

Location **35 Windsor Road London N3 3SN**

Reference: **15/06273/FUL**

Received: 12th October 2015

Accepted: 12th October 2015

Ward: Finchley Church End

Expiry 7th December 2015

Applicant: Mr LIAD SHABABO

Proposal: Part single part two storey side and rear extension. Single storey front extension. Creation of new basement. Roof extension including raising of the ridge, 1 no. rear dormer, 2 no. side dormers, 7 no. rooflights to side and 1 no. rooflight to front to facilitate loft conversion. Conversion of property into 3 no. self-contained flats.

Recommendation: Approve subject to conditions

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

- Existing: No. HD773/1000, HD773/1001, HD773/3000 rev A, HD773/3001 Rev A, HD773/3002, HD773/3003, HD773/3004 Rev A, HD773/3005 Rev D, HD773/3006 Rev D, HD773/3007, HD773/30068 (received: 11/01/16).

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 Before the building hereby permitted is occupied the three proposed 1st and ground floor windows in the side elevation facing Deansbrook 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 Adopted Barnet Development Management Policies DPD (2012).

- 3 Before the building hereby permitted is occupied the two side facing dormer windows shall be obscure glazed and top opening only at 1.7m above finish floor level.

Reason:

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

- 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 The roof of the single storey ground floor rear and ground floor front 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).

- 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 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.

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

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 9 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).

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

Reason:

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

- 11 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in either side elevation.

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).

- 12 a) Before the development hereby permitted is first occupied, details of cycle parking and cycle storage facilities 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: 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.

- 13 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 25% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason:

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

- 14 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.
- b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
- c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

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

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

Informative(s):

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

- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £5,232.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £20,182.00 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 7294.

Officer's Assessment

1. Site Description

The application relates to a semi-detached single family dwelling house located to the south of Windsor Road.

The site is unique for two reasons. First, in terms of overall height it is significantly lower than the other half of the semi-detached house (No. 33 Windsor Road). Second, it was the first house to be built on the street where the primary aspect faced east. All subsequent houses constructed on the same side of the road face north.

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

2. Site History

Reference: F/05874/14

Address: 35 Windsor Road, London, N3 3SN

Decision: Approved subject to conditions

Decision Date: 11 February 2015

Description: Part single, part two storey side and rear extension. Single storey front extension. New lower ground floor rear basement extension with associated new steps and hand rail. Alteration/extension to roof including construction of 2no.dormer windows (one to each side elevation) and insertion of 4no. roof lights to one side and 3no. roof lights to the other side of roof slope to facilitate a loft conversion. New rooflight to front elevation and removal of chimney stack.

3. Proposal

- Part single part two storey side and rear extension.
- Single storey front extension
- Creation of new basement
- 1 no. rear dormer
- 2 no. side dormers
- 7 no. rooflights to side and 1 no. rooflight to front to facilitate loft conversion
- Conversion of property into 3 no. self-contained flats

4. Public Consultation

Consultation letters were sent to 69 neighbouring properties.

16 responses have been received, comprising 17 letters of objection.

The objections received can be summarised as follows:

- Out of character
- Increase in congestion
- Safety issues associated with cars using shared driveway between Windsor Road and Deansway
- Using garden for off street parking cars would be unacceptable
- Loss of light
- Emergency vehicles could not access the parking space to the rear
- Insufficient off street parking provided

- Noise and disturbance from comings and goings
- Hardstanding to rear garden would harm bio diversity
- Loss of privacy
- Loss of a family unit
- Harm to protected trees
- Strain on public services
- Overdevelopment
- Inadequate amenity space for future occupiers
- No amenity space at the front of the property

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2015

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

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

Barnet's Local Plan (2012)

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

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of residential units including the density of the development is appropriate for the area;
- Whether the proposal will provide suitable accommodation for future occupiers;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality
- Impact on parking

5.3 Assessment of proposals

Principle of flats

Policy DM01 of Barnet's Development Management Policies states that, 'conversions of dwellings into flats in roads characterised by houses will not normally be appropriate'. It goes on to state that a 'loss of houses in roads characterised by houses will not normally be appropriate'. In this respect a council tax search for Windsor Road reveals 8 historic conversions (no. No. 11, 12, 13, 14, 25, 34, 36, 42) as well as a block of four flats located adjacent to the application property at 1-4 Deansbrook.

Taking into account the number of conversions highlighted above and the proximity of several of these examples to the application property, the road can be seen to have a mixed character made up of both flats and single family dwellinghouses suggesting that one additional conversion (similar in terms of scale to others) would therefore do little to harm the character of the area. The principle of a conversion in this location is therefore considered acceptable.

Density

With regard to the London Plan 2015 and the Density Matrix found in Table 3.2, it is considered that the site can be defined as 'sub urban' according to the London Plan definition and has a PTAL score of 1b. The site is approximately 0.06 hectares in size and the development includes 3 self-contained flats. Calculations show that the proposed scheme's density is approximately 50 units per hectare, and this is consistent with the density range for its context and the guidelines in the London Plan. All matters considered, the density of the development is considered to be appropriate for the area and therefore the Council has no objections on this matter.

Living conditions of future occupiers

Space standard

The following units are proposed:

Flat A 3 bedroom 6 person	190m ²
Flat B 2 bedroom 3 person	82m ²
Flat C 1 bedroom 2 person	55m ²

With regard to the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan (July 2015) all units exceed the requirement. All internal rooms would

meet Barnet's minimum size requirements set out in its Sustainable Design and Construction SPD and would provide future occupiers with a good standard of living.

Amenity space

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room (definition of a habitable room is set out in the glossary including the maximum size considered before a room is counted as two (20 sqm).

The ground floor unit has been provided with a private outdoor amenity area of 90m² and the 1st and 2nd floor flats share a communal amenity area well in excess of Barnet's requirements. Future occupiers would therefore have a good standard of living.

Daylight, Privacy and Outlook

All habitable rooms are considered to benefit from sufficient light and outlook to provide future occupiers with a good standard of living which meet the requirements set out in Barnet's Sustainable Design and Construction SPD (2012).

Sound Insulation

Sound insulation between units is important and should be incorporated into the scheme which is 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 proposed stacking coupled with the attached conditions would indeed limit any noise travel between units.

Impact on the amenities of neighbouring occupiers

In terms of comings and goings of future occupiers the proposed scheme is unlikely to create such a high volume of movement above that created by the four flats located at Deansbrook or the two flat conversions at no. 34 and 36 (directly opposite). While the ground floor is a relatively large unit those located on the first and second floors are likely to appeal to single people or small families thus reducing movement to and from these flats.

Impact on character

The proposed extensions are almost identical to those previously approved under application reference F/05874/14. The only difference is the addition of 1no rear facing dormer window and the increase in the depth of the rear facing lightwell by 1m.

Both these changes are relatively minor/ discreet, considered to preserve the character of the area and therefore considered acceptable.

The most noticeable change is the removal of hardstanding to the rear garden and serious concerns were raised by both residents and planning officers over the potential harm to the character of the area and several protected trees. This element has now been removed in its entirety and the garden will remain as existing (apart from a close boarded fence delineating the private amenity area serving the ground floor flat).

Parking

The proposal is for conversion of dwelling into 3 flats.

Three existing parking spaces will be maintained for the use of the proposed flats thus meeting Barnet's parking standards (subject to the attached conditions).

5.4 Response to Public Consultation

Out of character: Addressed in 'assessment of proposals' above.

Increase in congestion: Sufficient off street parking has been provided to meet Barnet's parking standards

Safety issues associated with cars using shared driveway between Windsor Road and Deansway: This is an existing access road to garages located to the rear. Bearing this in mind, the safety concerns are unlikely to be any different when compared to the current situation on site.

Using garden for off street parking cars would be unacceptable: The hardstanding and parking within the rear garden has been removed from the plans and will remain unchanged. The applicant has also submitted a new parking layout showing two cars to the front and one sited within one of the existing garages to the rear. There will be no parking within the applicant's garden.

Loss of light: The proposed extensions are almost identical to those previously approved under application reference F/05874/14. The additional dormer window is unlikely to cause a loss of light to neighbouring occupiers.

Emergency vehicles could not access the parking space to the rear: The dimensions of the access road would not change as part of the proposed scheme. No additional parking is now proposed in the rear garden.

Insufficient off street parking provided: Addressed in 'assessment of proposals' above.

Noise and disturbance from comings and goings: Addressed in 'assessment of proposals' above.

Hardstanding to rear garden would harm bio diversity: The hardstanding and parking within the garden has been removed from the plans and will remain unchanged.

Loss of privacy: Addressed in 'assessment of proposals' above.

Loss of a family unit: The loss of a family unit is compensated for by the creation of three additional units (one of which is sufficiently large to accommodate a family).

Harm to protected trees: To preserve the health of protected trees the large area of hardstanding was removed from the plans. The increase in the depth of the basement by 1m is unlikely to harm the protected trees given a distance of 10m to the closest one.

Strain on public services: While this is a valid planning concern the increase in the requirements for public services is not considered so severe as to warrant refusal in this a instance.

Overdevelopment: The majority of extensions have been previously approved under application reference F/05874/14 where overdevelopment was not considered as a reason for refusal.

Inadequate amenity space for future occupiers: Addressing 'assessment of proposals' above.

No amenity space at the front of the property: This is not a requirement of Barnet's Policies so not considered a reason for refusal.

6. Equality and Diversity Issues

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

7. Conclusion

The application is recommended for APPROVAL.

