

Location **258 Nether Street London N3 1HT**

Reference: **18/0951/FUL**

Received: 13th February 2018

Accepted: 26th February 2018

Ward: West Finchley

Expiry 23rd April 2018

Applicant: Rapture Residential

Proposal: Conversion of existing dwelling into 6no self-contained flats including single storey rear extension to lower ground floor level. 1no balcony to first floor level and juliet balconies to second and third floor levels to rear elevation. Extension to roof including 1no side and 1no rear inverted dormer window, 3no rooflights to front elevation following demolition of existing chimneys. Relocation of steps and insertion of door/windows to side elevation. New light wells to front and changes to window and doors. Associated refuse and recycling store, cycle store

Recommendation: Approve subject to s106

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

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Amendment to Traffic Management Order (£2,000)
4. Monitoring of Legal Agreement (£100)

RECOMMENDATION II:

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

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

- Site Location Plan
- Existing Lower Ground and Ground Floor Plan (4976 02)
- Existing First and Second Floor Plan (4976 03)
- Existing Side Elevation (4976 05)
- Proposed Lower Ground Floor Plan (4976 09 Rev. A)
- Proposed Ground Floor Plan (4976 10 Rev. A)
- Proposed First, Second and Loft Level Floor Plans (4976 11 Rev. A)
- Proposed Front and Rear Elevation (4976 12 Rev. A)
- Proposed Side Elevation (4976 13 Rev. A)
- Proposed Side Elevation (4976 14 Rev. B)
- Proposed Block Plan (4976 15 Rev. A)
- Daylight Assessment (April 2018, Issue 1 - T16 Design)

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

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

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

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

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

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

- 4 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing no.256 Nether Street shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

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

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2016).

- 6 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. 4976 15 Rev. A shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

- 7 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

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

- 8 a) Before the development hereby permitted is first occupied, details of the privacy screen and balustrades to be installed for the ground floor rear balcony and first and second floor Juliet Balconies shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2016) and the Sustainable Design and Construction SPD (adopted April 2016).

- 9 Before the development hereby permitted is first occupied, the sub-division of the amenity area(s) shown on drawing 4976 15 Rev. A shall be implemented and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2016).

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

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

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

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

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

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

- 13 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

RECOMMENDATION III:

- 1 That if an agreement has not been completed by 30 September 2018, that unless otherwise agreed in writing, the Head of Development Management should REFUSE the application 18/0951/FUL under delegated powers for the following reasons:

1. The proposed development does not include any provision to restrict the parking permits of future occupiers or carry out a review of the surrounding CPZ following occupation of the building that would be needed as a result of the development contrary to policy CS9 of Barnet's Adopted Core Strategy (2012) and policy DM17 of the Adopted Development Management Policies DPD (2012).

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

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

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.

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 4500.

Officer's Assessment

1. Site Description

The application site comprises of a four-storey semi-detached property located on the western side of Nether Street within the West Finchley Ward. The application site has a dark red painted brick render with prominent two-storey bay windows to the front. This design is also reflected in the adjacent properties at no.254-256 Nether Street. Adjacent to the application site to the south is a pair of two-storey semi-detached dwellings and a three-storey purpose-built block of flats. Opposite the application site are four-storey purpose-built blocks of flats which are screened in part by a mature tree line running parallel to the public highway. The application site is served by 2 car parking spaces to the front of the property and benefits from a generous rectangular shaped rear garden that backs onto low-density residential gardens serving houses along the B1462 and Elm Park Road. The site benefits from a PTAL 4 accessibility rating and is located 325m from Finchley Church End Town Centre.

The application site is not a listed building, is not located within a conservation area and contains no trees subject to a Tree Protection Order (TPO) within its curtilage.

2. Site History

Reference: F/00943/13

Address: 258-260 Nether Street, London, N3 1HT

Description: Erection of a 4-storey building with a lower ground floor comprising of Missionary and HMO occupation, following demolition of existing semi-detached dwellings.

Decision: Approved subject to conditions

Decision Date: 27 March 2014

Reference: F/01368/12

Address: 256 Nether Street, London, N3 1HT

Description: Conversion of existing building to form 6 self-contained flats

Decision: Approved following legal agreement

Decision date: 20 September 2012

Reference: F/02735/11

Address: 258 - 260 Nether Street, London, N3 1HT

Description: Erection of a 4-storey building with lower ground floor comprising Missionary and HMO occupation, following demolition of existing semi-detached dwellings.

Decision: Refused

Decision Date: 27 September 2011

Reason 1:

The proposed design and appearance of the building on this prominent site would, by reason of its size, bulk, mass and design, constitute over development of the site, be out of character with adjoining properties and result in a visually obtrusive form of development detrimental to the visual amenities of neighbouring properties and would fail to take the opportunity available for improving the character and quality of the area. This is contrary to Policies GBEnv1, GBEnv4, D1, D2, D3, D4 and H16 of the Barnet Adopted Unitary Development Plan (2006).

Reason 2:

The proposed development does not include a formal undertaking to meet the costs of extra libraries, health and social care facilities and associated monitoring costs arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet supplementary Planning Documents - Contributions to Libraries (2008), Health (2009) and Monitoring (2007) and policies CS2, CS13, IMP1 and IMP2 of the Adopted Unitary Development Plan (2006).

Reason 3:

The proposed development does not provide sufficient on-site parking to the detriment of highway and pedestrian safety and residential amenity, contrary to policy M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

Appeal Reference: APP/N5090/A/11/2165087

Appeal Decision: Dismissed

Appeal Decision Date: 06 March 2012

Reference: F/04902/10

Address: 258 - 260 Nether Street, London, N3 1HT

Description: Erection of a 4-storey building with lower ground floor comprising Missionary and HMO occupation.

Decision: Refused

Decision Date: 18 March 2011

3. Proposal

- Conversion of existing dwelling into 6 self-contained flats;
- Demolition of existing rear conservatory and erection of a single storey rear extension to lower ground floor measuring 4.45m in depth (2.3m beyond existing rear building line), 4.45m in width, with a maximum flat roof height of 3.3m;
- Rear balcony to ground floor level and Juliet balconies to first, second and loft floor levels;
- Extension to the roof including 1 side and 1 rear (inverted) dormer windows;
- 3 roof lights to the front elevation;
- Relocation of steps and insertion of door / windows to side elevation;
- New light well to front;
- Alteration to windows and doors;
- 2 on-site parking spaces;
- Associated rear amenity space and cycle and refuse and recycling storage.

4. Public Consultation

Consultation letters were sent to 219 neighbouring properties. 7 responses were received comprising 1 letter of representation and 7 letters of objection. They can be summarised as follows:

Letter of representation:

- This application, which includes only two parking spaces for six flats, should be approved only if there is a condition preventing any resident from obtaining a parking permit.

Letter of objection:

- The balconies will reduce privacy as it overlooks neighbouring property and garden;
- The car parking spaces provided are insufficient for 6 flats;
- The studio flats are very small, making uncomfortable living spaces;
- There is a block of flats under construction at the top of Nether Street near the tube station, so this conversion doesn't need to cater for single people and harm the single-family character of the area;
- This is mainly a family residential area and converting this Victorian house, one of only a few remaining on this street, into 6 flats is a form of overdevelopment;
- The proposal will add to traffic congestion along Nether Street and contribute to a reduction in road safety for both drivers and pedestrians.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

The Mayor's Draft London Plan

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS14.
- Relevant Development Management Policies: DM01, DM02, DM08 and DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (October 2016)

Sustainable Design and Construction SPD (October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether adequate amenity would be provided for future occupiers
- Impact on highways
- Provision of refuse storage

5.3 Assessment of proposals

Principle of development

Policy DM01 states that:

- i. Loss of houses in roads characterised by houses will not normally be appropriate.

This application seeks planning permission to convert the application site into 6 self-contained flats. The application site is currently in use as a HMO. Therefore, the proposed conversion would not result in the loss of a house and would consequently comply with Policy DM01.

Policy DM01 also states that:

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

As outlined in the site description above, the surrounding character is mixed, albeit predominantly residential. Indeed, the adjacent properties comprise of two, three and four-storey flats, with some, particularly opposite the application site, purpose-built. Single family dwellings are proximally located, but are more characteristic in the adjacent street of Elm Park Road than this section of Nether Street. It should also be noted that the adjacent property at no.256 Nether Street was granted permission in 2012 for the conversion of a dwelling into 6 self-contained flats (ref: F/01368/12 and the adjoining property at no.260 was granted permission for a HMO in 2014 (ref: F/00943/13). Therefore, it is considered

that this section of Nether Street is not characterised by single family dwelling houses and consequently the proposed conversion would be acceptable in view of the above policy.

Character and appearance

Policy DM01 is aimed at ensuring all development respects and enhances the character and appearance of the application site and its surrounding area. The policy states that:

b. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

It is considered that the proposed external and internal alterations would not cause significant harm to the character and appearance of this section of Nether Street.

Single storey rear extension:

The proposed single storey rear extension to the lower ground floor following the demolition of the existing conservatory is deemed acceptable on character grounds. The extension would only result in a 2.3m projection beyond the existing rear building line which complies with Section 14 of the Residential Design Guidance SPD (2016) which states that 'The depth of a single storey rear extension normally considered acceptable for semi-detached properties is 3.5 metres.' No objection is made to the flat roofed form and external finish which will be conditioned to match existing. The extension will not be visible from the public highway.

Ground-floor balcony:

A ground-floor balcony is proposed above the single storey rear extension discussed above. A 1.8m privacy screen has been proposed along the site boundary with the adjoining property at no.260 to protect neighbouring residential amenity. Details of the privacy screen and balustrade will be secured via condition.

Juliet Balconies to the rear at first and second-floor levels:

No objection is made to the creation of Juliet balconies at first, second and loft level on character and appearance grounds. Details of the balustrade will be secured via condition.

Roof Extension:

The proposed side and rear dormers are considered acceptable on character and appearance grounds and in compliance with Section 14 of the Residential Design Guidance SPD (2016) which states that:

Dormer roof extensions should normally be subordinate features on the roof and should not occupy more than half the width or half the depth of the roof slope.

Given the height of the application site, the subordinate size and design of the side extension and its proximity to the adjacent building at no.256, it is not considered that the side dormer would be overly visible when viewed from the public highway. The rear dormer would be inverted and therefore its visual impact would be limited. Furthermore, it will not be visible from the public highway and therefore would not impact the appearance of Nether Street.

Light well:

A light well is proposed to the front of the application site to serve the proposed lower ground floor flat. The proposed light well would closely reflect in design and appearance the light well at the adjacent property at no.256 Nether Street which was approved in 2012 (ref: F/01368/12). The light well would have a nominal effect on the appearance of the application site, with a ground level grate the only visual reference point. This would be completely obscured when cars are parked to the front of the property. Therefore, given its limited visual impact on the appearance of the application site and the fact a light well was granted permission at the adjacent property at no.256, it is considered that a light well would not be out of keeping with or detract from the character and appearance of the application site or wider streetscene.

Alterations to external doors and windows:

No objection is made regarding the insertion of a door and window along the side elevation. These would have limited impact on the appearance of the application site when viewed from the public highway.

3 front roof lights:

The proposed roof lights would comply with Section 14 of the Residential Design Guidance SPD (2016) in terms of their size and siting.

In summary, it is considered that the proposed extensions and alterations are proportionate and in keeping with the appearance of the application site and would not detract from the character of the wider streetscene and locality. Furthermore, they would comply with the Residential Design Guidance SPD (2016). Consequently, this application is recommended for approval on character grounds.

Neighbouring Amenity

It is not considered that the proposed development would cause significant harm to the residential amenity of neighbouring occupiers.

Site Activity:

Conversion of the application site into 6 self-contained flats is not expected to result in a harmful increase in the amount of site activity to the detriment of neighbouring occupier amenity. Indeed, both neighbouring properties are themselves accommodating comparable levels of occupancy. No.256 is sub-divided into 6 self-contained flats, no.254 accommodates 4 self-contained flats and no.260 has been converted into a HMO. It should also be noted that the application site currently contains more bedrooms than is proposed. Furthermore, as will be demonstrated below, all proposed units meet the minimum internal space standards, have access to sufficient usable amenity space and would have an acceptable impact in relation to highways considerations. Therefore, given the comparable use of adjoining and adjacent properties and the fact the proposed units would comply with London space standards, it is deemed that converting the application site into 6 self-contained flats would not significantly harm the residential amenity of neighbouring occupiers by way of an over intensification of use.

Single storey rear extension:

As outlined above, the proposed single storey rear extension would only extend beyond the existing rear building line by 2.3m. This complies with Section 14 of the Residential Design Guidance SPD (2016) which states that a depth of 3.5m is normally considered acceptable for single storey extensions on semi-detached properties. Given the proposed depth, it is not considered that harm would be caused to the residential amenity of no.260 Nether Street by way of a loss of outlook, and daylight / sunlight. No flank wall windows would face onto the adjoining property and therefore no loss of neighbouring privacy is expected. Furthermore, it should be noted that the adjoining property at no.260 Nether Street is located to the south of the proposed single storey rear extension and therefore it is not expected that harmful levels of overshadowing would occur.

Ground-floor balcony and first, second and loft level Juliet balconies:

As outlined above, a 1.8m high privacy screen will be located along the site boundary with no.260 Nether Street at a distance of 1.5m from the nearest habitable room at no.260. It is considered that the privacy screen would adequately limit overlooking opportunities back into no.260 and the resulting views into the neighbouring garden are not expected to be any more intrusive than the vantage points provided via the first and second floor level Juliet balconies. The privacy screen itself is not expected to cause any harm to the outlook of the adjacent window serving a habitable room at no.260 given its set-back and limited height.

No objection is made to the Juliet balconies at first, second and loft level (part of the inverted dormer at roof level). This is a common residential feature across the borough, particularly given it is permissible under Permitted Development. The proposed Juliet balconies would not provide opportunities for overlooking into neighbouring dwellings and gardens over and above the vantage points available if future occupants opened their windows.

Light well and alterations to flank wall door and windows:

It is not considered that the proposed light well and flank wall door and window would cause harm to the residential amenity of neighbouring occupiers. A boundary fence will separate the application site from the adjacent property at no.256 and consequently provide privacy for both neighbouring and future occupiers. The proposed light well would have no impact on neighbouring amenity.

In summary, it is considered that the proposed use and external alterations and extensions would not cause significant harm to the residential amenity of neighbouring occupiers and where some impact may result, such as the ground floor rear balcony, appropriate mitigation measures have been proposed. Consequently, this application is recommended for approval on amenity for neighbouring occupier grounds.

Living standards for future occupiers

Floor Area:

The London Plan (2016) and section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum gross internal area (GIA) space requirements for residential units. Each of the proposed units would meet the minimum space standards:

Flat 1: 2-bed, 4-person, 1 storey - 112m² provided (70m² required)
Flat 2: 2-bed, 3-person, 1 storey - 86m² provided (61m² required)
Flat 3: Studio, 1 storey - 37.5m² provided (37m² required given shower room required)
Flat 4: Studio, 1 storey - 39m² provided (37m² required given shower room required)
Flat 5: Studio, 1 storey - 39m² provided (37m² required given shower room required)
Flat 6: 2-bed, 3-person, 2 storeys - 78m² provided (70m² required)

Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design and Construction SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 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 proposed bedrooms meet the above standards.

Floor to ceiling height:

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

The proposed units meet the above standard.

Light/outlook:

Barnet's Sustainable Design & Construction SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and provide reasonable levels of outlook to all habitable rooms.

All the proposed units would benefit from sufficient glazing but there were concerns that not all units would receive sufficient daylight / sunlight. Indeed, given the proposed layout, there would be two studios with almost exclusively north facing aspect (flat 3 and 5). While these units have eastern flank wall windows, these face onto the adjacent property at no.256 and therefore would provide limited outlook. Consequently, the applicant has provided a daylight report to demonstrate that all windows serving habitable rooms would benefit from sufficient daylight in compliance with BRE standards. The test applied was the Average Daylight Factor (ADF) which showed that the daylight received to all units would be more than double the BRE guidelines. A Vertical Sky Component (VSC) Assessment was not conducted given it focuses more on the impact on neighbouring properties, nor was a No Sky Line (NSL) Assessment given there is no BRE guidance of what NSL level should be achieved. The ADF is the most appropriate assessment in relation to this development and it demonstrates sufficient daylight provision to all habitable rooms.

Two further factors have been considered when assessing the acceptability of outlook to all habitable rooms. First, all units benefit from external usable amenity space which is in excess of the minimum space standards outlined in Section 2.3 of the Sustainable Design and Construction SPD (2016). This would augment the internal space which as outlined above meets BRE guidelines for daylight and provides additional amenity provision for future occupiers. Second, the adjacent property at no.256 was granted permission in 2012 (ref: F/01368/12) with 2 units which were also almost exclusively north-facing. While this does not in itself justify north-facing units at the application site, it is considered that given both developments are so similar in use and layout, it should be afforded some weight.

This also extends to the use of the light well to serve a lower ground floor unit which was also permitted in the highlighted planning permission. It is considered that in this instance, the use of the light well to serve a habitable room is acceptable, particularly given the proposed lower ground floor unit is dual aspect and has direct access to usable external amenity space to the rear.

Based on the above, it is considered that in this instance, the outlook provided to all units and habitable rooms is on balance acceptable.

Amenity Space:

Section 2.3 of the Sustainable Design & Construction states that for flats, 5m² of usable external amenity space should be provided per habitable room. This application proposes a 40m² private garden for the lower ground floor flat to ensure adequate privacy is provided for future occupiers and a 157m² communal garden further to the rear. This would comply with the aforementioned policy and provide an acceptable level of amenity for future occupiers.

In summary, it is considered that the proposed development would provide an acceptable level of amenity for future occupiers. All internal and external areas meet the minimum space standards outlined within the Sustainable Design and Construction SPD (2016) and the outlook provision is considered acceptable on balance. Floor to ceiling heights comply with local policy and appropriate sound proofing provision will be secured via condition to limit noise transference as a result of the proposed room stacking arrangements. Consequently, this application is recommended for approval on amenity for future occupier grounds.

Highways

Based on Policy DM17 and the floor plans provided, the proposed development would have a parking requirement of 3 to 7.5 parking spaces. The PTAL rating is 4. Therefore, based on consultation with the Local Authority's Highways Department, 5 parking spaces would be required. The proposed development would provide 2 parking spaces via the existing front driveway. As this section of Nether Street is subject to a Controlled Parking Zone (CPZ) and the fact the parking provision proposed would fail to meet Policy DM17, the applicant has agreed to enter into a S.106 agreement to amend the traffic order to restrict future occupiers from applying for parking permits. It is considered that this would address highways related concerns.

The proposed development is required to comply with Policy 6.9 of the London Plan (2016) regarding cycle storage. Capacity has been shown on the proposed plans to accommodate 9 cycle spaces within the rear communal amenity area. This would comply with the outlined policy and be secured via condition.

Subject to the signing of the aforementioned legal agreement to restrict parking permits for future occupiers, no objection would be made on highways grounds.

Refuse

The proposed development is required to comply with Barnet's Waste and Recycling Strategy (2018). The proposed plans show refuse and recycling storage to the front of the property along the site boundary with no.256. Bin capacity and screening provision has not

been outlined and therefore would be secured via condition to ensure compliance with the aforementioned policy.

5.4 Response to Public Consultation

The public comments received are acknowledged with a response provided below:

- This application, which includes only two parking spaces for six flats, should be approved only if there is a condition preventing any resident from obtaining a parking permit:

The applicant has agreed to enter into a s.106 agreement to restrict parking permits for future occupiers. Therefore, any permission is subject to this legal agreement.

- The balconies will reduce our privacy as it overlooks our property and garden:

A 1.8m privacy screen is proposed and will be secured via condition.

- The car parking spaces provided are insufficient for 6 flats:

The applicant has agreed to enter into a s.106 agreement to restrict parking permits for future occupiers. Therefore, any permission is subject to this legal agreement.

- The studio flats are very small, making uncomfortable living spaces:

All studio flats meet the minimum space standards outlined within the London Plan (2016).

- There is a block of flats under construction at the top of Nether Street near the tube station, so this conversion doesn't need to cater for single people and harm the single-family character of the area:

This section of Nether Street is not characterised by single-family dwellings.

- This is mainly a family residential area and converting this Victorian house, one of only a few remaining on this street, into 6 flats is a form of overdevelopment:

All units benefit from adequate internal space and external amenity provision in compliance with the London Plan (2016).

- The proposal will add to traffic congestion along Nether Street and contribute to a reduction in road safety for both drivers and pedestrians.

The applicant has agreed to enter into a s.106 agreement to restrict parking permits for future occupiers. Therefore, any permission is subject to this legal agreement.

6. Equality and Diversity Issues

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

7. Conclusion

The proposed development is not considered to cause significant harm to the character and appearance of the application site and wider streetscene, or the residential amenity of neighbouring occupiers. Furthermore, the proposed development is considered to provide a good standard of amenity for future occupiers and is acceptable on highways grounds. Consequently, this application is recommended for approval.

