension blocks neighbouring light

### **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 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 July 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 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 is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM08 and DM17.

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

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- The principal of flats in this location
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality and whether harm would be caused to the living conditions of neighbouring residents.
- Parking and Highways
- Trees
- Amenity and living conditions of future occupiers

## **5.3 Assessment of proposals**

The principal of flats in this location

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

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

Within Chapter 2 of the Core Strategy, which is a material consideration in the determination of this application, the Council state the following:

"The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use

can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flat accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate."

The Officers Report of a recent approval at No. 97 Pennine Drive (application reference: 17/6808/FUL, dated 16.01.2018) confirmed that the conversion of a dwellinghouse into self-contained flats is acceptable in this location. This was also assessed from records of the Valuation Office Agency website and a planning history search of the road and surrounding Golders Green Estate.

Furthermore, approval was gained for conversion of a dwellinghouse into two flats at the following properties:

Planning reference 17/0966/FUL dated 02.05.2017 at No. 1 Pennine Drive London NW2 1NY

Planning reference 15/04615/FUL dated 21.09.2015 at No. 105 Pennine Drive London NW2 1NN

It is considered that the sub-division into flats and potential increase in people movements would not result in an unacceptable level of noise and disturbance for neighbouring occupiers.

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

It was evident from the site visit that the applicants benefit from a single storey rear extension and roof extension. The extensions were implemented following the issue of the Lawful Certificate application reference 17/3584/192 dated 27.07.2017.

#### First floor rear extension

The proposed first floor rear element would have a width of approximately 3.2m, a depth of 3m, a height of 5.5m to the eaves and 6.7m to the top of the pitched roof from the natural ground level, with the pitched roof being set down from the main roof and rear dormer by 1.8m. The extension would be set away from the side boundary with No. 140 Pennine Drive by 1.4m and from the side boundary with the attached dwelling at No. 144 Pennine Drive by 2.4m. No windows are proposed within the side elevations of the extension and thus due to the adequate set away from both neighbouring side boundaries, there would be no issue of overlooking, loss of privacy or light on the neighbouring amenities.

As such, this element of the application is deemed acceptable in regard to impact on character and amenity of neighbouring occupiers.

#### Parking and Highways

The continued provision of 2 parking spaces for use by the occupants of the proposed development is in accordance with highways parking standards. The proposal is acceptable on highway grounds subject to conditions.

#### Trees



The proposed development would not impact the health or quality of the trees on the site or neighbouring sites. Furthermore, there are no designated Tree Preservation Orders on site, or neighbouring the site.

#### Amenity and living conditions of future occupiers

Floorspace standards:

The bedrooms(b)/persons-bedspaces (p) to essential gross internal area would be as follows for the application:

Ground floor flat - 1b 2 p - 56 sqm

First floor flat -2b 4 p - 80 sqm

This meets the minimum residential space standards set out in Table 2.1 of the adopted Sustainable Design and Construction SPD (2016).

Stacking:

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 proposed layout and stacking is considered sufficient to prevent any unnecessary noise or disturbance.

Outlook, light and privacy:

All proposed habitable rooms would be provided with sufficient light and outlook to provide future occupiers with a good standard of living as recommended in the Sustainable Design and Construction SPD (2016). Occupiers would benefit from an acceptable degree of privacy.

Private amenity space:

The ground floor flat (Flat 1) would provide approximately 34 sqm of outdoor private amenity space and the first floor flat (Flat 2) 20 sqm plus extra space within the outbuilding utilising a gym.

These would fall within the requirements set out in Table 2.3 of the adopted Sustainable Design and Construction SPD (2016).

Conclusion

It is considered that the proposed flat conversion and associated first floor extension by reason of its size, siting and design would fall within the above mentioned planning policies, would have an acceptable impact on the proposal property and site, general locale, current streetscene and neighbouring amenities. The application is therefore recommended for approval, subject to conditions.

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

Objections and comments have been mainly dealt with within the main body of the report. However, it should be noted that the roof extension was approved under a Certificate of

Lawfulness reference 17/3584/192 dated 27.07.2017 and is therefore not being dealt with under the current application. In relation to concerns raised about rubbish, a condition will be added to ensure that the applicants submit details to accommodate refuse and recycling. Any issues in relation to vermin in the area should be reported directly to the Environmental Health Department on 020 8359 3555.

## **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.

# Site Location Plan



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**Location**                               **40-42 Golders Green Road London NW11 8LL**

**Reference:**                           **18/1257/LBC**

Received: 26th February 2018

Accepted: 26th February 2018

Ward:                                    Childs Hill

Expiry 23rd April 2018

Applicant:                            Mrs Fatma Cakir

Proposal:                              Change of use of no. 42 from retail A1 (sandwich shop) to class A3 (restaurant). Amalgamation of nos. 40 and 42 with associated internal alterations including removal of internal wall to create 1no. unit (LISTED BUILDING CONSENT)

AGENDA ITEM 13

**Recommendation:** Approve subject to conditions

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

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

- Site location plan
- 4042.18.01 Rev1
- 4042.18.03
- 4042.18.04 Rev1
- 4042.18.07 Rev1
- 4042.18.08
- Design and Access Statement
- Marketing report
- Marketing information
- Asbestos survey
- Heritage 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 work must be begun not later than three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 3 All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

**Informative(s):**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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 constitutes two three storey terrace properties. No. 40 Golders Green which is currently vacant contained a ground floor unit utilised as a Subway café (A1 use) and No. 42 is an A3 restaurant. The properties have flats above. The shop front of the application site is located on the northern side of Golders Green Road. The rear of the application site is located on the southern side of Golders Way. Golders Way is an access road leading mainly to the rear service areas of commercial properties to the south of the proposal site. The flats above these commercial properties that are accessed from Golders Way.

The application site is located within a Primary Shopping Frontage in Golders Green Town Centre.

The application site is a Grade II listed property on Golders Green Road and which falls within the Golders Green Conservation Area. The application site forms part of a group called The Promenade and Cheapside. The properties date from the early 1900s and were designed by Herbert A. Welch with T. Clifford Hollis.

### **2. Site History**

Reference: F/03736/14

Address: 40 Golders Green Road, London, NW11 8LL

Proposal: Change of use of ground floor to mixed use of Class A1 (shops) A3 (cafe) and A5 (hot food takeaway) and alterations to the front.

Decision: Refused

Decision Date: 16 September 2014

Reference: F/03736/14

Address: 40 Golders Green Road, London, NW11 8LL

Proposal: Changes to shop front (listed building consent)

Decision: Refused

Decision Date: 11 September 2014

Reference: 16/7763/FUL

Address: 40 Golders Green Road, London, NW11 8LL

Proposal: Change of use from shop (Class A1) to restaurant and take away (Class A3).  
Installation of an extraction flue to the rear

Decision: Approved subject to conditions

Decision Date: 14 March 2017

Reference: 16/7764/LBC

Address: 40 Golders Green Road, London, NW11 8LL

Proposal: Change of use from shop (Class A1) to restaurant and take away (Class A3).  
Installation of an extraction flue to the rear

Decision: Approved subject to conditions

Decision Date: 14 March 2017

Reference: C02588

Address: 42 Golders Green Road, London, NW11 8LL

Proposal: New shopfront  
Decision: Approved subject to conditions  
Decision Date: 21 October 1969

Reference: C02588A  
Address: 42 Golders Green Road, London, NW11 8LL  
Proposal: Installation of new shopfront  
Decision: Approved subject to conditions  
Decision Date: 19 July 1972

Reference: C02588B  
Address: 42 Golders Green Road, London, NW11 8LL  
Proposal: Advert  
Decision: Approved subject to conditions  
Decision Date: 10 July 1972

Reference: C06658  
Address: 42 Golders Green Road, London, NW11 8LL  
Proposal: Advert  
Decision: Approved subject to conditions  
Decision Date: 14 March 1979

Reference: C02588C  
Address: 42 Golders Green Road, London, NW11 8LL  
Proposal: Internally illuminated fascia and projecting box sign  
Decision: Approved subject to conditions  
Decision Date: 09 June 1995

Reference: C02588D  
Address: 42 Golders Green Road, London, NW11 8LL  
Proposal: New shopfront  
Decision: Approved subject to conditions  
Decision Date: 09 June 1995

Reference: 17/7928/LBC  
Address: 42 Golders Green Road, London, NW11 8LL  
Proposal: Internal alterations and repairs including removal of fittings and fixtures and licensed removal of asbestos ceiling partitions and boards. Installation of replacement ceiling and rendering of walls with paint. (RETROSPECTIVE APPLICATION)  
Decision: Approved subject to conditions  
Decision Date: 14 February 2018

Reference: 18/1108/FUL  
Address: 42 Golders Green Road, London, NW11 8LL  
Proposal: Single storey rear extension and associated bin storage  
Decision: Approved subject to conditions  
Decision Date: 17 April 2018

Reference: 18/1109/LBC  
Address: 42 Golders Green Road, London, NW11 8LL  
Proposal: Single storey rear extension and associated bin storage (LISTED BUILDING CONSENT)  
Decision: Approved subject to conditions



Decision Date: 17 April 2018

Reference: 18/1259/FUL

Address: 40-42 Golders Green Road, London, NW11 8LL

Proposal: Installation of new shopfront with roller shutters

Decision: Approved subject to conditions

Decision Date: 27 April 2018

Reference: 18/1260/LBC

Address: 40-42 Golders Green Road, London, NW11 8LL

Proposal: Installation of new shopfront with roller shutters (Listed Building Consent)

Decision: Approved subject to conditions

Decision Date: 27 April 2018

Reference: 18/1352/ADV

Address: 40-42 Golders Green Road, London, NW11 8LL

Proposal: Installation of 2 no. externally illuminated fascia signs and 1 no. externally illuminated projecting sign

Decision: Approved subject to conditions

Decision Date: 27 April 2018

Reference: 18/1443/LBC

Address: 40-42 Golders Green Road, London, NW11 8LL

Proposal: Installation of 2 no. externally illuminated fascia signs and 1 no. externally illuminated projecting sign (Listed Building Consent)

Decision: Approved subject to conditions

Decision Date: 01 May 2018

### **3. Proposal**

The applicant proposes a 'Change of use of no. 42 from retail A1 (sandwich shop) to class A3 (restaurant). Amalgamation of nos. 40 and 42 with associated internal alterations including removal of internal wall to create 1no. unit (LISTED BUILDING CONSENT)'.

### **4. Consultation**

A site notice was erected on 08 March 2018

A press notice was published on 08 March 2018

### **Internal Consultees**

#### Urban Design and Heritage

Barnet's Senior Planning Officer for Urban Design and Heritage and the planning officer had a meeting with the applicants and agents; and it was considered that the amalgamation of the properties into a restaurant and associated works raised no issues and therefore there was no objection to the proposal.

### **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 Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

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

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, DM06

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 DM06 concern's Barnet's heritage and conservation.

### **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 Grade II listed building

#### Impact on character and appearance of the listed building and conservation area

The application site is a Grade II listed property on Golders Green Road and which falls within the Golders Green Conservation Area. The application site forms part of a group

called The Promenade and Cheapside. The properties date from the early 1900s and were designed by Herbert A. Welch with T. Clifford Hollis.

Paragraph 131 of the National Planning Policy Framework states the following needs to be applied in determining planning applications:

- \* the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- \* the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- \* the desirability of new development making a positive contribution to local character and distinctiveness.

The property gained approval under reference 17/7928/LBC dated 14 February 2018 for 'Internal alterations and repairs including removal of fittings and fixtures and licensed removal of asbestos ceiling partitions and boards. Installation of replacement ceiling and rendering of walls with paint. (RETROSPECTIVE APPLICATION)'.

It was considered under that application that although the application was retrospective and thus the works had been implemented, in light that no works had taken place which would have removed significant historic material or changed the plan form layout as existing, it is not considered that any harm had been caused to the significance of the listed building and thus sustains and enhances the listed building.

The current application relates to 'Change of use of no. 42 from retail A1 (sandwich shop) to class A3 (restaurant). Amalgamation of nos. 40 and 42 with associated internal alterations including removal of internal wall to create 1no. unit (LISTED BUILDING CONSENT)'. The works relate to formation of an arched wall to allow for the amalgamation of the two properties into one A3 restaurant unit. Following discussions with the Barnets Heritage officer, it is considered that these necessary works would have a minimal impact on the character and appearance of listed building and conservation area of which it forms a part.

Furthermore, the internal alterations proposed for the change of use from A1 to A3 in relation to No. 42 are not considered so significant that they would materially alter the historical character and architectural features of this listed building. It would involve further tables and chairs centrally in the room, a bar area towards the front and w.c.'s towards the rear.

#### Conclusion

It can be concluded that the proposal would have an acceptable impact on the character and appearance of the proposal listed building, Golders Green conservation area, then general local, current streetscene and the amenities of neighbouring occupiers and would comply with the above mentioned policies and guidance.

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

N/A.

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

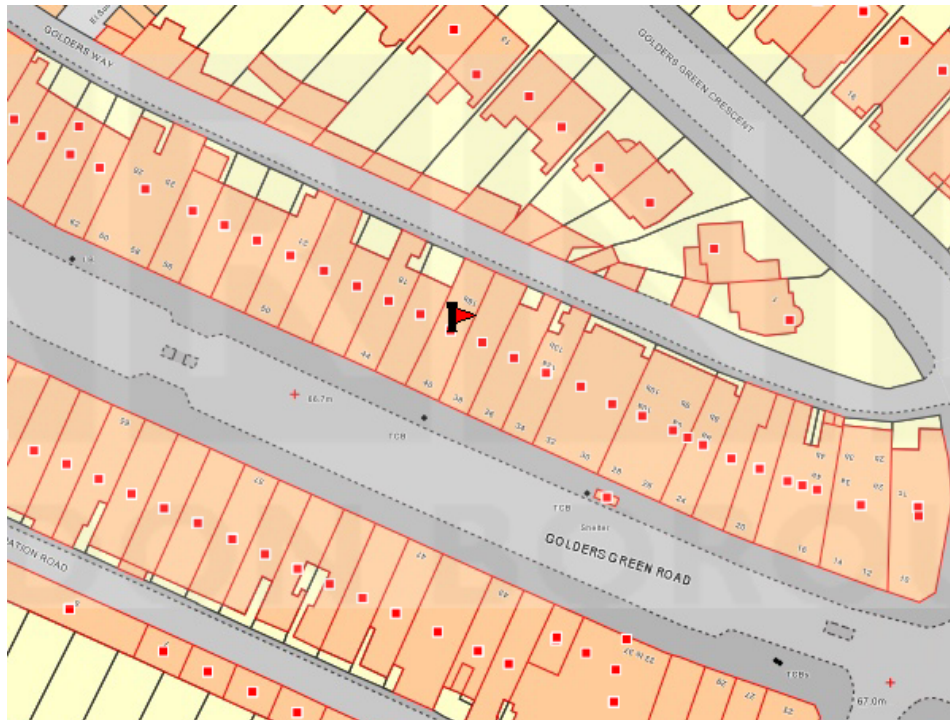
The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and support the Council in meeting its statutory equality responsibilities.

## **7. Conclusion**

For the reasons stated above the proposed change of use to restaurant and take away (Class A3) is considered acceptable.

The proposal is considered to comply with council policies and guidelines that seek to protect and enhance the conservation area. The development would have an acceptable impact on the character of the existing Grade II listed building. Therefore, on balance the alterations, change of use and amalgamation are considered acceptable and would not have an adverse impact on the amenity of neighbouring and adjoining properties. This application is in keeping with Council Policies and Guidelines and is therefore recommended for APPROVAL, subject to conditions.

# Site Location Plan



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**Location**                      **40-42 Golders Green Road London NW11 8LL**

**Reference:**                    **18/1256/FUL**

Received: 26th February 2018

Accepted: 1st March 2018

Ward:                              Childs Hill

Expiry 26th April 2018

Applicant:                      Mrs Fatma Cakir

Proposal:                        Change of use of no. 42 from retail A1 (sandwich shop) to class A3 (restaurant). Amalgamation of nos. 40 and 42 with associated internal alterations to create 1no. unit

AGENDA ITEM 14

**Recommendation:** Approve subject to conditions

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

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

- Site location plan
- 4042.18.01 Rev1
- 4042.18.03
- 4042.18.04 Rev1
- 4042.18.07 Rev1
- 4042.18.08
- Design and Access Statement
- Marketing report
- Marketing information
- Asbestos survey
- Heritage 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) No development other than demolition works shall take place until a detailed assessment for the kitchen extraction unit, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority  
b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the amenities of the neighbouring occupiers are not prejudiced odour and smoke in the immediate surroundings in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted 2012).

- 4 The level of noise emitted from the kitchen extraction 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 7.15 of the London Plan 2016.

- 5 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the kitchen 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 2013) and Policy 7.15 of the London Plan 2016.

- 6 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 restaurant use; 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 (adopted October 2016) and 7.15 of the London Plan 2016.

- 7 The use hereby permitted shall not be open to members of the public before 8:00am or after 11pm on weekday, Saturdays, Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

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

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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 constitutes two three storey terrace properties. No. 40 Golders Green which is currently vacant contained a ground floor unit utilised as a Subway café (A1 use) and No. 42 is an A3 restaurant. The properties have flats above. The shop front of the application site is located on the northern side of Golders Green Road. The rear of the application site is located on the southern side of Golders Way. Golders Way is an access road leading mainly to the rear service areas of commercial properties to the south of the proposal site. The flats above these commercial properties are accessed from Golders Way.

The application site is located within a Primary Shopping Frontage in Golders Green Town Centre.

The application site is a Grade II listed property on Golders Green Road and which falls within the Golders Green Conservation Area. The application site forms part of a group called The Promenade and Cheapside. The properties date from the early 1900s and were designed by Herbert A. Welch with T. Clifford Hollis.

### **2. Site History**

Reference: F/03736/14

Address: 40 Golders Green Road, London, NW11 8LL

Proposal: Change of use of ground floor to mixed use of Class A1 (shops) A3 (cafe) and A5 (hot food takeaway) and alterations to the front.

Decision: Refused

Decision Date: 16 September 2014

Reference: F/03736/14

Address: 40 Golders Green Road, London, NW11 8LL

Proposal: Changes to shop front (listed building consent)

Decision: Refused

Decision Date: 11 September 2014

Reference: 16/7763/FUL

Address: 40 Golders Green Road, London, NW11 8LL

Proposal: Change of use from shop (Class A1) to restaurant and take away (Class A3).  
Installation of an extraction flue to the rear

Decision: Approved subject to conditions

Decision Date: 14 March 2017

Reference: 16/7764/LBC

Address: 40 Golders Green Road, London, NW11 8LL

Proposal: Change of use from shop (Class A1) to restaurant and take away (Class A3).  
Installation of an extraction flue to the rear

Decision: Approved subject to conditions

Decision Date: 14 March 2017

Reference: C02588

Address: 42 Golders Green Road, London, NW11 8LL

Proposal: New shopfront  
Decision: Approved subject to conditions  
Decision Date: 21 October 1969

Reference: C02588A  
Address: 42 Golders Green Road, London, NW11 8LL  
Proposal: Installation of new shopfront  
Decision: Approved subject to conditions  
Decision Date: 19 July 1972

Reference: C02588B  
Address: 42 Golders Green Road, London, NW11 8LL  
Proposal: Advert  
Decision: Approved subject to conditions  
Decision Date: 10 July 1972

Reference: C06658  
Address: 42 Golders Green Road, London, NW11 8LL  
Proposal: Advert  
Decision: Approved subject to conditions  
Decision Date: 14 March 1979

Reference: C02588C  
Address: 42 Golders Green Road, London, NW11 8LL  
Proposal: Internally illuminated fascia and projecting box sign  
Decision: Approved subject to conditions  
Decision Date: 09 June 1995

Reference: C02588D  
Address: 42 Golders Green Road, London, NW11 8LL  
Proposal: New shopfront  
Decision: Approved subject to conditions  
Decision Date: 09 June 1995

Reference: 17/7928/LBC  
Address: 42 Golders Green Road, London, NW11 8LL  
Proposal: Internal alterations and repairs including removal of fittings and fixtures and licensed removal of asbestos ceiling partitions and boards. Installation of replacement ceiling and rendering of walls with paint. (RETROSPECTIVE APPLICATION)  
Decision: Approved subject to conditions  
Decision Date: 14 February 2018

Reference: 18/1108/FUL  
Address: 42 Golders Green Road, London, NW11 8LL  
Proposal: Single storey rear extension and associated bin storage  
Decision: Approved subject to conditions  
Decision Date: 17 April 2018

Reference: 18/1109/LBC  
Address: 42 Golders Green Road, London, NW11 8LL  
Proposal: Single storey rear extension and associated bin storage (LISTED BUILDING CONSENT)  
Decision: Approved subject to conditions

Decision Date: 17 April 2018

Reference: 18/1259/FUL

Address: 40-42 Golders Green Road, London, NW11 8LL

Proposal: Installation of new shopfront with roller shutters

Decision: Approved subject to conditions

Decision Date: 27 April 2018

Reference: 18/1260/LBC

Address: 40-42 Golders Green Road, London, NW11 8LL

Proposal: Installation of new shopfront with roller shutters (Listed Building Consent)

Decision: Approved subject to conditions

Decision Date: 27 April 2018

Reference: 18/1352/ADV

Address: 40-42 Golders Green Road, London, NW11 8LL

Proposal: Installation of 2 no. externally illuminated fascia signs and 1 no. externally illuminated projecting sign

Decision: Approved subject to conditions

Decision Date: 27 April 2018

Reference: 18/1443/LBC

Address: 40-42 Golders Green Road, London, NW11 8LL

Proposal: Installation of 2 no. externally illuminated fascia signs and 1 no. externally illuminated projecting sign (Listed Building Consent)

Decision: Approved subject to conditions

Decision Date: 01 May 2018

### **3. Proposal**

The applicant proposes a 'Change of use of no. 42 from retail A1 (sandwich shop) to class A3 (restaurant). Amalgamation of nos. 40 and 42 with associated internal alterations to create 1no. unit'.

### **4. Public Consultation**

A site notice was erected on 08 March 2018

A press notice was published on 08 March 2018

407no. consultation letters were sent to neighbouring properties.

7no. responses have been received containing objections. No objectors have requested to speak.

The objections concerned the following issues:

- Too many restaurants in the area
- More retail is required
- Effect on pavements from fruit stalls and tables

### **Internal Consultees**

Environmental Health

Barnet's Environmental Health Officer assessed the flue on the approval for No. 42 Golders Green Road and as the situation will remain the same, following talks with the Environmental Health Officer, it is not considered that any adverse impact would result from this aspect of the proposal, subject to suggested conditions in relation to the previously approved flue.

#### Urban Design and Heritage

Barnet's Senior Planning Officer for Urban Design and Heritage and the planning officer had a meeting with the applicants and agents; and it was considered that the amalgamation of the properties into a restaurant and associated works raised no issues and therefore there was no objection to the proposal.

#### Principle Surveyor

Barnet's Principle Surveyor assessed the documents provided by the applicant as evidence that the application site was no longer viable as an A1 use and would be more suited for A3 in relation to viability.

### **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 Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

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

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, DM04, DM06, DM11, DM17.

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 DM04 concerns the environmental considerations for development and it states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted.

Policy DM06 concern's Barnet's heritage and conservation.

Policy DM11 concerns development principles for Barnet's town centres.

Policy DM17 concerns travel impact and parking standards.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the proposals would have an acceptable impact on the vitality and viability of the town centre
- Whether harm would be caused to the character and appearance of the existing Grade II listed building, the street scene and the conservation area;
- Impact on the amenities of neighbouring occupiers.
- Waste and refuse provision

### Impact on the vitality and viability of the town centre

Policy DM11 advises that the Council will expect a suitable mix of appropriate uses as part of development within town centres to support their continued vitality and viability. A development proposal which reduces the combined proportion of class A1 retail use at ground floor level (including vacant) in the primary shopping frontage to below 75% will not be permitted. The proposal should not create an over-concentration of similar uses which detracts from the retail function of the town centre. A retail assessment of the primary shopping frontage in Golders Green Town Centre was conducted. The current percentage of A1 units within the primary shopping frontage is approximately 61% and the proposal would reduce the number of A1 units to 60%. The proposal would therefore reduce the number of A1 units even further below the desired 75%.

Policy DM11 states that the change from a retail use (Class A1) will be strongly resisted unless it can be demonstrated that there is no viable demand for continued Class A1 use. To demonstrate the lack of viability of the A1 use the applicant must provide evidence that effective marketing of the site has taken place. Effective marketing is where the unit is actively marketed continuously for at least 12 months as an A1 use at an appropriate price prior to the application being made and where no interest is expressed in it for retail or similar use.

The applicant submitted evidence that the application site had been marketed for at least 24 months as an A1 use with an asking rent of £35,000 p.a. Barnet's Principle Surveyor compared the marketing of the application site to the marketing of similar properties in the area. The surveyor stated that the market value is approximately £31,500 pa. However, the surveyor did not see this as a reason for not having strong interest in the premises from A1 users. The difference is not considered to be enough to have deterred potential A1 users. For this reason it is considered that the applicant has demonstrated that effective marketing has taken place and that the application site is not viable as an A1 use but more appropriate for A3 use.

Policy DM11 states that when it can be demonstrated that the site has been marketed effectively for Class A1 use acceptable alternatives to Class A1 use will be Class A2, A3, A4, A5 or community uses.

Policy DM11 aims to prevent an over concentration of similar non-A1 uses on a Primary Shopping Frontages. It states that "where a proposed use would create three or more adjacent non retail uses of any class then this will be resisted". Subway Sandwich (A3) utilised No. 42 Golders Green Road. However, it is noted that to the west beyond Subway is Sally (hair and beauty products shop) and Husen Moda (clothing shop) both of which are A1 uses. To the east of the application site is Book Warehouse and Orzel Polish Delicatessen both of which are A1 uses. Due to the location of these A1 uses close to the application site it is considered that the proposal would not result in an over Concentration of A3 uses.

The proposal is to amalgamate both properties at No. 40 and No. 42 to accommodate a single restaurant A3 use. The current use at No. 40 is A3 use gained under planning approval reference 16/7763/FUL dated 14 March 2017. For the reason stated above, it is considered that the proposed use as A3 at no. 42 and the resultant amalgamation of 40-42 Golders Green Road into one A3 unit is acceptable in principle, provided that it meets the requirements stated below.

#### Impact on character and appearance

Paragraph 131 of the National Planning Policy Framework states the following needs to be applied in determining planning applications:

- \* the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- \* the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- \* the desirability of new development making a positive contribution to local character and distinctiveness.

A proposed flue was approved under the application for change of use mentioned above under reference 16/7763/FUL. Therefore, the Environmental Officer has confirmed that there remains no objections with the amalgamation of the two sites in relation to the approved flue which is to be positioned on the rear elevation wall of the existing rear outrigger at No. 40 and would have a minimal impact on the character and appearance of listed building and conservation area of which it forms a part.

The internal alterations proposed for the change of use from A1 to A3 in relation to No. 42 are not considered so significant that they would materially alter the historical character and architectural features of this listed building. It would involve further tables and chairs centrally in the room, a bar area towards the front and w.c.'s towards the rear.

The applicants also benefit from advertising consent for signage for the A3 use under planning reference 18/1352/ADV dated 27.04.2018 for 'Installation of 2 no. externally illuminated fascia signs and 1 no. externally illuminated projecting sign'.

It is considered that the proposal would have an acceptable impact on the heritage asset of the listed buildings at the application site and surrounding buildings. It is further considered that the development would make a positive contribution to the local character.

#### Impact on the amenity of adjoining and neighbouring properties

The proposed change of use of No. 42 from Subway café (A1) to a restaurant (A3) is not considered to greatly increase the number of employees occupying the site or the number of customers coming and going from the site. Conditions shall be included in the decision notice to prevent excessive noise transference to and from the application site. For this reason the proposal is not considered to cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of noise and disturbance. As mentioned above, the flue has been assessed and approved by the Council's Environmental Health Officer under the previous application and they have re-confirmed under the current application that this element remains acceptable. Therefore, it can be concluded that the change of use in general would have an acceptable impact on the neighbouring amenities.

The previously approved application provides waste storage for the proposed restaurant, the details of which are described below. Furthermore, the agents email dated 28.03.2018 confirms that the waste bins would be placed just beyond the rear of the proposal site on collection days and returned to the refuse area at the site once emptied. For this reason the proposed A3 use is not considered to cause the occupiers of neighbouring and adjoining properties from suffering a material loss amenity as a result of environmental health issues caused by inadequate or inappropriate waste storage.

#### Refuse and recycling storage

The minimum requirement for waste storage for a restaurant is one 1100 Litre bin and the proposal meets this requirement. Planning permission was granted at No. 42 under refence 18/1108/FUL dated 17 April 2018 for a 'Single storey rear extension and associated bin storage'. Under the approved scheme, the bin would be located on the proposal site in a designated area where it would be pulled out on bin days and will be easily assessable to the waste collection service providers. If the proposed A3 use generates more waste than what can be contained in a 1100 Litre bin with a weekly collection then the applicant can arrange for more frequent waste collection. The proposal is therefore compliant with policy CS14 of Barnet's Adopted Core Strategy (2012).

Whilst many of the commercial properties on the northern side of Golders Green Road store their bins on the pavement on Golders Way, it is important that the bins at the proposal site does not cause undue obstruction outside of the proposal site. The proposal is considered to accommodate this element of the proposal and would comply with policy CS14 of Barnet's Adopted Core Strategy (2012).

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

The following issues have been addressed elsewhere in the report:

-Too many restaurants in the area



- More retail is required
- Effect on pavements from fruit stalls and tables

Material planning considerations:

- The previous use as a Subway café where-in customers could also eat in, is not considered to give rise to any further impact on an increase in this similar type of restaurant use in the area. For this reason, it is not considered that the proposal would lead to an increase in noisy and anti-social behaviour on Golders Way.
- The proposal does not relate in this case to fruit stalls and outside tables and therefore this is not being considered under the current application.

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

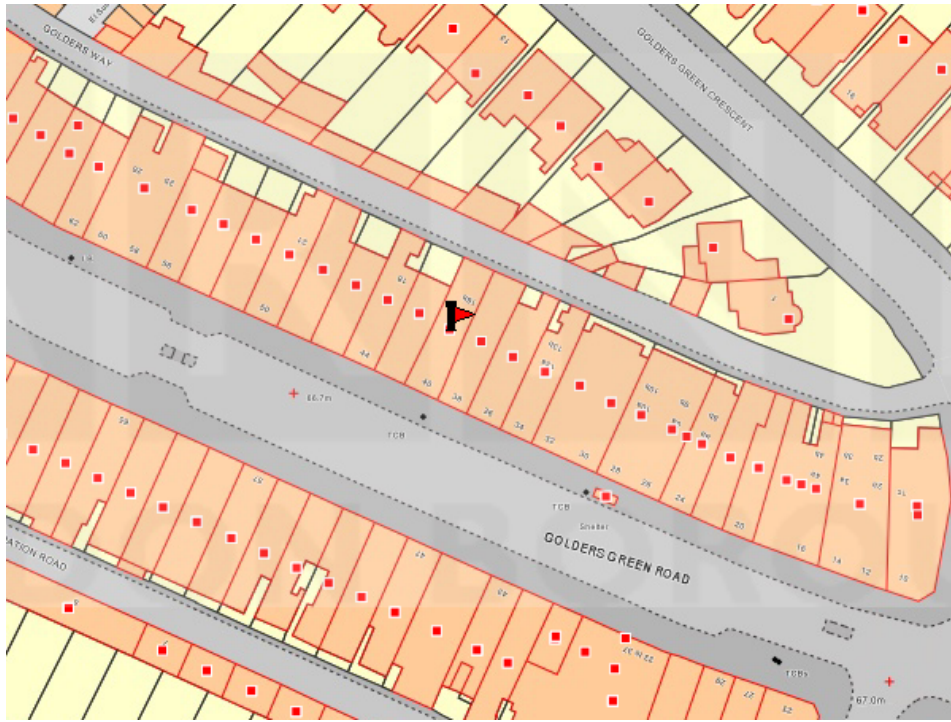
The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and support the Council in meeting its statutory equality responsibilities.

## **7. Conclusion**

For the reasons stated above the proposed change of use to restaurant and take away (Class A3) is considered acceptable.

The proposal is considered to comply with council policies and guidelines that seek to protect and enhance the conservation area. The development would have an acceptable impact on the character of the existing Grade II listed building. Therefore, on balance the alterations, change of use and amalgamation are considered acceptable and would not have an adverse impact on the amenity of neighbouring and adjoining properties. This application is in keeping with Council Policies and Guidelines and is therefore recommended for APPROVAL, subject to conditions.

# Site Location Plan



Location	Annexe Land To 765 Finchley Road, Hodford Road, London NW11 8DS		
Reference:	17/6370/FUL	Received:	0.10.2017
		Accepted:	12.10.2017
Ward:	Childs Hill	Expiry:	07.12.2018
Applicant:	Mr Barry Angel		
Proposal:	Erection of two single storey residential units with basement level. Associated cycle storage, refuse and recycling store, amenity space		

## AGENDA ITEM 15

**RECOMMENDATION:** Approve subject to S106

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

### RECOMMENDATION I:

The applicant and any other person having a requisite interest in the site be invited to enter into a section 106 Agreement 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. Provision of access for residents at West Heath Place to provide access to the rear garden at that development.
4. Applicant to meet costs of future maintenance of the access for residents at West Heath Place.
5. Applicant to meet the Council's costs of independent review by a suitably qualified person of the submitted Basement Impact Assessment.
6. Applicant agrees not to implement the unbuilt component of the West Heath Place development as approved under F/05021/10, comprising a two-storey building that would have been sited on the access land in this development.
7. Meeting the Council's costs of monitoring the agreement (£2000).

### RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Planning Performance and Business Development Manager/Head of Development

Management approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Head of Development Management or Head of Strategic Planning:

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

336-00-01 rev. 8

336-01-01 rev. 7

336-01-02 rev. 7

336-02-02 rev. 2

336-03-01 rev. 6

336-03-02 rev. 6

336-03-03 rev. 6

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 site works or works in connection with the development hereby approved shall be commenced until a biodiversity strategy, to include details of a wildlife survey of the site and of the mitigation measures to be implemented for any protected wildlife species identified in the survey together with details of any mitigation measures including the timing of development works and special techniques, has been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 4 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.

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 October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 5 a) No development shall take place until details of the levels of the buildings, vehicle access and footpaths in relation to the adjoining land and adjacent buildings, 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 2016.

6 Prior to works commencing, the following details will have been submitted to and approved in writing by the Local Planning Authority:

a) A preliminary report detailing existing hydrology and soils and how the approved works would impact on hydrology and how stability of neighbouring properties during construction will be protected and monitored; and

b) Following independent review of the interim report, a final report that shall make recommendations arising from the initial findings and independent review.

c) The construction works shall be implemented in accordance with the recommendations of the approved final report, and any on-going requirements shall be maintained 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 Adopted Barnet Development Management Policies DPD (2012) and 5.13 of the London Plan 2016.

7 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the development 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.

8 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage, telecommunications and installation of electric vehicle charging points including electricity supply cables) in relation to trees on and adjacent to 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 details approved under this condition.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016).

9 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall commence on site until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority.

b) All tree felling and pruning works shall be carried out in full accordance with the approved specifications under this condition and in accordance with British Standard 3998 (Recommendation for Tree Works).

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 2015.

10 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 2015.

11 a) No above ground construction shall take place until details of the appearance, materials and management of removable bollards that prevent parking at the site while allowing for emergency vehicle access have been submitted to and approved in writing by the Local Planning Authority.

b) No vehicles may be parked within the area controlled by the lockable bollards at any time, other than by emergency services and refuse / recycling services engaged in removal of refuse / recycling from the approved dwellings.

c) The development shall thereafter be implemented in accordance with the approved details and maintained as such for the lifetime of the development.

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.

12 a) No above ground construction shall take place until details of the appearance and materials of all boundary treatment and any gates, including those within the development, and including details of opening mechanisms for any electronically

controlled access gates, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the approved details and maintained as such for the lifetime of the development.

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.

13 a) No construction works above ground level shall commence until 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, have been submitted to and agreed in writing by the Local Planning Authority.

b) All works 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.

14 The development shall not be occupied until details of the design and appearance of refuse facilities have been submitted to and approved in writing by the Local Planning Authority, and the approved facilities shall then be provided in accordance with the approved details 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).

15 The development shall be constructed and thereafter operated so as to achieve Secured by Design accreditation. Evidence of such shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of either of the buildings approved, or within any other timetable agreed by the Local Planning Authority.



Reason: To ensure the future security of the development and of adjoining residential properties, in accordance with Policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012).

- 16 Before the development hereby permitted is occupied, the cycle store(s) and spaces shall be provided in accordance with details that have been submitted and approved in writing by the Local Planning Authority, which demonstrate:

a) that the storage meets London Plan cycle parking standards and

b) Details of the appearance and materials to be used in the stores, and the means of maintaining the green roofs that are proposed for the cycle stores.

The cycle stores shall be maintained in accordance with the approved details for the lifetime of the development, and shall not be used for any purpose other than for the parking of cycles associated with the development.

Reason : To ensure and promote cycle use and to safeguard the character and visual amenities of the development in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policies DM01 and DM17 of Development Management Policies (Adopted) September 2012 which in turn refers to London Plan Parking Standards.

- 17 Prior to the first occupation of either building in the development, it shall have been constructed incorporating carbon dioxide emission reduction measures which achieve the carbon reduction measures including on site renewable / low carbon energy sources as set out in the approved Sustainability Report (Bespoke Builder Services Ltd, ref. SUT-48642/Croft Issue 3, March 2017), and the development shall be maintained as such for the lifetime of the development.

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 2016 and the 2016 Mayors Housing SPG.

- 18 Prior to the first occupation of any building within the development it shall have been constructed to have 100% of the water supplied to it by the mains water infrastructure provided through a water meter or water meters and each new flat 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 March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 19 Before the development is first occupied, privacy screens in an opaque or translucent material shall first have been installed between the basement level amenity spaces of

the approved houses, and the screens shall be maintained and retained for the lifetime of the development.

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).

- 20 a) No external lighting shall be installed and used until details of the appearance and luminance of the proposed lighting has 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 for the lifetime of the development.

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.

- 21 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).

- 22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D, E and F of Part 1 and Class B of Part 2 in Schedule 2 of that Order shall be carried out within the curtilage of the dwelling houses hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent retained trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

## **Informatives**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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](http://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.

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.

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](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or 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://legislation.gov.uk)

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

3. The development shall not be occupied until all parts of the building have been fitted with a fire sprinkler system and it has been verified as such by an independent assessor, and approved as such through the Building Regulations approval process.
- 4 This proposal is alternative to the unimplemented component of the West Heath Place development as approved under F/05021/10, which provided for a two-storey building to be built on the access land in this development.
- 5 This planning permission should be read in conjunction with the planning agreement completed under section 106 of the Town and Country Planning Act 1990 (as amended), completed on *(date to be entered when the agreement has been completed)*.

### **Recommendation III:**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 20<sup>th</sup> September 2018, unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to ensure appropriate access to the site, to facilitate on-going access to the rear garden area for residents of West Heath Place and to ensure that the alternative development approved in permission F/05021/10 on the access land is not carried out, and associated monitoring costs, contrary to policies DM01 and DM17 of the Development Management Policies DPD, the Sustainable Design and Construction SPD and the Planning Obligations SPD.
2. The development fails to provide a legal undertaking to ensure appropriate review of the Basement Impact Assessment to ensure that the basement is constructed without increased flood risk and to protect the amenities of neighbouring properties, and associated monitoring costs, contrary to policies DM01 and DM04 of the Development Management Policies DPD,

the Sustainable Design and Construction SPD and the Planning Obligations SPD.

## **Officer's assessment**

### **1. Site Description**

The site consists largely of back land, comprising former garden land to the rear of 1 Hodford Road along with a 5.6m wide access leg that separates 1 Hodford Road from West Heath Place, which is an apartment development located on the corner of Finchley and Hodford Roads. Overall site area is 987 sq.m. Both components of the site are currently in unkempt condition. The former garden land is overgrown, with some building rubble remaining at the site apparently as a result of former development works which are outlined in the planning history below, and with building materials stored on the access leg behind a locked plywood-clad gate.

Levels across the main part of the site slope from east to west. There are a number of trees around the perimeters of the site; those along the north-eastern and north-western boundaries are insubstantial, while to the southern and south-western boundary to properties on Llanvanor Road there is a row of Leyland cypress (or similar).

Surrounding properties include a mix of houses and apartments with some mews houses. 1 Hodford Road is a two storey detached dwelling while 3 Hodford Road and 24 - 34 Llanvanor Road (even numbers) are all semi-detached; all of these date from the interwar period. 6 Fairmont Mews meets the application site's boundary at its south-eastern corner; this and neighbouring houses at Fairmont Mews face more or less south, towards Llanvanor Road, and have no rear or flank wall windows that are visible from the application site. To the east, West Heath Place is a larger scaled building, up to five storeys high but dropping to three and then to two stories on its western side. These flats have large terraces that overlook the application site, and the access ramp to basement car parking serving West Heath Place is located immediately adjacent to the access leg that forms part of the application site.

### **2. Site History**

The two elements of the site - the former rear garden land and the access leg - comprise land that formed parts of two adjacent and separate developments of apartments on Finchley Road:

- The access leg comprises part of the development site for West Heath Place (779-781 Finchley Road in the itemised planning history below). The original permission for that development site included a separate small building on this part of the land, which has not been implemented (planning permission C02856P/04). This would have been a two storey building with a refuse store at ground floor level and a first floor flat above. Space would have remained here for a narrow access path between the building and the basement access ramp to West Heath Place, coinciding with part of the access leg in this application. Subsequently, planning permission was granted for a single cottage across the whole width of this residual land, (ref. F/03667/10 as noted below).
- The larger part of the site is effectively residual land from the redevelopment of 765 Finchley Road, another development comprising flats and commercial space which is adjacent West Heath Place and lies to the south-east. This land would have formed a communal amenity space for the occupiers of that development. However, this part of

the site was subsequently separated from the land at 765 Finchley Road by planning permission ref. F/03354/12, which was granted on appeal as noted below.

The following planning history is therefore set out in three sections, the first two comprising the two adjacent development sites noted above, and the third relates to the application site as assembled from the elements noted above. Where relevant, references to the application land are underlined in the following planning history for the neighbouring sites:

1. Relevant applications at 765 Finchley Road

Reference: C02856P/04

Decision: Approved following legal agreement.

Decision date: 07 April 2005

Description: Demolition of existing buildings and redevelopment of site to provide 57 residential units and 5 office units in a building of up to five floor levels (plus basement level), and a separate building comprising a one bedroom residential unit and refuse storage facility. Parking spaces for 95 cars with vehicular access from Finchley Road and Hodford Road.

Reference: F/05021/10

Decision: Approved subject to conditions.

Decision date: 18 January 2012

Description: Amendment to planning application C02856P/04 dated 7th April 2005 to provide 60 apartments comprising of 24 two bedroom flats, 20 three bedroom flats, 5 four bedroom flats, 7 two bedroom affordable flats, 3 three bedroom affordable flats, 1 four bedroom affordable flat and 535 sq.m. of office space in a building of up to five floor levels (plus basement level), including landscaping and parking spaces for 99 cars with access from Finchley Road and Hodford Road.

Reference: F/00070/11

Decision: Refused but subsequently allowed on appeal.

Application decision date: 22 March 2011

Appeal decision date: 19 September 2011 (appeal ref: APP/N5090/A/11/2151295).  
Description: Demolition of existing office building and redevelopment of the site to provide a mixed use development comprising the erection of buildings between two and five storeys, to provide 80 residential units and 1402 sq.m. (GEA) of flexible office (use class B1) and/or community (use class D1) floorspace above a single basement level car park providing 110 car parking spaces. Associated landscaping.

Reference: F/01200/13

Decision: Approved

Decision Date: 12 June 2013

Description: Non-material minor amendments to planning permission reference (F/00070/11) dated (19/09/2011) for the redevelopment of the site at 765 Finchley Road consisting of: , 'Demolition of existing office building and redevelopment of the site to provide a mixed use development comprising the erection of buildings between two and five storeys, to provide 80 residential units and 1402 sq.m. (GEA) of flexible office (use class B1) and/or community (use class D1) floorspace above a single basement level car park providing 110 car parking spaces. Associated landscaping.', Amendments include the conversion of 2 duplex units to single level flats.

Reference: F/03354/12

Decision: Refused but subsequently allowed at appeal.

Decision Date: 5 February 2013

Description: Variation to conditions 2 (Approved Plans) and 13 (Landscape Strategy) pursuant to appeal decision APP/N5090/A/11/2151295 dated 19/09/11 (Planning reference F/00070/11) for ' Demolition of existing office building and redevelopment of the site to provide a mixed use development comprising the erection of buildings between two and five storeys, to provide 80 residential units and 1402 sq.m. (GEA) of flexible office (use class B1) and/or community (use class D1) floorspace above a single basement level car park providing 110 car parking spaces. Associated landscaping.' Variation to include removal of garden annex land.

## 2. Relevant applications at 779-781 Finchley Road (West Heath Place

This is the apartment development to the east of the application now known as West Heath Place. The access leg in the current application includes part of the former development site for these flats.

Reference: C02856P/04

Decision: Approved following legal agreement

Decision Date: 7 April 2005

Description: Demolition of existing buildings and redevelopment of site to provide 57 residential units and 5 office units in a building of up to five floor levels (plus basement level), and a separate building comprising a one bedroom residential unit and refuse storage facility. Parking spaces for 95 cars with vehicular access from Finchley Road and Hodford Road.

Reference: F/03667/10

Decision: Approved following legal agreement

Decision Date: 10 March 2011

Description: Erection of a two storey cottage plus basement

Reference: F/05021/10

Decision: Approved following legal agreement

Decision Date: 18.01.2012

Description: Amendment to planning application C02856P/04 dated 7th April 2005 to provide 60 apartments comprising of 24 two bedroom flats, 20 three bedroom flats, 5 four bedroom flats, 7 two bedroom affordable flats, 3 three bedroom affordable flats, 1 four bedroom affordable flat and 535 sq.m. of office space in a building of up to five floor levels (plus basement level), including landscaping and parking spaces for 99 cars with access from Finchley Road and Hodford Road.

### 3. Specific to the application site

Reference: F/03972/13

Address: Annexe Land To 765 Finchley Road (Rear Of 1 Hodford Road), London, NW11 8DS

Decision: Refused

Decision Date: 7th November 2013.

Description: Erection of 2 new self-contained units to provide 1, two bedroom bungalow and 1, three bedroom bungalow with rooms in basement.

Reference: F/05401/14

Decision: Refused and subsequently dismissed on appeal

Decision Date: 27 March 2015

Appeal decision: Appeal dismissed

Appeal decision date: 4 January 2016 (appeal ref: APP/N5090/W/15/3103228).

Description: Erection of two 2-storey self-contained house. (Ground floor & lower ground floor level).

Reference: 16/7282/FUL

Decision: Refused.

Decision Date: 15.02.2017

Description: Erection of a single storey self-contained house with basement level and associated landscaping

The reason for refusal was as follows:



The scale, siting and design of the proposed dwelling would have an adverse effect on the overall open character of the site, which forms an open buffer between the typical form of suburban development on the adjacent streets of Hodford Road and Llanvanor Road and the larger scale apartment developments to the east. Taken together, the building and its long narrow footpath access would result in a cramped form of development that would not be complimentary to or acceptable in this location. The poor access to the site and the poor provision for disposal of rubbish and recycling inherent in the long narrow pedestrian access path, which also mean that the development is not able to provide a satisfactory standard of accommodation in all respects, would further detract from the character and amenities of this location. As such, the proposal is contrary to Policies 3.8, 7.1, 7.2 and 7.4 of the London Plan 2016, to Policies CS1, CS4, CS5 and CS14 of the Council's Core Strategy DPD (2012) and to DM01 and DM02 of the Development Management Policies DPD (2012), and to Standards 8 and 10 in the Mayor of London's Housing SPD.

### **3. Proposal**

The application is for a pair of semi-detached houses designed in the form of a bungalow, but in addition to their main living accommodation at ground level each would have a substantial basement, accommodating bedrooms and bathrooms. The basement accommodation would gain natural light from large lightwells on the south-western side of the building. The access leg would be available only for pedestrian and cycle use, and provision has been made to use part of it as a dedicated secondary access for residents at West Heath Place to their adjacent communal rear garden.

If this application is approved and built out, it would supersede an unimplemented component of the West Heath Place development as approved under F/05021/10 (refer to site history above). In that approval a two-storey building would have been built across most of the width of the access leg in the current application, leaving a one metre wide path to the side to the building to give West Heath Place residents access to their adjacent communal rear garden. The two-storey building would have accommodated a bin store for West Heath Place and a one-bedroom flat. While the current proposal would allow the rear access arrangements for West Heath Place to be completed, the remaining built component of the scheme would not be built out but instead would remain open.

### **4. Public Consultation**

Consultation letters were sent to 185 neighbouring properties. Following the submission of an amended layout plan, which clarified the use and layout of the access leg, neighbours were reconsulted by an additional letter.

23 responses were received, including 22 objections. The issues raised were:

- The proposed developers are the same people who developed West Heath Place and obligations to the purchasers of flats in the property remain unfilled, including safe access to the garden. The only access has been via steep stairs from the car park lower level and never via the exclusive path as outlined on the original plans and brochure.
- Concerns about boundary treatment, surface of the path, lighting and who will maintain the path.

- Loss of privacy.
- Delivery of garden material, earth moving equipment and emergency services to the garden area and adjacent flats is currently denied. Shared use of any path will limit its emergency use.
- Security and safety concerns.
- Disruption, inconvenience and hazard to West Heath Place residents and other nearby residents .
- Difficulty for traffic exiting onto Hodford Road
- Comments regarding how readily available neighbour letters are on-line.

## **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 Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital for the next 20 to 25 years. It forms part of the development plan for Greater London and is recognised in the NPPF as such.

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.

- Relevant London Plan policies: 3.3, 3.4, 3.5, 3.8, 5.2, 5.3, 7.1, 7.3, 7.4, 7.6, 7.19, 8.1, 8.2 and 8.3.

#### Consultation Draft London Plan December 2017

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

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS4, CS5, CS9, CS13, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM07, DM08, DM16, DM17.

The Council's approach to new development as set out in Policy DM01 is to minimise its 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 and Guidance

Mayor of London's Housing SPG

- This sets out a range of Standards for residential development in London.

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to assist in the design of new residential development. 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.

- In respect to amenity, new residential buildings and 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.

### Other relevant documents

Characterisation Study of London Borough of Barnet.

- This is a detailed study of urban character and local distinctiveness in Barnet, which identifies a number of primary urban typologies within the Borough. These primary typologies include , 'residential streets'. A more detailed consideration of this typology goes on to identify a number of secondary urban typologies. Two of these are relevant to the application site and its surroundings; Type C - Suburban, and Type F - Flats.

### Manual for Streets

- This is a non-statutory document that amongst other street design issues provides references to Building Regulations standards for maximum bin carry distances.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the living conditions of future occupiers would be acceptable; and
- Whether the proposal is acceptable in terms of impacts on the highway network, car parking and provision for refuse and recycling storage and collection.

## **5.3 Assessment of proposals**

### Impact on Character and Appearance

The refusal of the 2016 application noted above was partially on the basis of the adverse effect on the open character of the site. Noting that the site forms “an open buffer” between the typical scale of suburban development in Hodford and Llanvanor Roads and the larger scale apartment developments on Finchley Road, it was considered that the scale, siting and design of the proposed single dwelling, including the long footpath access which would have been only 1.0 m wide, would have resulted in a cramped form of development. The poor access and poor provision for disposal of rubbish and recycling was also cited in the refusal. This application is intended to address this objection.

The scale of the above-ground portion of the house proposed in the 2016 application was relatively modest, and like the current proposal it featured accommodation at both basement and ground floor levels. The building would have been approximately 12.5m width, with a front to rear depth of 8.1m at ground floor level and 13m at basement level. Maximum height to the roof ridgeline of 6m, with height to the eaves 3.2m. However, its overall scale was increased by the large lightwells at either end of the building, which would have been surrounding on three sides by glazed balustrades. The lightwells and surrounding balustrades would have increased the developed width across the plot to 20.5m and in addition, they would have projected beyond the front and rear walls of the above-ground portion of the house by over 4m adjacent to each corner of the building. The voids created by the two light wells would have resulted in a total developed area of built form of 194 sq.m., while the floor area of the house including basement would have been 266 sq.m. The 51m pedestrian access would have been little over 1m wide for most of its length.

In the current application, the building is actually wider than in the refused 2016 application, but reduced in overall floor area. For ease of comparison, the following figures repeat the dimensions noted above for the refused scheme in brackets: Width of the above ground portion would be 16m (12.3m in the refused 2016 scheme). Depth from front to rear would be 6m at ground floor level and 8m at basement level (refused: 8.1m ground floor and 13m basement). Maximum height to the roof ridgeline of 5 (refused 6m), with height to the eaves 3.0m (3.2m refused). Developed width across the plot would be similar to the refused scheme at 20m (20.5m refused), and taking the void to be created for the lightwell the total developed area of built form would be 183 sq.m. (194 sq.m. refused). Total floor including basement would be 254 sq.m. (266 sq.m. refused). As this proposal is for a pair of dwellings rather than a single house as in the refused 2016 scheme, this would result in each of the dwellings proposed here in having a floor area of 127.5 sq.m.

These comparisons suggest that the reductions in overall building scale are relatively small. The key changes in the built form are the 2m reduction in depth from front to rear, 1m reduction in height, the location of the single lightwell to the rear of the building as against two lightwells in the refused application, and the improved arrangements of the access leg. While the refused building was relatively low and this building is wider than in the 2016 scheme, it would be smaller in scale as seen from higher adjacent viewpoints, which are the flats at West Heath Place. While the pedestrian access into the site remains, unavoidably, as long as previously, the width of this leg is now such that an uncharacteristic narrow pedestrian access is avoided.

It is acknowledged that the proposal would result in the loss of some of the openness of the site, and it would be important to mitigate this with sufficient planting as part of the landscaping scheme that is of a scale that would make a significant contribution to the green character of the area. Along with careful landscaping of the access leg this can be provided for by an appropriate condition. The proposed building itself is of a simple and contemporary design with discrete brick patterning. Taking these features in combination, it is considered that the current scheme would sufficiently overcome the character objection in the 2016 refusal.

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

The Residential Design Guidance SPD advises that in new residential development privacy can be safeguarded by achieving minimum window to window or window to balcony distances between buildings of 21m between facing habitable room windows, and 10.5 m to a neighbouring garden. These distances relate particularly to typical two-storey development, where first floor windows can overlook neighbouring properties. Separation from the closest properties in Llanvanor Road, numbers 28 and 30, is a minimum of 9m to the shared boundary, 15m to the rear of ground floor extensions at these properties and 20m to first floor windows. Views between windows would be screened by the existing conifer hedge, and while it is intended to retain this, if it was removed direct views would be between ground floor windows only. Any remaining impacts on privacy could be adequately protected by a 2m fence and additional landscape planting. Equivalent distances to the rear of 1 Hodford Road are 14m to 18m from between facing elevations, and about 5m from the front of the proposed house to the closest point of the neighbouring rear garden boundary. These views would be acutely angled, and as the windows in the front elevation do not serve habitable rooms they would not result in any impacts on privacy at 1 Hodford Road. For residents at West Heath Place, there would be no direct window-to-window views.

It is not therefore considered that there would be any significant impact on the privacy of adjoining occupiers.

As noted above, West Heath Place residents would be provided with access to the rear communal garden at that development. This has been a point of contention with residents at that site, as the access was to have been provided for the development as approved. Provision of a separate access, by way of a separate 1.5m width path, would be an asset to these neighbouring residents, and this is provided for in the Recommendation II in this report.

While the proposed basement excavation is located some distance from boundaries and neighbouring buildings, possible impacts of basement construction on neighbouring properties has been considered, and the applicant has agreed to fund a geotechnical study prior to and during excavation works, with any mitigation recommended by the study to be provided for as part of the development. This would be secured through the section 106 agreement in Recommendation 2.

#### Impact on the amenities of future occupiers of the development

The accommodation to be provided is well above the minimum floor areas set out in the Councils Residential Design Guidance SPD and in the London Plan. A daylight and sunlight study submitted with the application shows that the basement accommodation will receive sufficient natural light levels. Overall, an acceptable standard of internal accommodation will be achieved.

Bin stores will be located on the access leg, approximately half way between the dwelling entrances and the road frontage. This location has been provided to ensure that bin carry distances for Council refuse / recycling staff comply with the bin-carry requirements in "Manual for Streets".

The long access path has been noted above in respect to the character of the area. The Mayor of London's Housing SPD sets out standards for a range of criteria, and Standards 8 and 10 are relevant here. Standard 8 advises that all main entrances to houses should be visible, clearly identifiable and directly accessible from the public realm. Standard 10 advises that active frontages would be maximised to provide natural surveillance and activity. While the proposal is not able to provide these requirements, the width of the access leg, with a reduction in its width to provide a separate access path to the garden at West Heath Place, will be a minimum of 4.1m wide. This is considered sufficient to ensure that a safe access can be provided to the site. A condition would require details of security arrangements to be submitted and approved by the Local Planning Authority.

Standard 11 in the Mayor's Housing SPG requires that 90 per cent of new build housing should meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' with the remaining 10 per cent meeting Building Regulation requirement M4(3) 'wheelchair user dwellings'. Both of the dwellings would be built to M4(2) requirements.

Privacy screens in an opaque or translucent material will be required between the basement level amenity spaces of the approved houses, and this is provided for in the recommended conditions.

#### Highways, car parking and provision for refuse and recycling storage and collection

Highways officers are opposed to private car parking being located within the access leg, because there is not room for cars to turn around and the location of the site entrance is such that vehicles reversing out would not have sufficient visibility to use this access leg for car parking on a regular basis. Sufficient width within the access leg should however remain clear for emergency vehicles. London Fire Emergency services have been consulted, and a clear access of 18m in from the street would be required for fire emergency vehicles to ensure that they are able to gain access to the proposed dwellings. (The 18m distance is the maximum that the Service's standards specify where on-site turning is not provided). Along a requirement that the access leg may not be used for parking of vehicles by the occupiers (or anyone else), a lockable bollard would be required to ensure that the access remains clear. Landscaping along this part of the access leg would need to be minimised to avoid restricting that access, but appropriate planting can be provided beyond this. A condition setting out these access arrangements and the restriction to ensure no car parking is included in the recommended conditions.

The site is located within PTAL rating of 4, and Hodford Road and surrounding streets are within a one-hour CPZ. The site is also within walking distance of a town centre location.

A parking beat survey was included with the application, which highway officers have considered. This shows that the capacity for parking spaces available on public highway in the vicinity of the development is sufficient to accommodate overspill parking. For that reason, it is not considered necessary to place any restriction on future occupiers at the development from remaining eligible for residents parking permits.

Cycle parking will be required in accordance with London Plan standard, and is provided for in the relevant condition.

The refuse and recycling store would be located in a position that ensures that council collection staff can collect bins without exceeding Manual for Streets carry distances.

#### Sustainability

The application sets out that high standards of building sustainability will be achieved, and this would be secured by the conditions set out in Recommendation II regarding water use, carbon dioxide emissions and biodiversity (as also noted below).

#### Trees and biodiversity

None of the trees at the site are considered to be of arboricultural significance, although the row of Leyland cypress trees along the boundary with Llanvanor Road properties provides year-round screening and privacy for those properties. Planting of trees that will contribute to

the landscape structure of the area will be expected in the details to be provided by the recommended condition.

The site is overgrown, and may provide habitat for wildlife species. A condition requires a wildlife survey to be carried out before any site clearance takes place, and to provide biodiversity improvements as part of the development.

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

Most of the issues referred to in neighbour letters are addressed in the above discussion. Matters relating to access to neighbour letters are not material to this decision.

The Council's Highways Officer and the London Fire Emergency Officers have commented on the scheme and raised no objection. The Fire Emergency Officers has commented that sprinklers should be provided, and details will be required in the relevant condition in Recommendation II above.

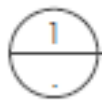
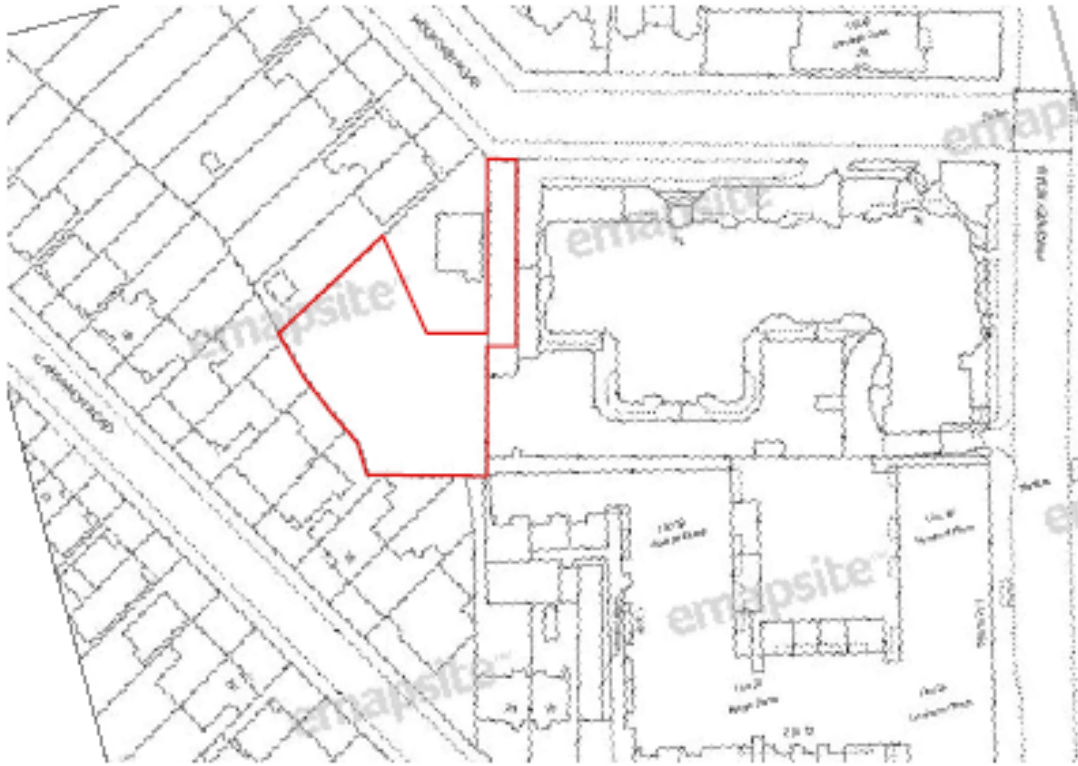
#### **6. Equality and Diversity Issues**

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

#### **7. Conclusion**

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





LOCATION PLAN

Scale: 1:1250@A3

0 5 10 15 20 25m



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**Location** Tudor Court 2 Crewys Road London NW2 2AA

**Reference:** 17/3921/FUL

Received: 20th June 2017

Accepted: 18th July 2017

**Ward:** Childs Hill

Expiry 12th September 2017

**Applicant:** Mr Jack Frankel

**Proposal:** Extension to roof including new mansard roof to create 3no. Self-contained residential units. New cycle store and bin store to ground floor level and alterations to parking layout (RETROSPECTIVE)

AGENDA ITEM 16

**Recommendation:** Approve subject to s106

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

#### 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. A contribution of £2,000 (index linked) to cover the costs of making an amendment the existing Traffic Management Order to prevent the future occupiers of the development from being able to obtain parking permits for the Controlled Parking Zone.
4. Monitoring of the Agreement £100.00  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

#### RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Planning Performance and Business Development Manager/Head of Development Management approve the planning application subject to the following conditions and any changes to

the wording of the conditions considered necessary by the Head of Development Management or Head of Strategic Planning:

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

-Site Location Plan

-Drawings: EWG\_001-02A, EWG\_001-03A, EWG\_001-04A, EWG\_001-05A, EWG\_001-06A, EWG\_001-07A, EWG\_001-08A, EWG\_001-09, EWG\_001-13E, EWG\_001-14C, EWG\_001-15D, EWG\_001-19B, EWG\_001-22B, EWG\_001-23C, EWG\_001-30A, EWG\_001-31A and EWG\_001-38C.

-Photographs

-Planning Statement

-Water Efficiency Calculator Document

-Construction Management Plan

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 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).

3 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).

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 2016).

5 Prior to the first occupation of the units, no development shall take place until details of the proposed method of screening and guard rail to the walkway at fourth floor level have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details before the development is occupied.

Reason

To ensure that the proposed development is not detrimental to the amenities of occupiers of neighbouring residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

6 Prior to the first occupation of the new dwelling(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 March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

7 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 (2016) and the 2016 Mayors Housing SPG.

8 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.

9 Prior to occupation of the proposed flats all balustrades shall be constructed in accordance to the approved drawings as shown on drawing no. EWG\_001-13E and shall remain as such permanently thereafter.

Reason:

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

### RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 20/09/2018, unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

### Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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](http://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 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](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

2. Residential Annexes or 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://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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.



## **Officer's Assessment**

### **1. Site Description**

The site property is Tudor Court; a five storey detached building containing 24 flats which include 3No. flats being assessed under the current application at roof level. The proposal property is located on the corner of Cricklewood Lane and Finchley Road and occupies a moderately prominent position in the street scene of both roads due to its height and changes in level in the surrounding area.

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

### **2. Site History**

Reference: 17/7387/FUL

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved subject to conditions

Decision Date: 27 April 2018

Description: Two storey extension to South, West and North elevations to provide 6no self-contained studio flats with extensions to two existing flats at second and third floor levels. Erection of an enclosed stair well, cycle store and alterations to existing refuse and recycling storage.

Reference: 17/7288/CON

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved

Decision Date: 28 December 2017

Description: Submission of details of conditions 3 (Refuse) pursuant to appeal decision APP/N5090/W/14/3001725 dated 06/05/15 (planning ref. F/03198/14).

Reference: 17/6966/CON

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved

Decision Date: 14 December 2017

Description: Submission of details of condition 8 (Construction Method statement) pursuant to appeal decision APP/N5090/W/14/3001725 dated 06/05/15 (planning ref. F/03198/14).

Reference: 17/5417/CON

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved

Decision Date: 04 October 2017

Description: Submission of details of conditions 6 (Air Quality) pursuant to appeal decision APP/N5090/W/14/3001725 dated 06/05/15 (planning ref. F/03198/14).

Reference: 17/5139/S73

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved subject to conditions

Decision Date: 04 October 2017

Description: Variation to condition 7 pursuant to appeal decision APP/N5090/W/14/3001725 dated 06/05/2015 for "Two-storey side extension to provide 6 self-contained flats". Variations include Code for Sustainable Homes Technical Guide

(October 2008) to be replaced with two new conditions relating to water efficiency and carbon dioxide emissions.

Reference: 17/4294/CON

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Split Decision

Decision Date: 14 August 2017

Description: Submission of details of conditions 3 (Refuse), 5, (Measures Taken - External Noise) 7 (Environmental Standard - Residential) , 8 (Construction Method Statement) and 9 (Details - Screening and Guard Rails to Walkways) pursuant to appeal decision APP/N5090/W/14/3001725 dated 06/05/15 (planning ref. F/03198/14).

Reference: 17/2155/NMA

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved subject to conditions

Decision Date: 27 April 2017

Description: Non material amendment to planning permission F/04046/12 dated 10/06/13 for `Extension to roof including new mansard roof to create 3no. self contained residential units. New cycle store to ground level.` Amendment to include removal of condition 8 (Code For Sustainable Housing).

Reference: 16/0639/FUL

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Allowed on Appeal

Decision Date: 30 June 2016

Description: Mansard roof extension to form 1no self-contained flat

Reference: 15/06962/FUL

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Refused

Decision Date: 15 January 2016

Description: Mansard roof extension to form 1no self-contained flat

Reference: F/03198/14

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Refused

Appeal status: Allowed

Decision Date: 15 August 2014

Description: Two-storey side extension to provide 6 self-contained flats.

Reference: F/05718/13

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Refused

Appeal status: Allowed

Decision Date: 11 February 2014

Description: Two storey extension to provide 6no. studio flats.

Reference: F/04046/12

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved subject to conditions

Decision Date: 10 June 2013

Description: Extension to roof including new mansard roof to create 3no. self-contained residential units. New cycle store to ground floor level.

Reference: F/03629/10

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Refused

Decision Date: 13 May 2011

Description: Formation of 6 no. studio units: 3 at ground floor level (Crewys Road Elevation), 2 above shops at second floor level (Cricklewood Lane Elevation), 1 at third floor level (Cricklewood Lane Elevation). (OUTLINE APPLICATION)

Reference: C01482B/07

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Refused

Appeal status: Allowed

Decision Date: 1 August 2007

Description: Mansard roof extension to provide three new residential units with associated extended parapet and cornice, walkway and guard rail and roof terraces. Cycle store.

### **3. Proposal**

The application seeks permission for retrospective planning approval for an 'Extension to roof including new mansard roof to create 3no. Self-contained residential units. New cycle store to ground floor level'.

Tudor Court is a 5 storey building including mansard roof containing a total of 24 flats including the 3No. flats being assessed under the current retrospective application.

Planning permission has also been granted for an additional 6 flats as an extension to the west side of the building. This has not been implemented but is an extant permission.

The application site lies at the corner of Crewys Road and Cricklewood Lane. The building is part two and part four storey on Cricklewood Lane. The flank of the two storey part of the building faces onto Crewys Road along with car parking, bicycle storage and outside amenity areas. The area along Crewys Road slopes upwards towards Cricklewood Lane.

There are mixed use commercial and residential properties on Finchley Road and Cricklewood Lane and residential terraced properties on Crewys Road and off main roads.

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

### **4. Public Consultation**

Consultation letters were sent to 244 neighbouring properties.

17 responses have been received, comprising 14 letters of objection, 3 letters of support/comments.

Site Notice dated: 27 July 2017.

The objections received can be summarised as follows:

- Latest in a very long list of failed applications
- Blocks views from all neighbouring windows
- Obstruction to light
- Devalues the properties
- Creates additional construction dust and noise pollution
- Beyond scope of original application

- Builders regularly playing music early with no regard to the public
- Flats are extremely overbearing and create an increased sense of enclosure to neighbouring property due to the development's size and proximity
- Overshadowing onto neighbouring balcony
- Loss of privacy as a large window of one of the flats would look directly onto neighbouring and walkway for accessing the new flats would also lead to loss of privacy
- Reduction in the standard of amenity of neighbouring dwellings in 713a Finchley road, in particular Flat 17, as a result of the overbearing nature of the development
  - Scaffolding in place since November until the present day
- Fire hazard with increased number of residents and current exterior
- Lack of any green space resulting in visual pollution
- Overdevelopment of the site
- Parking issues within the Tudor Court car park. Parking spaces in the car park form part of the residents lease, and is clearly shown on our deeds so building on top of even one space cannot be legal
- Loss of light in the car park
- More pressure on the waste disposal area
- Overcrowding of Tudor Court
- Builders vehicles regularly blocking exit and entry

Internal Consultee

Highways:

S.106 Agreement required in relation to restricting parking permits for future residents of 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 published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2016

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

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

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM08 and DM17.

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

### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted 2016)

- Sets out Barnet's technical requirements for environmental design and construction management. The SPD sets out requirements on air, noise, water, energy, water, waste and habitat quality in order to achieve protection and enhancement of the environment. The SPD requirements are linked to existing national standards and guidance and will be updated in line with emerging opportunities and future policy developments.

Residential Design Guidance SPD (adopted 2016)

Sustainable Design and Construction SPD (adopted October 2016)

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

## **4.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the principle of residential units including the density of the development is appropriate for the area;
- Whether the proposal will provide suitable accommodation for future occupiers;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether the proposals would have an acceptable impact on highway

## **4.3 Assessment of proposals**

Previous almost identical schemes were applied for under planning references C01482B/07 and F/04046/12. The former application was refused and subsequently allowed on appeal under reference APP/N5090/A/07/2055006 for 'Mansard roof extension to provide three new residential units with associated extended parapet and cornice, walkway and guard rail and roof terraces. Cycle store'.

Subsequently, the exact same scheme was applied for and approved under reference F/04046/12 dated 10.06.2013. The current application is for a similar scheme relating to 'Extension to roof including new mansard roof to create 3no. Self-contained residential units. New cycle store to ground floor level'.

It was evident from the officer site visit that works had already been implemented on site in relation to the planning permission reference 16/0639/FUL dated 30.06.2016 for 'Mansard roof extension to form 1no self-contained flat', an application which was allowed under appeal.

The current application is similar in size, siting and design to the above mentioned approved schemes for 3No. flats. The proposed mansard roof extension is set back behind the existing parapet to the Cricklewood Lane elevation by 0.7m and due to the location and height of the existing parapet the proposal in relation to its' size, siting and design is considered acceptable. It is considered that the addition is in keeping with the character and design of the existing building and due to the design and location of the proposed development does not form a prominent feature on the streetscene, despite its location at roof level.

Furthermore, the addition of three flats is not considered to result in significant increase in the intensity of the use of the site.

The main changes with this present application includes the addition of the bin store and formation of a car parking space to replace the lost car parking space for the bin storage and external switch room. Therefore, the car parking spaces will remain at 21 spaces to serve the 23 flats.

Whether the principle of residential units including the density of the development is appropriate for the area

Paragraph 3.28 of The London Plan 2016 states the following:

'A rigorous appreciation of housing density is crucial to realising the optimum potential of sites, but it is only the start of planning housing development, not the end. Its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential - local context, design and transport capacity are particularly important...'

In this case, as the existing building is a block of flats, the principle of 3 No. additional residential units in this location is considered acceptable and has increased the number of flats from 21 to a total of 24 flats.

Whether the proposal will provide suitable accommodation for future occupiers

Space standard

The following units are proposed:

Penthouse A: 2 bedroom 4 person flat of 62m<sup>2</sup> (70m<sup>2</sup> is advised within Table 3.3 Minimum space standards within the London Plan 2016).

Penthouse B: 1 bedroom 2 person flat of 46.5m<sup>2</sup> (50m<sup>2</sup> is advised within Table 3.3 Minimum space standards within the London Plan 2016).

Penthouse C: 2 bedroom 3 person flat of 63m<sup>2</sup> (61m<sup>2</sup> is advised within Table 3.3 Minimum space standards within the London Plan 2016).

With regard to the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan (2016), although only two of the three units exceeds the requirement, it is considered that whilst penthouses A and B falls short of the internal space standard, albeit not by a large degree, the flats would be at a size previously approved under planning reference F/04046/12 and in this instance would be acceptable.

#### Amenity space

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5m<sup>2</sup> per habitable room. The proposed roof terrace for penthouses A & C would meet this requirement with no appreciable overlooking of neighbouring residents. Whilst Penthouse B does not have a private amenity space, it is considered that due to the existing courtyard to the centre of the building, external communal gardens and nearby Golders Green Park, that this amenity would serve for this flat, and therefore it is not considered expedient to refuse the application on this point, especially as permission has previously been allowed for the flats as built.

#### Daylight, Privacy and Outlook

All habitable rooms are considered to benefit from sufficient light, outlook and ventilation to provide future occupiers with a good standard of living which meet the requirements set out in Barnet's Sustainable Design and Construction SPD (2012).

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

As mentioned above, planning permission exists for a similar scheme of 3 flats under planning permission F/04046/12) and approval was also gained previously under an appealed decision reference C01428B/07. It is considered that due to the design of the roof extension that it sits proportionately at roof level and has an acceptable impact on the building as a whole. The proposed obscure glazed balustrades are not considered to be harmful to the character of the building and is discussed below in relation to its relevance and use in protecting the privacy of neighbouring occupiers. It is also noted that adequate fenestration has allowed for an acceptable design for this property which would not unduly harm the character of the general locality.

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

Policy DM01 of Barnet's Development Management Policies include makes explicit reference to protecting amenity and specifically that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. This point is also supported by Barnet's Sustainable Design and Construction SPD which states that 'in new residential development there should be a minimum distance of 21 m between properties with facing windows to habitable rooms to avoid overlooking.'

The closest property near Tudor Court is No.713 Finchley Road; a 7 storey residential building. The proposed terrace for penthouse C is located on the east side corner. However, the application will be conditioned to add a balustrade nearest to this area to protect the privacy of the neighbouring dwellings. Thus, whilst it is noted that railings have

been erected at the site, the drawings show the locations of the proposed obscure glazed balustrades as shown on drawing no. EWG\_001-13 Revision E; and therefore a condition will be added to ensure that these are erected in order to protect the privacy of neighbouring occupiers.

Furthermore, obscure glazed balustrades would be installed facing the front of the proposal flats to prevent any mutual overlooking or loss of privacy of the approved flats at the site.

It is considered that the proposal overcomes concerns regarding overlooking and loss of privacy between the properties at no. 713 Finchley Road and those of the application property and would not have harmful impacts on the visual and residential amenities of these neighbouring occupiers.

#### Whether the proposals would have an acceptable impact on highway and pedestrian safety

21no. parking spaces exist and would be retained on site. No additional parking is proposed. Highways officers are of the view that an amendment to the existing Traffic Management Order is required via a Section 106 Agreement in order to prevent the future occupiers of the development from being able to obtain parking permits for the Controlled Parking Zone. Subject to such an agreement, it is considered that the proposal would not adversely harm the safe operation of the highway.

### **5. Public Consultation**

The objections received can be summarised as follows -

None planning matters:

- Latest in a very long list of failed applications
- Devalues the properties
- Creates additional construction dust and noise pollution
- Builders regularly playing music early with no regard to the public
- Builders vehicles regularly blocking exit and entry
- Fire hazard with increased number of residents and current exterior

The above are not generally planning considerations. Issues in relation to dust and noise should be referred to the Environmental Health Department.

Planning matters:

- Beyond scope of original application

*The application in relation to the proposed dwellings is the same as approved under planning application reference F/04046/12 dated 10.06.2013.*

- Reduction in the standard of amenity of neighbouring dwellings in 713a Finchley road, in particular Flat 17, as a result of the overbearing nature of the development
- Blocks views from all neighbouring windows

*These matters were considered as part of the previous applications and any impacts considered acceptable.*



-Parking issues within the Tudor Court car park. Parking spaces in the car park form part of the residents lease, and is clearly shown on our deeds so building on top of even one space cannot be legal

*The legalities of the above are not a planning consideration. However, no parking loss will result from the application.*

-More pressure on the waste disposal area

*The application will be conditioned to include adequate refuse and recycling units.*

## 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.



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**Location**                      **258 Nether Street London N3 1HT**

**Reference:**                    **18/0951/FUL**

Received: 13th February 2018

Accepted: 26th February 2018

Ward:                              West Finchley

Expiry 23rd April 2018

Applicant:                      Rapture Residential

Proposal:                      Conversion of existing dwelling into 6no self-contained flats including single storey rear extension to lower ground floor level. 1no balcony to first floor level and juliet balconies to second and third floor levels to rear elevation. Extension to roof including 1no side and 1no rear inverted dormer window, 3no rooflights to front elevation following demolition of existing chimneys. Relocation of steps and insertion of door/windows to side elevation. New light wells to front and changes to window and doors. Associated refuse and recycling store, cycle store

**AGENDA ITEM 17**

**Recommendation:** Approve subject to s106

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

#### 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 Traffic Management Order (£2,000)
4. Monitoring of Legal Agreement (£100)

#### RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Planning Performance and Business Development Manager/Head of Development Management approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Head of Development Management or Head of Strategic Planning:

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

- Site Location Plan
- Existing Lower Ground and Ground Floor Plan (4976 02)
- Existing First and Second Floor Plan (4976 03)
- Existing Side Elevation (4976 05)
- Proposed Lower Ground Floor Plan (4976 09 Rev. A)
- Proposed Ground Floor Plan (4976 10 Rev. A)
- Proposed First, Second and Loft Level Floor Plans (4976 11 Rev. A)
- Proposed Front and Rear Elevation (4976 12 Rev. A)
- Proposed Side Elevation (4976 13 Rev. A)
- Proposed Side Elevation (4976 14 Rev. B)
- Proposed Block Plan (4976 15 Rev. A)
- Daylight Assessment (April 2018, Issue 1 - T16 Design)

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) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

4 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing no.256 Nether Street 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 April 2016).

- 5 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 2016).

- 6 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. 4976 15 Rev. A 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 2016.

- 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) Before the development hereby permitted is first occupied, details of the privacy screen and balustrades to be installed for the ground floor rear balcony and first and second floor Juliet Balconies 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 April 2016) and the Sustainable Design and Construction SPD (adopted April 2016).

- 9 Before the development hereby permitted is first occupied, the sub-division of the amenity area(s) shown on drawing 4976 15 Rev. A shall be implemented 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 2016).

- 10 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).

- 11 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 6.00 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).

- 12 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 March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 13 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 5.2 and 5.3 of the London Plan (2016) and the 2016 Mayors Housing SPG.

RECOMMENDATION III:

- 1 That if an agreement has not been completed by 30 September 2018, that unless otherwise agreed in writing, the Head of Development Management should REFUSE the application 18/0951/FUL under delegated powers for the following reasons:

1. The proposed development does not include any provision to restrict the parking permits of future occupiers or carry out a review of the surrounding CPZ following occupation of the building that would be needed as a result of the development contrary to policy CS9 of Barnet's Adopted Core Strategy (2012) and policy DM17 of the Adopted Development Management Policies DPD (2012).

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

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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](http://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.

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.

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](mailto:cil@barnet.gov.uk).

#### Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

2. Residential Annexes or 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://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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

## **Officer's Assessment**

### **1. Site Description**

The application site comprises of a four-storey semi-detached property located on the western side of Nether Street within the West Finchley Ward. The application site has a dark red painted brick render with prominent two-storey bay windows to the front. This design is also reflected in the adjacent properties at no.254-256 Nether Street. Adjacent to the application site to the south is a pair of two-storey semi-detached dwellings and a three-storey purpose-built block of flats. Opposite the application site are four-storey purpose-built blocks of flats which are screened in part by a mature tree line running parallel to the public highway. The application site is served by 2 car parking spaces to the front of the property and benefits from a generous rectangular shaped rear garden that backs onto low-density residential gardens serving houses along the B1462 and Elm Park Road. The site benefits from a PTAL 4 accessibility rating and is located 325m from Finchley Church End Town Centre.

The application site is not a listed building, is not located within a conservation area and contains no trees subject to a Tree Protection Order (TPO) within its curtilage.

### **2. Site History**

Reference: F/00943/13

Address: 258-260 Nether Street, London, N3 1HT

Description: Erection of a 4-storey building with a lower ground floor comprising of Missionary and HMO occupation, following demolition of existing semi-detached dwellings.

Decision: Approved subject to conditions

Decision Date: 27 March 2014

Reference: F/01368/12

Address: 256 Nether Street, London, N3 1HT

Description: Conversion of existing building to form 6 self-contained flats

Decision: Approved following legal agreement

Decision date: 20 September 2012

Reference: F/02735/11

Address: 258 - 260 Nether Street, London, N3 1HT

Description: Erection of a 4-storey building with lower ground floor comprising Missionary and HMO occupation, following demolition of existing semi-detached dwellings.

Decision: Refused

Decision Date: 27 September 2011

Reason 1:

The proposed design and appearance of the building on this prominent site would, by reason of its size, bulk, mass and design, constitute over development of the site, be out of character with adjoining properties and result in a visually obtrusive form of development detrimental to the visual amenities of neighbouring properties and would fail to take the opportunity available for improving the character and quality of the area. This is contrary to Policies GBEnv1, GBEnv4, D1, D2, D3, D4 and H16 of the Barnet Adopted Unitary Development Plan (2006).

#### Reason 2:

The proposed development does not include a formal undertaking to meet the costs of extra libraries, health and social care facilities and associated monitoring costs arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet supplementary Planning Documents - Contributions to Libraries (2008), Health (2009) and Monitoring (2007) and policies CS2, CS13, IMP1 and IMP2 of the Adopted Unitary Development Plan (2006).

#### Reason 3:

The proposed development does not provide sufficient on-site parking to the detriment of highway and pedestrian safety and residential amenity, contrary to policy M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

Appeal Reference: APP/N5090/A/11/2165087

Appeal Decision: Dismissed

Appeal Decision Date: 06 March 2012

Reference: F/04902/10

Address: 258 - 260 Nether Street, London, N3 1HT

Description: Erection of a 4-storey building with lower ground floor comprising Missionary and HMO occupation.

Decision: Refused

Decision Date: 18 March 2011

### **3. Proposal**

- Conversion of existing dwelling into 6 self-contained flats;
- Demolition of existing rear conservatory and erection of a single storey rear extension to lower ground floor measuring 4.45m in depth (2.3m beyond existing rear building line), 4.45m in width, with a maximum flat roof height of 3.3m;
- Rear balcony to ground floor level and Juliet balconies to first, second and loft floor levels;
- Extension to the roof including 1 side and 1 rear (inverted) dormer windows;
- 3 roof lights to the front elevation;
- Relocation of steps and insertion of door / windows to side elevation;
- New light well to front;
- Alteration to windows and doors;
- 2 on-site parking spaces;
- Associated rear amenity space and cycle and refuse and recycling storage.

### **4. Public Consultation**

Consultation letters were sent to 219 neighbouring properties. 7 responses were received comprising 1 letter of representation and 7 letters of objection. They can be summarised as follows:

Letter of representation:

- This application, which includes only two parking spaces for six flats, should be approved only if there is a condition preventing any resident from obtaining a parking permit.

Letter of objection:

- The balconies will reduce privacy as it overlooks neighbouring property and garden;
- The car parking spaces provided are insufficient for 6 flats;
- The studio flats are very small, making uncomfortable living spaces;
- There is a block of flats under construction at the top of Nether Street near the tube station, so this conversion doesn't need to cater for single people and harm the single-family character of the area;
- This is mainly a family residential area and converting this Victorian house, one of only a few remaining on this street, into 6 flats is a form of overdevelopment;
- The proposal will add to traffic congestion along Nether Street and contribute to a reduction in road safety for both drivers and pedestrians.

## **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 Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2016

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

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

#### The Mayor's Draft London Plan

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

## Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS14.
- Relevant Development Management Policies: DM01, DM02, DM08 and DM17.

## Supplementary Planning Documents

Residential Design Guidance SPD (October 2016)

Sustainable Design and Construction SPD (October 2016)

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether adequate amenity would be provided for future occupiers
- Impact on highways
- Provision of refuse storage

### **5.3 Assessment of proposals**

#### **Principle of development**

Policy DM01 states that:

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

This application seeks planning permission to convert the application site into 6 self-contained flats. The application site is currently in use as a HMO. Therefore, the proposed conversion would not result in the loss of a house and would consequently comply with Policy DM01.

Policy DM01 also states that:

- h. Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate.

As outlined in the site description above, the surrounding character is mixed, albeit predominantly residential. Indeed, the adjacent properties comprise of two, three and four-storey flats, with some, particularly opposite the application site, purpose-built. Single family dwellings are proximally located, but are more characteristic in the adjacent street of Elm Park Road than this section of Nether Street. It should also be noted that the adjacent property at no.256 Nether Street was granted permission in 2012 for the conversion of a dwelling into 6 self-contained flats (ref: F/01368/12 and the adjoining property at no.260 was granted permission for a HMO in 2014 (ref: F/00943/13). Therefore, it is considered

that this section of Nether Street is not characterised by single family dwelling houses and consequently the proposed conversion would be acceptable in view of the above policy.

### **Character and appearance**

Policy DM01 is aimed at ensuring all development respects and enhances the character and appearance of the application site and its surrounding area. The policy states that:

b. 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.

It is considered that the proposed external and internal alterations would not cause significant harm to the character and appearance of this section of Nether Street.

Single storey rear extension:

The proposed single storey rear extension to the lower ground floor following the demolition of the existing conservatory is deemed acceptable on character grounds. The extension would only result in a 2.3m projection beyond the existing rear building line which complies with Section 14 of the Residential Design Guidance SPD (2016) which states that 'The depth of a single storey rear extension normally considered acceptable for semi-detached properties is 3.5 metres.' No objection is made to the flat roofed form and external finish which will be conditioned to match existing. The extension will not be visible from the public highway.

Ground-floor balcony:

A ground-floor balcony is proposed above the single storey rear extension discussed above. A 1.8m privacy screen has been proposed along the site boundary with the adjoining property at no.260 to protect neighbouring residential amenity. Details of the privacy screen and balustrade will be secured via condition.

Juliet Balconies to the rear at first and second-floor levels:

No objection is made to the creation of Juliet balconies at first, second and loft level on character and appearance grounds. Details of the balustrade will be secured via condition.

Roof Extension:

The proposed side and rear dormers are considered acceptable on character and appearance grounds and in compliance with Section 14 of the Residential Design Guidance SPD (2016) which states that:

Dormer roof extensions should normally be subordinate features on the roof and should not occupy more than half the width or half the depth of the roof slope.

Given the height of the application site, the subordinate size and design of the side extension and its proximity to the adjacent building at no.256, it is not considered that the side dormer would be overly visible when viewed from the public highway. The rear dormer would be inverted and therefore its visual impact would be limited. Furthermore, it will not be visible from the public highway and therefore would not impact the appearance of Nether Street.

#### Light well:

A light well is proposed to the front of the application site to serve the proposed lower ground floor flat. The proposed light well would closely reflect in design and appearance the light well at the adjacent property at no.256 Nether Street which was approved in 2012 (ref: F/01368/12). The light well would have a nominal effect on the appearance of the application site, with a ground level grate the only visual reference point. This would be completely obscured when cars are parked to the front of the property. Therefore, given its limited visual impact on the appearance of the application site and the fact a light well was granted permission at the adjacent property at no.256, it is considered that a light well would not be out of keeping with or detract from the character and appearance of the application site or wider streetscene.

#### Alterations to external doors and windows:

No objection is made regarding the insertion of a door and window along the side elevation. These would have limited impact on the appearance of the application site when viewed from the public highway.

#### 3 front roof lights:

The proposed roof lights would comply with Section 14 of the Residential Design Guidance SPD (2016) in terms of their size and siting.

In summary, it is considered that the proposed extensions and alterations are proportionate and in keeping with the appearance of the application site and would not detract from the character of the wider streetscene and locality. Furthermore, they would comply with the Residential Design Guidance SPD (2016). Consequently, this application is recommended for approval on character grounds.

### **Neighbouring Amenity**

It is not considered that the proposed development would cause significant harm to the residential amenity of neighbouring occupiers.

#### Site Activity:

Conversion of the application site into 6 self-contained flats is not expected to result in a harmful increase in the amount of site activity to the detriment of neighbouring occupier amenity. Indeed, both neighbouring properties are themselves accommodating comparable levels of occupancy. No.256 is sub-divided into 6 self-contained flats, no.254 accommodates 4 self-contained flats and no.260 has been converted into a HMO. It should also be noted that the application site currently contains more bedrooms than is proposed. Furthermore, as will be demonstrated below, all proposed units meet the minimum internal space standards, have access to sufficient usable amenity space and would have an acceptable impact in relation to highways considerations. Therefore, given the comparable use of adjoining and adjacent properties and the fact the proposed units would comply with London space standards, it is deemed that converting the application site into 6 self-contained flats would not significantly harm the residential amenity of neighbouring occupiers by way of an over intensification of use.

#### Single storey rear extension:

As outlined above, the proposed single storey rear extension would only extend beyond the existing rear building line by 2.3m. This complies with Section 14 of the Residential Design Guidance SPD (2016) which states that a depth of 3.5m is normally considered acceptable for single storey extensions on semi-detached properties. Given the proposed depth, it is not considered that harm would be caused to the residential amenity of no.260 Nether Street by way of a loss of outlook, and daylight / sunlight. No flank wall windows would face onto the adjoining property and therefore no loss of neighbouring privacy is expected. Furthermore, it should be noted that the adjoining property at no.260 Nether Street is located to the south of the proposed single storey rear extension and therefore it is not expected that harmful levels of overshadowing would occur.

#### Ground-floor balcony and first, second and loft level Juliet balconies:

As outlined above, a 1.8m high privacy screen will be located along the site boundary with no.260 Nether Street at a distance of 1.5m from the nearest habitable room at no.260. It is considered that the privacy screen would adequately limit overlooking opportunities back into no.260 and the resulting views into the neighbouring garden are not expected to be any more intrusive than the vantage points provided via the first and second floor level Juliet balconies. The privacy screen itself is not expected to cause any harm to the outlook of the adjacent window serving a habitable room at no.260 given its set-back and limited height.

No objection is made to the Juliet balconies at first, second and loft level (part of the inverted dormer at roof level). This is a common residential feature across the borough, particularly given it is permissible under Permitted Development. The proposed Juliet balconies would not provide opportunities for overlooking into neighbouring dwellings and gardens over and above the vantage points available if future occupants opened their windows.

#### Light well and alterations to flank wall door and windows:

It is not considered that the proposed light well and flank wall door and window would cause harm to the residential amenity of neighbouring occupiers. A boundary fence will separate the application site from the adjacent property at no.256 and consequently provide privacy for both neighbouring and future occupiers. The proposed light well would have no impact on neighbouring amenity.

In summary, it is considered that the proposed use and external alterations and extensions would not cause significant harm to the residential amenity of neighbouring occupiers and where some impact may result, such as the ground floor rear balcony, appropriate mitigation measures have been proposed. Consequently, this application is recommended for approval on amenity for neighbouring occupier grounds.

#### **Living standards for future occupiers**

##### Floor Area:

The London Plan (2016) and section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum gross internal area (GIA) space requirements for residential units. Each of the proposed units would meet the minimum space standards:



Flat 1: 2-bed, 4-person, 1 storey - 112m<sup>2</sup> provided (70m<sup>2</sup> required)  
Flat 2: 2-bed, 3-person, 1 storey - 86m<sup>2</sup> provided (61m<sup>2</sup> required)  
Flat 3: Studio, 1 storey - 37.5m<sup>2</sup> provided (37m<sup>2</sup> required given shower room required)  
Flat 4: Studio, 1 storey - 39m<sup>2</sup> provided (37m<sup>2</sup> required given shower room required)  
Flat 5: Studio, 1 storey - 39m<sup>2</sup> provided (37m<sup>2</sup> required given shower room required)  
Flat 6: 2-bed, 3-person, 2 storeys - 78m<sup>2</sup> provided (70m<sup>2</sup> required)

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

- Single bedroom: minimum area should be 7.5 m<sup>2</sup> and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All proposed bedrooms meet the above standards.

Floor to ceiling height:

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling.

The proposed units meet the above standard.

Light/outlook:

Barnet's Sustainable Design & Construction 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 and provide reasonable levels of outlook to all habitable rooms.

All the proposed units would benefit from sufficient glazing but there were concerns that not all units would receive sufficient daylight / sunlight. Indeed, given the proposed layout, there would be two studios with almost exclusively north facing aspect (flat 3 and 5). While these units have eastern flank wall windows, these face onto the adjacent property at no.256 and therefore would provide limited outlook. Consequently, the applicant has provided a daylight report to demonstrate that all windows serving habitable rooms would benefit from sufficient daylight in compliance with BRE standards. The test applied was the Average Daylight Factor (ADF) which showed that the daylight received to all units would be more than double the BRE guidelines. A Vertical Sky Component (VSC) Assessment was not conducted given it focuses more on the impact on neighbouring properties, nor was a No Sky Line (NSL) Assessment given there is no BRE guidance of what NSL level should be achieved. The ADF is the most appropriate assessment in relation to this development and it demonstrates sufficient daylight provision to all habitable rooms.

Two further factors have been considered when assessing the acceptability of outlook to all habitable rooms. First, all units benefit from external usable amenity space which is in excess of the minimum space standards outlined in Section 2.3 of the Sustainable Design and Construction SPD (2016). This would augment the internal space which as outlined above meets BRE guidelines for daylight and provides additional amenity provision for future occupiers. Second, the adjacent property at no.256 was granted permission in 2012 (ref: F/01368/12) with 2 units which were also almost exclusively north-facing. While this does not in itself justify north-facing units at the application site, it is considered that given both developments are so similar in use and layout, it should be afforded some weight.

This also extends to the use of the light well to serve a lower ground floor unit which was also permitted in the highlighted planning permission. It is considered that in this instance, the use of the light well to serve a habitable room is acceptable, particularly given the proposed lower ground floor unit is dual aspect and has direct access to usable external amenity space to the rear.

Based on the above, it is considered that in this instance, the outlook provided to all units and habitable rooms is on balance acceptable.

#### Amenity Space:

Section 2.3 of the Sustainable Design & Construction states that for flats, 5m<sup>2</sup> of usable external amenity space should be provided per habitable room. This application proposes a 40m<sup>2</sup> private garden for the lower ground floor flat to ensure adequate privacy is provided for future occupiers and a 157m<sup>2</sup> communal garden further to the rear. This would comply with the aforementioned policy and provide an acceptable level of amenity for future occupiers.

In summary, it is considered that the proposed development would provide an acceptable level of amenity for future occupiers. All internal and external areas meet the minimum space standards outlined within the Sustainable Design and Construction SPD (2016) and the outlook provision is considered acceptable on balance. Floor to ceiling heights comply with local policy and appropriate sound proofing provision will be secured via condition to limit noise transference as a result of the proposed room stacking arrangements. Consequently, this application is recommended for approval on amenity for future occupier grounds.

#### Highways

Based on Policy DM17 and the floor plans provided, the proposed development would have a parking requirement of 3 to 7.5 parking spaces. The PTAL rating is 4. Therefore, based on consultation with the Local Authority's Highways Department, 5 parking spaces would be required. The proposed development would provide 2 parking spaces via the existing front driveway. As this section of Nether Street is subject to a Controlled Parking Zone (CPZ) and the fact the parking provision proposed would fail to meet Policy DM17, the applicant has agreed to enter into a S.106 agreement to amend the traffic order to restrict future occupiers from applying for parking permits. It is considered that this would address highways related concerns.

The proposed development is required to comply with Policy 6.9 of the London Plan (2016) regarding cycle storage. Capacity has been shown on the proposed plans to accommodate 9 cycle spaces within the rear communal amenity area. This would comply with the outlined policy and be secured via condition.

Subject to the signing of the aforementioned legal agreement to restrict parking permits for future occupiers, no objection would be made on highways grounds.

#### Refuse

The proposed development is required to comply with Barnet's Waste and Recycling Strategy (2018). The proposed plans show refuse and recycling storage to the front of the property along the site boundary with no.256. Bin capacity and screening provision has not

been outlined and therefore would be secured via condition to ensure compliance with the aforementioned policy.

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

The public comments received are acknowledged with a response provided below:

- This application, which includes only two parking spaces for six flats, should be approved only if there is a condition preventing any resident from obtaining a parking permit:

The applicant has agreed to enter into a s.106 agreement to restrict parking permits for future occupiers. Therefore, any permission is subject to this legal agreement.

- The balconies will reduce our privacy as it overlooks our property and garden:

A 1.8m privacy screen is proposed and will be secured via condition.

- The car parking spaces provided are insufficient for 6 flats:

The applicant has agreed to enter into a s.106 agreement to restrict parking permits for future occupiers. Therefore, any permission is subject to this legal agreement.

- The studio flats are very small, making uncomfortable living spaces:

All studio flats meet the minimum space standards outlined within the London Plan (2016).

- There is a block of flats under construction at the top of Nether Street near the tube station, so this conversion doesn't need to cater for single people and harm the single-family character of the area:

This section of Nether Street is not characterised by single-family dwellings.

- This is mainly a family residential area and converting this Victorian house, one of only a few remaining on this street, into 6 flats is a form of overdevelopment:

All units benefit from adequate internal space and external amenity provision in compliance with the London Plan (2016).

- The proposal will add to traffic congestion along Nether Street and contribute to a reduction in road safety for both drivers and pedestrians.

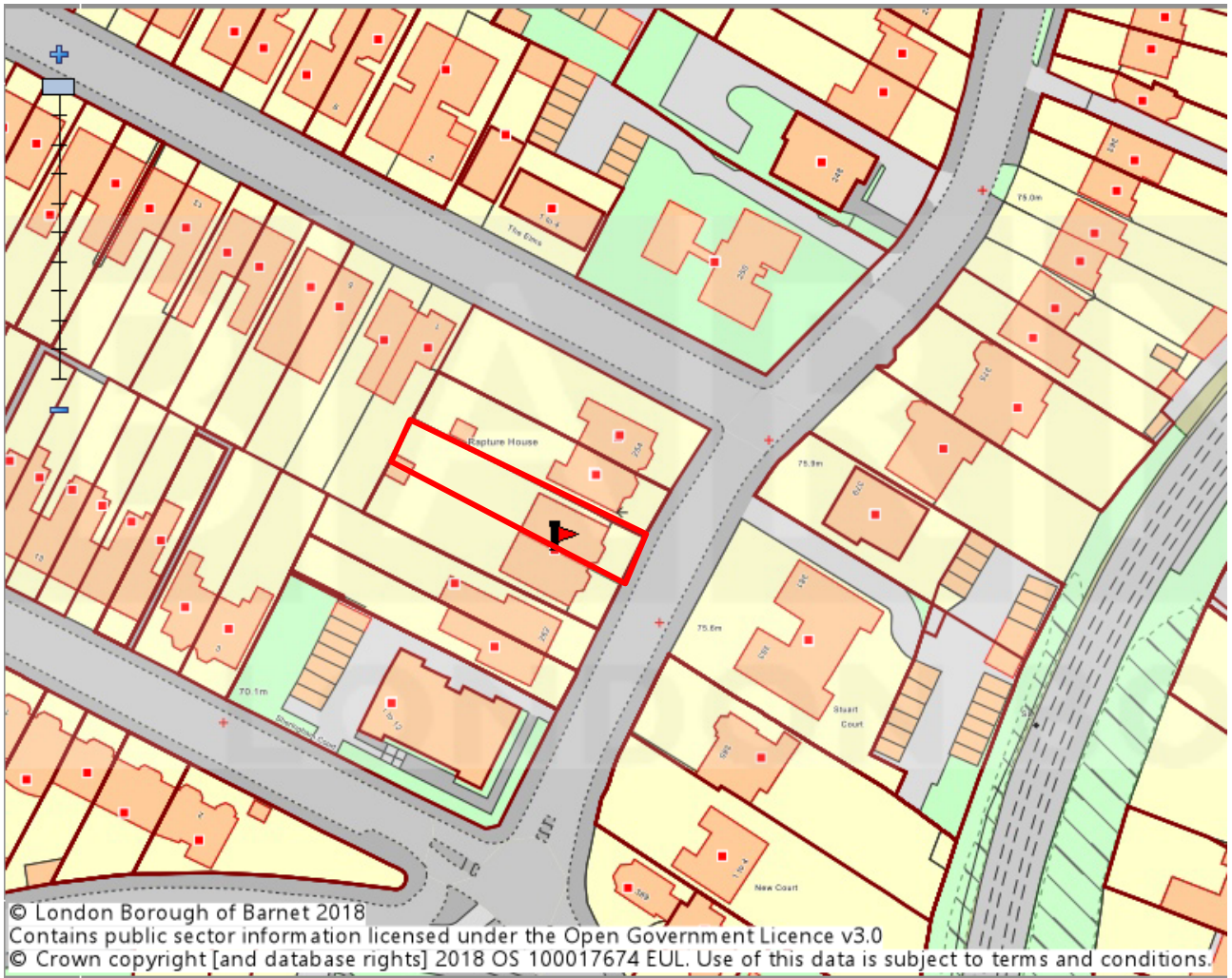
The applicant has agreed to enter into a s.106 agreement to restrict parking permits for future occupiers. Therefore, any permission is subject to this legal agreement.

#### **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 not considered to cause significant harm to the character and appearance of the application site and wider streetscene, or the residential amenity of neighbouring occupiers. Furthermore, the proposed development is considered to provide a good standard of amenity for future occupiers and is acceptable on highways grounds. Consequently, this application is recommended for approval.



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**Location** 2A Fortis Green London N2 9EL

**Reference:** 18/0692/S73

Received: 31st January 2018

Accepted: 5th February 2018

**Ward:** East Finchley

Expiry 2nd April 2018

**Applicant:** Mr CHAUDHURI

**Proposal:** Variation of condition 2 (Plans Numbers) pursuant to appeal APP/N05090/W/17/3167558 dated 22/05/17 planning reference 16/5117/FUL for `Demolition of existing single storey building and erection of a two storey building with a commercial unit at ground floor level. and 1no. self-contained residential unit with private terraces at first floor level.` Amendments include alterations to ground floor width and height, alteration to first floor fenestration, glazed wall, alteration to glass screens, removal of windows on the north wall

**Recommendation:** Approve subject to conditions

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: A2145 EX2001, A2 / 1 4 5 / P A 2 / 2000 A, A2 / 1 4 5 / P A 2 / 2001 A, A2 / 1 4 5 / P A 2 / 2002 A, A2 / 1 4 5 / P A 2 / 3000 A, A2 / 1 4 5 / P A 2 / 3001 A, A2 / 1 4 5 / P A 2 / 3003 A, A2 / 1 4 5 / P A 2 / 3003 A,

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 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, hard surfaced areas and obscure glazed screens 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.

- 3 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins and/or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area 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) and the Sustainable Design and Construction SPD (adopted April 2013).

- 4 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).

- 5 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 March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 6 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 October 2016) and Policy 5.21 of the London Plan (2016).

- 7 This development must be begun within three years from the date of the grant of planning permission 18/0692/S73 as approved under appeal decisions ref APP/N05090/W/17/3167558 dated 22/05/17.

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

- 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 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (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). 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 Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

**Informative(s):**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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](http://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.

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.

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](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

2. Residential Annexes or 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://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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

## **Officer's Assessment**

### **1. Site Description**

The site currently accommodates a single-storey commercial unit occupying most of the site, apart from a small open parking area adjacent to the street frontage. It is situated between the rear elevations and yards of the long residential terrace and retail parade fronting High Road to the west, and the more domestically scaled terraces fronting Fortis Green, to the immediate east of the site.

The site is not located within a Conservation Area and the individual property is not Statutorily Listed.

The area has a built-up character with much distinctive and original architecture for the late 19th and early 20th century. The built structure is generally three storeys with properties generally following a consistent building line. The site deviates from this pattern, accommodating a single-storey infill building between larger terraces, which is out of character with its surroundings. The site is not in a conservation area nor is the existing property or adjacent property listed.

### **2. Site History**

C00452R/04 "Erection of a four storey block of 4 flats." REFUSED (20.10.2004) - APPEAL DISMISSED

C00452S/04 "Demolition of existing single storey car sales building and erection of three storey block (including rooms in roofspace) to provide two studio flats and two two-bedroom flats." REFUSED

(10.02.2005) - APPEAL DISMISSED

C00452T/05 "Change of use from MOT Car workshop (Sui Generis) to Art Gallery (class A1)." APPROVED (26.09.2005)

16/0179/FUL " Demolition of existing building and erection of a two storey building comprising of 200sqm of class A1 retail floorspace at ground floor level and 1no. 2 bedroom self-contained flat at first floor level with associated amenity space and cycle storage and provision of 2no. off-street parking spaces." REFUSED (12.04.2016).

(22.05.2017) - The appeal was upheld and the development allowed.

### **3. Proposal**

Variation of condition 2 (Plans Numbers) pursuant to appeal APP/N05090/W/17/3167558 dated 22/05/17 planning reference 16/5117/FUL for `Demolition of existing single storey building and erection of a two storey building with a commercial unit at ground floor level. and 1no. self-contained residential unit with private terraces at first floor level.` Amendments include alterations to ground floor width and height, alteration to first floor fenestration, glazed wall, alteration to glass screens, removal of windows on the north wall. The development would create 201m<sup>2</sup> of commercial space at ground floor and 1no self contained flat at the first floor of the building. This would provide 119m<sup>2</sup> of internal amenity space for the 2no. bedroom flat.

### **4. Public Consultation**

Consultation letters were sent to 237 neighbouring properties. A site notice was posted on the 15.02.2018. 7 responses have been received, comprising 7 letters of objection.

The objections received can be summarised as follows:

- The proposal is ugly and out of keeping
- Loss of light
- Over looking to adjacent gardens and windows

- Party wall and structural concerns

## **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 Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2016

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

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

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

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM08, DM11, DM12, 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.

#### 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:

- 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 scheme provides adequate living standards for future occupants.

### **5.3 Assessment of proposals**

#### Impact on the character of the area

The substantive decision was made under the appeal decision of 22/05/2017. It recognised that although the new development would deviate from the established form of development in the street, it would replace the existing discordant building and would have a significantly higher design quality and appearance than the existing structure. The appeal decision noted that the development did not reference existing architectural forms found within the area, but would clearly appear as a detached, infill building with its own style. Its stand-alone architectural approach would not invite comparison with the older, taller buildings to the east and west of the site. The Inspector went on to say... 'it's relatively compact scale and massing would not appear unreasonable, and it would result in a modern building that makes good use of the constrained site proportions.'

The alterations from the allowed appeal scheme are minor and will not materially alter the general appearance of the proposal but they will reduce the impact when viewed at street level.

- The height of the apex of the 1st floor has been lowered from 6.85M as approved to 6.6M, achieved by slightly lowering the building into the ground. This will reduce the impact of the proposal when viewed from the street.
- The width of the ground floor commercial unit has been reduced from 9.39M to 8.86M to enable partial maintenance of the East and West flank walls. This too will reduce the impact of the proposal when viewed from the street.

#### Impact on the amenities of neighbours

The original application ref 16/0179/FUL was considered to be acceptable in terms of the impact on the amenity of neighbours. The current amendments include the removal of glazing to the north wall, the indication on plan of the 1.8-metre-high obscure glass screening and high level rooflights to the approved elevations. The minor alterations will not change the impact of the proposal on neighbour amenity, and combined with the alterations to height and width discussed above will marginally improve the situation in regard to amenity.

#### Whether the scheme provides adequate living standards for future occupants

The proposed residential flat would occupy the entire first floor of the building, replicating the appeal site's long and narrow proportions. Accordingly, garden terrace areas would be inset within the building envelope along its western and eastern sides. Both terraces would

have their outer boundaries fitted with tall obscure glass edges to limit overlooking of adjoining sites.

It is proposed to provide two roof terraces; one to the front facing south and measuring 12m<sup>2</sup> adjacent to properties at High Road, and a larger area running along the east elevation facing 2 Fortis Green which would provide 20m<sup>2</sup> of outdoor amenity space. The total amount of terraced area would measure over 30m<sup>2</sup> exceeding the requirement for a flatted development with three habitable rooms. The proposed terraces would have 1.8m high obscured toughened glass screens to prevent overlooking to neighbouring properties.

The appeal decision noted that the proposal would provide an acceptable degree of light and outlook. The principal room, the living-dining area, faces south and is well lit with a large area of glazing accessing the south terrace. The main bedroom has dual aspect and will be adequately lit and have acceptable outlook. The guest bedroom is more limited but as its use is likely to be less frequent this is not considered to be a material issue.

#### Highways and Parking

The proposal provides off street parking for two vehicles. Secured cycle parking provision is secured through condition. The location has a PTLA rating of 4, and the site is within a five minutes' walk of the Northern Line and several principal bus routes.

#### Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2) and a condition is attached in the event planning permission is granted to ensure compliance with these Policies.

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

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

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

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

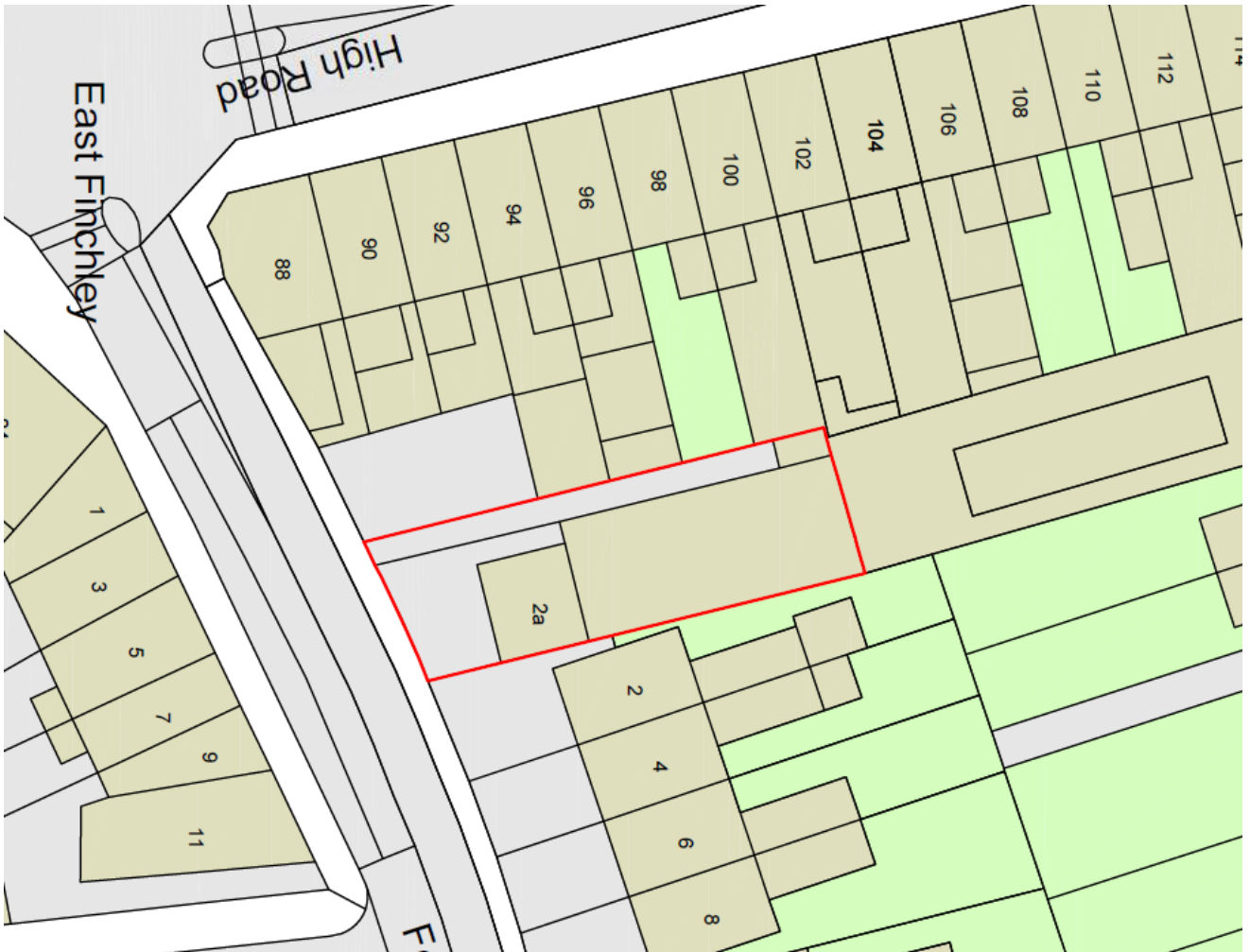
The issues raised are covered within the consideration section.

### **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 proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.





**Location**                                 **Britannia House 960 High Road London N12 9RY**

**Reference:**                                 **18/2499/FUL**

Received: 25th April 2018

Accepted: 26th April 2018

**Ward:**   Woodhouse

Expiry 21st June 2018

**Applicant:**                                 Avi Dodi

**Proposal:**                                 Construction of an additional floor at 7th floor level to provide 2no self-contained 2bedroom/3 person residential units together with private outdoor amenity areas and balustrading

**AGENDA ITEM 19**

**Recommendation:** Approve subject to s106

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

#### 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. 3. Highways (traffic order)                     £2,000.00  
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.
4. Monitoring of the Agreement £100.00  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

#### RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Planning Performance and Business Development Manager/Head of Development Management approve the planning application subject to the following conditions and any changes to

the wording of the conditions considered necessary by the Head of Development Management or Head of Strategic Planning:

1 The development hereby permitted shall be carried out in accordance with the following approved plans: 359/PL/400, 359/PL/405, 359/PL/406 Rev G, 359/PL/408 RevF, 359/PL/409, 359/PL/410 Rev H, 359/PL/411 Rev G,

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 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).

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 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 April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

6 Prior to the first occupation of the new dwellinghouses (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 March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

7 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- 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.

Reason

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

8 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.

9 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 installation of any structures or apparatus for purposes relating to telecommunications shall be installed on any part the roof of the building(s) hereby approved, including any structures or development otherwise permitted under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 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 DM01 and DM18 of the Development Management Policies DPD (adopted September 2012).

10 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the additional seventh floor 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.

11 Other than those areas named as 'roof terrace' on drawing 359/PL/406 G, the roof of the building shall be used for maintenance and access only and not 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).

12 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (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). 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 Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

13 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.

14 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place 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) and the Sustainable Design and Construction SPD (adopted April 2013).

### RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 20/09/2018, unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

## Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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](http://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.

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

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](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

2. Residential Annexes or 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://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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.



## **Officer's Assessment**

### **1. Site Description**

The site is Britannia House, in the main a seven storey building, dating from the mid-1960s, on the corner of High Road and Britannia Road within the Woodhouse ward. The existing building is seven stories to the principal frontage and steps down to three storeys to the rear.

The site is not located within a town centre. Britannia Road has office and community buildings on the south side however the north side is generally residential. The High Road has a mixture of uses with shopping parades to the south and opposite, and residential properties to the north.

The applicant property is not listed nor located within a conservation area. There are no protected trees on or adjacent to the application site.

### **2. Site History**

Reference: 17/1608/PNO

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Prior Approval Required and Refused

Decision Date: 7 Apr 2017

Description: Change of use from Class B1 (Office) to Class C3 (Residential) (30 Units)

Reference: F/01895/14

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Prior Approval Required and Approved

Decision Date: 4 Jun 2014

Description: Change of use (5th and 6th Floor) from B1 office to C3 residential (18 Units)

Reference: F/05325/13

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Prior Approval Required and Approved

Decision Date: 9 Jan 2014

Description: Change of use from B1 office (first, second, third & fourth) to C3 residential

Reference: ENF/01047/16

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: - Approved subject to conditions

Decision Date: 21.10.2011

Description: Change of use of Ground floor from B1 (Office) space to D1 (Ophthalmic Diagnostics Clinic including Surgical procedures).

Reference: 16/6697/FUL

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Approved following legal agreement

Decision Date: 15.08.2017

Description: Creation of additional floor above top floor (7th floor) which is under the level of the existing lift enclosure to provide one additional self-contained unit

Reference: 16/2568/FUL

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Appeal dismissed

Decision Date: 25/05/2017

Description: Creation of additional floor above top floor level (7th floor) of existing building

to provide 2 No self-contained flats

Reference: 17/5201/FUL

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Refused

Decision Date: 28.03.2018

Description: The construction of an additional floor at 7th floor level to provide 2no self-contained 2bedroom/3 person residential units together with private outdoor amenity areas and balustrading.

### **3. Proposal**

The construction of an additional floor at 7th floor level to provide 2no self-contained 2bedroom/3 person residential units together with private outdoor amenity areas and balustrading. Flat 31 would be 65sqm and Flat 32 would be 61sqm. The additional floor would be 2.8 metres high following removal of the existing structures.

The proposal is essentially a resubmission of the previous application (ref 17/5201/FUL). This was refused at committee in March 2018 because of the inadequate provision of private outdoor amenity space and lack of a legal undertaking to enable an amendment to the Traffic Regulations Order. This amended scheme seeks to overcome the reasons for refusal.

The reasons:

1. The proposals provide inadequate amenity space for the occupiers of the proposed flats. This would be contrary to policy DM02 of the Adopted Barnet Development Management Policies 2012 and the SPD on Sustainable Design Construction and Residential Design Guidance.

2. The proposal fails to provide a legal undertaking to enable an amendment to the Traffic Regulations Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD, policy CS9 of the Adopted Barnet Core Strategy 2012 and the Planning Obligations SPD.

### **4. Public Consultation**

Consultation letters were sent to 273 neighbouring properties. A site notice was posted on the 03.05.2018. 7 responses have been received, comprising 6 letters of objection, and one letter of support.

The objections received can be summarised as follows:

- loss of sunlight
- increased rubbish
- parking pressures
- an ugly addition
- noise from building work
- overlooking
- where will the existing communication equipment go

The support can be summarised as follows:

- sustainable development

### **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 Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

### The Mayor's London Plan 2016

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

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

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

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5.
- Relevant Development Management Policies: DM01, DM02, 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.

### 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.

Residential Design Guidance SPD (adopted October 2016).

North Finchley Town Centre Framework (adopted February 2018)

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- The principle of locating a residential use at this site
- 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 scheme would provide an adequate standard of accommodation for future residents.
- Highway and parking matters

## **5.3 Assessment of proposals**

The principle of residential use at this site

Britannia House has a recent history of applications where approval for residential use has been consented, and this includes an approval in 2016 for an additional floor to provide a single flat (at the seventh storey). The principle of the use has therefore been established and its appropriateness should be assessed under 'standards' below. The North Finchley Town Centre Framework (adopted February 2018) recognises that the area to the north of North Finchley Town Centre is suitable for further residential use and already seeing a transition to residential development through piecemeal residential development and conversions from permitted development rights.

Impact on the character of the area

The principle of an additional set back storey has already been established under planning reference 16/6697/FUL. The Inspector acknowledged this in the statement regarding ref 16/2568/FUL because the amended scheme 16/6697/FUL had been granted planning permission.

It is accepted that Britannia House is already the tallest building within the immediate area. The proposed new floor would be slightly wider than that approved in 2016, extending a further 2 metres north and a further 1 metre south. The floor will be set back between 1.8 metres and 1 metre from the front (High Road) elevation.

The North Finchley Town Centre Framework (adopted February 2018) recognises that North Finchley is an appropriate location for tall buildings although the height and form should respect the character of the existing surrounding context.

The cladding system and the aluminium framed double glazed windows to the additional floor will match those to be installed in the lower floors. This will give a coherency to the block and improve its appearance. It is not considered that the additional floor will be over dominant or over bearing within the streetscape and oblique views from either the High Road or Britannia Road. The balustrade will be set back to ensure the front of the building is uncluttered and visually presents a clean finish.

Impact on the amenities of neighbours

Policy DM01 seeks to ensure that new development does not materially affect the amenity of adjacent occupiers. The proposed development is setback to all elevations. There would be no material loss of daylight or sunlight or an increase in the sense of enclosure to existing residential occupiers of Britannia Road or the High Road. The roof terraces have been reduced in their usable surface area to ensure that there will be no overlooking to adjacent property and the privacy of neighbours will be protected.

Whether the scheme would provide an adequate standard of accommodation for future residents

The London Plan and Barnet policy DM02 set out standards for internal and external amenity levels in new build residential schemes.

Internal Design Standards: The proposal will provide two x two bedroom/3 person flats. They will have internal floor areas of 61sqm and 65sqm respectively, and therefore accord with policy standards. The habitable room areas and dimensions also accord with policy standards.

Minimum Ceiling Height: The standards set a minimum ceiling height of 2.3 metres for at least 75% of the Gross Internal Area. The ceiling heights in this proposal are significantly higher in this proposal for the full site area.

External Design Standards: Policy requirement for external private open space for a two bedroom flat with three habitable rooms is 15sqm. The proposal would provide an outdoor private area of 15 sqm for both Flat 31 and for Flat 32. The previous scheme presented to committee showed both units with a shortfall in the provision of private outdoor space. The present scheme has amended the layout to ensure the areas comply with amenity policy and without compromising on the internal standards of the flats.

Both residential units will have outlook to front and rear and will therefore be provided with natural through-ventilation. The units will have good outlook and aspect. Daylight and sunlight levels received by the two units will also be acceptable. Privacy between the two units will be secured by obscure glass screening.

Highway and parking matters

Taking into consideration that the site is located within a town centre location close to local amenities, the site has a Public Transport Accessibility (PTAL) of 3 which considered as medium accessibility, the site is within an All Day Controlled Parking Zone which operates from Monday to Saturday 9am to 5pm and Payment parking is in operation on roads in the vicinity of the site, this is acceptable.

The applicant has agreed to enter a legal agreement to exclude residents of the proposed development from qualifying for parking permits. To implement the necessary change to the Traffic Order a contribution of £2,000 is to be required under S106 Agreement.

Cycle Parking: Cycle parking needs to be provided in accordance with the London Plan Cycle Parking Standards. This can be secured by condition.

#### Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 6% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy.

In terms of water consumption, a condition is attached to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to

ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

#### 5.4 Response to Public Consultation

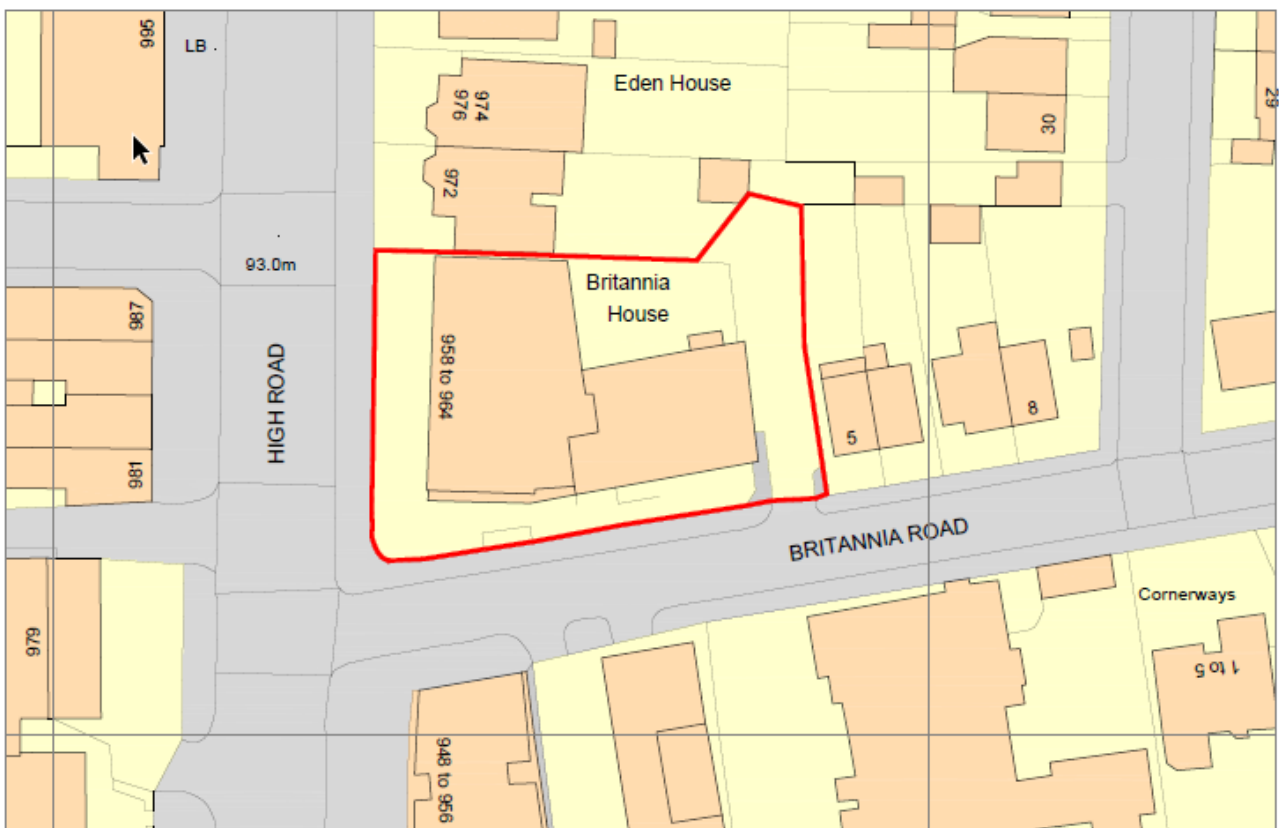
The objections and concerns from residents have been considered within the evaluation above.

#### 6. Equality and Diversity Issues

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

#### 7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval subject to a legal agreement.



<b>Location</b>	<b>Garages To The Rear Of 1-12 Gloucester Gardens Golders Green Road London NW11 9AA</b>	<b>AGENDA ITEM 20</b>
<b>Reference:</b>	<b>18/0779/FUL</b>	Received: 5th February 2018 Accepted: 6th February 2018
Ward:	Golders Green	Expiry 3rd April 2018
Applicant:	Zevy Shainfeld	
Proposal:	Conversion of existing garages into 2 no. self-contained flats with associated refuse storage and amenity space.	

**Recommendation:** Approve subject to s106

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

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. 3. Highways (traffic order) £2,000.00  
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.
  
4. Monitoring of the Agreement £100.00  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Planning Performance and Business Development Manager/Head of Development Management approve the planning application subject to the following conditions and any changes to

the wording of the conditions considered necessary by the Head of Development Management or Head of Strategic Planning:

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan, site plan, HD911/7001D, HD911/7002D, Sureguard Window films Sureguard Neutral 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 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 2016.

4 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place 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) and the Sustainable Design and Construction SPD (adopted April 2013).

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

6 The layout of the residential units as indicated on the hereby approved plans shall be implemented 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 policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (adopted April 2013).

7 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 any of the elevations.

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).

8 Before the building hereby permitted is first occupied the proposed windows in the front elevation facing Gloucester Court shall be glazed with obscure glass only as per the details hereby approved (Sureguard Window films Sureguard Neutral 20) 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 April 2013).

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

Reason: To 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).

10 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (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). 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 Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

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 5.15 of the March 2016 Minor Alterations to 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 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.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A to E of Part 1 of Schedule 2 of that Order shall be carried out within the area of the dwellings hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

### RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 20/09/2018, unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

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

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 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.

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- 4 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 5 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work

are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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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](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local

Government at  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or 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://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 is a former row of 11 domestic garages to the rear of Gloucester Court within the Golders Green ward. The garages are sited to the rear of the property backing on to an adjacent row of garages serving Eagle Court. The rear of the main building at Gloucester Court is used as access to some of the flats.

The site is not listed nor in a conservation area. Gloucester Court is a characteristic mansion block dating from the 1930s with frontages to Golders Green Road and Gloucester Gardens.

The PTAL (Public Transport Accessibility Level) is 4 (good) with bus and tube available within the PTAL calculation area. The development is in a controlled parking zone.

### **2. Site History**

Reference: 16/1936/FUL

Address: Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Approved subject to conditions

Decision Date: 30.06.2016

Description: Conversion of existing garages into 2 no. self-contained flats with associated refuse storage and amenity space.

Reference: 16/00078/FUL

Address: Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Refused

Decision Date: 10 February 2016

Description: Conversion from 11 no. garages into 3 no. self-contained flats

Reasons for refusal:

1. The proposed conversion by reason of its siting close to Gloucester Court and resultant mutual overlooking onto proposed habitable rooms and additional fenestration would provide unacceptable standards of amenity for both future and existing occupiers
2. The proposals fail to provide adequate standards of usable amenity space for future occupier's contrary, in addition to the single aspect design which would result in poor outlook for the future occupiers.

Reference: F/02342/13

Address: Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Approved subject to conditions

Decision Date: 12 September 2013

Description: Variation of conditions 1 (Plan Numbers), 6 (Layout), 8 (Position of windows), 9 (Obscure glazing) pursuant to planning permission F/00031/13 dated 06/03/2013 to provide a revised layout to the flats (kitchen and bathrooms moved to provide better access to drainage points) and changes to the fenestration facing Gloucester Court (replacing previously angled glazed windows with standard privacy flush doubled glazed windows).

Reference: F/00031/13

Address: Garages To The Rear Of 1-12 Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Approved subject to conditions

Decision Date: 08 March 2013

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

Reference: F/02764/12

Address: Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Refused

Decision Date: 17 September 2012

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

Reference: F/05000/11

Address: Garages To The Rear Of 1-12 Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Refused

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

Reasons for refusal:

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

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

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

Decision Date: 25 May 2012

Appeal Decision: Dismissed (19 December 2012)

Reference: F/04319/10

Address: Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Refused

Decision Date: 16 December 2010

Description: Conversion of existing garages to the rear of Gloucester Court into 2no self-contained studio flats.

### **3. Proposal**

The applicant seeks planning permission for the conversion of the former garages to the rear of Gloucester Court into 2no. self-contained one bedroom units and partial demolition and reconstruction to accommodate 2 garages/storage area on the same plot.

The houses are of conventional design, in brick with a low pitched roof and glazing and entrance doors to the north west elevation facing the rear of Gloucester Court. They are separated by private amenity space and refuse storage, whilst the western section will be used for storage or garage use. The existing substation remains unaffected.

Most of the garages have been demolished and work, though currently ceased, has commenced on the construction of the new houses.

The proposal is almost identical to the approved scheme (ref 16/1936/ FUL). The only material change is in the reduction of outdoor amenity space, necessitated for insulation purposes and to comply with Building Regulations. The external walls are 300mm thick with cavity all the way round and this has reduced the overall external space.

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

Consultation letters were sent to 197 neighbouring properties. Eight responses have been received, comprising 8 letters of objection.

The objections received can be summarised as follows:

- Mutual Overlooking and loss of privacy
- Litter and rubbish will be worse
- The roof as built is unapproved
- Construction noise & Disturbance
- Lack of outdoor amenity space
- Loss of light from height of roof of units
- Contrary to leases of flats
- Parking pressures and safety
- Health and Safety concerns particularly for access for emergency services
- Insufficient waste storage and collection
- Gas, electricity, sewage and water supplies need to be installed and could cause problems for residents
- Potential structural damage during construction.
- A loss of outlook for existing residents
- Bins and bikes could be left on yard.
- Narrow road for construction/ restricted access
- Breach of current lease
- Incorrect consultation.
- Lack of natural daylight and sunlight
- Single aspect dwellings
- No provisions for external lighting.

#### **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 Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2016

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

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

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

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

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

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

#### Supplementary Planning Documents

Residential Design Guidance SPD (adopted 2016)

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 the scheme complies with planning design standards for future occupants

- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the scheme complies with highway and parking standards

### **5.3 Assessment of proposals**

#### Principle of conversion into self-contained units and impact on the character of the area

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 surrounding buildings.

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 the redevelopment of the site to provide residential accommodation has been established by the approved decision refs F/00031/13 and 16/1936/FUL. The proposed external alterations are considered acceptable. It is not considered that the conversion as currently submitted would result in a worsening of demonstrable harm to the immediate area which will be detrimental to the character and appearance of Golders Green, when compared to the approved scheme. The units would not harm the character of the area which has a mixed form of residential development.

#### Impact on amenities of both neighbouring and future occupiers

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 neighbours' amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

The Residential Design Guidance SPD stipulates that development should not be imposing and should not result in a harmful sense of enclosure or overbearing impact on adjoining properties.

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2016. In addition, new development is expected to provide suitable outlook and light to all habitable rooms whilst not compromising the amenities of neighbouring occupiers. The approved schemes have established the principle of the two units on the site and therefore the assessment for the current scheme would be on whether the amended layout would have a more negative impact on the amenities of neighbouring and future occupiers.

Planning permission was granted on the site for the conversion of the garages into 2 one bedroom flats (F/00031/13). The subsequent approved scheme (Ref 16/1936/FUL) provided internal courtyards, which in turn facilitated dual aspect views and angled windows on the front elevation to prevent direct overlooking. The current proposal is an amendment to the recently approved scheme with a slightly smaller outdoor private

amenity space to each of the units. This will not materially make any difference to the amenity of the adjacent residents when compared to the original approval.

It is not considered that the height of the proposed new roof, as shown on the drawing HD911/7002D, would result in a material loss of light to neighbouring residents on Gloucester Court given distance between the buildings.

However, the scheme as constructed considerably exceeds the height of both the approved scheme and the present proposal. Officers are aware of the irregularity of the scheme not being built in accordance with approved plans and the Enforcement team is dealing with the matter. Notwithstanding this, the drawings as presented are considered to be acceptable in terms of the effect on neighbour amenity.

The issue of mutual overlooking has already been determined under the approved scheme ref 16/1936/FUL. The officers report stated, 'The proposed units along the access to flats on Gloucester Court would not give rise to unacceptable levels of overlooking from existing residents onto the habitable rooms of the proposed self-contained units'. The proposal would have partially obscure glazed windows where they face the rear of Gloucester Court. It is considered therefore that this issue has been resolved and agreed in the previous application.

#### The standard of accommodation for future residents

The previous proposal provided 15.4sqm of private outdoor space for each residential unit. The current proposal reduces this to 12sqm per unit. This remains above the minimum for one bedroom flats, 10sqm, as required under the Sustainable Design Guidelines. The two private gardens will be divided by a 1.8m timber fence to ensure mutual privacy.

The submitted proposal remains the same regarding all other dimensions and the units therefore accord with the requirements for one bedroom, one person units. The internal area of each unit would be 51sqm. The units have dual aspect and will receive acceptable levels of daylight and sunlight.

The provision for bins would comply with the Council's standard for new residential development. A refuse store (as indicated on drawing no. HD911/7002D) is considered to be discrete and would be sited at the front of the site.

#### Highways

The Highway Officer states that, 'it is thought that the current garages are not of a size which could accommodate a modern vehicle, therefore it doesn't represent a valid off-street parking facility, as such their loss would not generate an impact on the surrounding highway network. The passage to the garages is also of a narrow width which again would make it difficult for larger vehicles to navigate'. As no off-street parking facilities or details relating to current parking stress level are provided in association with this application, future occupiers will be exempt from applying for CPZ permits.

The above site has been the subject of several previous applications and appeals (16/1936/FUL and F/05000/11) none of these applications raised any objections on highway grounds.

The Highways Officer goes on to note, 'London Plan stated minimum cycle parking levels suggest that a development of this nature should provide 4 cycle parking spaces. No cycle parking spaces have been proposed however both of the units have amenity areas where

cycles can be kept, as such the absence of cycle parking would not warrant a reason for refusal in this instance'.

Refuse stores have been provided within a suitable proximity of the entrances to the development for the use by future residents, the bin stores are also a reasonable proximity from the public highway and can be easily accessed by refuse operatives.

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

It is considered that the planning related comments have been addressed in the report above.

Matters regarding the terms of lease and the structural implications of the proposal are not planning considerations.

The consultation processes has been carried out in accordance with the statutory requirements and a site notice was displayed.

#### **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**

This application is very similar to that approved under 16/1936/FUL. The only material difference is in the size of the private amenity space. It is recognised that there has been a high degree of concern over the various applications submitted for this site over the years and that the scheme that is under construction is not in accordance with the approved plans. Notwithstanding that, the present proposal will make no material difference to the amenity of adjacent residents.

Having taken all material considerations into account, the proposed development would be in keeping with the character and appearance of the surrounding area. The proposed development is considered not to have a detrimental impact on the residential amenities of neighbouring properties and future occupiers. The application is recommended for approval subject to a legal agreement.



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**Location**                    **994 - 996 High Road London N20 0QG**

**Reference:**                **18/0778/FUL**

Received: 5th February 2018

Accepted: 5th February 2018

Ward:                        Woodhouse

Expiry 2nd April 2018

Applicant:                Mr & Mrs Lucas

Proposal:                    Single storey rear extensions, two storey side and rear extensions, and rear roof dormer extension with additional roof light windows. Alteration and conversion of the existing property to create 2no additional dwellings to form 4no self contained flats. Associated bike, bin storage and amenity space as well as new hardstanding to form provision of off street parking spaces.

AGENDA ITEM 21

**Recommendation:** Approve subject to s106

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

#### 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. A contribution of £2,000 (index linked) to cover the costs of making an amendment the existing Traffic Management Order to prevent the future occupiers of the development from being able to obtain parking permits for the Controlled Parking Zone.

Monitoring Fee (£100)

#### RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Planning Performance and Business Development Manager/Head of Development Management approve the planning application subject to the following conditions and any changes to the

wording of the conditions considered necessary by the Head of Development Management or Head of Strategic Planning:

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drg.no.1530/0S, Drg.no. 1616/01-1, Drg.no. 1616/01-2 (Existing Plans), Drg.no. 1616/01-2 (Existing Elevations), Drg.no. 1616/02-1A, Drg.no. 1616/02-2A, Drg.no. 1616/02-3A, Drg.no. 1616/02-4A, Drg.no. 1616/02-5A, Drg.no. 1616/02-6 and Drg.no. 1616/02-7.

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 Before the building hereby permitted is first occupied the proposed window(s) in the side elevations facing no.990-992 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 April 2013).



6 a) Before the development hereby permitted is first occupied, details of privacy screens to the roof terrace 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 April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

7 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) and policies 5.2 and 5.3 of the London Plan (2016 MALP).

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 March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

9 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).

10 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.

11 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).

12 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. 1616/02-4A; 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.

### RECOMMENDATION III:

0 That if an agreement has not been completed by 30 September 2018, that unless otherwise agreed in writing, the Head of Development Manager should REFUSE the application 18/0778/FUL under delegated powers for the following reasons:

1. The proposed development does not include any provision to restrict the parking permits of future occupiers or carry out a review of the surrounding CPZ following occupation of the building that would be needed as a result of the development contrary to policy CS9 of Barnet's Adopted Core Strategy (2012) and policy DM17 of the Adopted Development Management Policies DPD (2012).

## Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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](http://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.

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.

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](mailto:cil@barnet.gov.uk).

#### Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or 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://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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.



## **Officer's Assessment**

### **1. Site Description**

The application site is a large semi-detached property which comprises two self-contained Units. The property has retained its original design features and has front to rear access via a side alleyway.

The application site is located on the east side of the High Road opposite the junction with Woodside Lane within the Woodhouse Ward. The immediate street character is defined by semi-detached housing which have been in use as flats, purpose built blocks of flats and a Kwik Fit garage. The wider street scene has a mix of residential, office, restaurant and retail uses.

The application site is not a listed building and does not lie within a Conservation Area.

### **2. Site History**

Reference: C15693A/06

Address: 994 High Road, London, N20 0QG

Decision: Approved subject to conditions

Decision Date: 3 January 2007

Description: Conversion of loft space with addition of rooflights.

Reference: 17/0568/FUL

Address: 994-996 High Road, London, N20 0QG

Decision: Refused

Decision Date: 10 April 2017

Description: Single storey rear extensions, single storey side extensions, part two storey side and rear extensions. Roof extension involving rear dormer window and 2no front roof lights. Alteration and conversion of the existing property to create 2no additional dwellings to form 4no self-contained flats. Associated bike and bin storage. New hardstanding to form provision of parking spaces

The application was refused for the following reasons;

"The scale, siting and design of the proposed extensions and conversion would create a cramped form of development that would provide poor outlook to habitable rooms particularly along the flank wall at ground and first floor and in the roof and provide a lack of private, usable and quality outdoor amenity space for flat C and D. It is deemed that the development would not provide a satisfactory standard of accommodation for future occupants and would detract from the character of this location. As such, the proposal is contrary to Policies 3.8 and 7.4 of the London Plan 2016, Policies CS1, CS4, CS5 and CS14 of the Council's Core Strategy DPD (2012), DM01 and DM02 of the Development Management Policies DPD (2012) and section 2.2 and 2.3 of the Sustainable Design and Construction SPD (2016)."

The above refusal was appealed (APP/N5090/W/17/3178387) and the appeal was dismissed for the following reason;

"The proposal would unacceptably fail to provide adequate living conditions for future residents, contrary to Policy DM01 of Barnet's Local Plan Development Management Policies Development Plan Document, insofar as it seeks high quality development which should be designed to retain outdoor amenity space and allow for adequate outlook for

potential occupiers. It would fail to comply with the requirements of the SPD, and the National Planning Policy Framework (the Framework), which seeks to secure a good standard of amenity for all future occupants of buildings."

"The proposed side elevations would unacceptably harm the appearance of the existing building, and thus the character and appearance of the surrounding area. The proposal would thus conflict with Policy CSS of Barnet's Local Plan Core Strategy Development Plan Document, insofar as it seeks to ensure that development will respect local context and distinctive local character, and Policy 7.4 of the London, which amongst other things, requires development to have regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. Finally, it would conflict with the aim of the Framework to seek to secure high quality design."

### **3. Proposal**

The proposed development includes:

Single storey rear extensions, two storey side and rear extensions. Rear roof dormer extension with additional roof light windows.

Alteration and conversion of the existing property to create 2no additional dwellings to form 4no self contained flats. Associated bike, bin storage and amenity space as well as new hardstanding to form provision of off street parking spaces.

- Conversion of existing single family dwelling into 4.no self-contained flats;
- 2.no onsite parking spaces and new hardstanding
- The single storey rear extension will extend along the boundary with no.998-1000, measuring 4.35m in width and 3.5m in depth. It will then project further into the garden beyond the existing rear outrigger measuring 2.5m in depth and 5.8m in width. This side of the extension would be 3m in depth and would be 1m away from the boundary with no.990-992. The extension will have a flat roof with a maximum height of 3.25m.
- The first floor rear extension will measure 5.8m in width and 3.5m in depth. It will have a pitched roof with an eaves height of 5.7m and a ridge height of 7.4m when measured from actual ground level. It would be 2.5m wider and 0.4m deeper than the existing extension.
- The two storey side extension will be set away by 1m, from the boundary with no.990-992. It will measure 0.4m in width and 8.4m in depth. It will have a pitched roof with an eaves height of 5.5m and a maximum height of 6.6m when measured from actual ground level.
- The rear dormer measures 4m in width, 3.1m in depth, with a maximum height of 2m.
- 3.no front rooflights;
- Rear first floor roof terrace;
- Associated refuse and recycling and cycle storage;
- Outdoor amenity space for 4.no flats.

### **4. Public Consultation**

A Site notice was erected on the 15.02.2018.

Consultation letters were sent to 252 neighbouring properties.

8 responses have been received comprising 8 letters of objection.

A summary of public comments is as follows:

- Overdevelopment with usable parking for only 3 vehicles for 4 units with 4dbl and 3sgl beds
- Concern regarding stress on existing parking
- Overdevelopment of the site which is bound to affect the neighbour's amenities, in terms of noise nuisance, loss of light.
- Inadequate information has been provided of flat4 to work out gross internal area and head heights not clear from the information available on Barnet's website.
- Daylight / sunlight survey required to assess the impact on no.990-992
- The proposed and existing drawings do not show neighbouring properties or position of windows to habitable rooms, which would result in loss of privacy and overlooking
- Overall scale and bulk of the proposals are not in keeping with the street scene
- Overbearing effect on no.990-992 and surrounding properties
- Size, position and design of the proposed extensions and conversion would still create a cramped form of development that would provide poor outlook along flank walls at ground, first and roof level.
- Poor quality of external amenity space.

## **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 2016

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



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

### 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 document. Both were adopted in September 2012. The following policy documents were consulted:

#### Core Strategy Policies:

- National Planning Policy Framework (NPPF) (2012): CS
- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS14.
- Relevant Development Management Policies: DM01, DM02, DM08 and DM17.

### Supplementary Planning Documents

#### Residential Design Guidance SPD (Adopted 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

#### Sustainable Design and Construction SPD (Adopted 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

### 5.3 Assessment of proposals

#### The principle of flats in this location

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'.

A planning history and council tax search of this section of the High Road highlights a number of approved flat conversions and original flats/maisonettes. Consequently, it has been established that flat conversions are acceptable on this part of the High Road and would not be contrary to policy DM01 or the established character of the street.

#### Whether the proposal provides a satisfactory living environment 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 2016, Policy 3.8 states that development proposals should demonstrate how the mix of dwelling types and sizes and the mix of tenures meet strategic and local need and are appropriate to the location. Development proposals should seek to ensure they meet local needs by providing an adequate mix of dwelling sizes (in terms of occupancy defined in terms of bed spaces), and mix of tenures to reflect local and strategic demand. Local dwelling mix policies which take into account design occupancy provide an important complementary mechanism to secure the effective implementation of occupancy related space standards.

#### Floor Area:

The London Plan (2016) and Barnet's policies and Sustainable Design SPD (Oct 2016) set out the minimum GIA requirements for residential units as follows:

- 1 bedroom, 2 person, 1 storey - 50m<sup>2</sup>
- 2 bedrooms, 4 person, 1 storey - 70m<sup>2</sup>
- 2 bedrooms, 3 person, 2 storey - 70m<sup>2</sup>
- 2 bedrooms, 4 person, 2 storey - 79m<sup>2</sup>

The applicant's drawings show each flat has provided:

- Flat A - 1 bedroom, 2 person, 1 storey - 59.0m<sup>2</sup>
- Flat B - 2 bedrooms, 4 person, 1 storey - 78.92m<sup>2</sup>
- Flat C - 2 bedrooms, 4 person, 1 storey - 75.6m<sup>2</sup>
- Flat D - 2 bedroom, 3 person, 2 storey - 81.5m<sup>2</sup>

Flat A, B, C and D each meet the minimum space standards.

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 m<sup>2</sup> and is at least 2.15m wide;

- Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All proposed bedrooms for flat A, B, C and D meet and exceed these requirements.

Floor to ceiling height:

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling.

Flat A, B, C and D each comply with this standard.

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.

All proposed habitable rooms meet this requirement.

Light/outlook:

Outlook was one of the reasons for refusal in the previous refused scheme (17/0568/FUL). Similarly the planning inspector raised the concerns with respect to outlook in her appeal decision (APP/N5090/W/17/3178387).

In her report the Planning Inspector states that the proposed "Flat C would incorporate a new bedroom along the extended side wall. The window within the main body of the bedroom, opposite the door, would be obscure glazed. The only clear glazed window would be located at the end of the narrow dressing area, and therefore some distance from the main bedroom area. As a result, whilst the room would receive natural light, the outlook from it would be unsatisfactory, and would be substantially curtailed by the proposed location of the window."

"Within Flat B, a bedroom would also be located along the extended side wall. The only window serving this bedroom would be located in a recessed corner, facing towards the front of the building. The Council raises issues of privacy, as the proposed window would be located within 1m of the boundary with, and close to the entrance to 990-992 High Road. However, I note that a fence of around 1.8m in height would be erected on the boundary, and in my view, this would be sufficient to prevent harmful overlooking by neighbours. Nonetheless, the outlook from the bedroom would be severely restricted by the close proximity of the fence and the side walls of the ensuite and bicycle store, which would create a cramped tunnel effect. As a result, occupants would feel unduly confined whilst using the room".

In an attempt to overcome the above concerns the applicant has rearranged the layout of each flat.

With regards to Flat B, the bedroom located along the extended side wall has been replaced with a kitchen which will serve Flat A, a staircase leading to the upper floor units and a hall leading to Flat B. The bedrooms serving Flat B has been moved to the rear of the property overlooking the rear garden, alongside the living / dining area. The bicycle shed to the front of the property has been omitted from this current proposal.

With regards to Flat C, the bedroom along the extended side wall has been replaced with a dining area, and kitchen area. Roof lights are proposed at high level to provide additional

light and ventilation. The bedroom has been moved to the rear overlooking the green roof top.

Although the overall quality of outlook to both these flats still remains poor, in particular the kitchen area serving Flat C, the Planning Inspector raised concerns only with regards to the bedrooms located on the extended side extensions. It is therefore considered that the applicant has overcome the concerns that were raised by the Planning Inspector.

Furthermore it is noted that the proposed flats exceed the required space standards and therefore on balance the layout is considered to be acceptable.

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 is broadly acceptable, although details of adequate sound proofing will be required especially in areas where bathrooms reside above bedrooms. 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.

Amenity Space:

Section 8.2 of the Residential Design Guidance SPD (2016) states that, 'private amenity space for the exclusive use of building occupants is a highly valued asset. Sufficient, functional amenity space should therefore be provided for all new houses and flats wherever possible'.

Section 2.3 of the Sustainable Design and Construction SPD (2016) states that for flats there should be a minimum of 5m<sup>2</sup> of outdoor amenity space per habitable room.

Flat A requires: 15m<sup>2</sup>

Flat B requires: 20m<sup>2</sup>

Flat C requires: 20m<sup>2</sup>

Flat D requires: 20m<sup>2</sup>

Another area of concern in the previous scheme was the lack of amenity space provided for Flat C and Flat D.

In her appeal, the Planning Inspector has noted that "For proposed Flat C, outdoor space would be provided by a roof terrace which would offer around 15.8sqm of space. This would fall short substantially of the minimum requirement of 20sqm for a flat of this size. Flat D, which would also require a minimum of 20sqm of outdoor space, would not be provided with any external amenity area."

She further states that "although the relative proximity of public recreational space in the surrounding area is a mitigating factor, it would not cater for the range of functions that should be provided by private amenity areas. In the absence of any compelling reason to set aside the requirements of the SPD, I consider that the failure to provide adequate outdoor living space would be unacceptably deleterious to the living conditions of future occupants."

In the previous refused scheme Flat A and B had sufficient private outdoor amenity provision to the rear of the building, with appropriate screening proposed to protect privacy to each

flat. Flat C relied on a first floor roof terrace to provide amenity space. Flat D did not have access to private outdoor amenity space.

The application site has front to rear access via a side alleyway and a large rear garden and therefore capable of providing sufficient quality, usable and private amenity space for a flat conversion at the site. The current application has proposed the following revised amenity space layout for the proposed flats;

The rear garden would be subdivided and Flat B would have private use of one part of the rear garden (approximately 100m<sup>2</sup>).

Flat A and D would have access to the rest of the garden in the form of a communal garden space (approximately 120m<sup>2</sup>).

Flat C is provided with a private roof terrace of approximately 13.5m<sup>2</sup> and the use of the communal garden space. Screening is proposed to the roof terrace to protect neighbouring amenity.

Whilst roof terraces are resisted by Barnet's policies, the proposed roof terrace formed part of the previous proposals and no concerns were raised with regards to the roof terrace by the Planning Inspector.

It is considered that the proposed layout meets the outdoor amenity space standards included in section 2.3 of the Sustainable Design and Construction SPD (2016). It is considered that the proposal has overcome the concerns raised by the Planning Inspectorate with regards to amenity for the occupiers of the proposed 4 flats.

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

The previous refused scheme proposed a side extension built up to the site boundary and within 1m of the side elevation and main entrance to no. 990 - 992, reducing the visual gap between the application site and this neighbouring property resulting in a dark and cramped space.

Furthermore the proposal included a flat roof bike shed to the front / side of the building further extending the front façade and the side extension significantly reduced the visual separation between the applicant site and the adjacent property at no.990-992, a visual separation that is characteristic of the streetscene.

The Appeal Inspector raised similar concerns stating that "whilst the proposed single storey side extension would achieve subservience to the existing building in terms of its scale and set-back, it would nonetheless harmfully reduce the generous gap between the appeal site and its neighbour. Furthermore, it would remove the existing direct access to the rear garden, an outcome which is resisted by the SPD:RDG. The proposed side elevations would unacceptably harm the appearance of the existing building, and thus the character and appearance of the surrounding area."

Under the current application the proposed two storey side extension which is only 0.35m wide and is set back by 1m from the boundary wall of no.990-992, maintains a visual separation between the two properties, that is a predominant character of the streetscene. Furthermore the cycle shed has been removed from the front and relocated to the rear of the property, allowing easy access to the rear of the property. The proposed two storey side extension is considered to be a subordinate addition and in harmony with the application site and the character of the neighbouring properties.

It is not deemed that the proposed rear extensions would be harmful to the character of the original property and are not visible from the public highway. The roof terrace would normally be out of character with the surrounding properties. While the adjacent property at no.990-992 has a first floor roof terrace, this has been made lawful through the passage of time and not via a planning permission which acknowledges roof terraces as an accepted design feature of the area. Given the adjacent property has a roof terrace, on balance one would be considered acceptable at the application site.

In summary, the dormers are considered to be in accordance with the Residential Design Guidance and the proposed extensions are considered to be subordinate additions to the application and would not constitute overdevelopment of the site. It is considered that the current application has overcome the reasons for concerns in terms of character.

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

The proposal has been amended since the previous refused scheme to a more acceptable scheme.

Front / side bike storage has been omitted from the current application.

- Single and two storey side extensions: The proposal has been amended and the amended scheme involves a two storey side extension that has a 1m setback from the curtilage boundary and would therefore comply with section 14 of the Residential Design Guidance SPD (2016). The windows on the flank wall of the applicant property will be obscure glazed and fixed shut to protect against overlooking however, as the first floor window serves a hallway leading to the kitchen and the dining area, it is not considered that this window at first floor level will cause detrimental impact on the amenities of the occupiers of no.990-992 to an unacceptable level in terms of overlooking or loss of privacy.

- Single and two storey rear extensions: It is not deemed that the extensions would impact on neighbouring amenity over and above the current level of amenity. The single storey rear extension element along the boundary with no.998-1000 is 3.5m in depth which is in line with section 14 of the Residential Design Guidance SPD (2016), and is broadly in line with the existing depth (although lower in height) of the rear canopy. The position of the existing canopy at the applicant site protrudes 3m beyond the adjoining rear wall. The north-south orientation of the site will cause some overshadowing of the neighbouring property, but not to a greater extent than caused by the existing canopy. The single and two storey rear extensions closer to the boundary with no.990-992 are acceptable as the two storey element is only 0.4m deeper than the existing of the existing two storey element, only marginally larger than the existing building and the single storey element does not extend beyond the neighbouring extension by more than 1m, with the impact thereby reduced.

First floor roof terrace: As outlined above, roof terraces are not a common feature in this area. However, as the adjacent property at no.990 - 992 has a roof terrace it is deemed acceptable that the applicant site can have one also. To limit the potential of overlooking to neighbouring properties, the roof terrace will be screened with frosted glass measuring 1.7m in height above the terrace level.

Rear roof dormer and front rooflights: The dormer and rooflights would comply with section 14 of the Residential Design Guidance SPD (2016) by virtue of their size, siting and design. They are not deemed to harmfully impact neighbouring amenity.

### Parking and Highways

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.

Policy DM17 concerns the parking standards for new developments. It states that flats with 2 to 3 bedrooms are required to have 1.5 to 1 parking space and flats with 1 bedroom are required to 1 to less than 1 space. The application site has PTAL of 2 which is considered poor. The proposal involves the conversion of 2 flats into 4 no self-contained flats (1x 1 bedroom, 3x 2 bedrooms). In accordance with policy DM17, 3 to 5.5 parking spaces should be provided.

The proposal includes 2 no. onsite parking spaces. Taking into consideration that the site is located within walking distance of a town centre and the site is located within a Controlled Parking Zone, the proposed parking is considered acceptable subject to a S106 restriction on residents parking permits.

The application proposes 4 no secure cycle spaces located to the rear of the property. Whilst the location appears to be acceptable, details of the cycle shed have not been provided. It is suggested that a condition can be attached requiring details to be submitted for approval.

### Refuse and recycling storage

Refuse and recycling provision should comply with Barnet's Waste and Recycling Guidance (2015).

No plan has been submitted showing the location of the bins and collection points. It is suggested that a condition can be attached requiring a details to be submitted for approval.

### Sustainability

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 6 % CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy.

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

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

### Community Infrastructure Levy

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will

take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm (index related) on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sqm (index related).

## **5.4 Response to Public Consultation**

- Overdevelopment with usable parking for only 3 vehicles for 4 units with 4dbl and 3sgl beds
- Concern regarding stress on existing parking

Whilst it is noted that there will be a shortfall of parking spaces, the proposed parking is considered acceptable subject to a S106 restriction on residents parking permits.

- Inadequate information has been provided of flat4 to work out gross internal area and head heights not clear from the information available on Barnet's website.

It is considered that the plans and drawings that have been provided by the applicant as part of the application can be scaled and is therefore considered to be adequate.

- Overdevelopment of the site which is bound to affect the neighbour's amenities, in terms of noise nuisance, loss of light.
- Poor quality of external amenity space.
- Overall scale and bulk of the proposals are not in keeping with the street scene
- Size, position and design of the proposed extensions and conversion would still create a cramped form of development that would provide poor outlook along flank walls at ground, first and roof level.
- Overbearing effect on no.990-992 and surrounding properties
- Daylight / sunlight survey required to assess the impact on no.990-992
- The proposed and existing drawings do not show neighbouring properties or position of windows to habitable rooms, which would result in loss of privacy and overlooking

It is considered that the plans adequately show the positions of the windows and doors in the side elevations. Furthermore a site visit was undertaken and the positions of the windows at the neighbouring properties have been taken into consideration.

Public comments were considered as part of this assessment and have been reflected above. Furthermore the previous refused application was appealed and the comments and concerns of the appeal Inspector has been taken into consideration while assessing this application.

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

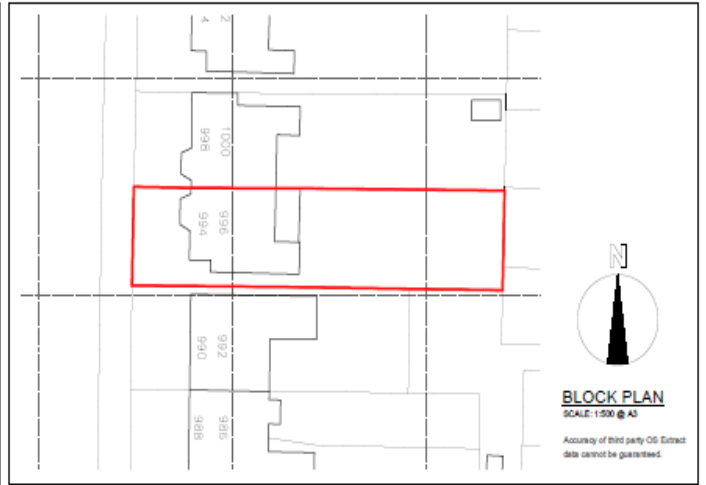
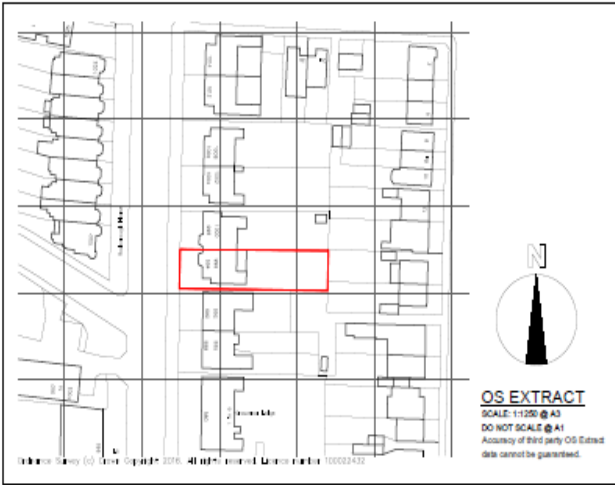
The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

## **7. Conclusion**

Having taken all material considerations into account, it is considered that the proposed development, subject to condition would be acceptable. This application is therefore recommended for approval.







**Location** 14 - 16 The Grove London NW11 9SH

**Reference:** 18/1219/FUL

Received: 23rd February 2018

Accepted: 2nd March 2018

**Ward:** Golders Green

Expiry 27th April 2018

**Applicant:** Mr Rabbi Brandis

**Proposal:** Two storey rear extension. Creation of basement level with associated front and rear light wells

AGENDA ITEM 22

**Recommendation:** Approve subject to conditions

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, drg.no.1a, drg.no.2a, drg.no.3a, drg.no.4c, drg.no.5c, drg.no.6c and drg.no.7c. (Plans received on 07/06/18).

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 first floor elevation(s), of the extension(s) hereby approved, facing no.12 and no.18.

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 186-187, 188-195 and 196-198 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**

This is a joint application for two semidetached dwelling properties located at 14 and 16 The Grove.

Both properties benefit from two storey original rear projection which is a characteristic feature of the properties in the area. Whilst no.14 has not undertaken a roof extension, no.16 has the benefit of a wrap round side/ rear dormer.

The properties on along this street are characterised by a mixture of single family dwelling houses and properties that have been converted into flats.

The site does not fall within a conservation area and the proposal property is not listed.

### **2. Site History**

Reference: 17/7319/FUL

Address: 14 The Grove, London, NW11 9SH

Decision: Withdrawn

Decision Date: 18 January 2018

Description: Conversion of existing properties into 7no. self-contained flats including creation of a new basement level with light wells to front side and rear, two storey rear extension and associated alterations to roof. Provision of amenity space, refuse storage, cycle store and 5no. off-street parking spaces

Reference: 18/0997/192

Address: 14 The Grove, London, NW11 9SH

Decision: Lawful

Decision Date: 29 March 2018

Description: Extension to roof including, two side dormers and one rear dormer, 3no roof lights to front elevation

Reference: C11282A/05

Address: 14 The Grove, London, NW11 9SH

Decision: Lawful

Decision Date: 11 April 2005

Description: Alteration to roof including partial hip-to-gable conversion and rear dormer windows to facilitate a loft conversion.

Reference: 18/1000/192

Address: 16 The Grove, London, NW11 9SH

Decision: Lawful

Decision Date: 19 March 2018

Description: Extension to roof including, part hip to gable, two side dormers and one rear dormer, 3no roof lights to front elevation (amended description)

Reference: 15/06867/PNH

Address: 16 The Grove, London, NW11 9SH

Decision: Prior Approval Required and Refused

Decision Date: 26 November 2015

Description: Single storey rear extension with a proposed maximum depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 4 metres

Reference: 16/2434/191

Address: 16 The Grove, London, NW11 9SH

Decision: Lawful

Decision Date: 9 June 2016

Description: Roof extension involving rear and side wrap around dormer window with 2no. rooflights to front elevation to facilitate a loft conversion

Reference: 16/3821/FUL

Address: 16 The Grove, London, NW11 9SH

Decision: Approved subject to conditions

Decision Date: 25 August 2016

Description: Mrs S Bloomfield & Mr George Attwel Conversion of 2 no. self-contained flats into single family dwelling

Reference: 16/5846/PNH

Address: 16 The Grove, London, NW11 9SH

Decision: Prior Approval Not Required

Decision Date: 17 October 2016

Description: Single storey rear extensions with a proposed maximum depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 2.8 metres

Reference: C16485B/07

Address: 16 The Grove, London, NW11 9SH

Decision: Refused

Decision Date: 19 March 2007

Description: Removal of Condition 3 of planning permission C16485/05 dated 14.02.06 to allow permitted development rights.

Reference: C16485/05

Address: 16 The Grove, London, NW11 9SH

Decision: Approved subject to conditions

Decision Date: 14 February 2006

Description: Part single / part two storey rear extension in association with conversion of two flats into one single dwelling house.

Reference: C16485A/06

Address: 16 The Grove, London, NW11 9SH

Decision: Unlawful

Decision Date: 13 June 2006

Description: Conversion of two self contained flats into a single dwelling house.

### **3. Proposal**

The proposal is for a part single, part two storey rear extension and the creation of a basement level with associated front and rear light wells.

Two Storey Rear Extension:

No.14 and no.16, each benefit from a two storey original rear projection measuring 4m in depth and 3.3m in width, with a gap of 5.1m between them. It has a hipped roof with eaves to match the eaves of the main roof and the ridge height of 7.8m, which is set down from

the main ridge by approximately 2.6m. Both extensions are set away from the boundary wall of neighbouring properties at no. 12 and no.18 by approximately 1.6m.

The single storey rear element will extend from this rear projection further into the garden by 3m, full width of the rear wall of both properties, replacing the existing rear projection at ground floor level. It will have an overall depth of 7m when measured from the recessed rear elevation. It will have a crown roof with an eaves height of 3m and a maximum height of 3.6m. The extension will be set back from the flank wall of the main house by approximately 1m and approximately 1.6m to the common boundary wall of the neighbouring boundary wall and approximately 2.2m to the flank wall of the neighbouring property at no.14 and no.18.

The first floor rear element will project a further 0.5m from the rear wall of the rear projection at no.14 and no.16, full width of the rear elevation. It will measure 4m in depth from the recessed rear elevation and will have an overall depth of 4.5m adjacent to the boundary wall of neighbouring properties at no.12 and no.18. It will set back from the flank wall of the main house by approximately 1m and approximately 1.6m to the common boundary wall of the neighbouring boundary wall and approximately 2.2m to the flank wall of the neighbouring property at no.14 and no.18.

The extension will have an eaves height of 5.7m, matching the eaves of the main roof and a maximum height of approximately 7.2m when measured from actual ground level. It will have a hipped roof that will join the main roof replacing the roof of the existing rear projection. It will be set down from the main ridge of the roof by approximately 3.1metres.

Basement:

The basement will be built under the footprint of the main dwelling and the proposed rear extension, full width, with a depth of 17.1m, a width of 13.7m and a height of 2.4metres.

It would include the creation of 1.no. light well to the rear approximately 1.5m in depth, 1no. to the side approximately 1.3m in depth and 1no. to the front approximately 1m in depth, to both properties. The light wells will be covered with grill flush with ground level, with planter beds approximately vegetation around them, screening them further.

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

Consultation letters were sent to 46 neighbouring properties.

20 individuals have responded.

10 letters were received after the initial consultation, comments have been summarised below ;

- o Deficient Consultation
- o Plans inaccurately showing two car parking spaces in the absence of drop kerb
- o Plans of basement and rear extension are not available on the website
- o Works involving removal of front trees hedges, marking for crossover have already begun
- o Front lightwell not keeping with character of the street
- o Attempt to convert into flats
- o Information supplied to the immediate neighbours in connection with the necessary party wall agreement differ significantly from those submitted to the council.

- o Excavators and spoil-removal trucks for excavation will be a safety hazard to people (especially children) and to vehicles and damage pavements.
- o Without the required consultation this development is in breach of planning protocol & Human Rights
- o Concern the depth of the lightwell reduces the depth of the forecourt parking area with the result that cars will overhang the public footpath

Following a second consultation the 14 letters were received, comments have been summarised below;

- o Rear extension is extensive in terms of massing and is overbearing
- o Deficient Consultation
- o Plans inaccurately showing two car parking spaces in the absence of drop kerb
- o Plans of basement and rear extension are not available on the website
- o Works involving removal of front trees hedges, marking for crossover have already begun
- o Front lightwell not keeping with character of the street
- o Concern that cars will overhang onto the pavement to accommodate the lightwells
- o Attempt to convert into flats
- o Information supplied to the immediate neighbours in connection with the necessary party wall agreement differ significantly from those submitted to the council.
- o Excavators and spoil-removal trucks for excavation will be a safety hazard to people (especially children) and to vehicles and damage pavements.
- o Without the required consultation this development is in breach of planning protocol & Human Rights
- o Concern the depth of the lightwell reduces the depth of the forecourt parking area with the result that cars will overhang the public footpath

## **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 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 July 2016

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



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

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

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

#### Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 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 April 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, streetscene and the wider locality;

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

### **5.3 Assessment of proposals**

The properties benefit from two storey rear projections 4m deep, the proposals involves extending the single storey by a further 3m from this rear projection and a depth of 7m from the recessed rear elevation. The extension will set back from the flank wall of the main house by approximately 1m, approximately 1.6m to the common boundary wall of the neighbouring boundary wall and approximately 3.2m to the flank wall of the neighbouring property at no.12 and no.18.

Whilst it has been noted neighbouring property at no.12 and no.18 do not have the benefit of a rear extension, it is considered that the applicant could carry out a 3m deep single storey rear extension at the rear of the outrigger under permitted development.

Furthermore Barnet's residential design guidance states that a depth of up to 3.5m for a semidetached property is acceptable, as such the proposed bulk, size, design and siting of the single storey rear extension is not considered to have a detrimental impact on the neighbouring properties at no.12 and no. 18.

The single storey rear element is therefore not considered to harm the amenity of neighbouring properties at no.12 and no.18. It is noted that a couple of properties in the area have large infill rear extensions and as such this element of the proposal would not be considered to cause any significant harm to the character of the area or wider locality.

At first floor, the proposed extension will project a further 0.5m beyond the existing two storey rear outrigger at both properties. The extension will extend across the rear elevation of both properties and will infill the space between the two properties.

Whilst the proposal will project a further 0.5m beyond the rear projection at no. 14 and no.16, the proposed crown roof replaces the existing pitched roof at first floor level and is set down from the main ridge of the roof and this element of the proposal is set away from the neighbouring property as such it appear to be a subordinate addition.

Due to the siting, scale and design of the extension, the extension is not considered to have a detrimental impact on the amenities of neighbouring properties at no.12 and no.18 either. The extension is considered to be sufficiently set away and therefore this element of the proposal is not considered to have an unacceptable impact on these neighbouring property to an unacceptable level.

Furthermore, no adverse impact is envisaged on the neighbouring properties by way of overlooking and loss of privacy as there are no windows proposed on the flank walls of the extension the only window would be to the front of the side extension. Also it is not considered there would be any additional overlooking from the proposed rear windows than those already existing at the property. Therefore, refusal on these grounds is not considered justifiable.

#### **Basement:**

The basement will be built beneath the footprint of the main dwelling and the proposed two storey rear extension and would not be visible. The only external manifestation will be in the form of the light wells, however the light wells will be covered with grill flush with ground level, with planter beds approximately vegetation around them, screening them further. Due to its size, siting and discrete appearance the lightwells are not considered to harm the

character and amenities of neighbouring properties. The principle of a basement is acceptable, providing that the proposed lightwells are discrete.

The soil conditions for the basement are such that a Basement Impact Assessment is not required. The site is not within a flood risk zone.

Given the proportions and the relationship between the proposal and the neighbouring properties it is not considered that this scheme would be detrimental to the visual or residential amenities of the occupants of both neighbouring property. It would not cause harmful loss of privacy, loss of light or outlook.

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

- o Deficient Consultation
- o Without the required consultation this development is in breach of planning protocol & Human Rights

All the relevant neighbouring properties have been consulted. In this instance all neighbouring properties immediately adjoining the host property have been consulted as statutorily required.

Officers have considered the proposals against the Human Rights act and do not consider that the proposals would be in breach of this.

- o Plans inaccurately showing two car parking spaces in the absence of drop kerb
- o Concern the depth of the lightwell reduces the depth of the forecourt parking area with the result that cars will overhang the public footpath
- o Works involving removal of front trees hedges, marking for crossover have already begun

The trees and Hedges to the front of the property are not protected by TPO's and therefore the removal of these hedges and trees to the front of the property does not require planning consent.

The drop kerb does not form part of this application and is not a planning consideration. Crossovers and drop kerb applications are dealt with by the highways crossover team.

- o Inaccurate plans are online
- It has been noted that inaccurate plans with respect to the front elevation and front forecourt were received, however amended plans have been secured and the correct plans have been uploaded online.

- o Plans of basement and rear extension are not available on the website
- It was noted that due to a technical error that some of the plans, which included the basement and rear extension plans were not available to the public. In an attempt to rectify this error the LPA carried out a second consultation for a period of 21 days.

- o Front lightwell not keeping with character of the street and will set precedence
  - o Concern that cars will overhang onto the pavement to accommodate the lightwells
- Each planning application is considered on its individual planning merits. The LPA's ability to consider any applications elsewhere would not be fettered by any decision in respect of this current application. The lightwells are considered acceptable, providing that the proposed lightwells are discrete. Furthermore the application is for the extensions and lightwells and not to create a hardstanding surface to park cars or for a dropcurb.

- o Attempt to convert into flats

The current application is only assessing the proposal for a two storey rear extension. Creation of basement level with associated front and rear light wells. Conversion of the property into flats would require a separate application.

o Rear extension is extensive in terms of massing and is overbearing  
The above concern has been mainly addressed in the body of the report.

o Information supplied to the immediate neighbours in connection with the necessary party wall agreement differ significantly from those submitted to the council.  
Party wall agreements and plans provided as part of these agreements are not a planning matter.

o Excavators and spoil-removal trucks for excavation will be a safety hazard to people (especially children) and to vehicles and damage pavements.

The above concern is not a planning matter.

## **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 this proposal would comply with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for Approval.



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**Location** 129 The Vale London NW11 8TL

**Reference:** 17/8189/FUL

Received: 27th December 2017

Accepted: 29th December 2017

**Ward:** Childs Hill

Expiry 23rd February 2018

**Applicant:** Mr B Glass

**Proposal:** Construction of building comprising 4no. self-contained units to replace previous dwellinghouse. Provision of 2 car parking spaces, Cycle storage, refuse and recycling

AGENDA ITEM 23

**Recommendation:** Approve subject to s106

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

#### 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. A contribution of £2,000 (index linked) to cover the costs of making an amendment the existing Traffic Management Order to prevent the future occupiers of the development from being able to obtain parking permits for the Controlled Parking Zone.

#### RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Planning Performance and Business Development Manager/Head of Development Management approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Head of Development Management or Head of Strategic Planning:

1 The development hereby permitted shall be carried out in accordance with the following approved plans: 129TV-PP7-03, 129TV-PP7-02, 129TV-PP7-01, 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) 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 2016.

4 Before the building hereby permitted is first occupied the proposed window(s) in the flank elevations facing the neighbouring properties at No. 127 The Vale and No. 131 The Vale shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

5 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 (2016 MALP).



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 Policies document (2012) and policies 5.2 and 5.3 of the London Plan (2016 MALP).

7 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 2016.

8 The roof of the single storey rear projection or the roof of the single storey side projection of the property 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).

9 No flat within the development shall be occupied until cycle parking and cycle storage facilities have been provided in accordance with the details depicted in Drawing No. 129TV-PP7-03 and shall be permanently retained thereafter.

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 and Policy DM17 of Development Management Policies (Adopted) September 2012.

10 Before the development hereby permitted is first occupied, the existing amenity space shall be subdivided in accordance with the details on Drawing No. 129TV-PP7-03 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).

11 a) Notwithstanding the details depicted in Drawing No. 129TV-PP7-03, before the development hereby permitted is first occupied, details of boundary treatment around the proposed amenity areas shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the sub-division of the amenity area(s) details as shown on Drawing No. 129TV-PP7-03 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 October 2016).

12 a) Notwithstanding the details shown on Drawing No. 129TV-PP7-03, 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).

13 A vehicular sight line of 4.5 metres by 70 metres shall be provided to the either side of the site access with the Public highway, prior to the commencement of any other works on site, and thereafter be maintained free of all obstructions over a height of 0.6 metre above the level of the adjoining highway.

Reason: In the interests of highway and pedestrian 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.

14 Before the development hereby permitted is first brought into use the vehicular access shall allow for 2.4 metre by 2.4 metre pedestrian visibility splays to the left and to the right of the access from 2m setback from the back of footway and shall thereafter be maintained free of any visibility obstructions including Fencing of planting of shrubs to provide clear visibility between heights of 0.6 metre and 1 metre above the level of the adjoining highway.

Reason: In the interests of highway and pedestrian 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.

15 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.

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 October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

16 Before the development is commenced; a scheme showing details of the proposed access points (Vehicular), and footways in accordance with the siting, size, swept path analysis, dimensions and other details shown on the approved drawing shall be submitted to and approved by the Local Planning Authority. The access shall only be constructed in accordance with the approved details.

Reason: To ensure that the access is satisfactory in terms of highway safety and 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.

17 The development hereby approved shall not be occupied until the existing access has been closed, the highway reinstated and the new access has been constructed in accordance with the plans submitted to and approved by the Local Planning Authority.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and 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.

18 The building shall not be occupied until parking space(s) has/have been laid out within the site in accordance with the approved plans and shall not be used for any other purpose other than the 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.

19 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(1) 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). 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 Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

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

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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](http://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.

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.

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](mailto:cil@barnet.gov.uk).

#### Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

2. Residential Annexes or 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://legislation.gov.uk)

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

### 3 RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 20/08/18 unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The development does not include a formal undertaking to ensure that the future occupiers of the development are prevented from being able to obtain parking permits for the Controlled Parking Zone and in the absence of sufficient on-site parking to serve the residential units. The proposal would result in an increased demand for on street parking which would lead to increased kerbside parking, resulting in a detrimental impact on highway and pedestrian safety contrary to policy DM17 of the Adopted Barnet Development Management Policies DPD 2012.

## **Officer's Assessment**

The application was deferred from the last committee that was held on 23 April 2018.

### **1. Site Description**

The proposal site is on the northern side of the Vale and it previously contained a detached two storey dwellinghouse. The detached two storey dwellinghouse has been mostly demolished. No. 127 the Vale is located to the east of the application site and No. 131 the Vale is located to the west of the application site.

The area surrounding the proposal site is predominantly residential in character with a mixture of houses and some conversions.

The application site is not located within a conservation area and nor does it contain a listed building.

### **2. Site History**

Reference: 17/2340/FUL

Address: 129 The Vale, London, NW11 8TL

Decision: Approved following legal agreement

Decision Date: 25 August 2017

Description: Construction of building comprising 3no. self-contained units to replace previous dwellinghouse on site that has been demolished. The proposed building would reflect the approved extensions to ground floor, first floor and roof level to the previous dwellinghouse on site

Reference: 17/5999/CON

Address: 129 The Vale, London, NW11 8TL

Decision: Approved

Decision Date: 7 November 2017

Description: Submission of details of condition 13 (Vehicular sight line), Condition 14 (Vehicular access points), 15 (Demolition and Construction Method Statement) and 16 (Access points) pursuant to planning permission 17/2340/FUL dated 25/08/17

Reference: 17/6116/CON

Address: 129 The Vale, London, NW11 8TL

Decision: Approved

Decision Date: 10 October 2017

Description: Submission of details of condition 3 (Material) and condition 7 (Level) pursuant to planning permission 17/2340/FUL dated 25/08/17

Reference: 16/7691/FUL

Address: 129 The Vale, London, NW11 8TL

Proposal: Conversion of the existing single family dwelling into 4no. self-contained units including part single, part two storey side and rear extension following demolition of existing garage. New bay windows to front elevation and relocation of front entrance.

Extension to roof including 1no rear dormer window and 1no dormer window to both sides.

Associated site works including bin store area at front and cycle storage at rear garden.

Decision: Refused.

Decision Date: 27 January 2017

Reasons for the refusal of 16/7691/FUL:

1. The proposed conversion to flats would result in the loss of a single family dwelling house and would be harmful to the character of the locality of this road which is characterised by single family dwellings. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012.

2. The proposed development does not include a formal undertaking to meet the costs of amending the traffic order to prevent residents from obtaining parking permits. In the absence of this, the proposals would result in increased kerbside parking which would be detrimental to highway and pedestrian safety and the free flow of traffic. The proposal would therefore not address the impacts of the development, contrary to Policy CS9 and CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013) and policy DM17 of the Development Management Policies 2012.

The scheme was allowed at appeal on 28.11.2017. The decision is attached as an appendix.

Reference: 16/4086/PNH

Address: 129 The Vale, London, NW11 8TL

Proposal: Single storey rear extension with a proposed depth of 7 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres, .

Decision: Prior Approval Not Required.

Decision Date: 22 July 2016

Reference: 16/0215/192

Address: 129 The Vale, London, NW11 8TL

Proposal: Roof extension involving side and rear dormer windows to facilitate a loft conversion.

Decision: Lawful.

Decision Date: 10 March 2016

Reference: 16/0979/192

Address: 129 The Vale, London, NW11 8TL

Proposal: Single storey rear extension.

Decision: Lawful.

Decision Date: 1 March 2016

Reference: 16/0212/192

Address: 129 The Vale, London, NW11 8TL

Proposal: Single storey side extension.

Decision: Lawful.

Decision Date: 11 February 2016

### **3. Proposal**

Construction of building comprising 4no. self-contained units to replace previous dwellinghouse. Provision of 2 car parking spaces, Cycle storage, refuse and recycling



The proposed dwelling would replicate that externally allowed at appeal under reference 16/7691/FUL. The plans are essentially the same only the proposals involve the rebuilding of the building following its demolition.

The proposals comprise 3no. 2 bedroom flats and a studio in the roofspace.

2 Parking Spaces are proposed as opposed to the three previously approved.

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

Consultation letters were sent to 41 neighbouring properties.

8 responses have been received, comprising 8 letters of objection.

The objections received can be summarised as follows:

- the provision of only 2 parking spaces for 4 units is insufficient given the proximity to traffic lights and a busy road junction.
- The construction would not be in keeping with the area and would undoubtedly be incongruent.
- A serious hygiene issue would be posed regarding the bins in that a cluster of them in a confined space would attract rats and foxes.
- Such a construction would go against the Human Rights Act in particular Protocol 1 Article, 1 and Article 8
- The conversion of this family home into four flats is not in keeping with this area. The houses along this stretch of The Vale and the surrounds have been maintained as family houses and this creates a neighbourly, community and family orientated area that is greatly valued.
- Loss of light
- Loss of privacy and overlooking.
- Overdevelopment out of character
- Impact on Drainage
- Flats of low standard

#### **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 2016

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

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

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

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

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

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

Policy DM08 sets out Barnet's priorities for new dwellings.

Policy DM17 sets out aprkign standards for new development.

#### 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:

- Whether the principle of flats is acceptable in this location.
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

### **5.3 Assessment of proposals**

#### The principle of flats in this location

The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour

of sustainable development. Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed provided that it is not of high environmental value.

Policy 3.4 of The London Plan (2016 MALP) promotes the optimisation of housing output within different types of location.

Policy 3.8 of The London Plan also encourages the Council to provide a range of housing choices in order to take account of the various different groups who require different types of housing. Consideration will also be given to the accessibility of the site to services and amenities.

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.

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 dwellinghouses in roads characterised by dwellinghouses, this will not normally be appropriate.

An application for the conversion of the existing single family dwellinghouse on the application site into 4 no. self-contained units was refused on 27 January 2017 by the Planning Committee (ref: 16/7691/FUL). A reason for the refusal of this application was that "the proposed conversion to flats would result in the loss of a single family dwelling house and would be harmful to the character of the locality of this road which is characterised by single family dwellings".

This decision was subsequently overturned at appeal, with the planning inspector considering the conversion to four flats acceptable. This is now a material consideration which must be given significant weight in any future planning applications on the site.

In any event, evidence for other flats in the locality is included below:

The locality that surrounds the application site contains existing flatted residential development. According to council tax records the following properties contain flats:

- 183 the Vale, London, NW11 8TL = 2 flats
- 188 the Vale, London,, NW11 8SR = 6 flats
- 201 the Vale, London, NW11 8TN = 2 flats
- 237 the Vale, London, NW11 8TN = 2 flats
- 239 the Vale, London, NW11 8TN = 2 flats
- 259 the Vale, London, NW11 8TN = 2 flats

Planning permission has been granted on the following sites for the conversion of existing dwellinghouses into 2 no. flats:

- 76 The Vale, London, NW11 8SJ, ref: F/03390/14, approval date: 12.08.2014

- 92 The Vale, London, NW11 8SJ, ref: F/03603/13, approval date: 11.11.2013

Planning permission has been granted on the following sites for the conversion of existing dwellinghouses into 3 no. flats:

- 73 The Vale, London, NW11 8TJ, ref: 15/07734/FUL, approval date: 11.02.2016

- 83 The Vale, London, NW11 8TJ, ref: 16/2010/FUL, approval date: 31.05.2016

- 85 The Vale, London, NW11 8TJ, ref: 16/5093/FUL, approval date: 11.10.2016

- 107 The Vale, London, NW11 8TJ, ref: 15/04715/FUL, approval date: 28.08.2015

Due to the number of existing flats on the Vale and the number of recently approved flat conversions, it is considered that area surrounding the application site is characterised by flats.

The current proposal is considered to continue to provide family sized accommodation and the fact that this accommodation is provided as flats is acceptable due to character of the area.

Furthermore, 3 flats have already been approved on the site as a purpose built building. The difference between a purpose built or converted building makes little difference to the acceptability of flats.

For these reasons the having flats on the application site is acceptable in principle provided that the proposal meets the requirements described below.

#### Whether the proposal provides a satisfactory living environment 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.

#### Floor Area:

The 3 no. proposed flats have the following gross internal area (gia):

Flat 1 2 bedrooms 4 persons on 2 storeys 80 m<sup>2</sup>

Flat 2 2 bedrooms 3 persons on 1 storey 72.5 m<sup>2</sup>

Flat 3 2 bedrooms 3 persons on 1 storeys 64.4 m<sup>2</sup>

Flat 4 1 bedrooms 1 person on 1 storeys 41.7 m<sup>2</sup>

The London Plan (2016) and Barnet's policies and Sustainable Design and Construction SPD (Oct 2016) set out the minimum gia requirements for residential units. The minimum requirements are as follows:

- 1 bedroom unit for 1 person 37 m<sup>2</sup>

- 2 bedroom unit for 3 persons on a 1 storey requires 61 m<sup>2</sup>

- 2 bedroom unit for 4 persons on a 2 storey requires 79 m<sup>2</sup>

It is considered that the 4 no. flats all meet this requirement.

#### Bedroom size:

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 m<sup>2</sup> and is at least 2.15m wide to comply with the nationally described space standard.
- Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and minimum width should be 2.75 m to comply with the nationally described space standard.

All the bedrooms in the proposed 4 no. flats meet these standards.

#### Floor to ceiling height:

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling. All of the proposed flats have floor to ceiling heights that meet this requirement.

#### Light/outlook:

Barnet's Sustainable Design SPD (Oct 2016) states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and that habitable rooms should receive adequate outlook. It is considered that all the habitable rooms have enough glazing to provide adequate outlook and to receive adequate daylight/sunlight.

#### 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. It is considered provided that sufficient sound insulation is provided that the proposed room stacking is adequate to prevent the future occupiers of the proposed 4 no. flats to suffer a material loss of amenity as a result of noise and disturbance.

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

#### Amenity Space:

Table 2.3 of Barnet's Sustainable Design SPD (Oct 2016) states that flats should have 5 m<sup>2</sup> of amenity space per habitable room. Rooms with a with an internal floor space of greater than 20 m<sup>2</sup> are counted as 2 habitable rooms.

Flat 1 has 4 no. habitable rooms and requires 20 m<sup>2</sup> of amenity space.

Flat 2 has 4 no. habitable rooms and requires 20 m<sup>2</sup> of amenity space.

Flat 3 has 4 no. habitable rooms and requires 20 m<sup>2</sup> of amenity space.

Flat 4 has 2 no. habitable rooms and requires 10 m<sup>2</sup> of amenity space.

Flat 1 and Flat 2 are both provided with private gardens with areas of 28 m<sup>2</sup>. Flat 3 has access to a communal gardens with a size of 60 m<sup>2</sup>.

For these reasons it considered that the 3 no. flats are provided with adequate on site amenity space.

#### Accessibility:

The London Plan Housing SPG (March 2016) states that "new build housing should meet building Regulation requirement M4(2)". As the proposal involves the demolition of the existing building and the construction of a new building it is considered that it is necessary to apply this standard. In order to comply with part M4(2), the flats would need to provide level access (lifts). The Housing SPG accepts that "in certain specific cases, the provision of a lift where necessary to achieve this aim, may cause practical difficulties, make developments unviable and/or have significant implications for the affordability of service charges for intended residents". If proposals do not include step free access then the Housing SPG (March 2016) requires that the applicant should clearly demonstrate that achieving step

free access would make the development unviable or would mean that service charges are not affordable for the intended residents; the Local Planning Authority would assess this accordingly.

The proposal does not contain a lift access and to justify this applicant submitted information concerning the financial viability of the proposal. Barnet's Property Services Team appraised the scheme and it was considered that the provision of a lift would make the scheme financially unviable. For this reason it is considered acceptable for the proposal not to provide lift access.

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

The proposed property has the same size, height, position, bulk, and design as the extended property that was approved through application 16/4913/HSE. There are differences in the fenestration between the proposed building and the one that was previously approved. The proposed building has 1 no. additional front roof light, 1 no. ridge roof light and additional glazing at ground floor level on the property's western side elevation. Due to their size and position, the proposed 1 no. front roof and the 1 no. ridge roof light are not considered to visually clutter the proposed property. The proposed glazing at ground floor level is the same height and design as the glazing at the rear of the previously approved property. For these reasons the proposed property is not considered to appear incongruous on the application site or within the streetscene.

Details of enclosures and screened facilities for the bin storage shall be secured through condition in order for the bins not to have a negative visual impact on the character of the streetscene.

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

DM01 requires that development proposals should not have a material negative impact on the amenity of the occupiers of neighbouring and adjoining properties

The proposed property has the same size, height, and position as the extended property that was approved through application 16/4913/HSE. The impact of the current proposal on the amenities of the occupiers of neighbouring and adjoining properties in terms of a loss of daylight/sunlight, a loss of outlook or an overbearing impact is considered to be no worse than the impact on the extended building approved through 16/4913/HSE. The overlooking of neighbouring and adjoining properties from the proposed 1 no. front roof light and the proposed 1 no. ridge roof light is considered to be no worse than the overlooking from the windows that were previously approved through 16/4913/HSE.

To protect the privacy of the occupiers of neighbouring and adjoining properties a condition shall be included in the decision notice requiring that the windows on the eastern elevation facing No. 127 the Vale and the windows on western elevation facing No. 131

the Vale are obscure glazed and permanently fixed shut. Furthermore, a condition shall be included in the decision notice requiring that neither the roof of the single storey rear projection or the roof of the single storey side projection are used as a balcony/sitting out area.

The existing floor plans of the extended property 16/4913/HSE show the property as providing accommodation for 10 no. people. The 3 no. proposed flats would provide accommodation for 11 no. people. The proposal would only increase the number for occupiers on the application site by 1 no. person and there are other examples of existing flats on the Vale. For these reasons the proposed conversion is not considered to cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of noise and disturbance from people coming and going from the application site and occupying the site.

### Parking and Highways

Policy DM17 concerns the parking standards for new developments. It states that flats with 2 to 3 bedrooms are required to have 1.5 to 1 parking space and flats with 1 bedroom are required to 1 to less than 1 space. The application site has PTAL of 2 which is considered poor. For these reasons the proposal is considered to require up between 3 to 5.5 no. parking spaces.

The proposal includes 2 no. onsite parking spaces. This is a shortfall of one space. Taking into consideration that the site is located within walking distance of a town centre and the site is located within a Controlled Parking Zone, the proposed parking is considered acceptable subject to a S106 restriction on residents parking permits.

It was commented that the applicant will need to demonstrate that the proposed access from the public highway can be installed without impacting on the pedestrian crossing. Details of how this can be achieved must be submitted to Barnet's Highways Officers after the determination of the application. 8 no. cycle parking spaces are proposed to the rear of the property which is in accordance with the standards defined in the London Plan.

For these reasons the proposal is considered to be acceptable on highways grounds.

Refuse and recycling storage Barnet's Provision of Household Recycling and Waste Service document (2017) contains

the recommended requirement for waste and recycling provision for new developments.

Collectively the proposed 4 no. flats require the following onsite bin provision:

- 1 no. 660 Litre house hold refuse bin
- 2 no. 240 Litre blue recycling bins
- 4 no. 240 Litre garden waste bins
- 4 no. 23 Litre brown food waste recycling bins

There is considered to be adequate space within the front amenity space of the property for the required bin storage. The waste and recycling storage area at the front of the property is located within 10 meters of the public highway so therefore it is easily accessible on collection day.

Details of enclosures and screened facilities for the bins shall be secured through a condition in order for them not to have a negative visual impact on the character of the streetscene.

For these reasons the waste and recycling storage provision is considered to be acceptable.

## 5.4 Response to Public Consultation

The bulk of the comments are addressed in the main report. It is worth noting that essentially the same scheme was allowed at appeal by a planning inspector, with the only difference that this involved the conversion of the existing property as opposed to demolition and construction of a building. The resulting building essentially would be the same.

Dealing with the comments in turn:

- The provision of only 2 parking spaces for 4 units is insufficient given the proximity to traffic lights and a busy road junction. - *Addressed in main report, a legal agreement is provided to prevent residents of the development from obtaining parking permits*
- The construction would not be in keeping with the area and would undoubtedly be incongruent. *Addressed in main report*
- A serious hygiene issue would be posed regarding the bins in that a cluster of them in a confined space would attract rats and foxes. *This is principally an Environmental Health matter*
- Such a construction would go against the Human Rights Act in particular Protocol 1 Article, 1 and Article 8 *It is not considered, taking into account the Human Rights Act, that any individual would be prejudiced by the proposals*
- The conversion of this family home into four flats is not in keeping with this area. The houses along this stretch of The Vale and the surrounds have been maintained as family houses and this creates a neighbourly, community and family orientated area that is greatly valued. *Addressed in main report*
- Loss of light- *Addressed in main report. The footprint of extension has already been approved*
- Loss of privacy and overlooking. - *Addressed in main report. The footprint of extension has already been approved*
- Overdevelopment out of character - *Addressed in main report. The footprint of extension has already been approved*
- Impact on Drainage - *The proposals are unlikely to have harmful impact, a condition is attached requiring a landscaping scheme that will ensure appropriate drainage*
- Flats of low standard - *Addressed in main 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

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.





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