

**Location**                                 **David Court 1044 - 1046 High Road London N20 0QR**

**Reference:**                                 **18/4856/FUL**                                 Received: 6th August 2018  
Accepted: 7th August 2018

Ward:   Totteridge   Expiry 2nd October 2018

Applicant:                                     Mr Stuart, Neil, Colin Bookatz, Bookatz, Cohen

Proposal:                                     Alteration and modifications of existing roof including construction of an additional (fifth) floor with a new flat roof to building to provide an additional 2no self-contained flats. Associated alterations to fenestration. Additional provision of parking spaces and cycle storage

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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)

- 1 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.

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

1088-13 B (Revised existing site plan)  
1088-01 (Existing elevations)  
1088-02 B (Revised existing floor plans)  
1088-12 Q (Revised proposed site plan)  
1088-10 J (Revised proposed elevations)  
1088-11 F (Revised proposed floor plans)  
Arboricultural Impact Assessment by SJ Stephens Associates dated 23 May 2019  
Letter by the ecology partnership dated 09 February 2019

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).

- 3
- a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.
  - b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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

- 4
- a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, including details of the replacement tree following the removal of T1, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.
  - b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
  - c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

- 5
- No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection measure shown on Plan No. 1339-01 contained within the Arboricultural Impact Assessment by SJ Stephens Associates dated 23 May 2019 has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method, including no-dig construction, as set out in the Arboricultural Impact Assessment by SJ Stephens Associates dated 23 May 2019 approved in Condition 2 of this consent.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management

Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

- 6 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
  - ii. site preparation and construction stages of the development;
  - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
  - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
  - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
  - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
  - vii. noise mitigation measures for all plant and processors;
  - viii. details of contractors compound and car parking arrangements;
  - ix. details of interim car parking management arrangements for the duration of construction;
  - x. details of a community liaison contact for the duration of all works associated with the development.
- b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 7 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on the proposed site plan as approved under Condition 2 of this consent shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with residents living at David Court.

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.

8 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.

9 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).

10 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.

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

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02

of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

### **Informative(s):**

- 1 In accordance with paragraphs 38-57 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 and the Applicant engaged with this prior to the submissions of this application. 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](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will

incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

3 The submitted Construction Method Statement shall include as a minimum details of:

- o Site hoarding
- o Wheel washing
- o Dust suppression methods and kit to be used
- o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
- o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable

means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.

- o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

- o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

## **Officer's Assessment**

### **1. Site Description**

The application site is on the east side of the High Road, in the ward of Totteridge.

It is not a locally or statutory listed building. It is not located with a designated conservation area.

There are no Tree Preservation Orders on site.

The existing building is a four-storey flatted development. The fourth storey is set within a mansard roof. This fourth storey was a later addition to the building (application planning reference: N00177J/03, dated 11 August 2003). There are currently twelve self-contained flats in the building.

There is hardstanding to the front of the building which is used for car parking, as well as pedestrian paths to the main entrance, in addition to some soft landscaping, trees and refuse/recycling storage area.

Vehicular access runs along the southern boundary to the rear. At the rear of the building is a communal garden; an area of hardstanding; and a single storey garage block (which falls outside the red line boundary). All parking is non-demarcated.

### **2. Site History**

Reference: 18/0243/FUL

Address: David Court, 1044 - 1046 High Road, London, N20 0QR

Decision: Withdrawn

Decision date: 14 March 2018

Description: Alteration and modifications of existing roof including construction of an additional (fifth) floor with flat roof to building to provide an additional 2no self-contained flats. Five storey front extension to provide an internal staircase. Associated alterations to fenestration and external render. Additional provision of parking spaces and cycle storage

Reference: N00177J/03

Address: David Court, 1044 - 1046 High Road, London, N20 0QR

Decision: Approved subject to conditions

Decision date: 11 August 2003

Description: New third floor comprising three one bedroom self contained flats (Retention).

### **3. Proposal**

The application proposes the alteration and modifications to the existing roof (fourth floor) and construction of an additional (fifth) floor, in order to provide an additional 2 no. self-contained flats.

The existing mansard roof will be altered to a flat roof and appear as a continuation of the floors below, built in brick with render.

The new fifth floor will be constructed on top of this flat roof.

The new fifth floor would have a height of 2.9 metres with a flat roof and soffit. It would have a stepped design to follow that of the main building. On the west (front elevation) the new fifth floor would have a width of 9.5 metres (set back 2.3 metres from the main wall), before stepping back 2.3 metres to then extend a further width of 4 metres. Therefore on the front elevation it would have a total width of 13.5 metres (albeit stepped). The new fifth floor would measure a depth of 10.5 metres on the north (side) elevation, set back 1 metre. To the east (rear) the fifth floor would be set back 2.6 metres from the main rear wall. It would extend a width of 3.9 metres, step back 2.7 metres before extending a further width of 9.6. This part of the rear wall would be set back 1.1 metre from the rear main wall. The south (side) wall of the fifth floor would measure a depth of 10.2 metres, set back 2.3 metres. The new fifth storey would be in render.

There are also associated alterations to fenestrations as a result, alteration hardstanding, provision of parking to the rear and provision of cycle storage and refuse and recycling storage.

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

A site notice was erected 16 August 2018.

Consultation letters were sent to 134 neighbouring properties.  
10 responses have been received, comprising 10 letters of objection.

The objections received can be summarised as follows:

Highways and parking concerns:

- Pollution caused by more cars.
- The parking spaces should be made a condition and that condition should not be able to be removed at any stage.
- Parking availability is already low and on a first come first serve basis. Although the property developer has proposed more parking spaces, that is at the cost of losing communal garden space
- Number of parking spaces will still not accommodate the number required
- Proposed plan for six car parking spaces to the front is misleading and there would be no space for cars to reverse and get out
- The use of bicycles should not be proposed as a main means of transport and therefore refrain from sufficient provision of parking on site. The existing bicycle shed at the rear is an unhygienic waste of space, a dumping place for unwanted rubbish and the new proposal does not clearly define how it would address these design issues.
- Visibility splay is already severely impaired by the parking congestion on Whetstone High Road
- On the proposed site plan, the location of the pedestrian access to the main entrance and its separation from the parking spaces is not clear. For the safety reasons these should be defined.

Refuse and recycling:

- Bins already overflow with the number of occupants. Not enough capacity

Design:

- The scheme is not in keeping the road in harmony with neighbouring buildings
- I don't understand what cladding is being proposed to make the exterior of my existing top floor flat match the rest of the building.
- It does not demonstrate how the changes to the mansard roof and the materials on the elevation can be achieved to appear as a continuation of the main building and resolve the separation line showing between the new third floor and existing brick work

Other matters:

- Companies are getting too greedy. No to build enough building work going on in Whetstone. This area cannot have anymore buildings built up or down.
- Intensification and overdevelopment of the site.
- I can't see how the proposed structure is going to be built on an existing timber and stud wall structure without impacting me.
- There is no consideration made for existing skylights on the existing roof area. The new storey would build on top of it. I believe all top floor flats will have the same issue.
- The architect drawings of the existing flat layouts are wrong.
- This will add to the density of the block
- No consideration to improve the appearance and the performance of this building or the facilities and amenities of the residents
- No structural report has been submitted to give evidence that the block can withstand an additional floor
- Disruption of new floor
- Two flats are a minimal contribution to local housing supply.
- In addition, as access to the proposed flats are via a staircase, this will exclude many sections of the population (e.g. seniors, disabled, families with very small children) from residing in these. This is in direct contravention of the London Plan Policy S3.8 re: housing choice
- How has 'enough garden space would remain' been determined?
- An additional floor may impact mortgage terms and conditions of owners, current and future, in a block without a lift.
- I also see that they are proposing to make the third floor a brick structure rather than timber and tile, as it currently is.

## **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 revised National Planning Policy Framework (NPPF) was published on 19th February 2019. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

### The Mayor's London Plan 2016

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

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

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

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS5, CS9
- Relevant Development Management Policies: DM01, DM02, DM17

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

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 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 October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the principle of development is acceptable
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the amenity of future occupiers;
- Whether harm would be caused to highways parking;
- Whether harm would be caused to trees;
- Any other material considerations

## **5.3 Assessment of proposals**

Principle of development:

Paragraph 117 of the National Planning Policy Framework (NPPF) (2019) states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 118 of the NPPF (2019) states that amongst other things, planning policies and decisions should, in point (e): "support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers."

The proposal uses airspace above existing residential development to deliver new homes. It is therefore supportable in principle in accordance with the NPPF (2018).

For areas such as the application site policies CS1 and CS3 of the Barnet's Core Strategy DPD (2012) expects new developments to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

The application site has not been identified for any specific use in development plan planning policies, is previously developed land and is situated in an area characterised by residential housing. The land is located within walking distance of a number of bus stops, is close to local amenities and utilises existing access.

In such circumstances, Planning Officers find that there is nothing to specifically preclude the development of an additional storey in the broadest sense, subject to the scheme proposed being compliant with the relevant development plan policies.

As such the principle of an additional storey is deemed acceptable.

Impact on character and appearance of main building, street scene and surrounding area:

Paragraph 124 of National Planning Policy Framework (2019) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Policy CS5 of Barnet's Core Strategy (2012) states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that 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.

The existing fourth floor (the mansard roof) would be altered to a flat roof design and would appear as a continuation of the main building. This mansard roof, when altered, would not be any greater in height than the existing building. As such the alteration of the fourth floor to match the main building is considered acceptable.

A new fifth floor would be constructed on top of the flat roof of the fourth floor. The fifth floor would also have a flat roof design.

To the north, 1048-1058 High Road, is a three-storey brick built flatted development with a pitched gable-end roof. To the south is Imperial Court, a four-storey brick built flatted development with a flat roof.

It is also noted that the development approved at the site formerly known as 1060A - 1072 High Road, N20 0QP to the north of the application site is currently being implemented on site. The planning permission reference B/06116/13 (which was subsequently varied and approved under reference 17/6147/S73, dated 02/11/18) approved a three storey building fronting the High Road, with rooms in the roof space. This building would be greater in height than its neighbouring buildings either side.

Although the proposal would mean it would be 2.7 metres greater in height than either neighbouring building, this part of the High Road features buildings of varying scales and heights. Furthermore, the Design Officer has stated that they believe there is scope to increase the height of the building and accommodate an additional storey.

A new fifth floor would increase the height of the building from 11 metres in height to 13.7 metres in height. The fifth floor would have a stepped design and would be set back from the front wall by 2.3 metres. The fifth floor would also be set in from the north (side)

elevation by 1 metre and its south (side) elevation by 2.3 metres. This would minimise its visual impact.

The main building of David Court is set back from the main road of the High Road by over 10 metres. Furthermore, there are large trees along its frontage, which will be retained, and provide visual screening in the spring and summer months.

In regards to the materials of the new fifth floor, it would be render, which would reflect that of the main building.

For the above reasons it is considered the alteration and modifications to the existing roof and construction of an additional (fifth) floor above would preserve the character and appearance of the street scene and host building. It would respect the appearance, scale, mass and height of surrounding buildings, in accordance with Policy DM01 and CS5 of Barnet's Local Plan.

When one returns to Paragraph 118 of the NPPF (2019) it states that upward extensions are acceptable where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene. As explained above, building heights and forms are varied, particularly in light of the development being built at 1060A - 1072 High Road. The new fifth floor would be set back and screened in the spring and summer months by the frontage trees, which would minimise its visual impact on the street scene. As such, it is deemed acceptable.

Impact on amenity of neighbouring occupiers:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Imperial Court, a flatted development, is sited south of the application site. There are no side windows in this building facing the application site. There are front-facing windows in the set-back front wall of Imperial Court. However the proposed fifth floor would be set back from the (side) elevation adjacent to Imperial Court by 2.3 metres and the building is sited 6.2 metres away.

1048-1058 High Road, a flatted development, is sited north of the application site. There are side windows facing the application site, however, these appear to be secondary windows (the primary ones being the rear facing windows) and are positioned beyond the rear building line of David Court. The proposed fifth floor would not extend this far. The fifth floor would be set back from the rear wall by 2.5 metres and set off the side (north) elevation by 1 metre.

For the above reasons it is not considered the development would harm the visual or residential amenities of the occupiers at Imperial Court and 1048-1058 High Road.

The new fifth floor would be set back from all elevations, and therefore not cause harm to the outlook or light received to the flats below in David Court.

Although there would be rear windows in the new floor overlooking communal gardens, this is no different to the existing situation.

It is noted from neighbour objections received by the local authority that the new fifth floor would result in the existing rooflights in the existing mansard roof being built over. From

the floor plans provided by the applicant these rooflights currently serve the communal staircase/corridor and the kitchen areas of the flats titled 'Flat 11' and 'Flat 12'. In its glossary, Barnet's Sustainable Design and Construction SPD (2016) defines a habitable room as a kitchen "where the total area is more than 13 sqm (including fittings)". These kitchens are less than 13 sqm and therefore do not constitute habitable rooms. As such, no objection is raised.

In summary, it is considered that the development proposals would allow for adequate daylight, sunlight, privacy and outlook in accordance with Policy DM01 of Barnet's Development Management Policies Document DPD (2012).

Impact on amenity of future occupiers:

Policy DM02 of Barnet's Development Management Policies Document DPD (2012) states that where appropriate, development will be expected to demonstrate compliance with the following national and Londonwide standards supported by the guidance set out in the council's suite of Supplementary Planning Documents including wheelchair accessibility in accordance with the London Plan Policy 3.8, minimum floorspace standards in accordance with the London Plan Policy 3.5 and the outdoor amenity space standards in accordance with Barnet's Sustainable Design and Construction SPD (2016).

Both of the proposed units would meet minimum floorspace standards as set out in the London Plan.

Both of the proposed units are dual aspect. They would have reasonable outlook with clear glazed windows. The glazing to the habitable rooms would be more than 20% of the internal floor area of the room, as required by Table 2.4 of Barnet's Sustainable Design and Construction SPD (2016). They would have acceptable level of privacy.

In regards to outdoor amenity space, the existing communal garden area is 353 sqm in area. With the proposed parking this would be reduced to 324 sqm in area.

The existing development 43 habitable rooms (based on floor plans submitted and counting all rooms except bathrooms and small kitchens on the third floor as habitable rooms). Table 2.3 of Barnet's Sustainable Design and Construction SPD (2016) states that for flats 5 sqm of outdoor amenity space per habitable room should be provided. When the number of habitable rooms is multiplied by 5 sqm, this totals 215 sqm. With 5 additional habitable rooms in the two proposed flats in the fifth floor, this results in 48 habitable rooms, and thus 240 sqm of outdoor amenity space required. Therefore, with 324 sqm of garden space retained, the amenity standards are met. Furthermore, it is noted that Swan Lane Open Space is opposite the site.

Trees:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate.

Policy DM01 also states that development proposals will be required to include hard and soft landscaping that: is well laid out in terms of access, car parking and landscaping; considers the impact of hardstandings on character; achieve a suitable visual setting for the building; provide an appropriate level of new habitat including tree and shrub planting; make a positive contribution to the surrounding area; contributes to biodiversity including

the retention of existing wildlife habitat and trees and adequately protects existing trees and their root systems.

There are no Tree Preservation Orders on site. It is not within a conservation area.

The applicant has submitted an Arboricultural Impact Assessment dated 23 May 2019 by SJ Stephens Associates.

The tree to the frontage will be retained and the parking area to the front will remain as existing. Therefore, there will be no change to the front.

The tree officer at the local authority noted that the large tree in the rear garden (a pear tree, T1) has extensive stem decay into the main structural branches. Although it may be admirable for the applicant to seek retain this tree, with parking proposed under this tree there is a risk of branch/limb failure. As such, with agreement from the applicant, the tree will be removed and there will be a large (40/45 cm girth) tree to replace this tree, which will offset this loss. This can be secured by way of planning condition. As shown on the (revised) proposed site plan there will be additional planting in the garden to mitigate the visual impact of the new parking area to the rear. These details can also be secured by way of planning condition.

The 6 new parking spaces to the rear will be facilitated through a no-dig construction and the removal of the lowest secondary branch of T2 (Apple) and the pruning of this tree to provide 2 metre ground clearance over the parking bay. The tree officer deems this acceptable.

In conclusion, subject to the replacement tree and additional planting to offset the loss of the tree (which is in poor health) and additional hardstanding, the application is deemed acceptable on tree grounds.

Parking and highways:

Policy DM17 of Barnet's Development Management Policies Document DPD (2012) states that the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

2. Residential development may be acceptable:

- i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity.
- ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

Currently there are four parking spaces to the front. Objectors have queried the number but the planning officer has observed four cars parked in this area. The parking to the front will be retained as existing under the proposals.

To the rear, currently there is no formal, demarcated parking. Cars currently park informally on the hardstanding area. There is a garage block to the rear, however this falls outside the red line boundary of the site and are leased separately, as advised by the agent.

Under the proposals, six new parking spaces will be created. This will result in a total of 10 parking spaces for residents of David Court.

For the proposed 1 x 1 bedroom unit and 1x 2 bedroom unit, 1 to 2.5 parking spaces are required based on a PTAL rating of 2.

The proposal to provide 10 spaces falls within the maximum allowable range of 10 - 19 spaces for a total of 4 x 1 bedroom units and 10 x 2 bedroom units. Therefore, the provision of 10 spaces for 14 flats in total (12 existing and 2 new flats) is acceptable on highways grounds.

A minimum aisle width of 6 metres to the rear is deemed acceptable for safe manoeuvrability for the new parking area.

24 cycle parking spaces are proposed for all the residents at David Court, which in accordance with the London Plan standards (Table 6.3 of the parking addendum to Chapter 6). Details of its appearance will be secured by way of condition.

#### Refuse and recycling:

It is noted that residents have expressed concern on refuse and recycling storage. Upon the (revised) proposed site plan the applicant proposes 4 no. 1100 litre bins for dry recycling and for residual waste. This is in accordance with Barnet's document "Information for developers and architects: Provision of Household Recycling and Waste Service" (April 2019) for a block of flats of this size (including both existing flats and proposed flats).

#### Ecology:

The applicant has submitted a letter dated 09 February 2019 by the ecology partnership. It concluded that the building was considered to have 'negligible' potential for roosting bats.

Ecologists have assessed this letter for the local authority and they consider that it sufficiently addresses any potential ecological issues. As such no objection is raised on this matter.

#### Accessibility:

Table 2.6 of Barnet's Sustainable Design and Construction SPD (2016) states that 90% of new dwellings should comply with building regulation M4 (2) "accessible and adaptable dwellings". This is also included in London Plan Policy 3.8.

The Mayors Housing SPD (March 2016) states in Paragraph 2.3.10: "...in certain specific cases, the provision of a lift where necessary to achieve this aim, may cause practical difficulties, make developments unviable and/or have significant implications for the affordability of service charges for intended residents." It continues: "This may bear

particularly on the following types of schemes...new units as a result of upward extensions to existing residential homes and flats".

This is the case in this instance. The applicant engaged at pre-application advice whereby the local planning authority concluded that the inclusion of the lift, which could only be placed on the front elevation without affecting the layouts of the existing flats, would be detrimental to the character and appearance of the building and street scene. It would therefore be unviable as it would not receive permission from the local planning authority. The Local Planning Authority will therefore apply the policy flexibly. All other standards have been applied and the proposal is found compliant in all other respects.

Furthermore, it is prudent to note that it is not normal procedure for the local planning authority in instances of conversions and retrofitting of existing buildings to attach a condition to ensure they are M4(2) compliant. The same applies in this instance and this would not be treated any differently.

Table 2.11 of Barnet's Sustainable Design and Construction SPD (2016) states that new dwellings should be designed to ensure that a maximum of 105 litres of water is consumed per person per day. A condition has been attached accordingly.

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

Highways and parking concerns:

- Pollution caused by more cars.

This would not be considered a reason for refusal. The application only proposes two additional flats, and therefore the increase in cars is not significant.

- The parking spaces should be made a condition and that condition should not be able to be removed at any stage.

A condition has been attached in words to that effect.

- Parking availability is already low and on a first come first serve basis. Although the property developer has proposed more parking spaces, that is at the cost of losing communal garden space

As calculated in the main body of the report, the garden space to rear continues to meet the outdoor amenity space requirements for all the flats in David Court, in accordance with the standards set out in Barnet's Sustainable Design and Construction SPD (2016). Furthermore, it is noted that Swan Lane Open Space is opposite the site.

- Number of parking spaces will still not accommodate the number required

The number of parking spaces would not accommodate the number required, however, neither does the existing situation. 4 parking spaces are currently provided for 12 flats (33% provision). 10 parking spaces are proposed for 14 flats (70% provision). The proposal to provide 10 spaces falls within the maximum allowable range of 10 - 19 spaces for a total of 4 x 1bedroom units and 10 x 2bedroom units.

Therefore, the provision of 10 spaces for 14 flats in total (12 existing and 2 new flats) is acceptable on highways grounds.

- Proposed plan for six car parking spaces to the front is misleading and there would be no space for cars to reverse and get out

This can now be changed, and the existing layout/arrangement to the front will remain.

- The use of bicycles should not be proposed as a main means of transport and therefore refrain from sufficient provision of parking on site. The existing bicycle shed at the rear is an unhygienic waste of space, a dumping place for unwanted rubbish and the new proposal does not clearly define how it would address these design issues.

The new cycle store will be secured and covered, as required by planning policy. Details will be secured by way of condition.

- Visibility splay is already severely impaired by the parking congestion on Whetstone High Road

The visibility splay exists and is utilised by current residents. For this reason it is not considered this would constitute a reason for refusal.

- On the proposed site plan, the location of the pedestrian access to the main entrance and its separation from the parking spaces is not clear. For the safety reasons these should be defined.

This can now be changed, and the existing layout/arrangement to the front will remain.

Refuse and recycling:

- Bins already overflow with the number of occupants. Not enough capacity

Upon the (revised) proposed site plan the applicant proposes 4 no. 1100 litre bins for dry recycling and for residual waste. This is in accordance with Barnet's document "Information for developers and architects: Provision of Household Recycling and Waste Service" (April 2019) for a block of flats of this size (including both existing flats and proposed flats).

Details of storage containers will be secured by way of planning condition.

Design:

- The scheme is not in keeping the road in harmony with neighbouring buildings

The mansard roof would be altered to appear as a continuation of the main building and the new storey would be brick and render, to match the main building.

- I don't understand what cladding is being proposed to make the exterior of my existing top floor flat match the rest of the building.

Cladding is no longer proposed.

- It does not demonstrate how the changes to the mansard roof and the materials on the elevation can be achieved to appear as a continuation of the main building and resolve the separation line showing between the new third floor and existing brick work

A condition has been attached to secure details of the materials, to ensure they match, before the development commences.

Other matters:

- Companies are getting too greedy. No to build enough building work going on in Whetstone. This area cannot have anymore buildings built up or down.

This is not a reason for refusal.

- Intensification and overdevelopment of the site.

As set out in the 'Principle of development' section of the main assessment above, it is considered the proposal is acceptable and complies with planning policy.

- I can't see how the proposed structure is going to be built on an existing timber and stud wall structure without impacting me.

This is a building control matter.

- There is no consideration made for existing skylights on the existing roof area. The new storey would build on top of it. I believe all top floor flats will have the same issue.

As explained in the main body of the report, the new fifth floor would result in the existing rooflights in the existing mansard roof being built over. From the floor plans provided by the applicant these rooflights currently serve the communal staircase/corridor and the kitchen areas of the flats titled 'Flat 11' and 'Flat 12'. In its glossary, Barnet's Sustainable Design and Construction SPD (2016) defines a habitable room as a kitchen "where the total area is more than 13 sqm (including fittings)". These kitchens are less than 13 sqm and therefore do not constitute habitable rooms. As such, no objection is raised on daylight and sunlight amenity grounds. Amenity matters are different to right to light, which is not a planning matter.

- The architect drawings of the existing flat layouts are wrong.

This has now been rectified.

- This will add to the density of the block

Considering the circumstances of the existing site with 12 flats, it is not considered that the addition of two flats (1 x 1bedroom unit and 1 x 2bedroom unit) would constitute a reason for refusal in this particular instance.

- No consideration to improve the appearance and the performance of this building or the facilities and amenities of the residents

It is not clear exactly what the objector is referring to; however cycle parking and storage will be provided for residents, refuse and recycling will be provided in accordance with the Council's standards, garden space will be retained and additional parking will be provided.

- No structural report has been submitted to give evidence that the block can withstand an additional floor

This is a building control matter.

- Disruption of new floor

This would not be a reason for refusal.

- Two flats are a minimal contribution to local housing supply.

Even if this is the case, this would not constitute a reason for refusal.

- In addition, as access to the proposed flats are via a staircase, this will exclude many sections of the population (e.g. seniors, disabled, families with very small children) from residing in these. This is in direct contravention of the London Plan Policy S3.8 re: housing choice

The matter of accessibility has been addressed in the main body of the report. In summary, planning policy recognises a need to be flexible on this matter, particularly for upward extensions. Furthermore, the Council do not normally impose this requirement on conversions and retrofitting of existing buildings.

- How has 'enough garden space would remain' been determined?

This has been addressed in the main body of the report. In summary, the garden area would continue to provide amenity space in accordance with the Council's requirements.

- An additional floor may impact mortgage terms and conditions of owners, current and future, in a block without a lift.

This would not constitute a reason for refusal.

- I also see that they are proposing to make the third floor a brick structure rather than timber and tile, as it currently is.

The mansard roof would become a continuation of the main building and the new storey would be brick and render to match.

## **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 subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the wider locality. The development is not considered to have an adverse impact on the amenities of neighbouring or future occupiers. The application is deemed acceptable on highways and parking grounds. The proposals are acceptable in terms of impact on trees and landscaping. This application is therefore recommended for approval.

