

Addendum

Hendon Area Planning Committee

27 March 2019

Reference: 18/6978/FUL

5 Neeld Crescent, London, NW4 3RP

1. It is brought to the attention of members that following the publication of the committee report, an appeal against the enforcement notice served in respect of the conversion and material change of use of the application site into 9 flats has been dismissed (ref: APP/N5090/C/18/3207134). As a consequence, the requirements of the enforcement notice remain extant. The date of compliance is now the 22nd September 2019.

2. A further public comment has been received since the publication of the committee report. For clarity, the following comments have been received from a member of the public that has already raised formal objection. The comments received are as follows:

- Principle of flattened development on Neeld Crescent.

Council Tax search shows there are 102 properties now instead of 49 dwellings – some in the form of flats or units in blocks of flats. This shows an increase of over 50 new dwellings and this is not a small increment on a street that is only 0.2 miles (0.3 km) long. Is it the council's intention to fill the entire road with flats just because it has a mixed residential character? And to use other flats as precedents until the road is saturated?

The statement that there are 10 flats between no 1 and no 49 Neeld crescent is misleading. Audley Park on the west side of Neeld Crescent has a total of 12 flats, Berkley Park has 6 and Simon Court has 9 flats. There are too many flats on Neeld Crescent and it is for this reason that new flats must not be approved. Let no 48 (January 2018) be the last conversion to be approved because the character of the road and area is being eroded by too many flat conversions and too many new builds of flats.

- Extensions to original building did not allow for new windows that are now present in the building. These windows are subject to an enforcement investigation ENF/1808/18. These windows now allow rooms to be habitable where before they may only be storage or utilities areas.
- Enforcement notice ENF/0701/18 issued on 20 June 2018 (Reason 4 part 4) has stated that "the conversion of the property with more than 4 bedrooms into 9 flats has resulted in the loss of priority housing stock, contrary to Policy DM08 of the Council's Adopted Development Management Policies DPD (2012), Policies CS1 and CS5 of the Council's Adopted Core Strategy

(2012)". This is in direct contradiction to the officer recommendation on Page 7 that "it is not considered that there is sufficient policy justification to refuse the principle of flatted development at the application site." Houses with 4 bedrooms are the highest priority for housing stock in Barnet. No 5 should be preserved for single family housing not flats.

- It is stated that there are no external changes to the property. However, the use of the property as 3 flats (as opposed to 9 unauthorised flats) is detrimental to the living conditions of the future occupiers due to the poor design of the internal layout.

The floor plan of Flat 1 has so much storage space and yet it has only a short wall of cabinetry and cooking facilities for a 2-bedroom 4 person flat. There is also a large area of undesignated use between utility room 3 and bedroom 2, enclosed by more walls.

Flat 2 has a pantry now and the failure to remove more walls to extend the kitchen space seems particularly conducive to reinstating bathrooms or bedrooms into the flat.

The design of Flat 1 and 2 is limited to the structural build of the unlawful 9 flats. It is not a fluid design whereby good use is made of the area afforded by the extended 2 floors. The applicant seems reluctant to open the design and appears to keep as many of the existing walls as possible. This has given Flats 1 and 2 very cramped and disproportionate look. Only the loft level studio is proportionate.

There was a request to the planning officer on 25 February 2019 to confirm whether more than 50% of the curtilage of the ORIGINAL house has been used up with the extensions, garage and the unauthorised outbuilding in Plan number 097 F-051 02. No confirmation has been given and it appears that there has been no verification whether the area used has been exceeded or not.

The outbuilding is on higher ground to its neighbours at the rear and therefore appear obtrusive. It was not sufficiently screened through 2 winter seasons and has ruined the outlook of the neighbours by its presence.

The outbuilding also is in direct line of sight to the conservatory of 7 Neeld Crescent. Normal fencing does not afford total privacy as the gradient of the gardens as well as the level of the outbuilding and neighbouring conservatory allows overlooking. The residents of no 7 spend a lot of time in the conservatory and this will affect their residential amenity.

- The officer report does not stringently address the intensification of use concerns. Three separate households will generate a different intensity of use to a single household. It is not wholly a matter of counting how many occupants live on site. The neighbours have been subjected to years of 9 households operating on the site.

The proposed reduction to 3 households is not a bonus. We would like to see the property reinstated to single family use to relieve the pressure on the neighbouring residents of having

to battle for on-street parking when visitors and deliveries come, of having to deal with noise, congestion, pollution and disruption with more households per plot.

Reference: 18/6354/FUL

6 Neeld Crescent, London, NW4 3RR

1. It is brought to the attention of members that following the publication of the committee report, an additional representation has been received, setting out the following grounds of objection:

1. The report does not fully address the objections to **the loss of a large detached family home** to build 4 units nor the effect of another block of flats on the amenities of existing residents on Neeld Crescent. The loss of priority housing stock is contrary to Policy DM08 of the Council's Adopted Development Management Policies DPD (2012), Policies CS1 and CS5 of the Council's Adopted Core Strategy (2012).
2. There is also **no attempt to soft landscape the front curtilage** due to the car park spaces needed. This gives a hard urban outlook to the build. This new build proposal is stretched out to north and south boundaries and its bulk and mass occlude the spaces between buildings and adds to this concrete effect.
3. The number of units is planned for 14 occupants compared to a family home of 6 or 7 members. This **intensification of use** is already apparent in other houses along Neeld Crescent and this has ruined the character of this residential street. In principle flatted developments have been allowed BUT we are urging the committee members to stem the flood of multiple units with small bedrooms being built in Neeld crescent and other minor lateral roads off Station Road.
4. A more sympathetic approach to development in Neeld crescent is long overdue. Just because 20% of homes have been converted to flats does not make this proposal any more agreeable or right. The other way to look at it is that dwellings in Neeld crescent have doubled from 49 to 102 in the last few years! That is a **density that is horrifyingly excessive**. If carried out at this rate, very soon there will be no single-family dwellings in Neeld Crescent.
5. The issue of car ownership is also compounding the problems on Neeld Crescent. Many flat occupiers own cars despite the availability of public transport. Some only use their cars on weekends and the pressure for on-street parking has **not been ascertained by a parking survey** for a new build.
6. Barnet's response to Draft London Plan 2018 has acknowledged: the possible impact of overspill parking from new development must be considered. Continued car use in the lower density suburbs of Outer London remains a reality, irrespective of public transport service and reliability improvements.
7. The environmental officer has reported **poor air quality** on all sides of the property due to the proximity to major roads. No condition has been made to ensure that the building will be 'clean' for future multiple occupiers – to follow building regulations that require mechanical ventilation. Adding more dwellings and cars to the site increase pollution to the area. New housing should be focused on large regenerated areas rather than on a suburban street that is being strangled by excessive development.
8. A direct harm to neighbours is the **increased overlooking** from windows facing neighbours' rear habitable rooms.
9. The introduction of 4 units will lead to more instances of overlooking from more occupants into rear habitable rooms especially from the rear rooms at roof level of No 6 which are higher

than neighbours' rooms on ground and first floor levels. Neighbours affected are those in Station Road and Audley Road.

10. The rear garden will be subject to **more activity from 14 occupants and their visitors.**
11. Although not a planning issue, there has been misuse of the rear garden over the last few years and we cannot be sure that this proposal will stop further misuse. It was only last year that the rear garden was properly used as a rear garden and not as a builders' yard. There is presently a high level of use from a family with young children; the number of visitors is also high to this property. With 4 households, we can expect a quadrupling of use for the private and communal gardens.
12. Currently there is misuse with part of the garden used for parking at a separately fenced off southern area. ENF/1833/18 investigation since November 2018.
13. The approval for flats development in 2008 (H/02574/08) is for an entirely different scheme for 9 flats with basement car parking for 11 cars and a landscaped front garden in a land area double the size of this proposal (two house plots). This was also granted 10 years ago before other conversions and new builds have since been implemented. It cannot be compared as like for like. **No detailed analysis of the different schemes has been done for the report.**
14. This proposal will be more suited in a road that has smaller flats as its predominant form of residences.
15. As a new build it did not provide a **SuDS (Sustainable Urban Drainage system) report nor a sustainability checklist.**
16. Residents would like to see a reduction of multiple flats on a plot and occupants' cars reversing onto pavements in a road with both heavy vehicular and foot traffic.

Item 13: Urgent matters

Land at the Rectory 18/2839/FUL for 'Demolition of existing buildings and redevelopment to provide 52 residential homes (C3 Use Class) within two buildings of 4 storeys with a setback 5th storey interlinked by a single basement, together with associated car parking (basement and surface level), cycle parking, access, utilities, refuse / recyclables storage and landscaping works'

Permission was granted at the Hendon Area Planning Committee on the 16th October 2018 subject to completion of a s106 agreement.

Since that meeting, negotiations on the precise detail of the Section 106 have been ongoing - particularly in terms of the affordable housing provisions. The discussions have now reached a conclusion where the applicant and planning officers have agreed to terms for the affordable housing sections and are ready to proceed with finalising the S106 and issuing permission.

The heads of terms agreed by the Committee for affordable housing include a commuted payment of £338,541 to contribute to the provision of providing affordable housing within the London Borough of Barnet and review mechanism on potential additional affordable housing contributions (up to an equivalent of 40%) to be implemented either within two years from the commencement of the build, or after 80% of the units have been sold.

In reviewing the draft section 106, officers have sought that the affordable housing review mechanism should more closely reflect the framework set out in the GLA: Affordable Housing & Viability SPG (2017). This has been agreed by both parties.

The initial affordable contribution remains at £338,541. There is no change in this regard.

There remain two triggers proposed for the affordable housing reviews.

The early review will continue to occur if the permission is not substantially implemented within two years.

However, the late review will now occur on the sale or occupation of 39 units (75% of the 52 consented units).

This is an amendment to the trigger stated in the heads of terms presented at committee.

Officers are of the opinion that this variation to when the late stage review is triggered does not represent a substantive change and as such, it is recommended that it be approved by the Committee.

The provisions for affordable housing and change to the review mechanism is compliant with the National Planning Policy Framework, London Plan, Mayors SPG and the Local Plan.

The previous committee report is available for reference:

<https://barnet.moderngov.co.uk/documents/g9567/Public%20reports%20pack%2016th-Oct-2018%2019.00%20Hendon%20Area%20Planning%20Committee.pdf?T=10>