

<b>Location</b>	<b>Garages To The Rear Of 1-12 Gloucester Gardens Golders Green Road London NW11 9AA</b>	
<b>Reference:</b>	<b>18/0779/FUL</b>	Received: 5th February 2018 Accepted: 6th February 2018
<b>Ward:</b>	Golders Green	Expiry 3rd April 2018
<b>Applicant:</b>	Zevy Shainfeld	
<b>Proposal:</b>	Conversion of existing garages into 2 no. self-contained flats with associated refuse storage and amenity space.	

**Recommendation:** Approve subject to s106

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

#### RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. 3. Highways (traffic order) £2,000.00  
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.
4. Monitoring of the Agreement £100.00  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

#### RECOMMENDATION II:

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

the wording of the conditions considered necessary by the Head of Development Management or Head of Strategic Planning:

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan, site plan, HD911/7001D, HD911/7002D, Sureguard Window films Sureguard Neutral 20.

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

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

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

3 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

4 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development

Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

5 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

6 The layout of the residential units as indicated on the hereby approved plans shall be implemented and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (adopted April 2013).

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

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

8 Before the building hereby permitted is first occupied the proposed windows in the front elevation facing Gloucester Court shall be glazed with obscure glass only as per the details hereby approved (Sureguard Window films Sureguard Neutral 20) and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

9 The garden/amenity space shown on the approved plans shall remain as amenity space and shall not be used for any other purpose.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

10 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design

which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

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

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

12 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A to E of Part 1 of Schedule 2 of that Order shall be carried out within the area of the dwellings hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

### RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 20/09/2018, unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

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

**Informative(s):**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 5 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work

are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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.

## **Officer's Assessment**

### **1. Site Description**

The application site is a former row of 11 domestic garages to the rear of Gloucester Court within the Golders Green ward. The garages are sited to the rear of the property backing on to an adjacent row of garages serving Eagle Court. The rear of the main building at Gloucester Court is used as access to some of the flats.

The site is not listed nor in a conservation area. Gloucester Court is a characteristic mansion block dating from the 1930s with frontages to Golders Green Road and Gloucester Gardens.

The PTAL (Public Transport Accessibility Level) is 4 (good) with bus and tube available within the PTAL calculation area. The development is in a controlled parking zone.

### **2. Site History**

Reference: 16/1936/FUL

Address: Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Approved subject to conditions

Decision Date: 30.06.2016

Description: Conversion of existing garages into 2 no. self-contained flats with associated refuse storage and amenity space.

Reference: 16/00078/FUL

Address: Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Refused

Decision Date: 10 February 2016

Description: Conversion from 11 no. garages into 3 no. self-contained flats

Reasons for refusal:

1. The proposed conversion by reason of its siting close to Gloucester Court and resultant mutual overlooking onto proposed habitable rooms and additional fenestration would provide unacceptable standards of amenity for both future and existing occupiers
2. The proposals fail to provide adequate standards of usable amenity space for future occupier's contrary, in addition to the single aspect design which would result in poor outlook for the future occupiers.

Reference: F/02342/13

Address: Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Approved subject to conditions

Decision Date: 12 September 2013

Description: Variation of conditions 1 (Plan Numbers), 6 (Layout), 8 (Position of windows), 9 (Obscure glazing) pursuant to planning permission F/00031/13 dated 06/03/2013 to provide a revised layout to the flats (kitchen and bathrooms moved to provide better access to drainage points) and changes to the fenestration facing Gloucester Court (replacing previously angled glazed windows with standard privacy flush doubled glazed windows).

Reference: F/00031/13

Address: Garages To The Rear Of 1-12 Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Approved subject to conditions



Decision Date: 08 March 2013

Description: Partial demolition and conversion of existing garages to the rear of Gloucester Court into 2 no. residential units. Alterations to include new front wall, windows and door with a new roof.

Reference: F/02764/12

Address: Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Refused

Decision Date: 17 September 2012

Description: Partial demolition and conversion of existing garages to the rear of Gloucester Court into 2no residential units. Alterations to include new front wall, windows and door with a new roof.

Reference: F/05000/11

Address: Garages To The Rear Of 1-12 Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Refused

Description: Partial demolition and conversion of existing garages to the rear of Gloucester Court into 2no residential units. Alterations to include new front wall, windows and door with a new roof.

Reasons for refusal:

1. The proposed conversion by reason of its siting close to Gloucester Court and resultant overlooking onto proposed habitable rooms would provide unacceptable standards of amenity for future occupiers contrary to policies D5, H16 and H26 of the Barnet Adopted Unitary Development Plan (2006) and policy DM01 of the Emerging Local Plan Development Management Development Plan Document (Examination in Public Version) 2012.

2. The proposals fail to provide adequate standards of usable amenity space for future occupiers contrary to policy H18 of the Barnet Adopted Unitary Development Plan (2006) and policy DM02 of the Emerging Local Plan Development Management Development Plan Document (Examination in Public Version) 2012.

3. No undertaking has been given by the developer to meet identified additional educational, health, libraries and monitoring costs which would be incurred by the community as a result of the development, contrary to Policy CS1, CS8, CS13 of the Barnet Adopted Unitary Development Plan (2006), Adopted Supplementary Planning Document on Contributions to Education (2008), Libraries (2008), Health (2009) and Monitoring (2006) and policy CS15 of the Emerging Local Plan Core Strategy (Examination in Public Version) 2012.

Decision Date: 25 May 2012

Appeal Decision: Dismissed (19 December 2012)

Reference: F/04319/10

Address: Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Refused

Decision Date: 16 December 2010

Description: Conversion of existing garages to the rear of Gloucester Court into 2no self-contained studio flats.

### **3. Proposal**

The applicant seeks planning permission for the conversion of the former garages to the rear of Gloucester Court into 2no. self-contained one bedroom units and partial demolition and reconstruction to accommodate 2 garages/storage area on the same plot.

The houses are of conventional design, in brick with a low pitched roof and glazing and entrance doors to the north west elevation facing the rear of Gloucester Court. They are separated by private amenity space and refuse storage, whilst the western section will be used for storage or garage use. The existing substation remains unaffected.

Most of the garages have been demolished and work, though currently ceased, has commenced on the construction of the new houses.

The proposal is almost identical to the approved scheme (ref 16/1936/ FUL). The only material change is in the reduction of outdoor amenity space, necessitated for insulation purposes and to comply with Building Regulations. The external walls are 300mm thick with cavity all the way round and this has reduced the overall external space.

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

Consultation letters were sent to 197 neighbouring properties. Eight responses have been received, comprising 8 letters of objection.

The objections received can be summarised as follows:

- Mutual Overlooking and loss of privacy
- Litter and rubbish will be worse
- The roof as built is unapproved
- Construction noise & Disturbance
- Lack of outdoor amenity space
- Loss of light from height of roof of units
- Contrary to leases of flats
- Parking pressures and safety
- Health and Safety concerns particularly for access for emergency services
- Insufficient waste storage and collection
- Gas, electricity, sewage and water supplies need to be installed and could cause problems for residents
- Potential structural damage during construction.
- A loss of outlook for existing residents
- Bins and bikes could be left on yard.
- Narrow road for construction/ restricted access
- Breach of current lease
- Incorrect consultation.
- Lack of natural daylight and sunlight
- Single aspect dwellings
- No provisions for external lighting.

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

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

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

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

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

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

#### The Mayor's London Plan 2016

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

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

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

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17.

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

#### Supplementary Planning Documents

Residential Design Guidance SPD (adopted 2016)

Sustainable Design and Construction SPD (adopted 2016)

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

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether the scheme complies with planning design standards for future occupants

- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the scheme complies with highway and parking standards

### **5.3 Assessment of proposals**

#### Principle of conversion into self-contained units and impact on the character of the area

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

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

The principle of the redevelopment of the site to provide residential accommodation has been established by the approved decision refs F/00031/13 and 16/1936/FUL. The proposed external alterations are considered acceptable. It is not considered that the conversion as currently submitted would result in a worsening of demonstrable harm to the immediate area which will be detrimental to the character and appearance of Golders Green, when compared to the approved scheme. The units would not harm the character of the area which has a mixed form of residential development.

#### Impact on amenities of both neighbouring and future occupiers

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours' amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

The Residential Design Guidance SPD stipulates that development should not be imposing and should not result in a harmful sense of enclosure or overbearing impact on adjoining properties.

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2016. In addition, new development is expected to provide suitable outlook and light to all habitable rooms whilst not compromising the amenities of neighbouring occupiers. The approved schemes have established the principle of the two units on the site and therefore the assessment for the current scheme would be on whether the amended layout would have a more negative impact on the amenities of neighbouring and future occupiers.

Planning permission was granted on the site for the conversion of the garages into 2 one bedroom flats (F/00031/13). The subsequent approved scheme (Ref 16/1936/FUL) provided internal courtyards, which in turn facilitated dual aspect views and angled windows on the front elevation to prevent direct overlooking. The current proposal is an amendment to the recently approved scheme with a slightly smaller outdoor private

amenity space to each of the units. This will not materially make any difference to the amenity of the adjacent residents when compared to the original approval.

It is not considered that the height of the proposed new roof, as shown on the drawing HD911/7002D, would result in a material loss of light to neighbouring residents on Gloucester Court given distance between the buildings.

However, the scheme as constructed considerably exceeds the height of both the approved scheme and the present proposal. Officers are aware of the irregularity of the scheme not being built in accordance with approved plans and the Enforcement team is dealing with the matter. Notwithstanding this, the drawings as presented are considered to be acceptable in terms of the effect on neighbour amenity.

The issue of mutual overlooking has already been determined under the approved scheme ref 16/1936/FUL. The officers report stated, 'The proposed units along the access to flats on Gloucester Court would not give rise to unacceptable levels of overlooking from existing residents onto the habitable rooms of the proposed self-contained units'. The proposal would have partially obscure glazed windows where they face the rear of Gloucester Court. It is considered therefore that this issue has been resolved and agreed in the previous application.

#### The standard of accommodation for future residents

The previous proposal provided 15.4sqm of private outdoor space for each residential unit. The current proposal reduces this to 12sqm per unit. This remains above the minimum for one bedroom flats, 10sqm, as required under the Sustainable Design Guidelines. The two private gardens will be divided by a 1.8m timber fence to ensure mutual privacy.

The submitted proposal remains the same regarding all other dimensions and the units therefore accord with the requirements for one bedroom, one person units. The internal area of each unit would be 51sqm. The units have dual aspect and will receive acceptable levels of daylight and sunlight.

The provision for bins would comply with the Council's standard for new residential development. A refuse store (as indicated on drawing no. HD911/7002D) is considered to be discrete and would be sited at the front of the site.

#### Highways

The Highway Officer states that, 'it is thought that the current garages are not of a size which could accommodate a modern vehicle, therefore it doesn't represent a valid off-street parking facility, as such their loss would not generate an impact on the surrounding highway network. The passage to the garages is also of a narrow width which again would make it difficult for larger vehicles to navigate'. As no off-street parking facilities or details relating to current parking stress level are provided in association with this application, future occupiers will be exempt from applying for CPZ permits.

The above site has been the subject of several previous applications and appeals (16/1936/FUL and F/05000/11) none of these applications raised any objections on highway grounds.

The Highways Officer goes on to note, 'London Plan stated minimum cycle parking levels suggest that a development of this nature should provide 4 cycle parking spaces. No cycle parking spaces have been proposed however both of the units have amenity areas where

cycles can be kept, as such the absence of cycle parking would not warrant a reason for refusal in this instance'.

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

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

It is considered that the planning related comments have been addressed in the report above.

Matters regarding the terms of lease and the structural implications of the proposal are not planning considerations.

The consultation processes has been carried out in accordance with the statutory requirements and a site notice was displayed.

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

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

#### **7. Conclusion**

This application is very similar to that approved under 16/1936/FUL. The only material difference is in the size of the private amenity space. It is recognised that there has been a high degree of concern over the various applications submitted for this site over the years and that the scheme that is under construction is not in accordance with the approved plans. Notwithstanding that, the present proposal will make no material difference to the amenity of adjacent residents.

Having taken all material considerations into account, the proposed development would be in keeping with the character and appearance of the surrounding area. The proposed development is considered not to have a detrimental impact on the residential amenities of neighbouring properties and future occupiers. The application is recommended for approval subject to a legal agreement.

