

**Location** Flat 10 Dolphin Court Woodlands London NW11 9QY

**Reference:** 19/4807/FUL Received: 3rd September 2019  
Accepted: 3rd September 2019

Ward: Golders Green Expiry 29th October 2019

Applicant: Mr jeremy josephs

Proposal: Conversion of one bedroom flat into two bedroom flat (internal alterations)

**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:  
3008/1  
Site Location Plan  
Email confirmation of no exterior plans dated 17.09.19

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).

**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. 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.

## **Officer's Assessment**

### **1. Site Description**

The application property is a self-contained flat in Dolphin Court, NW11 9QY, in the ward of Golders Green.

It is not within a conservation area and is not a listed building.

### **2. Relevant History**

Reference: 15/05284/FUL

Address: Flat 10, Dolphin Court, Woodlands, London, NW11 9QY

Decision: Approved subject to conditions

Decision Date: 15 October 2015

Description: Conversion of one bedroom flat into two bedroom flat (internal alterations)

Reference: C01309B

Address: Site Of 121 Woodlands London NW11

Decision: Approved subject to conditions

Decision date: 14 July 1967

Description: Erection of 4/6 storey block of 30 flats having 72 rooms.

### **3. Proposal**

The application proposes to convert an existing one bedroom flat into a two bedroom flat.

The application has been amended during the life cycle of this application which removed the proposed second bathroom in its entirety.

Upon amendments the applicant proposes to convert the existing kitchen into a second bedroom, and move kitchen furniture and appliances into the existing living room to create an open plan kitchen/living room.

It would comprise of internal alterations only. There would be no material changes to the external appearance of the building.

### **4. Public Consultation**

Consultation letters were sent to 87 neighbouring properties.

11 objections have been received, including a petition with 10 signatures, and summarised below:

- o Increased noise associated with location of new kitchen in the living room area, and resultant noise impact on flat below
- o Noise and vibrations associated with installation of macerator for adjacent flats
- o Increased risk of leaks and blockages associated with saniflow macerator (resultant smells and noise)
- o Costs associated with building insurance for flats with macerators installed (as they leak)
- o Noise, dust and general mess

## 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 19th February 2019. 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 Development Plan Documents. Both were adopted in September 2012.

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

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 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:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the surrounding area;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Any other material planning considerations

## **5.3 Assessment of proposals**

Background:

Application reference 15/05284/FUL (decision dated 15 October 2015) granted consent at Flat 10, Dolphin Court (the application site) for: "Conversion of one bedroom flat into two bedroom flat (internal alterations)".

The plans are the same under this application (except for the second bathroom which was removed upon amendments). The proposals create a new habitable room (a second bedroom).

Upon further review by planning officers it is noted that the original consent for the construction of Dolphin Court (application reference C01309B, dated 14 July 1967) had a condition attached which stated: "That not more than 72 habitable rooms be constructed on the site" (Condition 4). The reason for this condition was: "To ensure that the net density of accommodation to be provided shall not exceed the net density for which

provision is made in the Initial Development Plan and thus to limit population and to secure a satisfactory environment"

There is a degree of ambiguity when reading the condition and reason of whether the intent was for the condition to remain in perpetuity or just at the point of construction.

Nevertheless the applicant has submitted a full planning application and it is to be assessed as such.

Assessment:

The works would comprise of internal alterations only. There would be no material changes to the external appearance of the building.

The proposed second bedroom meets the minimum room dimensions and floor areas for a single bedroom as set out in Table 2.2 of Barnet's Sustainable Design and Construction SPD (2016).

Kitchen furniture and appliances would be re-located to the existing living room. It is understood that this is located above the living room of the flat below (as the layouts of the flats are the same). It would not be located above a bedroom and therefore Planning Officers do not raise objection to this, as any noise associated with the use of kitchen furniture and appliances would not disturb sleep.

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

- o Increased noise associated with location of new kitchen in the living room area, and resultant noise impact on flat below

As abovementioned, it is understood that this located above the living room of the flat below (as the layouts of the flats are the same). It would not be located above a bedroom and therefore Planning Officers do not raise objection to this, as any noise associated with the use of kitchen furniture and appliances would not disturb sleep.

- o Noise and vibrations associated with installation of macerator for adjacent flats

The macerator has been removed upon amendments.

- o Increased risk of leaks and blockages associated with saniflow macerator (resultant smells and noise)

The macerator has been removed upon amendments.

- o Costs associated with building insurance for flats with macerators installed (as they leak)

The macerator has been removed upon amendments.

- o Noise, dust and general mess

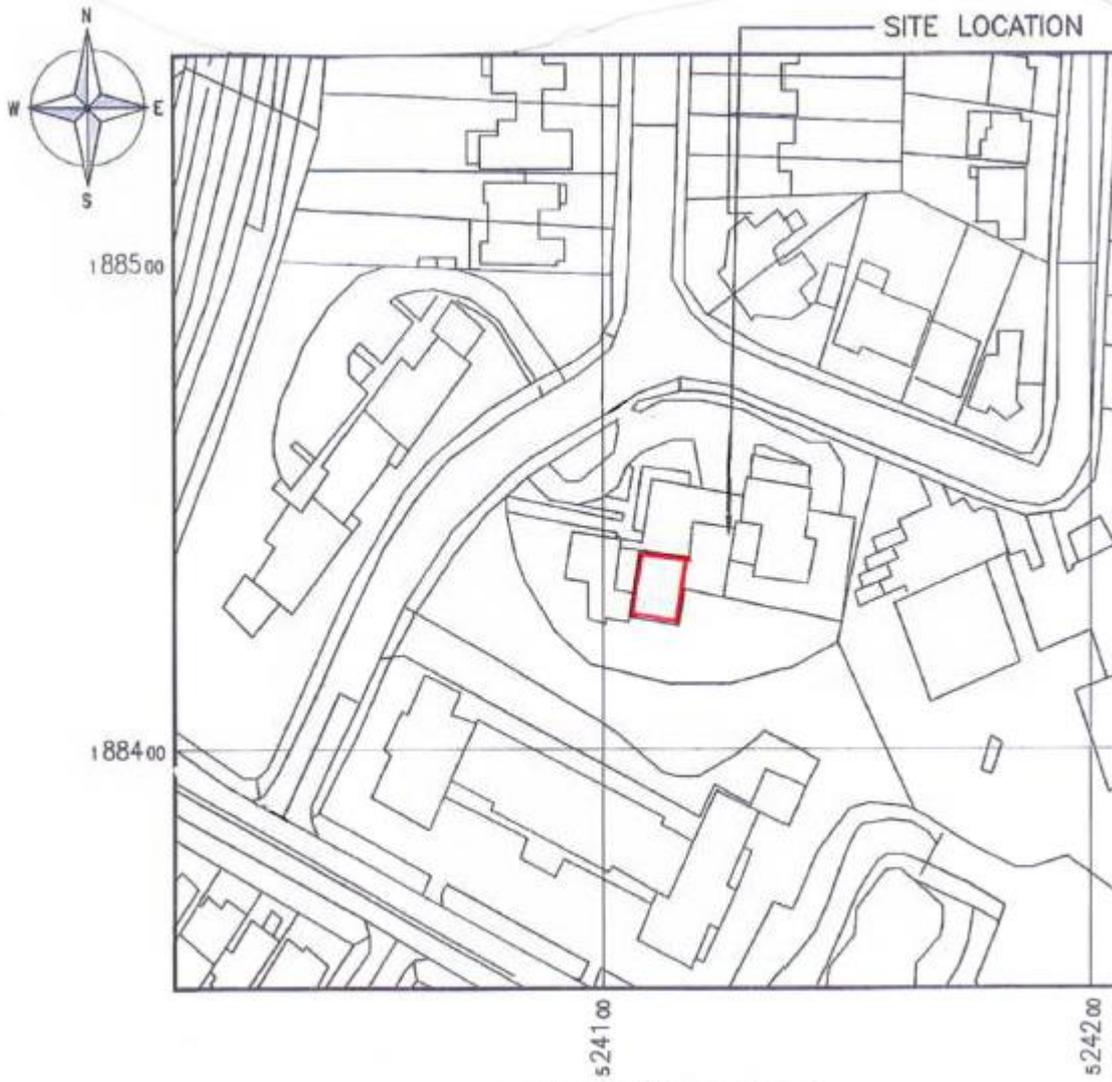
The works are internal only. Given the nature and scale of the works proposed, it is not considered the noise and disturbance arising from the works would be so significant and substantial to justify a refusal in this instance.

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

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

## **7. Conclusion**

This application is recommended for approval.



**DETAILED SITE LOCATION**  
(Scale 1:1250)