

Location **994 - 996 High Road London N20 0QG**

Reference: **18/0778/FUL**

Received: 5th February 2018

Accepted: 5th February 2018

Ward: Woodhouse

Expiry 2nd April 2018

Applicant: Mr & Mrs Lucas

Proposal: Single storey rear extensions, two storey side and rear extensions, and rear roof dormer extension with additional roof light windows. Alteration and conversion of the existing property to create 2no additional dwellings to form 4no self contained flats. Associated bike, bin storage and amenity space as well as new hardstanding to form provision of off street parking spaces.

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. A contribution of £2,000 (index linked) to cover the costs of making an amendment the existing Traffic Management Order to prevent the future occupiers of the development from being able to obtain parking permits for the Controlled Parking Zone.

Monitoring Fee (£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: Drg.no.1530/0S, Drg.no. 1616/01-1, Drg.no. 1616/01-2 (Existing Plans), Drg.no. 1616/01-2 (Existing Elevations), Drg.no. 1616/02-1A, Drg.no. 1616/02-2A, Drg.no. 1616/02-3A, Drg.no. 1616/02-4A, Drg.no. 1616/02-5A, Drg.no. 1616/02-6 and Drg.no. 1616/02-7.

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

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

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

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

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

4 a) 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).

5 Before the building hereby permitted is first occupied the proposed window(s) in the side elevations facing no.990-992 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 2013).

6 a) Before the development hereby permitted is first occupied, details of privacy screens to the roof terrace be installed 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 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

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

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

8 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.

9 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).

10 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.

11 a) Before the development hereby permitted is first occupied, details of the subdivision of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

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

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

12 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. 1616/02-4A; 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 2015.

RECOMMENDATION III:

0 That if an agreement has not been completed by 30 September 2018, that unless otherwise agreed in writing, the Head of Development Manager should REFUSE the application 18/0778/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. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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 is a large semi-detached property which comprises two self-contained Units. The property has retained its original design features and has front to rear access via a side alleyway.

The application site is located on the east side of the High Road opposite the junction with Woodside Lane within the Woodhouse Ward. The immediate street character is defined by semi-detached housing which have been in use as flats, purpose built blocks of flats and a Kwik Fit garage. The wider street scene has a mix of residential, office, restaurant and retail uses.

The application site is not a listed building and does not lie within a Conservation Area.

2. Site History

Reference: C15693A/06

Address: 994 High Road, London, N20 0QG

Decision: Approved subject to conditions

Decision Date: 3 January 2007

Description: Conversion of loft space with addition of rooflights.

Reference: 17/0568/FUL

Address: 994-996 High Road, London, N20 0QG

Decision: Refused

Decision Date: 10 April 2017

Description: Single storey rear extensions, single storey side extensions, part two storey side and rear extensions. Roof extension involving rear dormer window and 2no front roof lights. Alteration and conversion of the existing property to create 2no additional dwellings to form 4no self-contained flats. Associated bike and bin storage. New hardstanding to form provision of parking spaces

The application was refused for the following reasons;

"The scale, siting and design of the proposed extensions and conversion would create a cramped form of development that would provide poor outlook to habitable rooms particularly along the flank wall at ground and first floor and in the roof and provide a lack of private, usable and quality outdoor amenity space for flat C and D. It is deemed that the development would not provide a satisfactory standard of accommodation for future occupants and would detract from the character of this location. As such, the proposal is contrary to Policies 3.8 and 7.4 of the London Plan 2016, Policies CS1, CS4, CS5 and CS14 of the Council's Core Strategy DPD (2012), DM01 and DM02 of the Development Management Policies DPD (2012) and section 2.2 and 2.3 of the Sustainable Design and Construction SPD (2016)."

The above refusal was appealed (APP/N5090/W/17/3178387) and the appeal was dismissed for the following reason;

"The proposal would unacceptably fail to provide adequate living conditions for future residents, contrary to Policy DM01 of Barnet's Local Plan Development Management Policies Development Plan Document, insofar as it seeks high quality development which should be designed to retain outdoor amenity space and allow for adequate outlook for

potential occupiers. It would fail to comply with the requirements of the SPD, and the National Planning Policy Framework (the Framework), which seeks to secure a good standard of amenity for all future occupants of buildings."

"The proposed side elevations would unacceptably harm the appearance of the existing building, and thus the character and appearance of the surrounding area. The proposal would thus conflict with Policy CSS of Barnet's Local Plan Core Strategy Development Plan Document, insofar as it seeks to ensure that development will respect local context and distinctive local character, and Policy 7.4 of the London, which amongst other things, requires development to have regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. Finally, it would conflict with the aim of the Framework to seek to secure high quality design."

3. Proposal

The proposed development includes:

Single storey rear extensions, two storey side and rear extensions. Rear roof dormer extension with additional roof light windows.

Alteration and conversion of the existing property to create 2no additional dwellings to form 4no self contained flats. Associated bike, bin storage and amenity space as well as new hardstanding to form provision of off street parking spaces.

- Conversion of existing single family dwelling into 4.no self-contained flats;
- 2.no onsite parking spaces and new hardstanding
- The single storey rear extension will extend along the boundary with no.998-1000, measuring 4.35m in width and 3.5m in depth. It will then project further into the garden beyond the existing rear outrigger measuring 2.5m in depth and 5.8m in width. This side of the extension would be 3m in depth and would be 1m away from the boundary with no.990-992. The extension will have a flat roof with a maximum height of 3.25m.
- The first floor rear extension will measure 5.8m in width and 3.5m in depth. It will have a pitched roof with an eaves height of 5.7m and a ridge height of 7.4m when measured from actual ground level. It would be 2.5m wider and 0.4m deeper than the existing extension.
- The two storey side extension will be set away by 1m, from the boundary with no.990-992. It will measure 0.4m in width and 8.4m in depth. It will have a pitched roof with an eaves height of 5.5m and a maximum height of 6.6m when measured from actual ground level.
- The rear dormer measures 4m in width, 3.1m in depth, with a maximum height of 2m.
- 3.no front rooflights;
- Rear first floor roof terrace;
- Associated refuse and recycling and cycle storage;
- Outdoor amenity space for 4.no flats.

4. Public Consultation

A Site notice was erected on the 15.02.2018.

Consultation letters were sent to 252 neighbouring properties.

8 responses have been received comprising 8 letters of objection.

A summary of public comments is as follows:

- Overdevelopment with usable parking for only 3 vehicles for 4 units with 4dbl and 3sgl beds
- Concern regarding stress on existing parking
- Overdevelopment of the site which is bound to affect the neighbour's amenities, in terms of noise nuisance, loss of light.
- Inadequate information has been provided of flat4 to work out gross internal area and head heights not clear from the information available on Barnet's website.
- Daylight / sunlight survey required to assess the impact on no.990-992
- The proposed and existing drawings do not show neighbouring properties or position of windows to habitable rooms, which would result in loss of privacy and overlooking
- Overall scale and bulk of the proposals are not in keeping with the street scene
- Overbearing effect on no.990-992 and surrounding properties
- Size, position and design of the proposed extensions and conversion would still create a cramped form of development that would provide poor outlook along flank walls at ground, first and roof level.
- Poor quality of external amenity space.

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 Government's 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 document. Both were adopted in September 2012. The following policy documents were consulted:

Core Strategy Policies:

- National Planning Policy Framework (NPPF) (2012): CS
- 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 (Adopted 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (Adopted 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

The principle of flats in this location

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'.

A planning history and council tax search of this section of the High Road highlights a number of approved flat conversions and original flats/maisonettes. Consequently, it has been established that flat conversions are acceptable on this part of the High Road and would not be contrary to policy DM01 or the established character of the street.

Whether the proposal provides a satisfactory living environment for future occupiers

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough.

The London Plan 2016, Policy 3.8 states that development proposals should demonstrate how the mix of dwelling types and sizes and the mix of tenures meet strategic and local need and are appropriate to the location. Development proposals should seek to ensure they meet local needs by providing an adequate mix of dwelling sizes (in terms of occupancy defined in terms of bed spaces), and mix of tenures to reflect local and strategic demand. Local dwelling mix policies which take into account design occupancy provide an important complementary mechanism to secure the effective implementation of occupancy related space standards.

Floor Area:

The London Plan (2016) and Barnet's policies and Sustainable Design SPD (Oct 2016) set out the minimum GIA requirements for residential units as follows:

- 1 bedroom, 2 person, 1 storey - 50m²
- 2 bedrooms, 4 person, 1 storey - 70m²
- 2 bedrooms, 3 person, 2 storey - 70m²
- 2 bedrooms, 4 person, 2 storey - 79m²

The applicant's drawings show each flat has provided:

- Flat A - 1 bedroom, 2 person, 1 storey - 59.0m²
- Flat B - 2 bedrooms, 4 person, 1 storey - 78.92m²
- Flat C - 2 bedrooms, 4 person, 1 storey - 75.6m²
- Flat D - 2 bedroom, 3 person, 2 storey - 81.5m²

Flat A, B, C and D each meet the minimum space standards.

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 proposed bedrooms for flat A, B, C and D meet and exceed these requirements.

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.

Flat A, B, C and D each comply with this standard.

Glazing:

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

All proposed habitable rooms meet this requirement.

Light/outlook:

Outlook was one of the reasons for refusal in the previous refused scheme (17/0568/FUL). Similarly the planning inspector raised the concerns with respect to outlook in her appeal decision (APP/N5090/W/17/3178387).

In her report the Planning Inspector states that the proposed "Flat C would incorporate a new bedroom along the extended side wall. The window within the main body of the bedroom, opposite the door, would be obscure glazed. The only clear glazed window would be located at the end of the narrow dressing area, and therefore some distance from the main bedroom area. As a result, whilst the room would receive natural light, the outlook from it would unsatisfactory, and would be substantially curtailed by the proposed location of the window."

"Within Flat B, a bedroom would also be located along the extended side wall. The only window serving this bedroom would be located in a recessed corner, facing towards the front of the building. The Council raises issues of privacy, as the proposed window would be located within 1m of the boundary with, and close to the entrance to 990-992 High Road. However, I note that a fence of around 1.8m in height would be erected on the boundary, and in my view, this would be sufficient to prevent harmful overlooking by neighbours. Nonetheless, the outlook from the bedroom would be severely restricted by the close proximity of the fence and the side walls of the ensuite and bicycle store, which would create a cramped tunnel effect. As a result, occupants would feel unduly confined whilst using the room".

In an attempt to overcome the above concerns the applicant has rearranged the layout of each flat.

With regards to Flat B, the bedroom located along the extended side wall has been replaced with a kitchen which will serve Flat A, a staircase leading to the upper floor units and a hall leading to Flat B. The bedrooms serving Flat B has been moved to the rear of the property overlooking the rear garden, alongside the living / dining area. The bicycle shed to the front of the property has been omitted from this current proposal.

With regards to Flat C, the bedroom along the extended side wall has been replaced with a dining area, and kitchen area. Roof lights are proposed at high level to provide additional

light and ventilation. The bedroom has been moved to the rear overlooking the green roof top.

Although the overall quality of outlook to both these flats still remains poor, in particular the kitchen area serving Flat C, the Planning Inspector raised concerns only with regards to the bedrooms located on the extended side extensions. It is therefore considered that the applicant has overcome the concerns that were raised by the Planning Inspector.

Furthermore it is noted that the proposed flats exceed the required space standards and therefore on balance the layout is considered to be acceptable.

Room stacking:

The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. The proposed layout is broadly acceptable, although details of adequate sound proofing will be required especially in areas where bathrooms reside above bedrooms. 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.

Amenity Space:

Section 8.2 of the Residential Design Guidance SPD (2016) states that, 'private amenity space for the exclusive use of building occupants is a highly valued asset. Sufficient, functional amenity space should therefore be provided for all new houses and flats wherever possible'.

Section 2.3 of the Sustainable Design and Construction SPD (2016) states that for flats there should be a minimum of 5m² of outdoor amenity space per habitable room.

Flat A requires: 15m²

Flat B requires: 20m²

Flat C requires: 20m²

Flat D requires: 20m²

Another area of concern in the previous scheme was the lack of amenity space provided for Flat C and Flat D.

In her appeal, the Planning Inspector has noted that "For proposed Flat C, outdoor space would be provided by a roof terrace which would offer around 15.8sqm of space. This would fall short substantially of the minimum requirement of 20sqm for a flat of this size. Flat D, which would also require a minimum of 20sqm of outdoor space, would not be provided with any external amenity area."

She further states that "although the relative proximity of public recreational space in the surrounding area is a mitigating factor, it would not cater for the range of functions that should be provided by private amenity areas. In the absence of any compelling reason to set aside the requirements of the SPD, I consider that the failure to provide adequate outdoor living space would be unacceptably deleterious to the living conditions of future occupants."

In the previous refused scheme Flat A and B had sufficient private outdoor amenity provision to the rear of the building, with appropriate screening proposed to protect privacy to each

flat. Flat C relied on a first floor roof terrace to provide amenity space. Flat D did not have access to private outdoor amenity space.

The application site has front to rear access via a side alleyway and a large rear garden and therefore capable of providing sufficient quality, usable and private amenity space for a flat conversion at the site. The current application has proposed the following revised amenity space layout for the proposed flats;

The rear garden would be subdivided and Flat B would have private use of one part of the rear garden (approximately 100m²).

Flat A and D would have access to the rest of the garden in the form of a communal garden space (approximately 120m²).

Flat C is provided with a private roof terrace of approximately 13.5m² and the use of the communal garden space. Screening is proposed to the roof terrace to protect neighbouring amenity.

Whilst roof terraces are resisted by Barnet's policies, the proposed roof terrace formed part of the previous proposals and no concerns were raised with regards to the roof terrace by the Planning Inspector.

It is considered that the proposed layout meets the outdoor amenity space standards included in section 2.3 of the Sustainable Design and Construction SPD (2016). It is considered that the proposal has overcome the concerns raised by the Planning Inspectorate with regards to amenity for the occupiers of the proposed 4 flats.

The Impact on the appearance and character of the area

The previous refused scheme proposed a side extension built up to the site boundary and within 1m of the side elevation and main entrance to no. 990 - 992, reducing the visual gap between the application site and this neighbouring property resulting in a dark and cramped space.

Furthermore the proposal included a flat roof bike shed to the front / side of the building further extending the front façade and the side extension significantly reduced the visual separation between the applicant site and the adjacent property at no.990-992, a visual separation that is characteristic of the streetscene.

The Appeal Inspector raised similar concerns stating that "whilst the proposed single storey side extension would achieve subservience to the existing building in terms of its scale and set-back, it would nonetheless harmfully reduce the generous gap between the appeal site and its neighbour. Furthermore, it would remove the existing direct access to the rear garden, an outcome which is resisted by the SPD:RDG. The proposed side elevations would unacceptably harm the appearance of the existing building, and thus the character and appearance of the surrounding area."

Under the current application the proposed two storey side extension which is only 0.35m wide and is set back by 1m from the boundary wall of no.990-992, maintains a visual separation between the two properties, that is a predominant character of the streetscene. Furthermore the cycle shed has been removed from the front and relocated to the rear of the property, allowing easy access to the rear of the property. The proposed two storey side extension is considered to be a subordinate addition and in harmony with the application site and the character of the neighbouring properties.

It is not deemed that the proposed rear extensions would be harmful to the character of the original property and are not visible from the public highway. The roof terrace would normally be out of character with the surrounding properties. While the adjacent property at no.990-992 has a first floor roof terrace, this has been made lawful through the passage of time and not via a planning permission which acknowledges roof terraces as an accepted design feature of the area. Given the adjacent property has a roof terrace, on balance one would be considered acceptable at the application site.

In summary, the dormers are considered to be in accordance with the Residential Design Guidance and the proposed extensions are considered to be subordinate additions to the application and would not constitute overdevelopment of the site. It is considered that the current application has overcome the reasons for concerns in terms of character.

The impact on the amenities of neighbouring occupiers

The proposal has been amended since the previous refused scheme to a more acceptable scheme.

Front / side bike storage has been omitted from the current application.

- Single and two storey side extensions: The proposal has been amended and the amended scheme involves a two storey side extension that has a 1m setback from the curtilage boundary and would therefore comply with section 14 of the Residential Design Guidance SPD (2016). The windows on the flank wall of the applicant property will be obscure glazed and fixed shut to protect against overlooking however, as the first floor window serves a hallway leading to the kitchen and the dining area, it is not considered that this window at first floor level will cause detrimental impact on the amenities of the occupiers of no.990-992 to an unacceptable level in terms of overlooking or loss of privacy.

- Single and two storey rear extensions: It is not deemed that the extensions would impact on neighbouring amenity over and above the current level of amenity. The single storey rear extension element along the boundary with no.998-1000 is 3.5m in depth which is in line with section 14 of the Residential Design Guidance SPD (2016), and is broadly in line with the existing depth (although lower in height) of the rear canopy. The position of the existing canopy at the applicant site protrudes 3m beyond the adjoining rear wall. The north-south orientation of the site will cause some overshadowing of the neighbouring property, but not to a greater extent than caused by the existing canopy. The single and two storey rear extensions closer to the boundary with no.990-992 are acceptable as the two storey element is only 0.4m deeper than the existing of the existing two storey element, only marginally larger than the existing building and the single storey element does not extend beyond the neighbouring extension by more than 1m, with the impact thereby reduced.

First floor roof terrace: As outlined above, roof terraces are not a common feature in this area. However, as the adjacent property at no.990 - 992 has a roof terrace it is deemed acceptable that the applicant site can have one also. To limit the potential of overlooking to neighbouring properties, the roof terrace will be screened with frosted glass measuring 1.7m in height above the terrace level.

Rear roof dormer and front rooflights: The dormer and rooflights would comply with section 14 of the Residential Design Guidance SPD (2016) by virtue of their size, siting and design. They are not deemed to harmfully impact neighbouring amenity.

Parking and Highways

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

Policy DM17 concerns the parking standards for new developments. It states that flats with 2 to 3 bedrooms are required to have 1.5 to 1 parking space and flats with 1 bedroom are required to 1 to less than 1 space. The application site has PTAL of 2 which is considered poor. The proposal involves the conversion of 2 flats into 4 no self-contained flats (1x 1 bedroom, 3x 2 bedrooms). In accordance with policy DM17, 3 to 5.5 parking spaces should be provided.

The proposal includes 2 no. onsite parking spaces. Taking into consideration that the site is located within walking distance of a town centre and the site is located within a Controlled Parking Zone, the proposed parking is considered acceptable subject to a S106 restriction on residents parking permits.

The application proposes 4 no secure cycle spaces located to the rear of the property. Whilst the location appears to be acceptable, details of the cycle shed have not been provided. It is suggested that a condition can be attached requiring details to be submitted for approval.

Refuse and recycling storage

Refuse and recycling provision should comply with Barnet's Waste and Recycling Guidance (2015).

No plan has been submitted showing the location of the bins and collection points. It is suggested that a condition can be attached requiring a details to be submitted for approval.

Sustainability

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 6 % CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy.

In terms of water consumption, a condition is attached to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

Community Infrastructure Levy

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will

take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm (index related) on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sqm (index related).

5.4 Response to Public Consultation

- Overdevelopment with usable parking for only 3 vehicles for 4 units with 4dbl and 3sgl beds
- Concern regarding stress on existing parking

Whilst it is noted that there will be a shortfall of parking spaces, the proposed parking is considered acceptable subject to a S106 restriction on residents parking permits.

- Inadequate information has been provided of flat4 to work out gross internal area and head heights not clear from the information available on Barnet's website.

It is considered that the plans and drawings that have been provided by the applicant as part of the application can be scaled and is therefore considered to be adequate.

- Overdevelopment of the site which is bound to affect the neighbour's amenities, in terms of noise nuisance, loss of light.
- Poor quality of external amenity space.
- Overall scale and bulk of the proposals are not in keeping with the street scene
- Size, position and design of the proposed extensions and conversion would still create a cramped form of development that would provide poor outlook along flank walls at ground, first and roof level.
- Overbearing effect on no.990-992 and surrounding properties
- Daylight / sunlight survey required to assess the impact on no.990-992
- The proposed and existing drawings do not show neighbouring properties or position of windows to habitable rooms, which would result in loss of privacy and overlooking

It is considered that the plans adequately show the positions of the windows and doors in the side elevations. Furthermore a site visit was undertaken and the positions of the windows at the neighbouring properties have been taken into consideration.

Public comments were considered as part of this assessment and have been reflected above. Furthermore the previous refused application was appealed and the comments and concerns of the appeal Inspector has been taken into consideration while assessing this 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

Having taken all material considerations into account, it is considered that the proposed development, subject to condition would be acceptable. This application is therefore recommended for approval.

