

**MEETING**

**HENDON AREA PLANNING COMMITTEE**

**DATE AND TIME**

**WEDNESDAY 27TH MARCH, 2019**

**AT 7.00 PM**

**VENUE**

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

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

Chairman: Councillor Brian Gordon LLB  
Vice Chairman: Councillor Elliot Simberg

Councillor Gill Sargeant                      Councillor Nizza Fluss                      Councillor Helen Richman  
Councillor Golnar Bokaei                      Councillor Ammar Naqvi

**Substitute Members**

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

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: Faith.Mwende@barnet.gov.uk 020 8359 4917

Media Relations contact: Gareth Greene 020 8359 7039

**ASSURANCE GROUP**

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## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	MINUTES	5 - 10
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)	
	<b>Hendon Ward</b>	
5.	49 Finchley Lane London NW4 1BY - 19/0081/FUL	11 - 28
6.	366 Watford Way London NW4 4XA -19/0102/FUL	29 - 48
7.	31 Ravenshurst Avenue London NW4 4EG - 18/7156/FUL	49 - 66
	<b>Colindale Ward</b>	
8.	130 Colindale Avenue London NW9 4AX - 19/0017/FUL	67 - 74
	<b>Hale Ward</b>	
9.	21 Elmgate Gardens Edgware HA8 9RU - 18/7271/HSE	75 - 86
	<b>West Hendon Ward</b>	
10.	6 Neeld Crescent London NW4 3RR - 18/6354/FUL	87 - 102
11.	5 Neeld Crescent London NW4 3RP - 18/6978/FUL	103 - 116
12.	Any Item(s) the Chairman decides are urgent	
13.	Addendum (if applicable)	

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## Decisions of the Hendon Area Planning Committee

18 February 2019

Members Present:-

AGENDA ITEM 1

Councillor Brian Gordon (Chairman)

Councillor Simberg (Vice-Chairman)

Councillor Gill Sargeant  
Councillor Golnar Bokaei  
Councillor Nizza Fluss

Councillor Ammar Naqvi  
Councillor Helene Richman

### 1. MINUTES

**RESOLVED** that the minutes of the meeting held on 10<sup>th</sup> January 2019 be approved as a correct record.

### 2. ABSENCE OF MEMBERS (IF ANY)

None.

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

None.

### 4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

### 5. ADDENDUM (IF APPLICABLE)

The Committee noted the addendum.

### 6. 6 NEELD CRESCENT LONDON NW4 3RR - 18/6354/FUL (AGENDA ITEM 13)

Councillor Richman moved the motion to defer this item to the next meeting as objectors directly affected by the planning application and wishing to make representations at the meeting were unavailable to attend. The motion was seconded by Councillor Bokaei,

Votes on the motion to defer were recorded as follows:

For: 5

Against: 0

Abstain: 2

The Committee therefore **RESOLVED TO DEFER** the item to the next meeting.

### 7. 31 RAVENSHURST CLOSE NW4 4EG - 18/7156/FUL (AGENDA ITEM 7)

The Planning Officer explained that due to inconsistencies in the report that required amending, the application would be deferred to the next meeting.

The application was therefore **DEFERRED** to the next meeting.

**8. LAND TO THE NORTH OF RIDGEWAY THE RIDGEWAY LONDON NW7 1QU - 18/6924/FUL (AGENDA ITEM 14)**

The Planning Officer introduced the report which related to Land to the North of the Ridgeway London, NW7 1QU.

An oral representation in objection was made by a member of the Mill Hill Preservation Society.

An oral representation was made by the agent on behalf of the applicant.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to refuse the application.

Votes were recorded as follows:

For: 4  
Against: 3  
Abstain: 0

The Committee therefore **RESOLVED TO REFUSE** the application as outlined in the officer's report.

**9. 210 HENDON WAY LONDON NW4 3NE - 18/6929/FUL (AGENDA ITEM 6)**

The Planning Officer introduced the report which related 210 Hendon Way London NW4 3NE.

An oral representation in objection was made by Mrs Ahuva Cohen.

An oral representation was made by the agent on behalf of the applicant.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve subject to conditions.

Votes were recorded as follows:

For: 5  
Against: 2  
Abstain: 0

The Committee therefore **RESOLVED TO APPROVE** the application subject to conditions as outlined in the officer's report.

**10. 9 BURROUGHS GARDENS LONDON NW4 4AU - 18/7001/FUL (AGENDA ITEM 8)**

The Planning Officer introduced the report which related 9 Burroughs Gardens, London NW4 4AU.

An oral representation in objection was made by Mr David Pixner.

An oral representation in support was made by Mr Jeremy Stein.

An oral representation was made by the agent on behalf of the applicant.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve subject to conditions.

Votes were recorded as follows:

For: 6  
Against 0  
Abstain: 1

The Committee therefore **RESOLVED TO APPROVE** the application subject to conditions as outlined in the officer's report.

Councillor Sargeant left the meeting at 19.33 due to illness, so for the remaining items six remaining members voted.

**11. 33 EDGWAREBURY LANE EDGWARE HA8 8LJ - 18/6555/FUL (AGENDA ITEM 10)**

The Planning Officer introduced the report which related 33 Edgwarebury Lane HA8 8LJ.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report and addendum, which was to approve subject to conditions.

Votes were recorded as follows:

For: 6  
Against: 0  
Abstain: 0

The Committee therefore **RESOLVED TO APPROVE** the application subject to conditions as outlined in the officer's report and addendum.

**12. 77 AND 79 DEVONSHIRE ROAD LONDON NW7 1DR - 18/6976FUL (AGENDA ITEM 15)**

The Planning Officer introduced the report which related to 77 and 79 Devonshire Road London, NW7 1DR.

Having registered to speak, Mr Khatri was no longer able to attend the meeting. He submitted a written representation which was circulated to Members before the meeting.

An oral representation was made by the agent for the applicant.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report and the addendum, which was to approve subject to conditions.

Votes were recorded as follows:

For: 6  
Against: 0  
Abstain: 0

The Committee therefore **RESOLVED TO APPROVE** the application subject to conditions as outlined in the officer's report and addendum.

**13. 186 HIGH STREET EDGWARE HA8 7EX - 18/4685/FUL (AGENDA ITEM 9)**

The Planning Officer introduced the report which related to 186 High Street Edgware, HA8 7EX.

An oral representation was made by the agent Mrs Jill Bell on behalf of the applicant.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report and the addendum, which was to approve subject to conditions.

Votes were recorded as follows:

For: 6  
Against: 0  
Abstain: 0

The Committee therefore **RESOLVED TO APPROVE** the application subject to conditions as outlined in the officer's report and addendum

**14. 13 BRENT STREET LONDON NW4 2EX - 18/4899/FUL (AGENDA ITEM 11)**

The Planning Officer introduced the report which related to 13 Brent Street London, NW4 2EX.

An oral representation was made by the agent Mr Eli Pick on behalf of the applicant.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve subject to conditions.

Votes were recorded as follows:

For: 6  
Against: 0  
Abstain: 0

The Committee therefore **RESOLVED TO APPROVE** the application subject to conditions as outlined in the officer's report.

**15. 13 BRENT STREET LONDON NW4 2EX - 18/4900LBC (AGENDA ITEM 12)**



The Planning Officer introduced the report which related to 13 Brent Street London, NW4 2EX.

An oral representation was made by the agent Mr Eli Pick on behalf of the applicant.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve subject to conditions.

Votes were recorded as follows:

For: 6

Against: 0

Abstain: 0

The Committee therefore **RESOLVED TO APPROVE** the application subject to conditions as outlined in the officer's report.

**16. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT**

Members asked that the next meeting in March be changed to Wednesday 27<sup>th</sup> March 2019 as several members have another commitment on the scheduled date. The Chairman and Committee agreed to this change.

Site visits for the meeting would be held on the morning of Tuesday 26<sup>th</sup> March.

The Chairman noted that the meeting scheduled for 16<sup>th</sup> May clashed with party group meetings and suggested a change of date to Thursday 23<sup>rd</sup> May. The Committee agreed with this change.

The meeting closed at 20.02

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**Location**                    **49 Finchley Lane London NW4 1BY**

**Reference:**                **19/0081/FUL**

Received: 7th January 2019

Accepted: 10th January 2019

Ward:                        Hendon

Expiry 7th March 2019

Applicant:                Mr Gaetano Maddalena

Proposal:                Conversion of existing house and self-contained flat into 6 no. self-contained flats including a two storey rear extension and roof extension with 3no. side dormer windows. Provision of 4no. additional off-street parking spaces and associated access and refuse/recycling storage. Conversion of garage into habitable room.

AGENDA ITEM 5

**Recommendation:** Approve subject to conditions

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

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans:
  - BS 529-01
  - BS 529-02
  - BS 529-03 Rev B
  - BS 529-04 Rev C
  - BS 529-05 Rev A
  - Planting Plan by Claire Stenson
  - Plant Specification by Claire Stenson

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

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

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

- 5 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.

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

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

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

7

a) 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, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

8

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 dust, noise and vibration pollution.

For major sites, the Statement shall be informed by the findings of the Assessment of the Air Quality Impact of construction.

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2011).

- 9 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic noise/mixed use has been submitted to and approved in writing by the Local Planning Authority.  
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 the amenities of occupiers are not prejudiced by traffic noise/mixed use in the immediate surroundings, 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 2011.

- 10 No works on public highway including creation or modification of a vehicular access as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans.

The applicant will be expected to enter into with the Highways Authority under Section 278 Agreement of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on public highway are carried out to the satisfaction of the highway authority in the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 11 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.  
b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

- 12 The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition 12 shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

Reason: To ensure all specified on site monitoring and tree protection measures are adhered to.

- 13 a) The approved scheme of soft landscaping as detailed in the Planting Plan and Plant Specification shall be carried out in full.

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

- 14 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.

- 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 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.

- 17 Prior to occupation of the development the proposed parking spaces as shown in Drawing BS 529-04 - Rev.A submitted with the planning application and the access to the parking spaces from public highway shall be provided. 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.

- 18 a) Before the development hereby permitted is first occupied, details of the subdivision of the amenity area 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).

**Informative(s):**



1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

2 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."

3 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

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

Please Note: A maximum width of a crossover allowed from a public highway is 4.8 metres.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

4 Any highway approval as part of the planning process for the reinstatement or alteration to the existing access/crossovers or provision of a new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense including any relocation of street furniture, lighting columns or amendments to parking bays affected by the proposed works. Any alterations to on-street parking bays will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process. An estimate for this work could be obtained from London

Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 5 Any works on public highway such as reinstatement of the existing crossovers to footway level, provision of a new crossovers or an access off the public highway and relocation of street furniture including lighting columns to facilitate the development would need to be carried out by the Council's term contractors at the applicant's expense.

This proposal may also impact on existing on-street Controlled Parking Bays. Any alterations to on-street parking bays will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process.

Works on public highways to facilitate the development will be carried out under the S278/184 Agreement of the Highways Act 1980 or can be charged under a rechargeable works agreement.

- 6 The applicant is advised that any alterations to on-street waiting and or loading restrictions will be subject to a statutory consultation period and amendment to Traffic Management Order (TMO). The Council cannot prejudge the outcome of the consultation process.

The applicant is advised that a separate application would need to be made to the Council's Highway Authority. The amendments if approved will be carried out at the applicant's expense. Advice on amendments to waiting restrictions if required and the estimated cost for the works can be obtained from Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

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

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

- 8 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
  
- 9 : The applicant is advised that due to the large number of schools and school children in the area that site deliveries during the construction period should not take place between 0800 hrs to 0900hrs and 1500 hrs to 1600 hrs. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.
  
- 10 The applicant is advised that the bin store will need to be located within 10m of public highway with clear access to the bin store on collection days otherwise the dustbins will need to be brought to the edge of public highways. The applicant is advised to contact the Refuse Collection Team for further advice on refuse collection arrangement in the borough.
  
- 11 The applicant is advised that Finchley Lane (the whole length) is Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm from Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Crossover Team in Development and Regulatory Services should be consulted in this respect.

## Officer's Assessment

### 1. Site Description

The application site comprises of a rectangular plot of land approximately 609sqm currently occupied by a two-storey detached dwelling, no.49 Finchley Lane, currently in use as a single family dwellinghouse.

The site is located on the northern side of Finchley Lane, bounded by Tenterden Grove to the north, within the ward of Hendon.

The site lies on the outside of the north-eastern edge of the Brent Street Town Centre. The existing property is not listed and the site does not lie within a conservation area.

There are purpose built blocks of flats to the east (Natalie Court) and to the north (Raymead and Winsford Court). Opposite the site, on the south side of Finchley Lane, is Hendon Baptist Church and Nancy Reuben Primary School.

### 2. Site History

There is no relevant planning history at this site. However it should be noted that there is relevant planning history at a nearby site; planning permission was granted at 47 Finchley Lane, located at the confluence of Finchley Lane and Tenterden Grove for the redevelopment of the site comprising of 5no self contained flats. Associated refuse and recycling, cycle store, amenity space and associated on site parking. This application was considered at Committee on 29 November 2018 and approved on 6 December 2018.

### 3. Proposal

The applicant seeks a two-storey rear extension and roof extension with 3no side dormers, conversion of garage into habitable room and conversion of the property into 6no self-contained units of various sizes. The proposed extension would have a maximum depth of 4 metres, height of 8.5 metres and extend across the entire width of the rear façade, incorporating an outrigger element with a pitched roof to match the existing property.

The proposed external materials and fenestration for the extension are to match those used within the existing property.

4 no. off street parking spaces would be provided to the front of the property and 2no to the rear, accessed from Tenterden Grove.

### 4. Public Consultation

Consultation letters were sent to 126 neighbouring properties.

Amended drawings reducing the proposed roof form and centralising the rear fenestration and an additional planting plan were received on 11th March

5 responses have been received, comprising 5 letters of objection.

The objections received can be summarised as follows:

- Size, bulk, mass and height is too large for the proposed site;
- Overdevelopment of the site;
- Overprovision of flats in the area;
- Overlooking;
- Overshadowing;
- Increase in traffic;
- Concerns regarding loss of existing vegetative screening to rear
- Inadequate parking provision
- Inadequate Refuse provision.
- Highway Safety issues
- Loss of light
- Loss of visual amenity

The application has been called in by Cllr Richman citing the planning reason as 'loss of family dwelling'.

## 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 24 July 2018. 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.

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

## Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM17.

## Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)  
Sustainable Design and Construction SPD (adopted October 2016)

### 5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development for flats;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate accommodation is provided for future occupiers;
- Highways and parking provision.

### 5.3 Assessment of proposals

#### Amended drawings

Amended drawings were received on 11th March 2019 showing the following changes:

- Introduction of a Planting Plan and species list.
- Alterations to proposed roof form and rear façade.
- Alterations to size of units to provide one family sized unit within the development and reduction of one unit to a studio.

#### Principle of development

In assessing whether flats are appropriate in this location, Barnet policy DM01 of the Development Management Policies document states that consideration should be given to the character of the road and where proposals involve the loss of houses in roads characterised by houses, this will not normally be appropriate.

From conducting a site visit and a desk-based analysis, it is evident that along this stretch of Finchley Lane, there is a mixture of single family units, flat conversions and new flatted developments. Planning Officers are therefore of the opinion that the loss of a single family dwelling can be accepted in this instance and the principle of redeveloping the site for flats is considered appropriate, particularly given the provision of one family sized unit within the scheme.

The location of the site on the edge of the Brent Street Town Centre designation is considered to hold further favourable weight in terms of the appropriateness of flats. The NPPF and the London Plan infers a presumption for sustainable development with a higher

development density close to and within town centres and along key highway routes. However, while the principle may be considered acceptable, the overall acceptance of any scheme on this site will be dependent on all other matters being considered acceptable.

The proposed development would provide a mix of dwelling types, comprising 1 x 1 studio unit, 1 x 1 bedroom unit, 3 x 2 bedroom units and 1 x 3 bedroom units. The proposed mix of dwellings is considered to be appropriate and does not raise any specific concerns. The application was called in citing the loss of single family dwelling house by a councillor. These concerns were discussed with the applicant and the mix of dwelling types was reconsidered in order to provide a three bedroom unit to the ground floor in order to ensure that the development does retain a family sized unit.

Impact on the character and appearance of the site, streetscene and wider locality

Barnet 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.

When assessing the context of the street, Finchley Lane consists of a variety of densities and property styles, with the middle and eastern end of the street being of a lower density, comprising mainly of large two-storey detached and semi-detached properties. Whereas, the western end of the street consists of a higher density and commercial premises, with the beginning of the boundary of the Brent Street Town Centre.

The application is a large rectangular plot of 609sqm with significant vegetation, and in particular a large tree to the rear forming part of the rear boundary fence facing Tenterden Grove. The front of the property benefits from an existing access point and large hard standing.

The current scheme proposes to introduce a two-storey rear extension result in a stepped rear façade with a pitched roof and 2 x two storey bay elements and introduce no3 dormers, 2 on the side elevation facing no.51 Finchley Lane and no1 to the rear.

Accommodation is spread over 3 floors including within roof space.

The primary level access entrance into the building is from Finchley Lane with a secondary entrance off Tenterden Grove.

Car parking is located to the front and the rear of the property with 4no at the front and 2no to the rear of the building with access off Tenterden Grove.

The current property on the site is considerable and the extensions will increase the scale and mass of the building. However the proposed footprint of the building would be comparable to the adjacent neighbouring properties, both of which are flatted developments.

A more traditional approach to the form of the scheme has been adopted, with the proposed extensions considered to match the existing gable and hipped roof forms of the property and result in an additional that would be sympathetic of the existing design and form of the property. The proposed depth of 4 metres to the rear is compliant with the Residential Design guidance SPD.

The proposed conversion of the garage into a habitable room includes the replacement of the garage door with a window to match the fenestration of existing property. It is considered the proposed alteration would be acceptable.

Dormers are included to the east and northern elevations serving the top floor apartment located within the roof space of the property, significantly under half the width and height of each roof slope, compliant the dormer guidance stipulate within the Residential Design Guidance SPD.

Based on the above described details, it is considered that the scheme proposed would not cause harm to the character and appearance of the existing site, street scene and wider locality and is therefore acceptable in this respect.

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

The main amenity impacts to be assessed are to the adjacent buildings Richmond House (no51 Finchley Lane) and Natalie Court (no.47 Finchley Lane).

Richmond House rear building line currently extends beyond that of the application site by approximately 4 metres. The proposed two storey rear extension would result in an almost flush building line with the neighbouring occupier set back approximately 3 metres from the shared boundary. It is considered that given the extension will almost be flush and the significant set back from the boundary the proposed extensions would not result in any unacceptable levels of harm to the amenity of the neighbouring occupiers. Regarding the proposed dormers along the eastern roof slope, given the limited amount of fenestration along this boundary wall at no.51 and the height difference along the street the side dormers are not considered to result in any issues of overlooking or impact the privacy of any occupiers at no.51 in accordance with Policy DM01 of the Development management Policies DPD.

Regarding the amenity of Natalie Court, the neighbouring property is situated at a higher level than the application site due to the topography of Finchley Lane. The proposed extension would result in a protrusion of approximately 3.5 meters past the rear building line of the neighbouring property, set back a minimum of 3 meters from the shared boundary. There is limited fenestration along the side boundary facing the application site at no.51 Finchley Lane. Officers consider that given the level changes, limited fenestration and set back of the extension from the shared boundary the resultant protrusion would not be of such that would cause unacceptable harm to the amenity of the neighbouring occupiers in accordance with Policy DM01 of the Development Management Polices DPD.

Regarding the neighbours to the rear of the property no.17 and no.19 Tenterden Grove and Winsford Court are sited approximately 25 metres from the proposed development. Barnet's Residential Design Guidance SPD (2016) states in relation to privacy and outlook, that in new residential developments, there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking. The separation distances between the proposed development and the existing buildings to the north would meet this standard and as such Planning Officers do not consider that overlooking would be a significant issue in this instance.

The letters of representation also raise the concern of the potential overshadowing created from the proposed development. However, Planning Officers would consider that given the distance between the sites, it is unlikely that the proposed development would result in unacceptable impacts of loss of light or overshadowing.



Whether adequate accommodation is provided for future occupiers

In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. Table 3.3 within Policy 3.5 of the London Plan 2016 provides minimum space standards for new dwellings. The proposal consists of the following units:

Flat 1 - 3b5p 86sqm  
Flat 2 - 2b3p 61sqm  
Flat 3 - 1b2p 57sqm  
Flat 4 - 2b3p 61sqm  
Flat 5 - 1b1p 37sqm  
Flat 6 - 2b3p 65sqm

All of the units would exceed the minimum space standards.

The application proposed to provide a large communal garden with significant soft landscaping with a size of approximately 230sqm.

There are several examples of flatted development along Finchley Lane that provide limited or no outdoor amenity space.

Using the guidance within the Sustainable Design and Construction SPD the development should provide 100sqm of amenity space for the number of units and occupancy levels proposed. The proposed space is significantly over this will an additional 130sqm proposed.

Although the amenity space proposed is communal, it is considered acceptable considering the garden provided will be of high quality with significant soft landscaping. Thus it is considered the proposed would be adequate and provide high quality outdoor space for future occupiers.

Officers do have concerns reading privacy for the downstairs rear flat given that the fenestration of the large bedroom and living area unit will face the communal garden. Officers will attach a conditions to provide details of boundary treatment and subdivision of amenity space in order to ensure that there is some form of screening for the future occupier of this unit to ensure their privacy is maintained. This may reduce the amount of communal garden retained for the occupiers of the other units, however considering that the development provides over 130sqm of outdoor space than require it isn't considered any proposed division would result in unacceptable levels of outdoor amenity space for other occupiers.

Highways and parking provision

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 1 bedroom units	0.0 - 1.0 space per unit
For 2 and 3 bedroom units	1.0 - 1.5 spaces per unit

Based on the above parking standards, the parking requirement for the proposed development is calculated as follows:

2 x 1b = a range of (0.0 - 1.0) = 0.0 - 2.0 parking spaces required  
3 x 2b = a range of (1.0 - 1.5) = 3.0 - 4.5 parking spaces required  
1 x 3b = a range of (1.0 - 1.5) = 1.0 - 1.5 parking spaces required

This equates to a range of parking provision of between 4 to 7.5 parking spaces to meet the Barnet Local Plan parking standards contained in Policy DM17.

6 parking spaces are being provided, with four accessed via Finchley Lane and 2 accessed from Tenterden Grove which is considered to be acceptable.

A cycle store is proposed at ground floor level. 9 no. cycle spaces are required in accordance with the London Plan Cycle Parking Standards and a suitable planning condition will be attached to any planning permission in order to secure these.

#### Trees

The application site is adjacent to a protected TPO area along Tenterden Grove. The tree located along the boundary to the rear is not a TPO. The internal Tree officers have reviewed the application and subject to a tree management and protection plan consider the proposed acceptable on tree grounds. These details will be secured via way of a condition prior the commencement of the development.

The applicant has also provided a soft landscaping plan details the proposed introduction of soft vegetative screening around the boundary of the site and the perimeter of the building. The soft landscaping plan proposed will be conditioned to ensure it is carried out and provides a high quality communal outdoor living space post development and thereafter.

#### 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% 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 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.

The refuse storage is to be located at the east end of the site. This is easily accessible from Finchley Lane. Officers have not been provided with specific details including any proposed containment structure or the number of bins to be provided. These details will be secured via a condition attached to the decision.

#### 5.4 Response to Public Consultation

The issues raised within the letters of representations have been addressed throughout the report.

#### 6. Equality and Diversity Issues

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

#### 7. Conclusion

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



**Location**                    **366 Watford Way London NW4 4XA**

**Reference:**                **19/0102/FUL**

Received: 8th January 2019

Accepted: 9th January 2019

Ward:                        Hendon

Expiry 6th March 2019

Applicant:                Mr Harris

Proposal:                Conversion of existing single dwelling into 10no. bed HMO (House in Multiple Occupancy) including a single storey rear extension

AGENDA ITEM 6

**Recommendation:** Approve subject to conditions

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

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

Planning statement by Adara

Site location plan

Existing and proposed ground floor plan drwg no. 01 Rev B

Existing and proposed first floor plan drwg no. 02 Rev B

Existing and proposed loft plan drwg no. 03 Rev B

Existing and proposed roof plan drwg no. 04 Rev B

Existing and proposed front elevation drwg no. 05

Existing and proposed side elevations drwg no. 01 Rev D

Existing and proposed rear elevations drwg no. 07

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 Before the building hereby permitted is first occupied the proposed door in the north elevation facing no. 368 Watford Way shall be glazed with obscure glass only and shall be permanently retained as such thereafter.

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).

- 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 unit(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 development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when

compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

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

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

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

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

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

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

- 11 a) Prior to the relevant phase of the development, a landscaping plan comprising details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, has be 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.

- 12 The House of Multiple Occupation hereby approved must be occupied by no more than 10 persons at any time.

Reason: To safeguard the amenities of neighbouring occupiers in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

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

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. 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 HMO standards include means of escape, structural fire protection, automatic fire detection, emergency lighting and firefighting equipment and in the usual course of events we would expect that the Building Regulations will be satisfied with respect to these matters. Please note that our standards refer to the LACORS 'Guidance on fire

safety provisions for certain types of existing housing' which we apply in relation to licensing and other Housing Act functions usually after consultation with the London Fire Brigade where necessary. A copy of this document can be obtained as follows:

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RH15 9TL

Or on line at

[http://www.cieh.org/library/Knowledge/Housing/National\\_fire\\_safety\\_guidance\\_08.pdf](http://www.cieh.org/library/Knowledge/Housing/National_fire_safety_guidance_08.pdf)

- 4 For the avoidance of any doubt, if more than ten individuals occupy the site as a HMO then a material change of use requiring express planning permission may occur.

## **Officer's Assessment**

### **1. Site Description**

The application site is a two-storey semi-detached single-family dwelling on the east side of Watford Way within the ward of Hendon. The property has been extended under planning ref 17/7009/192 by way of roof extension involving hip to gable, rear dormer window, 1no. rooflight to front and new gable window to side elevation to facilitate a loft conversion and benefits from a bay window with double doors and an extension to facilitating a utility room with a roof terrace above. The depth of the extension is 1.71m, with a width of 2.62m and a height of 2.98m.

The site is predominantly surrounded by residential uses with two-storey semi-detached dwellings either used as single-family units or as self-contained flats, with houses of multiple occupancy also located within Watford Way. Sunny Hill Park is located east of the application site. Middlesex University London is located approximately 1 mile south of the application site.

The application site is located within the Hendon Ward. It is not located within a conservation area, nor is it located within close proximity to listed buildings or site of archaeological importance.

### **2. Site History**

Reference: 17/0762/192

Address: 366 Watford Way, London, NW4 4XA

Decision: Unlawful

Decision Date: 4 April 2017

Description: Two storey rear extension. Roof extension involving hip to gable, rear dormer window with Juliette balcony, 2no. rooflights to front elevation to facilitate a loft conversion

Reference: 17/6957/PNH

Address: 366 Watford Way, London, NW4 4XA

Decision: Prior Approval Required and Refused

Decision Date: 8 November 2017

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.85 metres and maximum height of 3 metres

Reference: 17/7009/192

Address: 366 Watford Way, London, NW4 4XA

Decision: Lawful

Decision Date: 14 November 2017

Description: Roof extension involving hip to gable, rear dormer window, 1no. rooflight to front and new gable window to side elevation to facilitate a loft conversion

Reference: 17/7379/PNH

Address: 366 Watford Way, London, NW4 4XA

Decision: Prior Approval Required and Refused

Decision Date: 20 December 2017

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.85 metres and maximum height of 3 metres

Reference: 18/0152/PNH

Address: 366 Watford Way, London, NW4 4XA

Decision: Prior Approval Required and Refused

Decision Date: 25 January 2018

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.85 metres and maximum height of 3 metres.

Reference: 18/0289/HSE

Address: 366 Watford Way, London, NW4 4XA

Decision: Pending Decision

Decision Date: No Decision Made.

Description: Single storey rear extension

Reference: 18/4210/191

Address: 366 Watford Way, London, NW4 4XA

Decision: Unlawful

Decision Date: 04.09.2018

Description: Conversion of existing dwelling into 5 bed HMO (House in multiple occupancy)

Reference: 18/2226/FUL

Address: 366 Watford Way, London, NW4 4XA

Decision: Approved at Committee subject to conditions

Decision Date: 16.10.2018

Description: Conversion of existing single dwelling into 7no. bed HMO (House in Multiple Occupancy) and single storey rear extension

Reference: 19/0963/191

Address: 366 Watford Way, London, NW4 4XA

**Decision:** Pending Decision

Decision Date: No Decision Made.

Description: Use as 7 bedroom HMO (House in Multiple Occupancy) for 14 people in accordance with Barnet planning permission reference 18/2226/FUL.

### **3. Proposal**

This application seeks planning permission for the conversion of existing 4no. bed 7no. person single family dwelling into 10no. bed 10no. person HMO (House in multiple occupancy) and the erection of a single storey rear extension at No. 366 Watford Way, London.

In respect of HMO's, the minimum standard for a one room letting where the kitchen is a separate room for 1no. person is 8.5sq.m and 12.5sq.m 2no. persons. Kitchens for communal use should not be less than 6.0sq.m. According to these standards, the 10no.bed HMO would accommodate 10no. persons at its max. capacity therefore provide an uplift of 3no. persons across the site above the original capacity.

The proposed single storey rear extension with flat roof form roof would have a maximum depth of 3.80m, a width of 6.65m and a height of 3.0m. Two windows are proposed to the rear elevation. The plans demonstrate that the existing first floor balcony would be removed.

### **4. Consultation**

#### Neighbour Notification

Consultation letters were sent to 54 neighbouring properties. 1no. objection has been received regarding the proposed development, and the comments have been summarised below:

- Inaccuracies reflected in the form of the planning statement document which refers to:
- The presence of "1no rooflight" to front when there are clearly 2 rooflights to front
- A "Roof Terrace" above the utility room is mentioned with the revised plans clearly showing a door from "bed 5" thus facilitating access to the said "roof terrace" which totally contradicts both the conditions placed by the planning department on the flat roof extension. The flat roof is less than 60 centimetres from my bedroom window so greatly impacting my privacy and security.
- Increased noise and footfall: inevitable increase in Footfall and noise levels generated by "now" 10 independent tenants + potential friends / partners / families ...etc i.e. real potential for doubling the number of occupants / visitors at any one time.
- The new plans show the ground floor common/living room, bathroom, kitchen with 2 cookers all being moved from the external wall adjoining the drive to directly against the shared Party Wall thus increasing the risk of fire spreading to adjoining property....
- This is further aggravated by the fact that the walls are paper thin and carry even the slightest noise.
- Increased fire hazard
- Parking congestion: Parking is a major issue along the Watford Way particularly with it being a red route and so near the park
- Refuse disposal arrangements
- The accumulation of dust and debris as a result of building works

#### HMO Officer

The HMO Officer was consulted in regard to the proposed development stating that the applicants will have to satisfy themselves that our space standards will be met although for licensing purposes. They have attached guidance for the applicant to refer to.

#### Councillor Nizza Fluss

Officers have received a call-in request from Council Nizza Fluss in regard to the proposed development. It is noted that the Councillor has expressed concerns regarding the change of use in a residential area and what is perceived as being insufficient consultation.

## **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 July 2018. 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 relevant Policies are as follows:

- 4. Promoting sustainable transport
- 6. Delivering a wide choice of High quality homes;
- 7. Requiring good design
- 10. Meeting The Challenge Of Climate Change, Flooding And Coastal Change.

#### 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 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. Relevant Policies are as follows:

- Policy 6.3 Assessing effects of development on transport capacity
- Policy 6.9 Cycling
- Policy 6.13 Parking
- Policy 7.1 Lifetime neighbourhoods
- Policy 7.4 Local character
- Policy 7.5 Public realm
- Policy 7.6 Architecture
- Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

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 and CS14.
- Relevant Development Management Policies: DM01, DM02, DM09, DM17.

#### Supplementary Planning Documents

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

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to

protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States developments should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity it states that developments should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted 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**

Officers consider that the main planning considerations are as follows:

- o The principle of HMO in this location
- o Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- o Whether harm would be caused to the living conditions of neighbouring residents.
- o Whether the proposal provides satisfactory living accommodation for future occupiers;
- o Parking and highways
- o Refuse and Recycling

## **5.3 Assessment of proposals**

### The principle of HMO in this location

Policy DM09 of Barnet's Development Management Policies states that 'Proposals for new HMO will be encouraged provided that they meet an identified need, can demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area, are easily accessible by public transport, cycling and walking and meet the relevant housing standards for HMO'.

This application follows a recent scheme for conversion of the existing single family dwelling into 7no. bed HMO which was approved at committee under 18/2226/FUL on the 16th October 2018. Revised changes involve a 10no. bed 10no. person HMO.

Therefore, there is an important and compelling consideration in relation to this planning application insofar as that the principle of the change of use has already been considered and agreed by this Council and as such the use of the premises as an HMO complies with the relevant policy DM09 of the Local Plan. The previous planning application was approved on the basis that it contained 7 bedrooms, however, there was no limitation on occupancy within the development. The proposed change of use now sets a voluntary limit of 10 persons which would be restricted through a planning condition.

In addition, to the planning history, the consideration of the application is predicated on the fact that the proposed development complies with the two requirements set out in the policy.

This is to the extent that there is a need for the HMO and that the site is accessible by sustainable means of transport. The site is located close to Middlesex university and as such, there is a demand for suitable forms of shared housing. The applicant has previously advised that a waiting list for students exists.

Therefore, while it is important to demonstrate need which the applicant has to a degree, it is not sufficient alone to substantiate the suitability of the application site for a HMO. Significant weight has been given to the location of the application site which is deemed in addition to the identified need, to be suitable for a HMO. It is noted that the application site has a PTAL rating of 1b which is poor, notwithstanding this it is noted that the application site is located on a main road in proximity to the following:

- Two bus stops (one opposite and one north of the application site)
- Colindale Tube Station (1.1mile)
- Hendon Central Station (1.2mile)
- Hendon Thameslink Railway Station (1.5mile)
- Mill Hill Broadway Railway Station (1.6mile)
- Mill Hill East (1.8mile)

Weight has also been given to the mixed character of the application site and the proximity to the university on foot and the fact that these accessibility parameters were also common to the application at 398 Watford Way. As aforementioned, the application site is surrounded on Watford Way by single family dwellings, self-contained flats, HMOs, guest houses and educational and retail uses. Based on the mixed character of the area surrounding the application site, it is not deemed that the introduction of a HMO would harmfully alter the character of this section of Watford Road.

Therefore, while the application site is not located within a town centre location, it is considered that accessibility is acceptable in broader terms and the character of the area is suitably mixed to justify a HMO at the application site. It is this that has been given the most weight in determining the suitability of the application site for a HMO, with the identified need a collaborating factor. Indeed, the identified need element of the application would not be strong enough alone to justify a HMO had the character of area around the application site not been as mixed and had not been located on a main road in an area where there are a range of passenger transport options. Therefore, limited weight is given to the information.

From the plans submitted the applicant has failed to show off-street parking spaces, and cycling spaces. However, notwithstanding this, during the site visit conducted, officer noted that the front of the property benefits from a paved driveway which could accommodate two cars, while there is sufficient space to the rear to meet the cycling parking spaces.

DM17 states that the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi-detached houses and flats (4 or more bedrooms)
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom)

Residential development may be acceptable:

- i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity.



ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits.

For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

Given the PTAL rating and the application site's proximity to bus and tube stations, it is considered that 2.no parking spaces within the front forecourt area would be adequate for the site's proposed use. Furthermore, the inclusion of 2.no parking spaces as opposed to 3.no better enables the front of the site to include and accommodate soft landscaping; something much needed along this stretch of Watford Way.

In summary, it is considered that the principle of a HMO at the application site is acceptable given the mixed character of this section of Watford Way and its proximity to key transit routes and modes. The information provided to evidence an identified need has been given less weight than the above, but is sufficient to demonstrate there is a need for low cost accommodation in this location. Furthermore, it is not considered that harm would be caused to the character of this section of Watford Way and given there is sufficient space for off-street parking, and local amenities and transit stops are within walking distance, it is not expected that the amenity of neighbouring occupiers will be harmed as a result of the proposed HMO use.

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

The application also proposes a single storey rear extension to replace the existing part single storey rear extension. The proposed dimensions are included in the proposal section above, but nonetheless the applicant has proposed a depth of 3.80m for the proposed extension and would therefore fails to comply with Section 14 of the Residential Design Guidance SPD (2016) in terms of the recommended depth of 3.50m. However, notwithstanding this, officers are of the opinion that the proposed extension is subordinate in scale when compared to the main dwelling, and would appear and prominent or obtrusive element. It is also noted that the proposal would remove the existing roof terrace to the rear, which would be compliant with council policy. Regarding the design and materials officers have raised no concerns as the design would complement the main dwelling with materials to match the existing.

While No.364 does not have any extensions approved to the rear of their property, officers note that No.368 Watford Way benefits from planning permission for a 'Single storey rear extension. Roof extension involving hip to gable, rear dormer window and 2no rooflights to front elevation to facilitate a loft conversion' (16/4510/HSE). Therefore, it is considered that the proposed single storey rear extension to No.366 would be in keeping with the character of development within the immediate area.

The use of the application site as a HMO and its consequential impacts on the character of the application site and the surrounding area has been addressed in the section above and therefore will not be repeated in this section.

In summary, it is not considered that significant harm would be caused to the appearance and character of the application site or the wider streetscene as a result of the proposed HMO use, or the single storey rear extension. It is therefore deemed acceptable on character grounds.

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

The development would result in an increase of overall capacity from 4no. bed 7no. person single family dwelling to a 10no. bed 10no. person HMO therefore an uplift of 3no. persons across the site above the existing/ original occupancy level. Although the HMO meets the relevant housing standards for a HMO, the level of activity over and above the existing occupancy level resulting from groups of unconnected people, as would be the case with HMOs, would be likely to result in differing patterns of usage and behaviour as compared with residents living as single households who could be expected to share a lifestyle. In particular, there is likely to be more frequent comings and goings of residents and visitors and greater potential for increased noise and disturbance to local residents, the use of the garden and parking on the surrounding road network. However, an uplift of 3no. persons across the site is not expected to demonstrably impact neighbouring residential amenity over and above existing circumstances. Nonetheless, a condition has been attached as a mitigation measure to ensure that sound insulation between units is incorporated in compliance with Requirement E of the Building Regulations 2010.

In regard to the single storey rear extension, it will extend 3.80m along the shared boundary (1.80m high wooden fence). As previously stated, the depth of the extension would be 0.30m more than the recommended guidance for semi-detached properties, however due the design, and scale of the proposal, along with the existing boundary treatment, it would not appear as the visually obtrusive element to the No.364 no No.368. Due to the location of the application site and the orientation of the sun, officers are content that no loss of light or overshadowing would occur. No loss of outlook from the habitable windows located to the ground floor wall of No.364 nor No.368 would occur. The window opening proposed to the ground floor rear elevation would look upon the private amenity space of No.366.

Officers note that there is an existing first floor balcony at the application site. While it appears that a number of properties including No.368 have balconies to the rear of their properties, the first-floor balcony has been removed as part of the proposal. Notwithstanding this, an access door to bedroom no. 5 (in the flank wall of the existing projecting rear wall) is reflected on plans and appears would have direct access onto the roof of the single storey rear extension. A condition has been added to ensure that the flat roof of the ground floor rear addition is not used for the purposes of a balcony with an amended plan to that effect. This is considered to limit the potential for direct overlooking into the amenity of adjacent nos 364 and 368.

For the reasons above, it is found the proposals will not have a detrimental impact on the residential amenities of neighbouring occupiers.

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

#### Space Standards:

The Council's HMO Licensing Officer reviewed the plans provided and confirmed that the letting units and rooms are 'ample for a single person let with reference to our standards'.

The minimum standard for a one room letting where the kitchen is a separate room for 1no. person is 8.50sq.m and 12.50sq.m 2no. persons. Kitchens for communal use should not be less than 6.0sq.m. The 10no.bed HMO would therefore accommodate 10no. persons at its max. capacity. According to these standards, the 10no.bed HMO would accommodate 10no. persons at its max. capacity therefore provide an uplift of 3no. persons across the site above the original capacity.

The floor layout and room sizes are acceptable and would comply with the relevant HMO licensing standards. Nevertheless, a condition will be attached to limit the number of occupants to 10.no persons as outlined within this application, in order to ensure the space standards remain suitable for the number of occupants proposed.

#### 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 and bedrooms and living rooms /kitchens should have a reasonable outlook. It is considered that all of the proposed habitable rooms benefit from sufficient clear glazing and outlook and thereby provide an acceptable standard of amenity for future occupiers.

#### 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. There is no overlap between rooms and therefore the stacking would be considered acceptable in this instance 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 condition.

#### Amenity Space:

Section 2.3 of the Sustainable Design and Construction SPD (2016) states that 'Outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents as well as contribute to maintaining and enhancing the wider character of the borough'. While there are no minimum amenity space standards for HMOs, the application site provides a private rear amenity area of approx. 260sq.m and on the basis of the min. garden space standard of 85m<sup>2</sup> for up to seven or more habitable rooms for houses, the intended amenity space provision is deemed acceptable. Officers are content that space provided is sufficient to accommodate future residents.

#### Parking and Highways

As previously noted, the applicant has failed to annotate parking provision on the plans submitted, however, the front forecourt area of the property would be able to accommodate two relatively small cars. DM17 of the DMP 2013 and The London Plan 2016 states the need for 1no. cycle space per studio and 1no. bedroom unit and 2no. spaces per all other dwellings. A need of 10no. cycle spaces and associated storage would therefore be required. The rear of the property would be able to provide 10.no cycles spaces. A condition will be attached to ensure that the applicant can provide the required car parking and cycling provision in accordance with Policy DM17 and section 6.9 of the London Plan (2016).

#### Refuse and Recycling

Under Policy CS14 it is required that new developments ensure that waste is managed in the most environmentally friendly way that is future proof in order to protect human health

and the environment from pests and other environmentally damaging effects. Waste and recycling provisions should therefore be clearly stated at the initial submission stage.

The applicant has failed to demonstrate where refuse and recycling would be stored within the application site. However, it is acknowledged there is scope to the rear and side of the property to store refuse and recycling in an acceptable manner in compliance with the council's policy and guidance. A condition will be attached ensuring that the applicant can provide the necessary refuse and recycling storage.

#### **5.4 Responses to public consultation**

Consultation letters were sent to 54 neighbouring properties. 1no. objection has been received regarding the proposed development, and the comments have been summarised below:

o Inaccuracies reflected in the form of the planning statement document Adara which refers to:

The presence of "1no rooflight" to front when there are clearly 2 rooflights to front.

Officer response: The no. of rooflights is of no material concern to the application.

A "Roof Terrace" above the utility room is mentioned with the revised plans clearly showing a door from "bed 5" thus facilitating access to the said "roof terrace" which totally contradicts both the conditions placed by the planning department on the flat roof extension. The flat roof is less than 60 centimetres from my bedroom window so greatly impacting my privacy and security.

Officer response: This has been addressed within the main body of the report. A condition has been attached to ensure that the flat roof of the ground floor rear extension is not used for the purpose of a balcony to safeguard residential amenity of adjacent neighbouring occupiers. Equally a condition has been attached to ensure that the door in the flank wall of the projecting rear wall (serving bedroom no.5) is obscurely glazed.

o Increased noise and footfall: inevitable increase in Footfall and noise levels generated by "now" 10 independent tenants + potential friends / partners / families ...etc i.e. real potential for doubling the number of occupants / visitors at any one time. Whilst the applicants state that rooms are for single occupancy worth finding out how they plan to enforce it. The new plans show the ground floor common/living room, bathroom, kitchen with 2 cookers all being moved from the external wall adjoining the drive to directly against the shared Party Wall thus increasing the risk of fire spreading to my property.... That is where the students are meant to cook, socialise, party ... etc with the associated increased noise at all hours, including that of extractor fans needed to replace open ventilation from both the 2 cookers in the kitchen and the bathroom. This is further aggravated by the fact that the walls are paper thin and carry even the slightest noise.

Officer response: The level of occupancy has been limited by way of an enforceable condition. Matters relating to noise falls within the remit of Environmental Health.

o Increased fire hazard: The downstairs kitchen, with 2 cookers, is being built directly against the shared wall and my garden wooden fence thus increasing the risk of fire, damage and serious injury to occupiers of both properties. There does not appear to be any provision for fire escapes for the occupants of the upper floors... considering the number of independent occupiers the risk of accidental fire becomes quite significant vs for e.g. a single

family... In fact the design of the scheme is such that both potential exits are on the ground floor i.e. front door and back kitchen door, both needing to negotiate past the kitchen, the most likely source of fire... In fact the back kitchen door opens right against my wooden garden fence increasing the severity and risk of the fire spreading rapidly.

Officer response: This is not a material planning concern. Matters relating to fire escape, health and safety falls within the remit of Building Control.

o Parking congestion: Parking is a major issue along the Watford Way particularly with it being a red route and so near the park. At best, there are a maximum of 2 parking spaces at 366. Based on the submitted plans the proposed extension goes 3.5 metres in a straight line thus making the garage inaccessible for car parking purposes. Currently there are 2 parking bays between 362 and 358, meant for emergencies on the red route, instead they seem to be in permanent use by neighbours overflowing their parking capacities. there have been many instances where having left the house for a short period of time I have been unable to get back home because a car was parked across my drive blocking my access to my own home.

Officer response: This has been addressed within the relevant section of the report requiring highways and parking.

o Refuse disposal arrangements

Officer response: Refuse collection has not been annotated on the plans, but this could be dealt with via condition.

o The accumulation of dust and debris as a result of building works

Officer response: Matters relating to dust falls within the remit of Environmental Health.

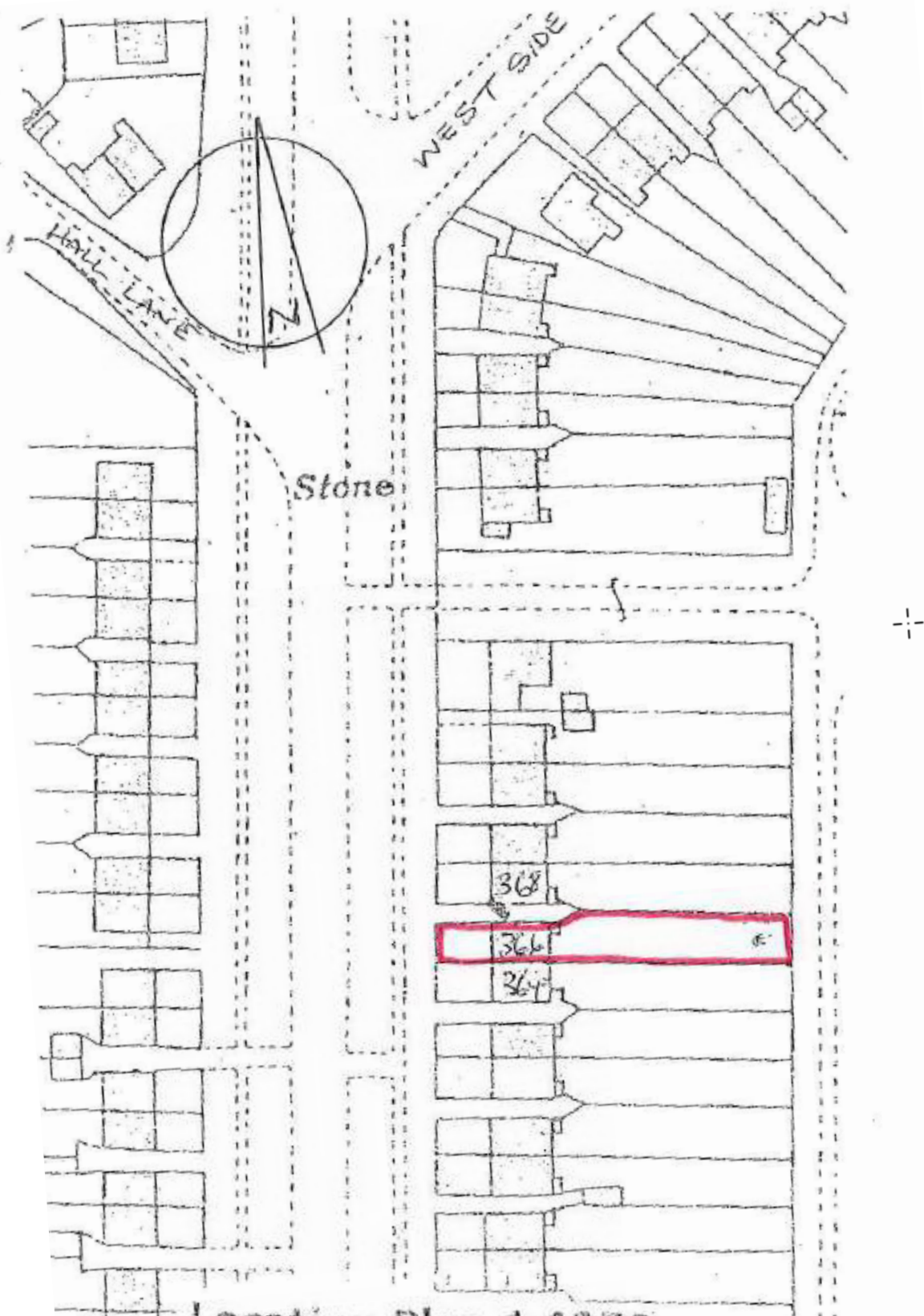
## **6. Equality and Diversity Issues**

The existing development 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 Plan 1:1250

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**Location**                      **31 Ravenshurst Avenue London NW4 4EG**

**Reference:**                    **18/7156/FUL**

Received: 30th November 2018

Accepted: 30th November 2018

Ward:                              Hendon

Expiry 25th January 2019

Applicant:                      Mr MOHAMMED QURAISHI

Proposal:                        Conversion of existing HMO into 2no self-contained flats involving 2no single storey rear extensions. Associated refuse and recycling store, cycle parking

AGENDA ITEM 7

**Recommendation:** Approve subject to s106

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

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. Cost of amending traffic order to prevent residents of the development from obtaining parking permits - £2,000
4. Monitoring of the Agreement - £100

RECOMMENDATION II:

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

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

- Existing Site Plan, Drawing No.XEVA/31RA/206 Rev A;
- Proposed Site Plan, Drawing No.XEVA/31RA/207 Rev A;
- Existing Plans, Drawing No.XEVA/31RA/201 Rev A;
- Proposed Plans, Drawing No.XEVA/31RA/202 Rev A;
- Existing Elevations, Drawing No.XEVA/31RA/203 Rev A;
- Proposed Elevation, Drawing No.XEVA/31RA/204 Rev A;
- Existing and Proposed Sections, Drawing No.XEVA/31RA/205 Rev 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 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 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing No.30 Ravenshurst Avenue at ground floor level 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).

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 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 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.

8 a) Before the development hereby permitted is first occupied, details of the enclosure 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).

### RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31 May 2019, 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 proposed development does not include a formal undertaking to meet the costs of amending the traffic order to prevent residents of the development from obtaining aprkign permits. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted October 2016).

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

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The 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.

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.

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

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

- 5 For a proposal for any new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

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

Please Note: A maximum width of a crossover allowed from a public highway is 4.8 metres.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

## **Officer's Assessment**

### **1. Site Description**

The application site is formed of a two-storey mid terraced property sited on the eastern side of Ravenshurst Avenue within Ward of Hendon and is currently in use as a House of Multiple Occupation (HMO).

Submitted plans incorrectly reflect the use of rooms at ground level. A site visit undertaken on 21.01.2018 confirms that the rooms indicated on plan to be 'reception' and 'living room' are in use as double bedrooms. Therefore, the HMO is formed of 6 bedrooms capable of accommodating a maximum occupancy level of 11 persons across the application site (5 double bedrooms and 1 single bedroom). However, the current licence for the property indicates an occupation by five people.

The LPA hold no planning records for the conversion of the single-family dwelling into a HMO. The property has previously been extended by way of a single storey rear extension, front and rear dormer. The LPA hold no planning records for the existing single storey rear extension. The application site is not a locally/statutorily listed building nor is it located within a conservation area.

### **2. Site History**

Reference: 17/5267/FUL

Address: 31 Ravenshurst Avenue NW4 4EG

Decision: Refused

Reason: The first floor flat and loft studio flat would fail to achieve the minimum internal floor space standards for the intended occupancy levels, and would be further exacerbated by the insufficient provision of any private outdoor amenity space for future occupiers. The proposal would therefore provide a sub-standard form of accommodation, to the detriment of the living conditions of the future occupiers contrary to CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012), Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012), and the Adopted Residential Design Guidance SPD (October 2016) and the Sustainable Design and Construction SPD (October 2016).

Given the limited space in the front forecourt, it is considered that the siting of 4 2 ltr refuse bins and bicycle storage box would clutter the front forecourt, inconvenience access to and from the property and potentially result in an overspill onto the pedestrian footpath. The clutter within a limited space at the front of the property would therefore appear visually obtrusive to the detriment of the visual amenities of the wider street scene contrary to CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012), Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012), and the Adopted Residential Design Guidance SPD (October 2016) and the Sustainable Design and Construction SPD (October 2016).

Decision Date: 3/10/2017

Description: Conversion of existing HMO into 3no. self-contained flats involving single storey side and rear extensions. Associated refuse and recycling store, cycle parking.

Reference: 17/7423/FUL

Address: 31 Ravenshurst Avenue, London, NW4 4EG

Decision: Refused

Appeal: Dismissed

Reason: The scheme has failed to satisfy the minimum required storage provision of 6no. refuse bins for 2no. self-contained units. Given the limited space in the front forecourt, it is considered that the siting of 6 2 ltr refuse bins would clutter the front forecourt, inconvenience



access to and from the property and potentially result in an overspill onto the pedestrian footpath. The clutter within a limited space at the front of the property would therefore appear visually obtrusive to the detriment of the visual amenities of the wider streetscene contrary to CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012), Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012), and the Adopted Residential Design Guidance SPD (October 2016) and the Sustainable Design and Construction SPD (October 2016).

The scheme has failed to provide the minimum required built-in storage for the occupiers of both units. Given that both the ground and first floor flat would meet the minimum unit size requirement for the intended capacity, the capacity for storage would unduly compromise the minimum internal floor area, particularly in regards to the first floor flat and given that there are no mitigating factors that could offset the impact, would therefore create a sub-standard form of living accommodation that would be harmful to the amenity of future contrary to CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012), Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012), and the Adopted Residential Design Guidance SPD (October 2016) and the Sustainable Design and Construction SPD (October 2016).

The rear garden amenity intended for the purposes of the first floor flat would be via a rear alley accessible approx. 60m south of the stretch of terraces on Somerset Road. This would not be convenient, practical nor functional in this instance and therefore provide an unacceptable and sub-standard form of living accommodation that would be harmful to the amenity of future occupiers contrary to CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012), Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012), and the Adopted Residential Design Guidance SPD (October 2016) and the Sustainable Design and Construction SPD (October 2016).

Decision Date: 15 January 2018

Description: Conversion of existing HMO into 2no self-contained flats involving single storey rear extension. Associated refuse and recycling store, cycle parking

Reference: W12066/00

Address: 31 Ravenshurst Avenue, London, NW4 4EG

Decision: Approved subject to conditions

Decision Date: 11 April 2000

Description: Amendments to existing unauthorised front dormer window.

### **3. Proposal**

The proposed development includes:

Demolition of existing single storey rear extension and erection of single storey rear extension on the common boundary with adjoining no 32, rear of the existing two storey rear outrigger approx. 3.0m depth x 3.1m width x 3.0m height;

Single storey side extension on the common boundary with adjoining no 30 approx. 2m depth x 2.2m width x 2.5m high to the eaves, 3.5m max. height;

Conversion of existing HMO into 2no.self-contained flats (1 x 3 bed and 1x1 studio flat):

o GF/FF 3 bed x 4 person over 2-storey 85.7 m2 (Min. 74m2)

o LF 1x studio flat 50.7m2 (Min. 37m2)

- 2.no cycle spaces at the rear and 1no. cycle spaces on the LF;

- 4.no refuse and recycling storage at the front;

- Rear amenity space for GF/FF Flat approx.38.7 m2;

- GF/FF Flat (Garden A) 38.70m2;

- LF Studio Flat no amenity space provided on site.

### **4. Public Consultation**

Consultation letters were sent to 205 neighbouring properties.

11 responses were received in objection to the development on the basis of;

- Lack of parking provision and resulting congestion
- Considerable dust and pollution from building works
- Overdevelopment of site due to extensions resulting in added pressure of existing infrastructure, subsequent noise and anti-social behaviour and loss of amenity on adjoining neighbouring properties.
- Increased storage of refuse on the front forecourt and pavement of detriment to the safety and convenience of 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 24th July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

#### The Mayor's London Plan 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)
- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9 and 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 the loss of the HMO
- ii The principle of flats in this location
- iii. The Impact on the appearance and character of the area
- iv. The impact on the amenities of neighbouring occupiers
- v. Whether the proposal provides satisfactory living accommodation for future occupiers
- vi. Parking and highways
- vii. Refuse and recycling storage

#### **5.3 Assessment of proposals**

##### The principle of the loss of the HMO

The planning application seeks planning permission for the change of use of the HMO into two self-contained flats. The application would result in the loss of an HMO. Policy DM08 resists the loss of existing HMOs in the Borough on the basis that they provide an essential form of low cost affordable housing to meet a variety of housing needs. They are a particular requirement in town centres and close to accessible locations. Their loss should only be supported where there is a demonstrable absence of need. The site is located close to Middlesex University and close to Hendon Town Centre including Church Road and Brent Street.

However, in the absence of a planning application to lawfully establish the HMO and the fact that the change of use from HMO (in this case in use as a C4 HMO) to a C3 dwelling house would actually be lawful, would undermine the position to retain the HMO. The proposed development was also considered acceptable in principle by the Planning Inspector in

determining the appeal against the Council's refusal of planning application 17/7423/FUL in July 2018.

DM09 addresses the loss of HMOs stating, 'The council will seek to retain existing HMO provided that they meet an identified housing need'. As there is no planning history outlining an approved HMO application or an identified need for a HMO at this location, the loss of the current part HMO will not be resisted. Had the application site had a HMO application approved on the grounds of identified need for such accommodation, the applicant would have been expected to demonstrate the absence of need for this type of accommodation.

#### The principle of flats in this location

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

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

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

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

Submitted plans incorrectly reflect the use of rooms at ground level. A site visit confirms that the rooms indicated on plan to be 'reception' and 'living room' are in use as double bedrooms. Therefore, in reality the HMO is formed of 6 bedrooms capable of accommodating a maximum occupancy level of 11 persons across the application site. The LPA hold no planning records for the conversion of the single-family dwelling into a HMO. The proposal now seeks to convert the HMO into 2no. self-contained flats.

Given the internal area of bedrooms, the LPA consider that the conversion could accommodate a maximum occupancy level of 6 persons across the site. It is recognised

that approximately 20% of properties (1, 2, 3, 10, 11, 12, 40, 41) have previously been converted to flats on Ravenshurst Avenue. This alongside the accessibility to the Finchley Church End Town Centre and public transport links therefore constitutes sufficient material consideration to render the principle of a conversion in this location acceptable.

Furthermore, the proposed development results in the creation of a three-bedroom family sized unit which would meet a different and evident housing need in the Borough. The conversion of the property is not considered to directly conflict with the character of the area and the way in which it functions therefore, the use of the application site as self-contained flats would not be contrary to DM01 and is considered acceptable.

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

DM01 (c) specifically states that development proposal should ensure attractive, safe and vibrant streets. The Residential Design Guide SPD 2016 recommends single storey rear extensions to project a maximum of 3 metres on the common boundary with adjoining properties in the case of terraced properties. The proposed extensions would meet all planning policy and design guidance as per the Council's Residential Design Guide (2016) in terms of depth and height respectively, however would result in a nominal reduction of the garden area from 46 m<sup>2</sup> to 38.7 m<sup>2</sup>. Given its siting at the rear and low-level scale, the proposed extensions would not be perceptible from any public vantage point. Flats would be internally and separately accessible by way of a common front door and therefore the property would retain the appearance of a single-family dwelling on the wider street scene. The proposed extensions would not be considered of detriment to the character and appearance of the area and therefore would be considered acceptable on appearance and character grounds.

Given the limited space in the front forecourt, it is considered that the siting of 4x 240ltr refuse bins if not stored in allocated storage bins have the potential to clutter the front forecourt, inconvenience access to and from the property and potentially result in an overspill onto the pedestrian footpath. Therefore, details regarding the requirement for bin storage have been made subject to a pre-occupation condition.

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

The proposed extensions would not give rise to any undue impact upon the residential amenity of adjoining Nos 30 and 32 Ravenshurst Avenue in terms of loss of light and outlook. A window opening in the southern flank wall of the single storey rear extension would serve a bathroom. The opening would be set in approx. 2.2m from the common boundary with no 30. A condition has been attached to ensure that the opening is obscurely glazed and high opening to safeguard the residential amenities of particularly No.30 Ravenshurst Avenue in terms of privacy.

The original single-family dwelling has previously been informally converted into a HMO and currently serves 6 bedrooms accommodating a maximum of 11 people. The proposed conversion would change its existing status to form 2no. self-contained units, 1 x 3 bed self-contained unit on the ground level/first floor level and 1 studio flat at loft floor level including the loft capable of accommodating a maximum occupancy level of 6 persons across the site. In terms of an increase in site use, the development would support a significantly reduced occupancy level across the site. Therefore, it is not considered that the conversion of the existing HMO into 2.no units would cause an intensification of use on the application site that would result in harm to neighbouring amenity. Consequently, the proposal is considered acceptable on neighbouring amenity grounds.

#### 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:

- o GF/FF 3 bed x 5 person over 2-storey 85.7 m<sup>2</sup> (Min. 74m<sup>2</sup>)
- o LF 1x studio flat 50.7m<sup>2</sup> (Min. 37m<sup>2</sup>)

Both flats would exceed above the minimum unit size requirements set out in the Technical Housing Standards 2015, London Plan (2016) and Barnet's policies and Sustainable Design SPD (Oct 2016) and therefore would provide an acceptable level of accommodation for the intended occupancy levels.

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 rooms would meet these standards.

The Technical Housing Standards 2015 recommend a minimum head room of 2.3m for at least 75% of the floor area per unit. Sections demonstrate internal head room of approx. 2.5m at ground level, approx. 2.4 at first floor and approx. 83% of the internal area at loft level would have adhere to the above minimum requirement and therefore would meet this standard.

Built-in storage has been identified on submitted plans. The minimum floor area of 2.5m<sup>2</sup> for the ground floor/first floor flat is required and 1.0m<sup>2</sup> for the purposes of the first-floor flat. Given that both the ground floor/first floor and loft floor flat would meet the exceed the minimum unit size requirement for the intended capacity, the capacity for storage is assessed to not unduly compromise the minimum internal floor area.

#### 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. 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. This requirement has been conditioned on the decision of the application.

#### 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 and that bedrooms and living rooms / kitchens should have a reasonable outlook with clear glazed windows. Section 7.9 of the Residential Design Guidance SPD (2016) states that new development should be sited and designed to maximise daylight and sunlight as far as possible. North facing single aspect units are normally considered unacceptable. It should be noted that no north facing single aspect habitable rooms are proposed in this instance. All habitable rooms would ensure adequate levels of glazing and therefore provide appropriate levels of light, ventilation and outlook whilst maintaining privacy.

#### Amenity Space:

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.

It is acknowledged that the existing rear garden is cramped. The proposed rear extensions would result in a nominal reduction of the existing rear garden area from 46 m<sup>2</sup> to 38.7 m<sup>2</sup> and given that the property is a terrace, would be only accessible to the occupiers of the ground floor flat. There is an alley at the rear of the property and accessible via Somerset Road to the south of the application site.

Plans illustrate the provision of the resulting rear garden to provide separate rear amenity space for Flat A. The garden area for the ground floor/first floor flat would measure approx. 38.7m<sup>2</sup>. The Sustainability Design and Construction SPD 2016 stipulates the minimum requirement of 5m of outdoor amenity space per habitable room per unit, the scheme would provide over the required minimum area of outdoor garden amenity for the ground floor/first floor flat.

The studio flat is not allocated any amenity space as part of this proposal. It has been assessed by the officer that due to the proposal sites location close to Brent Street Town Centre and approximately a 10min walk from Sunny Hill Park to the north, as well as the fact that the proposal delivers additional housing in the town centre, that the requirement to provide outdoor amenity space would be outweighed by these benefits.

### Parking and Highways

Despite being very close to the Brent Street town centre and to the retailing facilities in Church Road, the PTAL for the site is 2. The site is also located in a Controlled Parking Zone.

The existing occupancy level of the HMO is twice the amount presently intended. The London Plan 2016 recommends a maximum residential parking standard for the proposal of between 1 to 3 parking spaces. No parking provision has been provided as part of this planning application. The impact would therefore be deemed considerably less than the present situation in terms of parking pressures and congestion.

Given the occupancy level, the proposal would not therefore cause an unacceptable level of harm on parking pressures or the local highway network, to justify a reason for refusal in this instance, however, given that the application proposes an increase in the number of previously lawful units on the site, that there would be an uplift in parking demand. Following consultation with the highways department, they have advised a section 106 agreement to limit future occupants obtaining parking permits and this application is recommended for approval subject to the completion of the legal agreement.

In terms of cycle parking provision, plans indicate secure cycle storage for 2 bicycles at the rear for Flat A and 1 cycle space within the studio flat. The development would therefore meet the above requirements of chapter 6 of the London Plan (2016).

### Refuse and recycling storage

Submitted plans indicate 4 240ltr refuse bins in the front forecourt within 10m of the public highway. The level of bins storage complies with the standards outlined in Barnet's Waste and Recycling Strategy (2017), this issue has been equally addressed in the character and appearance section of the report by way of condition.

## **5.4 Response to Public Consultation**

The objections raised in the application consultation period have been discussed in the report and addressed through conditions or the 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**

Having taken all material matters into account, the application is therefore recommended for approval subject to a legal agreement to secure the removal of car parking permits for future occupiers of the two flats.





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**Location**                    **130 Colindale Avenue London NW9 4AX**

**Reference:**                **19/0017/FUL**

Received: 2nd January 2019

Accepted: 17th January 2019

Ward:                        Colindale

Expiry 14th March 2019

Applicant:                The Adil Group

Proposal:                New shopfront including relocation of front entrance door. New outdoor seating with barriers. Installation of extraction grills to both elevations

AGENDA ITEM 8

**Recommendation:** Approve subject to conditions

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

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

"Location Plan";  
2018/133/02 RevE;  
2018/133/PP2 RevA.

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 outdoor seating area hereby permitted shall not be open to patrons and diners between the hours of 21:00 and 10:30 on any day.

Reason: To preserve and enhance the character and appearance of the area and to safeguard the amenities of adjoining residents in accordance with Policy DM01 and DM04 of the Adopted Local Plan Development Management Policies DPD (2012).

- 5 The capacity of the outdoor seating area hereby granted consent must not exceed 20 persons.

Reason: To preserve and enhance the character and appearance of the area and to safeguard the amenities of adjoining residents in accordance with Policy DM01 and DM04 of the Adopted Local Plan Development Management Policies DPD (2012).

- 6 The seating, tables and barriers hereby granted consent must not be left on the street between the hours of 23:00 and 10:30 on any day.

Reason: To preserve and enhance the character and appearance of the area and to safeguard the amenities of adjoining residents in accordance with Policy DM01 and DM04 of the Adopted Local Plan Development Management Policies DPD (2012).

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

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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 This permission relates to the proposed development as described and detailed in the submitted plans. The applicant is advised that Conditions 12 and 37 pursuant to permission H/05856/13 for the development of the site must be discharged prior to the operation of mechanical plant on the site.

## **Officer's Assessment**

### **1. Site Description**

The application site relates to a commercial unit on the ground floor of a recently constructed and occupied residential flat block at 130 Colindale Avenue. The building is located within the Colindale Redevelopment Area and is situated close to Colindale station.

The adjoining unit is occupied by Costa which is provided with outdoor seating enclosed by moveable barriers.

The building is not listed and is not located within a conservation area.

### **2. Site History**

Reference: 17/5172/ADV

Address: Herald Court, 130 Colindale Avenue, London, NW9 4AX

Decision: Approved subject to conditions

Decision Date: 25 September 2017

Description: Installation of 1 Internally illuminated projector sign, 1 internally illuminated logo, 1 non illuminated wall mounted panel and non illuminated acrylic letters

Reference: 19/0018/ADV

Address: Herald Court, 130 Colindale Avenue, London, NW9 4AX

Decision: Approved subject to conditions

Decision Date: 12/03/2019

Description: Installation of 2no internally illuminated fascia signs, 1no internally illuminated projecting sign, 1no non-illuminated sign behind shop front glazing and 4no fabricated logo signage to outdoor seating barriers

### **3. Proposal**

Planning permission is sought for an alteration to the existing shopfront to provide a new entrance door to the Colindale Avenue elevation, the provision of external seating in front of the Colindale Avenue elevation and extract grilles to the Guardian Avenue elevation in connection with the use of the unit as a restaurant (A3).

### **4. Public Consultation**

Consultation letters were sent to 61 neighbouring properties. A total of 23 responses were received, of which 20 were in objection to the proposed scheme. They can be summarised as follows:

- It is inappropriate to have an outdoor seating area on Guardian Avenue due to its residential nature and the width of the pavement.
- The proposed seating area on Guardian Avenue will cause a loss of privacy to residents' balconies above.
- The proposed seating area will cause increased noise disturbance to neighbouring occupiers.

### **5. Planning Considerations**

#### **5.1 Policy Context**

National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was published in 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

#### The Mayor's London Plan 2016

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

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

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

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

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

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

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

#### Supplementary Planning Documents

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**

### Impact on the character and appearance of the streetscene and the building

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

Policy DM03 states that development proposals should meet the highest standards of accessible and inclusive design by demonstrating that they are convenient and welcoming with no disabling barriers, so everyone can use them independently without undue effort, separation or special treatment.

The proposed development involves a new shopfront to the commercial unit at 130 Colindale Avenue including the relocation of front entrance door; new outdoor seating with barriers; and installation of extraction grills to both elevations. The applicant has been granted advertisement consent for the associated signage under application reference 19/0018/ADV.

The proposed entrance would be relocated from Guardian Avenue to Colindale Avenue. This is considered to be appropriate given the more commercial nature of the street and the proximity to the entrances to nearby commercial units. The new entrance would use materials to match the existing shopfront. It is not considered that this element of the development would harm the local character or the living conditions of neighbouring residents.

The application also proposes a new outdoor seating area. Following comments received during the public consultation, the application has been amended to remove the proposed seating on Guardian Avenue. The application now only proposed outdoor seating on the primary frontage on Colindale Avenue. This would be in line with the existing seating area at the adjacent unit occupied by Costa. The pavement width at Guardian Avenue is much narrower than that at Colindale Avenue and would reduce the space available to pedestrians, thereby reducing pedestrian comfort. The removal from this location would also maintain a clear break between the commercial and residential elements.

The proposed seating would accommodate approximately 20 people and be bounded by barriers black barriers bearing the company logo. It is noted that the public comments objected to the seating area on Guardian Avenue, due to its more residential character and narrower pedestrian access. Given the more commercial character of Colindale Avenue and the existing outdoor seating in the area, it is not found that the proposed seating area would be cause of a material change to the character of the area.

The proposed extraction and ventilation grills to the shopfront facing Colindale Avenue and Guardian Avenue are not found to harm the appearance or character of the area.

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

External seating to a food and drink premises naturally increases the noise levels for adjoining residents and objections were raised in relation to noise pertaining to the Guardian Avenue section. Given that this is a much more exposed location with open balconies the impact would not be suitable.

Concentrating the seating area on Colindale Avenue would be appropriate as it is sited on a main thoroughfare with commercial activity, it would not have any additional harmful impact on the amenity of neighbouring occupiers. Taking into account the location and the uses above, it is considered that the use of planning conditions to limit the hours of use to 2100 daily, the number of external covers to 20 and to ensure the removal of outdoor seating at the end of the trading day would limit the impact for occupiers above the development.

The installation of three vents and grilles will be added to the elevations including a toilet output vent, a kitchen extraction grille and a ventilation grille. The grilles are considered acceptable, however, the application has not been supported by any information concerning the extraction system and approval will need to be sought for this.

The proposed development is found to be in accordance with all relevant planning policy, including Policy DM01 of Barnet's Development Management DPD to protect local character and amenity of local residents.

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

- It is inappropriate to have an outdoor seating area on Guardian Avenue due to its residential nature and the width of the pavement.

- The proposed seating area on Guardian Avenue will cause a loss of privacy to residents' balconies above.

The applicant has removed this outdoor seating on Guardian Avenue from the application in response to residents' concerns. The siting of the proposed seating on Colindale Avenue is more appropriate and found to have an acceptable impact on residential amenity.

- The proposed seating area will cause increased noise disturbance to neighbouring occupiers.

Given the siting of the proposed seating area on Colindale Avenue, it is not considered that the development would cause unacceptable noise disturbance to neighbouring occupiers.

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

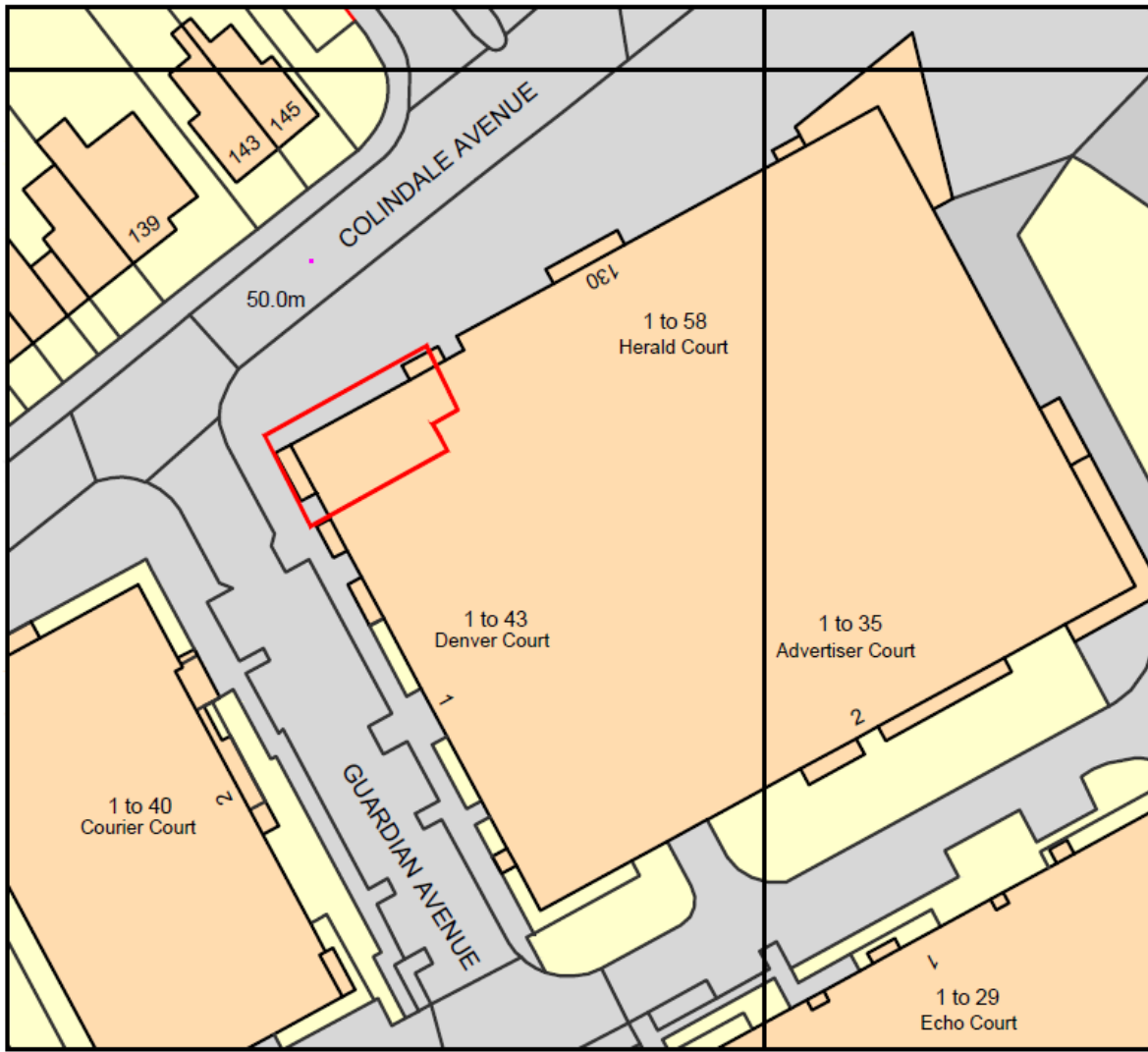
The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

#### **7. Conclusion**

Having taken into account all material considerations, the proposed development is found to be in accordance with Policy DM01 of the Development Management Policies. The scheme is therefore recommended for approval subject to the attached conditions.







**Location**                    **21 Elmgate Gardens Edgware HA8 9RU**

**Reference:**                **18/7271/HSE**

Received: 6th December 2018

Accepted: 11th December 2018

Ward:                        Hale

Expiry 5th February 2019

Applicant:                Mr & Mrs Lipowicz

Proposal:                    Single storey side and rear extension following demolition of the existing garage. Roof extension involving side and rear dormer windows. Alterations to the front fenestration.

AGENDA ITEM 9

**Recommendation:** Approve subject to conditions

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

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans:
  - 01 Existing Ground Floor
  - 02 Existing First Floor
  - 03 Existing Elevations/Cross Sections
  - 04a Proposed Ground Floor
  - 05a Proposed First Floor
  - 06a Proposed Elevations/Cross Sections

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

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

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

- 3     The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

**Informative(s):**

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

## **Officer's Assessment**

### **1. Site Description**

The application site is a detached bungalow dwelling located on the southern side of Elmgate Gardens. The existing property is a three-bedroom single family dwellinghouse. The property has a hipped roof and an integral garage on the southern elevation of the property. There is an existing, non-original single storey rear projection, sited adjacent to neighbouring property No. 27 to the north of the site. The host dwellinghouse is unusual on Elmgate Gardens in that the general locality is largely characterised by large, two-storey detached residential properties, although several examples of bungalows exist towards the north of Elmgate Gardens. The property at 19 Elmgate Gardens has been extended at the side but does not project significantly further than the rear of the application property.

While there is on street car parking, the property benefits from parking within the front curtilage of the dwelling. The application site is not situated within a conservation area, contains no listed buildings and is not subject to any other relevant planning restrictions.

### **2. Site History**

Reference: 18/1726/PNH

Address: 21 Elmgate Gardens, Edgware, HA8 9RU

Decision: Prior Approval Required and Refused

Decision Date: 3 April 2018

Description: Single storey rear extension with a proposed depth of 8 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: 18/2284/PNH

Address: 21 Elmgate Gardens, Edgware, HA8 9RU

Decision: Prior Approval Required and Refused

Decision Date: 4 May 2018

Description: Single storey rear extension with a proposed depth of 8 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: 18/4142/HSE

Address: 21 Elmgate Gardens, Edgware, HA8 9RU

Decision: Approved subject to conditions.

Decision Date: 3 September 2018

Description: Single storey side and rear extension

### **3. Proposal**

Planning permission is sought for the erection of a single storey rear and side extension following the demolition of the existing garage. Roof extension involving side and rear dormer windows. Alterations to the front and rear fenestration.

The proposed single storey side extension, following the demolition of the existing garage, would measure a depth of 8.9 metres, width of 2.9 metres. This element of the proposal proposes a maximum height of 4.0 metres, and eaves height of 3.0 metres, incorporating a pitched roof form.

The side extension would wrap around to adjoin the proposed rear extension, this would measure a maximum depth of 4.0 metres, a width of 11.9 metres, this element of the proposal would not extend from the existing rear outrigger, currently used as a kitchen area, closest to the boundary with No.27. The rear extension proposes a maximum height of 3.0 metres with a flat roof design and bi-folding doors on the rear elevation.

As part of this application 4no. dormers are proposed on the existing dwellhouse, including 1 to the rear, 1 on the side of the roof located closest to the boundary with No.19 and 2 on the side of the roof located nearest to the boundary with No.27.

The alterations to the front fenestration include a new front door constructed from wood, 5 no. additional windows to the front elevation, following the removal of the existing windows. To the rear, the application proposes the removal of 4 existing windows, and the introduction of 2 additional windows.

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

The Local Planning Authority notified eight adjoining properties and received ten objections.

Summary of comments include;

Overbearing, impact privacy, overlooking and loss of light issues.

Loss of outlook, impacting on views.

Damage to wildlife and vegetation.

Not considered sustainable development.

Insufficient plans.

Out of character.

Overdevelopment and excessive.

Damage to property.

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

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

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

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

The Revised National Planning Policy Framework (NPPF) was published on 24 July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

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

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

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

### The Mayor's Draft London Plan

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

### Barnet's Local Plan (2012)

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

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

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

### Supplementary Planning Documents

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

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

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

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should

not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

## **5.3 Assessment of proposals**

### **Impact on Character**

Any proposed scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both Barnet Local Plan), 7.4 and 7.6 (both London Plan). DM01 helps to protect Barnet's Character and amenity stating that development should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Barnet's Residential Design Guidance outlines that side extensions should not be more than half the width of the original house. The width of the proposed side extension is 2.9 metres, the width of the original dwellinghouse measures approximately 12.6 metres. Therefore the existing is substantially less than half the width, and therefore in accordance with the design guidance. It should also be noted that the proposed hipped roof form serving the side extension, is in keeping with the roof design of the host property.

Paragraph 14.14 of the Residential Design Guidance SPD (2016) states that side extensions to existing buildings can be unacceptable prominent features in the street scene.

Given that the proposed side extension would exist in the footprint of the existing garage and would be set back from the highway (boundary) by approximately 8.8 metres it is found that the proposed side extension would have a minimal visual impact on the streetscene.

The Residential Design Guidance states that single storey rear extensions need to ensure that they do not look too bulky and prominent compared to the size of the main building and garden in which they relate. It goes on to outline that a depth of 4.0 metres is normally considered acceptable for a single storey rear extension on a detached dwelling. The proposed rear extension would extend to a maximum depth of 4.0 metres, nearest the boundary with No.19 Elmgate Gardens. This element of the proposal would not extend from the existing rear outrigger, currently used as a kitchen area, closest to the boundary with No.27 Elmgate Gardens. As such, the proposal would comply with the aforementioned guidance. It should be noted that this element of the proposal would be situated at the rear



of the property and subsequently, receives a degree of obscurity from the public domain which mitigates impacts onto the established character of the locality.

Following an examination of aerial photography and historical planning records it has been noted that several properties in the immediate vicinity have benefitted from extensions to the rear. Therefore, it is not found that the principle of a single storey rear extension would be of detriment to the character of the surrounding area.

Residential Design Guidance stipulates that additional, useable space can sometimes be created by converting roof space, providing this is carried out sympathetically. It goes on to outline that dormer roof extensions should be subordinate features on the roof and should not occupy more than half the width or half the depth of the roof slope to which they are positioned. This application proposes 4no. dormers, the dormer positioned on the rear roof slope would measure a width of 2.9 metres and height of 1.4 metres, the roof slope measures a width of 8.0 metres and height of 3.0 metres. The 2no. dormers on the side roof, on the northern roof elevation would measure a width of 1.6 metres and height of 1.3 metres and the proposed 1no. dormer on the southern roof elevation would measure a width of 2.2 metres and height of 1.3 metres. The proposed dormer roof extensions would not occupy more than half the width or half the depth of the roof slope of the host dwellinghouse, in compliance with the design guidance.

It should be noted that dormer roof extensions are not unique to Elmgate Gardens. Several properties within the general locality benefit from side dormer roof extensions, namely Nos. 3 and 36 and rear dormer windows, namely Nos 3, 37 and 49 Elmgate Gardens. As such, it is not found that the character of the surrounding area, would be affected should this proposal garner approval.

The proposed dormer roof extensions are considered to be subordinate, proportionate features, which respect the character and appearance of the original dwellinghouse.

Given that the existing design and front façade of the host dwellinghouse largely differs to that existing on Elmgate Gardens, it is not considered that the proposed alterations to the front and rear fenestration would result in demonstrable harm to the character of the streetscene and surrounding area.

The massing and bulk of the proposed extensions appear as sympathetic developments which respect the scale of the host dwelling and adequately integrate into the host dwelling's residential character.

In assessment, its considered the proposal does not cause detrimental harm to the host dwelling or the locality of Elmgate Gardens and therefore, the proposal is compliant with Policy DM01 of Barnet's Local Plan 2012.

### **Impact on neighbouring Amenity**

It will be important that any scheme addresses the relevant development plan policies including DM01 (of the Barnet Local Plan), 3.5 (of the London Plan) and the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance.' In respect of the protection of the amenities of neighbouring occupiers, this will include taking a full account of all neighbouring sites.

Regarding the side extension, Residential Design Guidance states that side extensions should ensure that the visual and residential amenities of neighbouring properties are not significantly affected. The proposed side extension would exist in the footprint of the existing garage, located closest to the boundary with No.19 Elmgate Gardens. The existing garage measures a maximum height of 3.9 metres, the side extension proposes a maximum height of 4.0 metres. The proposed side extension would not extend forward of the front building line of No.19 Elmgate Gardens, in addition it is worth noting that no windows exist on the northern elevation of No.19 nearest the shared boundary with the application site and as such no concerns have been raised regarding a loss of light and outlook to the detriment of the amenity of the neighbouring occupiers at No.19 Elmgate Gardens.

With regard to the proposed dormer windows the Residential Design Guidance outlines that care should be undertaken in the design and location of new dormers, directly referring to side dormers, to minimise overlooking. The application proposes 2no. side dormers on the northern roof slope, nearest the boundary with No.27 Elmgate Gardens and 1no. dormer on the southern roof slope, nearest the boundary with No.19 Elmgate Gardens. Neither No.19 and No.27 Elmgate Gardens benefit from windows on the flank walls adjacent to the shared boundary with the application site. Given that the neighbouring dwellings are two-storey, coupled with the fact neither benefit from windows on the flank walls of the properties located nearest the shared boundary with the host site, it is considered the proposed side dormer roof extensions would demonstrate an adequate form of development in which visual and residential amenity issues can be offset.

To the rear, the application site abuts Nos.17 and 19 Selvage Lane. It is considered that the significant elevation to elevation separation distance of approximately 42.0 metres, coupled with the vegetative screening which exists on the shared boundary, to the rear of the site, adequately offsets amenity impacts. The proposed dormers do not protrude beyond the rear building line of the property and as such it is not found that a detrimental loss of outlook would occur, should this proposal garner approval.

In reference to the proposed single storey rear extension, the Residential Design Guidance outlines that the depth and height must not result in a significant sense of enclosure, loss of outlook or light to the principal habitable rooms of neighbouring properties. The host dwellinghouse benefits from a rear outrigger located nearest to the shared boundary with No.27 Elmgate Gardens, this extends approximately 2.0 metres from the rear building line and is currently in use as a kitchen area. The application does not propose an extension to the existing outrigger and as such the proposed rear extension would be set away from the boundary with No.27 by 4.5 metres. Although the existing rear building line at No.27 is set back from the existing outrigger at the application site, given the separation distance of the proposed rear extension from the shared common boundary, it is not considered that this element of the proposal would result in an unacceptable loss of light, outlook or increased sense of overbearing to No.27 Elmgate Gardens.

With regard to the neighbouring property to the south of the application site, namely No.19 Elmgate Gardens, the rear building line of this dwelling is marginally set forward from the rear building line of the host property. As such, the proposed rear extension would extend approximately 3.9 metres rearward of the rear building line at No.19. It is considered that given the perceived subordinate nature of the works, the SPG compliant depth, it is considered impacts can be managed, sufficiently mitigated and offset. Both neighbouring properties will still benefit from sufficient early morning and late evening sunlight, enjoy unhindered views/outlook from their retrospective properties and receive unobstructed daylight/sunlight. Indeed, the proposed extensions as constructed would satisfy the tests for the protection of daylight and sunlight set out in the BRE guidance for sunlight and daylight

in new development. Furthermore, as the proposed extension would be set to the north of 19 Elmgate Gardens, the proposed development would not give rise to any harm to the level of sunlight currently enjoyed by that property.

The proposed alterations to the rear fenestration are suitably positioned, in addition, no additional windows have been proposed on the flank walls of the host property, and as such it is not found that the privacy of the neighbouring dwellings would be significantly compromised by way of overlooking.

The proposed extensions do not appear to be overbearing or unduly obtrusive and care has been taken to ensure that it does not result in harmful loss of privacy.

In assessment, it is considered the proposed developments do not demonstrate significant amenity concerns regarding loss of light, privacy or outlook and is therefore compliant with policy DM01 of Barnet's Local Plan 2012.

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

Overbearing, impact privacy, overlooking and loss of light issues.  
Addressed within report.

Loss of outlook, impacting on views.  
Addressed within report.

Damage to wildlife and vegetation.  
Given the siting of the proposed development outside of any ecology designation and away from TPO trees no concerns were raised regarding damage to wildlife and vegetation at the application site.

Not considered sustainable development.  
The National Planning Policy Framework outlines that planning policies and decisions should play an active role in guiding development towards sustainable solutions, in doing so should take local circumstances into account. Given that the proposal complies with Barnet's Local Planning Policies it is considered that the proposal would be considered to constitute sustainable development.

Insufficient plans.  
It is considered that the applicant has provided sufficient plans for the Local Planning Authority to fully assess the proposal.

Out of character.  
Although subjective, has been addressed within the report.

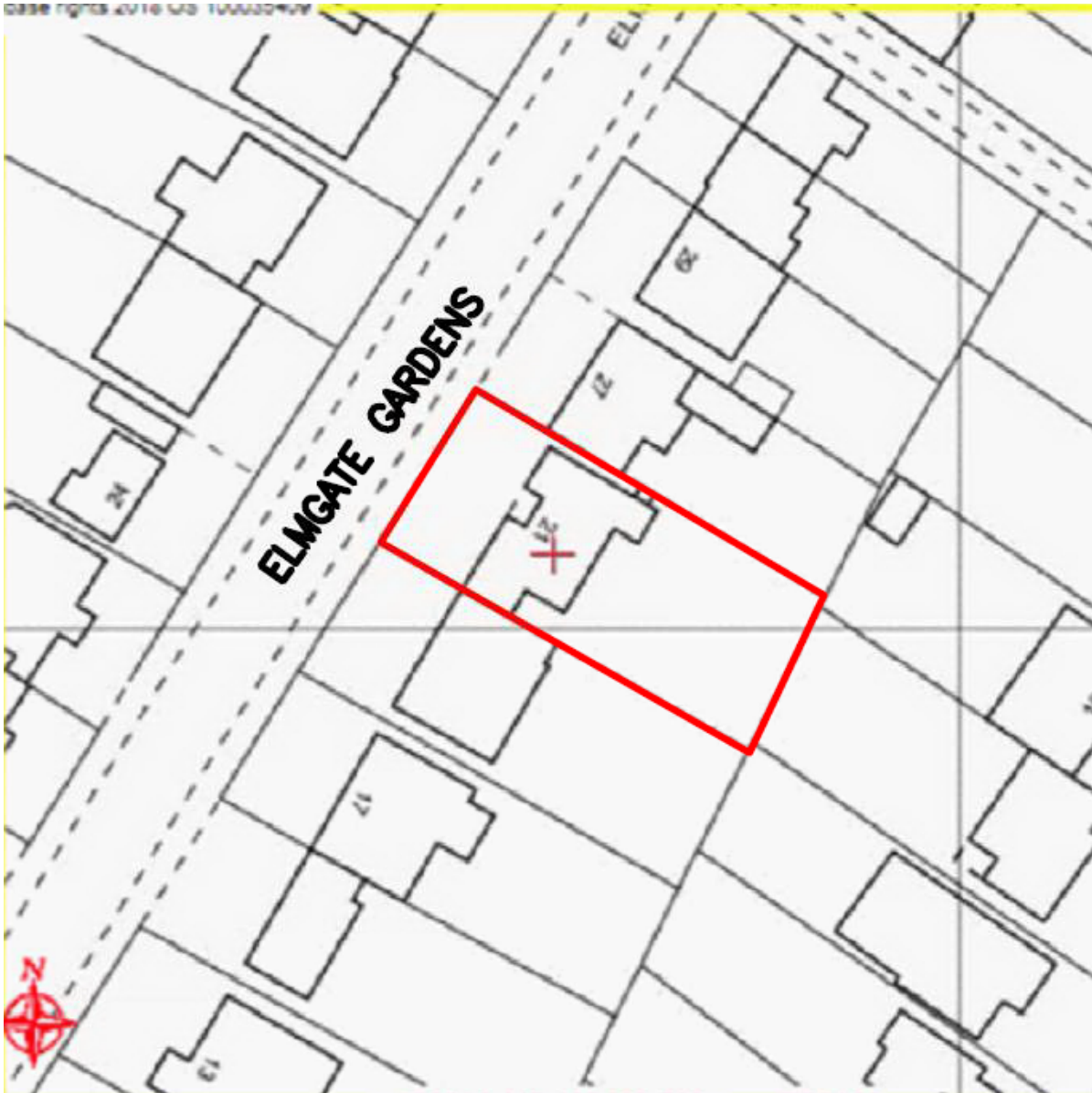
Overdevelopment and excessive.  
It is acknowledged that the host property benefits from a subordinate, non-original single storey rear extension however, given the mass, scale design and bulk of the proposed extensions it is not found that this proposal would result in overdevelopment at the application site.

#### **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**                    **6 Neeld Crescent London NW4 3RR**

**Reference:**                **18/6354/FUL**

Received: 23rd October 2018

Accepted: 25th October 2018

Ward:                        West Hendon

Expiry 20th December 2018

Applicant:                 Mr Shimon Simon

Proposal:                    Demolition of existing building. Erection of a two-storey building with rooms in the roofspace to provide 4no self-contained flats. Provision of amenity space, 3no off-street parking spaces and refuse and recycling storage

AGENDA ITEM 10

**Recommendation:** Approve subject to conditions

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

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

- Site Plan, Drawing No.SV00;
- Existing Ground and First Floor Elevation, Drawing No.SV01;
- Existing Second Floor Plan, Drawing No.SV02;
- Existing Front Elevation, Drawing No.SV03;
- Existing Rear Elevation, Drawing No.SV04;
- Existing Side Elevation, Drawing No.SV05;
- Existing Side Elevation, Drawing No.SV06;
- Location Plan, Drawing No.L00;
- Proposed Ground and First Floor Plans, Drawing No.GA01;
- Proposed Second Floor and Roof Plans, Drawing No.GA02;
- Proposed Front Elevation, Drawing No.GA03;
- Proposed Rear Elevation, Drawing No.GA04;
- Proposed Side Elevation, Drawing No.GA05;
- Proposed Side Elevation, Drawing No.GA06;
- Proposed Section A-A, Drawing No.GA07;

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 ground floor rear projection 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 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.

- 5 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 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.

- 6 Before the development hereby permitted is occupied the car parking spaces and the access to the parking area as shown on Drawing No.SV00, shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.



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

- 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 Notwithstanding the information submitted a Demolition and Construction Management and Logistics Plan shall be submitted and 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 contractor's 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;
- xi. Provision of a competent banksman;
- xii. Means of temporary enclosure or security hoarding.

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.

- 9
- a) A scheme of hard and soft landscaping, including details of the size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced, except for demolition works.
  - 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 trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

- 10
- 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 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.
  - c) 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).

- 11
- 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).

- 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 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).

- 14 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 15 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.

- 16 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 35% 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 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 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 a 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.

- 4 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).
- 5 The proposal should demonstrate compliance with Part B5 of Building Regulations.

## Officer's Assessment

### 1. Site Description

The application site contains a detached dwellinghouse on the western side of Neeld Crescent within the West Hendon ward. Neeld Crescent has a mixed character with a range of architectural forms and residential uses. Two-storey semi-detached single-family dwellings are the predominant form of development along Neeld Crescent, but there are examples of purpose-built flats and flat conversions. The surrounding area is predominately residential in character, although the site is located close to Watford Way and Hendon Central Tube Station where there are a range of commercial uses.

There are no protected trees on the site, however there is a street tree located on the pavement. The application site is not a locally/statutorily listed building nor is it located within a conservation area.

### 2. Site History

Reference: H/02574/08

Address: 6 Neeld Crescent, London, NW4 3RR

Decision: Approved subject to conditions

Decision Date: 15 December 2008

Description: Demolition of existing houses and erection of a two-storey building comprising of 9 self-contained flats with rooms in the roof space and basement car-parking.

Reference: W12942C/07

Address: 6 Neeld Crescent, London, NW4 3RR

Decision: Approved subject to conditions

Decision Date: 26 July 2007

Description: Loft conversion incorporating a dormer window to rear.

### 3. Proposal

The proposed development includes:

Demolition of existing building. Erection of a two-storey building with rooms in the roof space to provide 4no self-contained flats. Provision of amenity space, 3no off-street parking spaces and refuse and recycling storage;

- o GF 1x 3 bed over 1-storey 132m<sup>2</sup> (Min. 95m<sup>2</sup>);

- o FF 2x 1 bed over 1-storey flats 55.6m<sup>2</sup> (Min. 50m<sup>2</sup>);

- o LF 1x 2 bed over 1-storey 80m<sup>2</sup> (Min 70m<sup>2</sup>).

- 3.no car parking spaces to the front of the property on the existing driveway;

- Communal rear amenity space for Flats 2,3 and 4 of approx.136m<sup>2</sup> accessed to the left side of the property;

- GF Flat (Flat 1 Garden) 70m<sup>2</sup>;

### 4. Public Consultation

Consultation letters were sent to 166 neighbouring properties.

22 responses were received in objection to the development on the basis of;

- Lack of parking provision and resulting congestion

- Considerable dust and pollution from building works

- Overdevelopment of site due to extensions resulting in added pressure of existing infrastructure, subsequent noise and anti-social behaviour and loss of amenity on adjoining neighbouring properties.

- Increased storage of refuse on the front forecourt and pavement of detriment to the safety and convenience of 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 24th July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

#### The Mayor's London Plan 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 document. Both were adopted in September 2012. The following policy documents were consulted:

Core Strategy Policies:

- National Planning Policy Framework (NPPF) (2012)
- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9 and 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. The Impact on the appearance and character of the area
- iii. The impact on the amenities of neighbouring occupiers
- iv. Whether the proposal provides satisfactory living accommodation for future occupiers
- v. Parking and highways
- vi. Refuse and recycling storage

## **5.3 Assessment of proposals**

### The principle of flats in this location

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

Neeld Crescent is characterised by a mix of typologies including flats, terraced, semi-detached and detached properties. Notable examples of nearby flatted development are

Nos. 1, 3, 4, 9, 17, 19, 22, 23, 39, 47, 47 and Simon Court which is positioned to the rear of the property. The principle of flatted development has already been established at this location by the recently approved decision (ref: H/02574/08). While this planning permission was not implemented, it established that the conversion of No.5 to a flatted development is acceptable in principle and relevant policy is materially the same.

Given the internal area of bedrooms, the LPA consider that the proposal could accommodate a maximum occupancy level of 14 persons across the site. It is recognised that approximately 20% of properties have previously been converted to flats or are new build flatted development on Neeld Crescent. This alongside the accessibility to the public transport links therefore constitutes sufficient material consideration to render the principle of a flatted development in this location acceptable. Furthermore, the proposed development results in the creation of a three-bedroom family sized unit which would meet a different and evident housing need in the Borough. The proposal is not considered to directly conflict with the character of the area and the way in which it functions therefore, the use of the application site as self-contained flats would not be contrary to DM01 and is considered acceptable.

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

Policy DM01 which serves to protect and where possible enhance the character and appearance of the Borough, states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. DM01 (c) specifically states that development proposal should ensure attractive, safe and vibrant streets.

Planning permission is sought for the demolition of the existing building and the construction of a two-storey building with roof level accommodation. The proposed development would reflect the character and appearance of other residential properties in the area with hipped roofs, front facing gables and a domestic scale and appearance.

The ground floor rear projection is set away from the boundaries with both adjoining neighbours and extends at a depth which is consistent with the depth of the projection at No.8 Neeld Crescent.

A first floor level the rear projection does not extend beyond the first floor building line of the neighbouring property at No.8 Neeld Crescent, and due to the separation distance between the proposal property and the flat block at No.4 Neeld Crescent, it is assessed that the proposed depth at first floor level will not detrimentally impact the occupiers of neighbouring properties.

The roof form is of a similar appearance to the neighbouring purpose built block of flats to the south of the proposal site, incorporating hipped roof and front facing gables. and is of a similar appearance from the streetscene of the existing dwelling.

The proposed development and its proposed footprint at all levels would meet all planning policy and design guidance as per the Council's Residential Design Guide (2016) in terms of depth and height respectively. Flats would be internally and separately accessible by way of a common side door and therefore the property would retain the appearance of a single-family dwelling on the wider street scene. The proposed development by way of its character and appearance would not be considered of detriment to the character and appearance of

the area and therefore would be considered acceptable on appearance and character grounds.

Given the limited space in the front forecourt, it is considered that the siting of refuse bins if not stored in allocated storage bins have the potential to clutter the front forecourt, inconvenience access to and from the property and potentially result in an overflow onto the pedestrian footpath. Therefore, details regarding the requirement for bin storage have been conditioned on this application.

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

Section 2.7 of Policy DM01 states that: schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well-being of the borough residents. It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook.

Officers are satisfied that the scheme would have an acceptable impact on neighbouring residential amenity by way of outlook, daylight/sunlight, privacy and overbearing. The proposed extensions would not give rise to any undue impact upon the residential amenity of adjoining nos 8 and 4 Neeld Crescent in terms of loss of light and outlook.

The original single-family dwelling currently serves 6 bedrooms accommodating approximately 5 people. In terms of an increase in site use, the development would support a significantly reduced occupancy level across the site. Therefore, it is not considered that the conversion of the existing single-family dwelling house into 4 no units would cause an intensification of use on the application site that would result in harm to neighbouring amenity. Consequently, the proposal is considered acceptable on neighbouring amenity grounds.

#### 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.

All residential development is expected to meet the minimum internal space standards set out in the London Plan (2016) and Section 2.1 of Barnet's Sustainable Design and Guidance SPD (2016). For the purposes of this assessment, a single room is calculated between 7.5m<sup>2</sup> and 11.4m<sup>2</sup>, and a double bedroom at 11.5m<sup>2</sup> and above. Following a review of the proposed internal floor plans, all units meet the required internal standard as demonstrated below:

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:

- o GF 1x 3 bed over 1-storey 132m<sup>2</sup> (Min. 95m<sup>2</sup>);
- o FF 2x 1 bed over 1-storey flats 55.6m<sup>2</sup> (Min. 50m<sup>2</sup>);
- o LF 1x 2 bed over 1-storey 80m<sup>2</sup> (Min 70m<sup>2</sup>).

All four proposed flats would exceed above the minimum unit size requirements set out in the Technical Housing Standards 2015, London Plan (2016) and Barnet's policies and

Sustainable Design SPD (Oct 2016) and therefore would provide an acceptable level of accommodation for the intended occupancy levels.

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 rooms would meet these standards.

The Technical Housing Standards 2015 recommend a minimum head room of 2.3m for at least 75% of the floor area per unit. Sections demonstrate internal head room of approx. 2.6m at ground level, approx. 2.5 at first floor and approx. 80% of the internal area at loft level would have adhere to the above minimum requirement and therefore would meet this standard.

Built-in storage has been identified on submitted plans. The minimum floor area of 2.5m<sup>2</sup> for the ground floor/first floor flat is required and 1.0m<sup>2</sup> for the purposes of the first-floor flat. Given that both the ground floor, first floor and loft floor flats would meet and exceed the minimum unit size requirement for the intended capacity, the capacity for storage is assessed to not unduly compromise the minimum internal floor area.

Barnet's Sustainable Design and Construction SPD (2016) requires that for flats, 5m<sup>2</sup> of external usable amenity space is provided per habitable room. Officers are satisfied that the proposed development can provide sufficient external amenity space to the rear of the development.

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. 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. This requirement has been conditioned on the decision of the application.

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 and that bedrooms and living rooms / kitchens should have a reasonable outlook with clear glazed windows. Section 7.9 of the Residential Design Guidance SPD (2016) states that new development should be sited and designed to maximise daylight and sunlight as far as possible. North facing single aspect units are normally considered unacceptable. It should be noted that no north facing single aspect habitable rooms are proposed in this instance. All habitable rooms would ensure adequate levels of glazing and therefore provide appropriate levels of light, ventilation and outlook whilst maintaining privacy.

Amenity Space:

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.

Plans illustrate the subdivision of the resulting rear garden to provide separate rear amenity space for the occupiers of the ground floor flat and communal space for the other three flats. The Sustainability Design and Construction SPD 2016 stipulates the minimum requirement of 5m of outdoor amenity space per habitable room per unit, the scheme would provide over the required minimum area of outdoor garden amenity for all units.

### Parking and Highways

The proposals is to reconfigure the existing 6 bedroom single dwelling into 1 X 3 bed; 1 X 2 bed and 2 X 1 bed flats over the 3 floors. 3 off street parking spaces are to be provided. LBB DM17 policy states that for 1 bed properties 1 to less than 1 spaces should be provided, for 2 and 3 bed properties 1 to 1.5 spaces. The development would therefore require in the range of 2 - 5 spaces and 3 spaces is within this range. One space should be allocated to each of the 2 and 3 bed properties and the third space should be shared between the two 1 bed properties.

Cycle parking is required in accordance with the current London Plan with 1 space required for 1 bed properties and 2 spaces for 2 bed and above. Details regarding this provision have been secured by condition.

### Refuse and recycling storage

Submitted plans indicate 4 240ltr refuse bins in the front forecourt within 10m of the public highway. It is considered that given the limited space at the front, the storage of 4no. potential refuse bins would to some degree inconvenience access to and from the property and although the level of bins and cycle storage complies with the standards outlined in Barnet's Waste and Recycling Strategy (2017), this issue has been equally addressed in the character and appearance section of the report.

## **5.4 Response to Public Consultation**

Addressed in the main body of the report

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

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

## **7. Conclusion**

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



**Location**                    **5 Neeld Crescent London NW4 3RP**

**Reference:**                **18/6978/FUL**

Received: 20th November 2018

Accepted: 21st November 2018

Ward:                        West Hendon

Expiry 16th January 2019

Applicant:                Mr Koby Sadiki

Proposal:                    Conversion of existing dwelling into 3no self-contained flats. Retention of existing outbuilding. Associated parking and refuse and recycling store

AGENDA ITEM 11

**Recommendation:** Approve subject to conditions

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

- 1    The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Site Location Plan (Streetwise Maps Ltd - 07/08/2013)
  - Existing and Proposed Site Plan (097 F-051 Rev. 2)
  - Existing Ground Floor Plan (097 F-101)
  - Existing First Floor Plan (097 F-102)
  - Existing Second Floor Plan (097 F-103)
  - Proposed Ground Floor Plan (097 F-111 Rev. 1)
  - Proposed First-Floor Plan (097 F-112 Rev. 1)
  - Proposed Second Floor Plan (097 F-113 Rev. 2)
  - Existing and Proposed Outbuilding (097 F-114)
  - Existing Elevations (097 F-201)
  - Proposed Elevations (097 F-211)

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 Before the building hereby permitted is first occupied, all of the proposed windows on the flank walls at first-floor level of the main building and all of the rear facing windows within the outbuilding, 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).

- 4 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.

- 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 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including amenity areas and 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).

- 7 The outbuilding hereby approved shall be used solely for purposes ancillary in nature to the main dwelling and shall at no time be used as a habitable room or self-contained flat.

Reason: To protect the site's character and residential amenity of neighbouring occupiers in accordance with Policy DM01 of Barnets Development Management Policies (2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (2012).

- 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).

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

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

## Officer's Assessment

### 1. Site Description

The application site comprises of a two-storey (with rooms in roof space) detached dwelling house at the southern-end of Neeld Crescent, a residential street which lies within the West Hendon Ward. The surrounding area is predominantly residential in character, although the site is located close to Watford Way and Hendon Central Tube Station where there are a range of commercial uses. Neeld Crescent has a mixed residential character with evidence of single-family dwellings, flat conversions and purpose-built flatted development within the street. The application site currently benefits from various side, rear and roof extensions as outlined in the site history section below. To the front of the site is an area of hard standing used for on-site parking and to the rear is a modest sized garden with a garden shed and large outbuilding.

The application site is not a listed building and is not located within a conservation area. There are no trees subject to Tree Preservation Orders (TPO) within the curtilage of the application site. The site is in Flood Zone 1.

### 2. Site History

Reference: 18/1835/191

Address: 5 Neeld Crescent, London, NW4 3RP

Decision: Unlawful

Decision Date: 17 May 2018

Description: Use as 9 self-contained flats

Reference: H/04716/14

Address: 5 Neeld Crescent, London, NW4 3RP

Decision: Withdrawn

Decision Date: 16 September 2015

Description: Single storey side/rear extension. First-floor side extension.

Reference: H/00555/14

Address: 5 Neeld Crescent, London, NW4 3RP

Decision: Approved subject to conditions

Decision Date: 24 April 2014

Description: Part single part two storey side and rear extension.

Reference: H/03506/13

Address: 5 Neeld Crescent, London, NW4 3RP

Decision: Lawful

Decision Date: 21 August 2013

Description: Extension to roof including rear hip to gable with two side dormer windows and roof light to front elevation to facilitate a loft conversion.

Reference: H/00488/10

Address: 5 Neeld Crescent, London, NW4 3RP

Decision: Approved subject to conditions

Decision Date: 30 March 2010

Description: Part single, part two storey rear and single storey side extension including raised terrace to rear following demolition of existing garage.

Reference: H/02202/09

Address: 5 Neeld Crescent, London, NW4 3RP

Decision: Refused

Decision Date: 18 August 2009

Description: Two storey rear extension with proposed raised terrace and single storey side extension.

There are three outstanding planning enforcement cases for the application site. These are listed below:

- Conversion of the property into 9 self-contained flats without planning permission (ref: ENF/0701/18)
- Construction of an outbuilding in the rear garden without planning permission (ref: ENF/01488/17)
- Insertion of windows without planning permission (ref: ENF/1808/18)

### **3. Proposal**

The proposed development includes:

- Conversion of the existing dwelling into 3 self-contained flats.
- Retention of existing outbuilding for purposes ancillary to the main dwelling. The outbuilding measures 31m<sup>2</sup>, with a width of 6.88m, a ridge height of 2.8m and flank wall height of 2.59m.
- Associated on-site parking, amenity space and refuse and recycling storage.

### **4. Public Consultation**

Consultation letters were sent to 199 neighbouring properties. 18 responses were received comprising 18 letters of objection. These can be summarised as follows:

- Previous extensions were approved for enlarging a single-family dwelling not flats.
- Neeld Crescent is already overdeveloped, with the character being eroded.
- Increase in flat conversions has caused significant on-street parking stress, pollution and congestion in the area.
- Increase in flats on Neeld Crescent has resulted in a large number of bins being left on the pavements obstructing pedestrians right of way.
- The outbuilding has several windows and therefore there are concerns it will be used for living accommodation.
- Outbuilding will harm neighbouring amenity given its size and siting.
- Lack of amenity for future occupiers.
- Increased traffic is a safety concern, blocks driveways and results in pressure on on-street parking.
- Increase in noise and disturbance and additional rubbish bins.
- Internal alterations make it easy for building to be turned into more flats.

### **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) (2018) 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 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 document. Both were adopted in September 2012. The following policy documents were consulted:

#### Core Strategy Policies:

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

### Supplementary Planning Documents

Residential Design Guidance SPD (Adopted 2016)

Sustainable Design and Construction SPD (Adopted 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 sufficient amenity would be provided for future occupiers;
- Impact on highways;
- Provision of refuse storage.

### **5.3 Assessment of proposals**

#### Principle of development

This application proposes the conversion of the application site into three self-contained flats. The site is currently in use as nine unlawful residential flats. The sites lawful use is a single-family dwelling. As outlined in the planning history section above, the application site is currently subject to three outstanding enforcement actions relating to the highlighted unlawful units, the outbuilding to the rear and new windows. An application to make the existing nine units lawful was refused in 2018 (ref: 18/1835/191). Therefore, this application seeks to address the above enforcement actions by converting the application site into three self-contained flats, retain and make lawful the outbuilding to the rear and make lawful all existing windows. There are no external alterations proposed as part of this application. Extensions to the original building were granted permission or deemed lawful in 2013 and 2014 (see planning history section above). They are not subject to enforcement action.

Policy DM01 which seeks to ensure all development is sensitive to the character of the Borough, states:

h. Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate.

Neeld Crescent has a mixed residential character that contains single-family dwellings, flat conversions and purpose-built flats. Indeed, based on a Council Tax search, there are ten flats between no.1 and no.49 Neeld Crescent, with no.48 Neeld Crescent the most recent example of a flat conversion in the street, with permission for the conversion of a single-family dwelling into five self-contained flats granted in December 2017 (ref: 17/5441/FUL). This permission was granted within the current local policy framework. While the numerous public comments received objecting to further flatted development on Neeld Crescent are noted, it is considered that the principle of flatted development along Neeld Crescent has already been established. Therefore, subject to the schemes acceptability on design, amenity and highways grounds, it is not considered that there is sufficient policy justification to refuse the principle of flatted development at the application site, particularly given five self-contained flats was recently allowed at no.48. Consequently, it is considered that the principle of flatted development at the application site is acceptable, subject to design, amenity and highways considerations, given the established mixed residential character of Neeld Crescent.

#### Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality

Policy DM01 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.

As outlined above, there are no external alterations proposed to the main building. Therefore, the proposed flat conversion would not have a detrimental impact on the

character and appearance of the main building when viewed within the wider Neeld Crescent streetscene. A condition will be attached to any permission requiring details of the proposed refuse storage, to ensure any increase in on-site bin storage is managed and appropriately screened to protect the visual appearance of the application site and the wider Neeld Crescent streetscene.

While no alterations are proposed to the main building, this application does seek the retention of a large outbuilding within the rear garden. The existing outbuilding has a ridge height of 2.8m and a flank wall height of 2.59m. Its width measures 6.88m which is almost the full width of the rear garden except for a 0.5m set-back from the neighbouring property at no.7. It is considered that the existing outbuilding is acceptable on balance, given the presence of other large outbuildings within Neeld Crescent and close to the application site, notably at no.1 Rundell Crescent. Furthermore, the outbuilding is also considered to have an acceptable impact on neighbouring amenity and would retain an acceptable amount of garden space. While it is noted that the outbuilding is larger than the adjacent outbuilding at no.3 Neeld Crescent, it is not considered that it would result in a significant departure from, or harm to the established character of Neeld Crescent and the sites immediate locality. The outbuilding would not be visible from the public highway.

Based on the above, it is considered that the proposed development, including the retention of the existing outbuilding would be acceptable in view of Policy DM01.

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

Policy DM01 states that:

Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well-being of the boroughs residents. It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook.

As outlined above, no external alterations are proposed to the main dwelling, therefore there is no loss of amenity by way of outlook, daylight / sunlight, or an increased sense of enclosure from the physical structure of the main building. However, it is noted that given the proposed changes to the internal floor plan, there is a requirement to ensure flank wall windows at first-floor level are obscure glazed to address potential privacy concerns. Therefore, a condition requiring obscure glazing to all first-floor flank wall windows will be attached to any permission. Unit 3 at roof level will rely on clear glazed side dormers for appropriate outlook and daylight / sunlight. Pictures were provided by the applicant which demonstrates that no overlooking would result from enabling outlook from these windows, given neighbouring side dormer windows at the same level are obscure glazed. One non-obscure glazed window was evident from the pictures, but this serves a non-habitable room. Therefore, it is considered that the non-obscure glazed side dormer windows are acceptable in this instance only and would not result in a loss of privacy for neighbouring occupiers.

It is considered that the outbuilding would have an acceptable impact on the amenity of neighbouring occupiers by way of overshadowing and overbearing. Indeed, the outbuilding would be sited adjacent to an existing outbuilding at no.3 and be set-back from the site boundary with no.7 by 0.5m. The outbuilding would project above the boundary fence by around 0.6m and therefore would be visible from the neighbouring rear gardens at nos. 3 and 7 Neeld Crescent. However, it is not considered that this projection would result in a harmful level of overshadowing, or overbearing to neighbouring gardens. To the rear of the

outbuilding are trees and shrubbery which provide a visual screen between the outbuilding and the neighbouring garden on Rundell Crescent. It is noted that windows have been located to the rear of the outbuilding. These will be obscure glazed by condition and therefore would not compromise neighbouring residential amenity.

It is not considered that the proposed increase in site occupancy would have a significantly harmful impact on the residential amenity of neighbouring occupiers. If the site was reverted to its lawful use as a four-bedroom single-family dwelling, the application site could accommodate seven people. The proposed conversion into two, two-bed flats and one studio could accommodate nine people. Furthermore, the existing single-family dwelling could accommodate and therefore use three on-site parking spaces which is the same as the proposed. Therefore, it is not considered that the increase of two people over and above the lawful use of the application site as a four-bedroom house, would result in a harmful increase in noise and disturbance and comings and goings to the site. The impact of the proposed conversion from a highways perspective will be considered in the highways section below.

In summary, it is not considered that the proposed conversion of the application site into three self-contained flats and the retention of the ancillary rear outbuilding would result in harm to the residential amenity of neighbouring occupiers, by way of outlook, daylight / sunlight, privacy and general noise and disturbance and comings and goings.

#### Whether sufficient amenity would be provided for future occupiers

The London Plan (2016) and Section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum internal space requirements for residential units. A bedroom measuring 11.5m<sup>2</sup> and above is calculated as a double, and a bedroom measuring 7.5m<sup>2</sup> to 11.4m<sup>2</sup> is calculated as a single.

Each of the proposed flats would meet the highlighted minimum internal space standards as demonstrated below:

Flat 1: 2-bed, 4-person, 1-storey: 70m<sup>2</sup> required / 85.3m<sup>2</sup> provided

Flat 2: 2-bed, 4-person, 1-storey: 70m<sup>2</sup> required / 74m<sup>2</sup> provided

Flat 3: 1-bed, 1-person, 1-storey: 37m<sup>2</sup> required (includes shower room) / 37m<sup>2</sup> provided

Table 2.2 of Barnet's Sustainable Design and Construction SPD (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 would 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.

Each of the proposed flats would meet the above standard. Indeed, Flat 3 at roof level would have 28m<sup>2</sup> of habitable floor space with a floor-to-ceiling height at 2.3m or more. 75% of the

37m<sup>2</sup> Gross Internal Area provided within Flat 3 would equate to a requirement to provide 27.75m<sup>2</sup> of habitable floor space at a floor-to-ceiling height of at least 2.3m. Therefore, Flat 3 would comply with the above standard.

Light/outlook:

Barnet's Sustainable Design & Construction SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should provide reasonable levels of outlook to all habitable rooms.

It is considered to each flat would benefit from an acceptable level of dual aspect outlook and daylight / sunlight provision. It is noted that the proposed sub-division of the rear amenity space would result in a fence close to the window of bedroom two of Flat 1. The sub-division was required to improve privacy to the future occupiers of the ground floor flat. However, to ensure that this bedroom receives adequate outlook and daylight / sunlight, a condition will be attached to any permission requiring details of proposed boundary treatments and the sub-division of amenity space, including fencing materials and heights.

Amenity Space:

Section 2.3 of the Sustainable Design & Construction sets out the minimum external amenity space standards for a flat, which is 5m<sup>2</sup> per habitable room. A room measuring 20m<sup>2</sup> or more is calculated as two habitable rooms. The proposed development would provide 26m<sup>2</sup> of private amenity for the ground floor flat (Flat 1), 46m<sup>2</sup> of communal garden space and 31m<sup>2</sup> of amenity space via a communal outbuilding. All flats would therefore receive sufficient external amenity space as evidenced below:

Flat 1: 20m<sup>2</sup> required / 26m<sup>2</sup> provided

Flat 2: 20m<sup>2</sup> required / 77m<sup>2</sup> provided (communal)

Flat 3: 10m<sup>2</sup> required / 77m<sup>2</sup> provided (communal)

Stacking:

Given the proposed room stacking would result in areas where livingrooms are located above bedrooms, a sound proofing condition will be attached to any permission.

In summary, it is considered that the proposed development subject to conditions, would provide a sufficient level of amenity for future occupiers.

Highways

Based on Policy DM17, the proposed development would have the following parking range:

1-bedroom unit: 0 to 1 parking spaces required

2 to 3-bedroom unit: 1 to 1.5 parking spaces required

1x 1-bedroom units = 0 to 1 parking spaces

2x 2-bedroom units = 2 to 3 parking spaces

Total maximum parking range required = 2 to 4 parking spaces

The PTAL rating for the site is 4 / 5 which represents a good level of site accessibility. The application site is not located within a Controlled Parking Zone.



The proposed development would provide 3 on-site parking spaces, equating to 1 space per unit. This is considered acceptable in view of the maximum parking range highlighted above and the sites PTAL rating. It is acknowledged following a site visit, that Neeld Crescent does suffer from a high level of on-street parking stress, a point highlighted by many of the public comments received. However, given the proposed development complies with DM17 in terms of its on-site parking provision, it is not considered that a refusal on highways grounds would be reasonable in view of the highlighted policy.

Policy 6.9 of the London Plan (2016) outlines the cycle storage requirements for residential units. For the proposed development, secure and weather-proof storage would be required for five cycles. This has been secured via condition.

In summary, it is considered that the proposed development is acceptable on highways grounds given it complies with policy DM17 of Barnet's Development Management Policies (2012) and Policy 6.9 of the London Plan (2016).

### Refuse

The proposed development is required to comply with Barnet's Waste and Recycling Guidance (2019). Refuse and recycling bins are to be located on the front drive. It is considered that there is sufficient capacity on the front drive to accommodate the required bin capacity. However, a condition requiring details of the proposed refuse storage and capacity will be attached to any permission to ensure any increased in bin storage is appropriately managed and screened to protect the character of Neeld Crescent and the residential amenity of neighbouring occupiers.

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

- Previous extensions were approved for enlarging a single-family dwelling not flats:

See principle section above.

- Neeld Crescent is already overdeveloped, with the character being eroded:

See principle section above.

- Increase in flat conversions has caused significant on-street parking stress, pollution and congestion in the area.

See highways section above.

- Increase in flats on Neeld Crescent has resulted in a large number of bins being left on the pavements obstructing pedestrians right of way.

See character and refuse sections above.

- The outbuilding has several windows and therefore concerns it will be used for living accommodation:

Conditions have been added to ensure the rear facing windows are obscure glazed and that the outbuilding is used for ancillary purposes only. Any use of the outbuilding for living accommodation would be subject to enforcement action.

- Outbuilding will harm neighbouring amenity given its size and siting:

See amenity section above:

- Lack of amenity for future occupiers:

See future occupier amenity section.

- Increased traffic is a safety concern, blocks driveways and results in pressure on on-street parking:

See highways section above.

- Increase in noise and disturbance and additional rubbish bins:

See amenity section above.

- Internal alterations make it easy for building to be turned into more flats:

Further alterations have been made to the internal layout since the application was first made to ensure they are more appropriate for three flats. Any use of the property for more flats than permitted would be subject to enforcement action.

## **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 conversion of the application site into three self-contained flats and the retention of the existing outbuilding would have an acceptable impact on the character and appearance of the application site and Neeld Crescent, and would not cause significant harm to the residential amenity of neighbouring occupiers. Furthermore, it is considered that sufficient on-site amenity provision would be provided for future occupiers and that the proposed conversion would be acceptable on highways grounds given its compliance with Policy DM17. Therefore, this proposal is recommended for approval.



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