

Location **42 Audley Road London NW4 3EY**

Reference: **17/7626/FUL** Received: 1st December 2017
Accepted: 4th December 2017

Ward: West Hendon Expiry 29th January 2018

Applicant: Mr Chris Milla

Proposal: Conversion of dwelling into 3no self-contained flats. Associated amenity space, refuse and recycling store, cycle storage

Recommendation: Approve subject to s106

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

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. Highways (traffic order) £2,000.00
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.

Monitoring of the Agreement £100.00

Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

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

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

Planning Statement by Buro One Architects
Site plan drwg no. 201745.P.001 Rev 0
Existing site plan drwg no. 201745.P.002 Rev 0
Proposed site plan drwg no. 201745.P.003 Rev 0
Existing floor plans drwg no. 201745.P.1101 Rev 0
Proposed floor plan drwg no. 201745.P.1102
Existing and proposed section A-A drwg no. 201745.P.201 Rev A
Existing elevations drwg no. 201745.P.301 Rev 0
Proposed elevations drwg no. 201745.P.302 Rev 0

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

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

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

3 a) 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).

4 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.

5 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.

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 a) Before the development hereby permitted is first occupied, the amenity area(s) shall be sub divided as shown on drawing 201745.P.003 rev 0.

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).

8 a) Before the development hereby permitted is first occupied, the refuse and recycling storage shown on drawing 201745.P.003 rev 0 shall be provided on site.

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).

9 a) Before the development hereby permitted is first occupied, the cycle storage shown on drawing 201745.P.003 rev 0 shall be provided on site for the use of all occupiers

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).

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

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

RECOMMENDATION III:

0 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 22/04/2016, 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):

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

Informative(s):

1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

Officer's Assessment

Officer's Assessment

1. Site Description

The application site forms a two storey semi-detached 7bed 12 person single family dwelling on the east side of Audley Road close to the junction with Elliott Road. The property has been previously extended at the rear by way of a single storey rear extension approx. 3m in rear depth on the common boundary with adjoining no 40 Audley Road and a rear and side dormer. The property is not locally/statutorily listed nor is it located within a conservation area.

A number of properties have been converted into flats within Audley Road, including 2, 11, 12, 17, 22, 26, 37, 38, 39, 45, 51, 57, 60, 79, 81, 88, 90, 91 and others. On this basis, it is considered that the street is of mixed character.

There is an out building in the rear garden as existing.

2. Site History

Reference: 17/4770/FUL

Address: 42 Audley Road London NW4 3EY

Decision: Approved subject to conditions

Date: 04.09.2017

Description: Conversion of existing 2no. self-contained flats into single family dwelling

Reference: 17/7101/192

Address: 42 Audley Road London NW4 3EY

Decision: Lawful

Date: 17.11.2017

Description: Single storey rear extension. Roof extension involving 1no. dormer window to rear elevation, 1no. side dormer window to existing rear projection and 2no. rooflights to front roofslope.

It should be noted that planning permission was granted in September 2017 for the deconversion of the existing property from two self-contained units into a single dwelling house. This permission was implemented immediately with respect to the removal of the bathroom and kitchen facilities of one of the flats to result in the formation of a single dwelling house. Once these facilities were removed, the applicant was entitled to apply for a Certificate of Lawfulness for extensions to the roof which have been initiated.

3. Proposal

The development seeks to convert the extended 7bed 12 person single family dwelling into 3 self-contained flats. The proposed conversion of the property would deliver the following units.

- o A 3no.bed 4no.person self-contained unit over 1no. storey (78sqm) min (74sqm) at the ground floor.
- o A 1no.bed 2no.person self-contained unit over 1 storey (54sqm) min. (50sqm) at the first floor level
- o A 1no.bed 2no.person self-contained unit over 1 storey (56.2sqm) min. (50sqm) at the loft level.

4. Public Consultation

Consultation letters were sent to 57 neighbouring properties.

6 representations have been received in objection to the development on the following grounds:

- Increased traffic and parking congestion
- Increased refuse congestion at the front resulting in vermin infestation and uncleanness
- Demise of the character of the area as a result of increased occupancy and trips generated
- The existing rear outbuilding results in a loss of visual amenity and light

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS13, CS14
- Relevant Development Management Policies: DM01, DM02, DM17.

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Principle of conversion into flats

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

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

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

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

Planning records reveal that planning consent was approved to convert from two self-contained flats into a single family dwelling under ref 17/4770/FUL on the 4th September 2017 and integrated a single storey rear extension, roof extension involving a dormer window to the rear elevation, a side dormer window to the existing rear projection and two rooflights to front roofslope under a lawful development ref 17/7101/192 on the 17th

November 2017. The ground floor element provided an extension to the kitchen/dining and living space whilst the dormer provided an addition double bedroom with ensuite, bathroom and a games room.

The proposal seeks to subdivide the existing property to serve 3no. self-contained flats, providing accommodation for 8 bedspaces which is less than the 12 bedspaces possible within the deconverted dwelling house (although it was not occupied as such). The unit at ground level would serve a 3no.bed 4no.person self-contained unit, whilst the first floor and loft level would respectively serve a 1no.bed 2no. person self-contained units.

It is noted that this form of flatted development is both characteristic and dominant on Audley Road as shown on the list earlier in the report. The existing adjacent conversions therefore constitute sufficient material consideration to support the proposed conversion. The conversion of the property is not considered to directly conflict with the character of the area and the way in which it functions.

Impact on the character and appearance of the wider streetscene and locality.

Policy DM01 states that the conversion of dwellings into flats in roads characterised by houses will not normally be appropriate. The supporting text to this policy provides the main reason for this aspect of DM01, and notes that 'the conversion of existing dwellings into flats can have a cumulative effect that is damaging to the quality of the environment and detracts from the character of established residential areas'. The main purpose of the policy is to avoid the cumulative effects of flat conversions on the character and amenity of established residential areas.

The storage of 4no. refuse bins would be located in the front forecourt on the common boundary with no 44 Audley Road. The no. of bins relative to the available area at the front would not adversely compromise the visual amenity of the wider street scene in this instance.

The development is therefore satisfactory on character and appearance grounds.

Whether the proposal provides a satisfactory living environment for future occupiers :

Floor Area :

The following units are proposed:

GF flat 3no.bed 4no.person unit over 1no. storey (78sqm) min (74sqm)

FF flat 1no.bed 2no.person unit over 1 storey (54sqm) min. (50sqm)

LF flat 1no.bed 2no.person unit over 1 storey (56.2sqm) min. (50sqm)

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

All rooms would meet the above standards.

The Technical Housing Standards 2015 recommend a minimum floor to ceiling height of 2.3m for at least 75% of the floor area per unit. The scheme would adhere to above minimum requirement in this instance as per the Technical Housing Standards 2015.

Built-in storage is a requirement as per the Technical Housing Standards 2015. A provision of 2.0sqm for the ground floor flat and 1.5sqm for the first floor and loft flat is respectively required. Although this has not been identified on submitted plans, it is noted that there is capacity for sufficient storage space per unit without the compromise of living conditions for future occupiers.

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 an overlap between the ground and first floor flat with the living room over and above the ground floor bedrooms. An alternative layout is impractical within a three flat basis. Nevertheless 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 and therefore subject to a condition.

Nonetheless, it is considered that each unit will have adequate levels of glazing to provide appropriate levels of light, ventilation and outlook whilst maintaining privacy.

In terms of amenity, submitted plans reflect the provision of private amenity space approx. 25sqm for the purposes of the ground floor flat and communal shared space approx. 23sqm for the first floor and loft floor flat, which would be accessible by way of an existing intervening footpath and gate at the side of the property adjacent to no 44 Audley Road.

The Barnet's SPD Sustainable Design and Construction requires a minimum of 5sqm of amenity space per habitable room for flats. The provision of private amenity space approx. 25sqm for the purposes of the ground floor flat and communal shared space approx. 23sqm for the first floor and loft floor flat would therefore meet the minimum requirement and provide suitable outdoor amenity space relative to the intended occupancy level across the site. The provision for outdoor amenity space relative to the intended occupancy level per unit is therefore acceptable in this regard.

Impact on the amenities of neighbours

The existing occupancy level is a 7no.bed 12no.person single family dwelling. The intended unit at ground level would serve a 3no.bed 4no.person self-contained unit, whilst the first floor and loft level would respectively serve a 1no.bed 2no.persons self-contained units. Overall the conversion would serve 5no.beds and accommodate a reduced max. capacity of 8no.persons between 3no. units and therefore serve a lesser capacity by 4no. persons compared to the existing situation. Given site circumstances which include the established residential use of the site and local area, the conversion is not considered to result in an intensity of use that would be harmful to the neighbouring residential occupiers by way of noise and disturbance and comings and goings.

Impact on the amenities of traffic and parking

The PTAL score of 2 suggests an area characterised by poor level accessibility and connectivity with bus and train public transport modes available within the PTAL calculation area (960m). The development is located in the WH3 controlled parking zone which restricts non-resident parking Mon-Fri between 10-11am.

Unlike adjacent neighbouring properties, there is no drop kerb at the property, and therefore on-site parking provision in the front forecourt on the hardstanding is not facilitated in this instance. No parking provision is proposed and no overspill or existing parking stress details

have been proposed therefore future residents should be exempt from applying for a parking permits. The Local Planning Authority (LPA) would therefore seek to amend the traffic order to address the parking concern by way of a section 106 legal agreement.

The proposal would not generate a significant negative impact on the performance and safety of the surrounding highway network or its users and therefore acceptable in this instance.

Cycle parking

The London Plan 2016 recommends the provision of 2 cycle spaces per residential unit with the exception of studios and 1 bedroom units. The scheme provides an area at the rear for the secure storage of 6 bicycles and therefore exceeds the minimum requirements as per the London plan standards.

Refuse and recycling storage

Refuse stores have been provided within a suitable proximity of the entrances to the development for the use by future residents, the bin stores are also a reasonable proximity from the public highway and can be easily accessed by refuse operatives. The development is therefore acceptable in this instance.

Accessibility and Sustainability

A condition has been attached to ensure the integration of water saving and efficiency measures insofar as a maximum of 105 litres of water consumption per person per day to comply with Policy 5.15 of the London Plan (2016) and a reduction of CO2 emissions over Part L of the 2013 Building Regulations in accordance with the requirements of Policy 5.2 of the London Plan (2016) and the 2016 Housing SPG's requirements.

5.4 Response to Public Consultation

- Increased refuse congestion at the front resulting in vermin infestation and uncleanliness

The above concern is not material planning consideration

- The existing rear outbuilding results in a loss of visual amenity and light

No external alterations arise from this application and as a result, this concern is not material to the planning application.

6. Equality and Diversity Issues

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

7. Conclusion

The scheme is recommended for approval subject to a section 106 legal agreement to facilitate the removal of parking permits through a change to the Traffic Order and the imposition of planning conditions.

