

Location **101 Sunny Gardens Road London NW4 1SH**

Reference: **19/5070/FUL** Received: 16th September 2019
Accepted: 19th September 2019

Ward: Hendon Expiry 14th November 2019

Applicant: Mexgrove Limited

Proposal: Three storey side and rear extension. Extension to existing roof to facilitate rooms to roofspace. Conversion of existing 3no. self contained flats into 6no. self contained flats, including 3no. balconies to rear, with associated amenity space, cycle store, refuse and recycle store and off street parking

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 The development hereby permitted shall be carried out in accordance with the following approved plans (received 07/02/2020 unless otherwise stated):

U-J10SG Block Plan, U-J10SG-LP001, U-J10SG-EP001, U-J10SG-EP002, U-J10SG-EP003, U-J10SG-EP004, U-J10SG-ES001, U-J10SG-EE001, U-J10SG-EE002, U-J10SG-EE003, U-J10SG-EE004, U-J10SG-EV001, U-J10SG-EV002, U-J10SG-PP001, U-J10SG-PP002, U-J10SG-PP003, U-J10SG-PP004, U-J10SG-PP005, U-J10SG-PS001, U-J10SG Proposed Section, U-J10SG-PE001, U-J10SG-PE002, U-J10SG-PE003, U-J10SG-PE004, U-J10SG-PV001, U-J10SG-PV002, U-J10SG-PV003, U-J10SG-PV004, U-J10SG Bike Storage, U-J10SG Bins Storage
Transport Statement by Caneparo Associates Revision A (dated December 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).

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

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

- 3 a) 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, 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 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 the number and size of refuse and recycling containers proposed and 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).

- 6 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments and sub-division of amenity spaces, have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 7 a) Before the development hereby permitted is first occupied, details of privacy screens to 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 October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

- 8 No site works, including demolition or site clearance work, shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan, which shall include, but not be limited to, the following information:
- 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 contractor's 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.
- xi. Provision of a competent banksman.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 9 Before the building hereby permitted is first occupied the proposed first and second floor windows to the side elevation facing No. 103 Sunny Gardens Road 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 October 2016).

- 10 a) Details of cycle parking, including the type of stands, gaps between stands, the storage building proposed including dimensions and proposed materials and means of secure access, in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards, shall be submitted to and approved in writing by the Local Authority
- b) Thereafter, before the development hereby permitted is first occupied, cycle spaces shall be provided in accordance with those approved details and shall not be used for any purpose other than parking of bicycles in connection with the approved development. The proposed spaces shall be retained as such in perpetuity

Reason: To ensure the proposed has an acceptable impact on the character of the surrounding area and ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, Policy DM01 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 11 a) Notwithstanding the arrangement as illustrated in approved plan U-J10SG-PP001 (Proposed Block Plan), a revised parking layout - increasing the depth of the private amenity space afforded to Unit 01 to a minimum of 3m whilst maintaining a minimum of 60sqm of communal amenity space to the rear - shall be submitted to and approved in writing by the Local Planning Authority
- b) Prior to the first occupation of the development hereby approved, the revised parking and amenity space layout as approved in discharge of part a), together with the associated means of access from the public highway, 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.

- 12 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.

- 13 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.

- 14 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).

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 Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 3 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an un-adopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 4 The applicant is required to submit a Street Works Licence application to the Development and Regulatory Services, 2 Bristol Avenue, Colindale. NW9 4EW, 4-6 weeks before the start of works on the public highways.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged. Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale. NW9 4EW

- 5 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to

commencement of any development works. The condition of the public highway shall be agreed beforehand and there shall be no damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 6 Surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 7 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 £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for payment under Mayoral CIL.

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. Your planning application has therefore been assessed at this time as liable for payment under Barnet CIL.

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.

8 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 site is located in the Hendon ward of Barnet. The application site is rectangular in shape and contains a three storey building which accommodates 2 x 2 bedroom flats and 1 x 3 bedroom flat.

The front garden comprises a concrete parking area. To the rear of the building, the land slopes upward and contains a grassed area and an existing garage block.

Access to the garages is via the driveway to the side of the building.

The site is not in a conservation area and does not contain a listed building.

2. Site History

Reference 18/1312/FUL

Address: 101 Sunny Gardens Road, London, NW4 1SH

Decision: Refused

Decision Date: 06.09.2018

Description: Demolition of existing buildings and construction of new three storey apartment block to provide 7 self-contained flats. Associated cycle storage, off street parking, refuse and recycling store (amended description)

Reasons for Refusal:

1. The proposed development, due to the scale and siting of the building, number of units and poor layout is a contrived use of the space which results in a site arrangement where access for the parking, bin store, amenity space and cycle store is through the vehicle accessway which is unsafe and detrimental to the living conditions of future occupiers. The proposal also results in a lack of outlook and privacy for the ground floor units. The proposal is therefore contrary to Policies CS NPPF, CS1 and CS5 of Barnet's Adopted Core Strategy (2012), Policy DM02 of the Adopted Development Management Policies DPD (2012), the Adopted Sustainable Design and Construction SPD (2016).

2. The proposed parking layout and arrangement due to a narrow access and is likely to lead to conditions detrimental to the free flow of traffic and highway and pedestrian safety, being contrary to policies CS9 of the Local plan core strategy (Adopted) 2012; and Policy DM17 of the Local Plan Development Policies (Adopted) 2012.

Reference H/01753/09

Address: 101 Sunny Gardens Road, London, NW4 1SH

Decision: Approved subject to conditions

Decision Date: Approved subject to conditions

Description: Alterations to elevations including new windows and internal alterations to create one extra bedroom to each flat at ground, first and second floor levels.

3. Proposal

Three storey side and rear extension. Extension to existing roof to facilitate rooms to roofspace. Conversion of existing 3no. self contained flats into 6no. self contained flats,

including 3no. balconies to rear, with associated amenity space, cycle store, refuse and recycle store and off street parking

To the side of the property, it is proposed to create an enclosed vehicle accessway at ground floor. At the upper floors, the building will extend over the access way up to the boundary with No 95. At the boundary, the building would have a height of 9.9 metres with a maximum height of 10.7 metres to the centre of the roof.

To the rear, it is proposed to extend 3 metres from the existing rear wall at ground, first and second floor level. The extension will maintain a separation of 3.85 metres from the boundary with 103 Sunny Gardens Road. The additional third floor will roughly maintain the existing rear building line, but be set-back from the front elevation by c1m.

The rear garden will be divided to provide private amenity space for Unit 1 on the ground floor immediately to the rear, together with communal amenity space at the rear of the site.

The proposed flats consist of:

- Flat 1 - 1no. storey flat (4no. bed, 4no. person) 82m²
- Flat 2 - 1no. storey flat (1no. bed, 2no person) 50m²
- Flat 3 - 1no. storey flat (2no.bed, 3no persons) 61m²
- Flat 4 - 1no. storey flat (1no. bed, 2no. person) 50m²
- Flat 5 - 1no. storey flat (2no. bed, 3no person) 63m²
- Flat 6 - 1no. storey flat (3no.bed, 4no persons) 78m²

The proposal also incorporates 4no. associated parking spaces - with 1no. being situated within the front forecourt area and 3no. to rear - together with associated cycle and refuse/recycling storage.

4. Public Consultation

Consultation letters were sent to 129 neighbouring properties.

5 responses have been received comprised of 5 letters of objection.

The letters of objection can be summarised as follows;

- Concerns regarding impact on light and outlook to neighbouring residential windows and outdoor amenity space.
- Concerns regarding discrepancies in planning statement compared to plans.
- Concerns regarding potential subsidence and impact on adjacent sites and surface water drainage.
- Concerns regarding increased noise and disruption
- Concerns regarding potential air pollution
- Concerns regarding quality of rear amenity space
- Concerns regarding potential parking overspill and impact on local highways network
- Concerns regarding ease of access and manoeuvrability for rear car parking spaces
- Concerns regarding over provision of cycle spaces
- Concerns regarding no sustainable energy plan provided

- Concerns regarding construction phase resulting in access issues to neighbouring occupiers' garages and potential cost due to parking elsewhere.
- Concerns regarding party wall and requirement t for reconstruction due to development
- Concerns regarding lack of privacy screen material details
- Concerns regarding noise and disturbance throughout construction period
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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 revised on 19 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, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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

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

The 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, CS4, CS5, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM04, 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.

Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan -Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)
Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character of the street and wider locality as a result of flats at this location;
- Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the dwelling would provide a suitable standard of living for future occupants; and
- Whether harm would be caused to highway safety.

5.3 Assessment of proposals

Whether harm would be caused to the character of the street and wider locality as a result of flats at this location;

The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed provided that it is not of high environmental value.

Policy 3.4 of The London Plan (2016 MALP) promotes the optimisation of housing output within different types of location.

Policy 3.8 of The London Plan also encourages the Council to provide a range of housing choices in order to take account of the various different groups who require different types

of housing. Consideration will also be given to the accessibility of the site to services and amenities.

The Borough has an attractive and high-quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

In assessing whether flats are appropriate in this location, policy DM01 of Barnet's Development Management Policies states that consideration should be given to the character of the road and where proposals involve the loss of houses in roads characterised by houses, this will not normally be appropriate.

Within Chapter 2 of the Core Strategy, the Council state the following: "The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flatted accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate."

The existing property is already comprised of 3no self-contained flats. The proposal now seeks to extend the building within an enlarged footprint to accommodate 6no self-contained flats. It is recognised that both the applicant property and a number of properties within the area are flatted developments. Specifically, it is recognised that properties numbers 117, 123, 127 and 129 Sunny Gardens have previously been converted into self-contained residential flats and therefore constitutes sufficient material consideration to support the proposed conversion. The neighbouring properties 95 and 103 Sunny Gardens Road are also occupied as flats - with No 95 being another example of a purpose-built block. The conversion of the property is not considered therefore to directly conflict with the character of the area and the way in which it functions therefore, the use of the application site as self-contained flats would not be contrary to DM01 and is considered acceptable in principle.

Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;

Development proposals involving the redevelopment of sites are required to reflect the character of their street and the scale and proportion of surrounding houses. This is supported by Policy DM01 of Council's Development Management Policies which states that development should understand local characteristics and 'preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

The London Plan also contains a number of relevant policies on character, design and landscaping matters. Policy 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

The Council's SPD 'Residential Design Guidance' states that extensions should normally be subordinate and respect the original building. The Council's guidance advises that new development 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 building.

The application site forms a transition between the larger flatted developments to the south - set on higher ground - and more traditional properties to the north.

The proposal does add another storey of development. However, the scheme has been sensitively designed following formal pre-application engagement with the LPA to ensure the increased height and massing is closer to the boundaries with No.95 and set back from both the street frontage and the boundary with No.103 where the character becomes that of a two storey vernacular. This is considered to respond well to the neighbouring properties and street scene.

The proposal would comprise pitched roofs with angles that match the existing. The proposal would result in the replacement of existing fenestration to the front façade of the property and the creation of a new entrance which would be welcomed improvements to the visual aesthetic to the existing front façade.

As aforementioned, the property is a part of a transition from higher ground to the south. At this interval along the street, there is a variety of built form in size, mass and design and the proposal is not considered to conflict with the existing character of this section of Sunny Gardens Road.

The application has not detailed specific materials to be used in the construction of the development. The type and use of materials will be key to the success of the project, as such a condition will be attached requiring details of external materials to be submitted to and approved by the LPA prior to development.

Subject to conditions, officers consider the proposal to have been sensitively designed to respect both surrounding typologies and topography and would result in a design and form that would be in accordance with the policy aims of DM01 of the Development Management Policies DPD.

Where harm would be caused to the amenity of neighbouring occupiers;

An important design issue is the positioning of homes, including their windows and balconies, which should be carefully considered to ensure that adequate privacy is maintained. In particular, habitable rooms and areas of private gardens close to dwellings should not be excessively overlooked by windows or elevated amenity areas such as balconies/terraces. Screening can reduce overlooking in these instances. Privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed).

The main amenity impacts to be assessed are to the adjacent properties to the north (no.103) and the south (no.95). Due to the topography of Sunny Gardens Road, no.95 sits at a considerably higher level than the application site, whilst no.103 is at a lower level.

With regard to no.95 the proposal would protrude approximately 2.6 metres past the rear of the property, but set approximately 2.9 metres from the flank wall. The neighbouring property benefits from two windows to the side elevation at ground and first floor towards the front of the property which appear to be secondary windows serving bathrooms and two dormer windows facing towards the application site.

Given the separation and existing level differences between the application site and no.95, the protrusion of 2.6 metres is not considered to result in any unacceptable harm to the amenity of neighbouring occupiers.

The proposed development would not incorporate any windows along the flank elevation to no.95 which prevents any issues of overlooking. With regards to the proposed mass and height and potential impact on the existing flank fenestration of no.95, given the windows at ground and first floor are secondary windows serving existing kitchens, officers are satisfied this would not result in any unacceptable harm.

Regarding the dormer windows, with regard to the plans approved under grant of consent W08444 for the erection of the building, these are secondary windows serving the kitchen and living areas of the second floor flat. The living room of this unit benefits from further principal fenestration in the rear elevation. The proposed development would result in some degree of reduction in the existing outlook afforded to these windows. However, officers do not consider the existing outlook afforded is excellent - currently overlooking the roof slope of the existing building - and the minor reduction of this would not be detrimental. Furthermore, these existing dormer windows are north facing and the proposal is not considered to result in any significant reduction in light to an extent that would warrant refusal.

With regards to no.103, the proposed extension would protrude 3 metres past the rear wall of the house set back approximately 6.1 metres from the flank elevation of the property. The significant degree of separation is considered sufficient to mitigate any potential harm resulting from the development on neighbouring rear windows and is considered acceptable.

With regards to proposed north facing fenestration, there is one side facing window at first and second floor which could result in potential overlooking issues. These windows serve bedrooms but are both secondary windows. Officers consider that if these windows are obscure glazed it will mitigate any potential overlooking issues. As such a condition will be

attached to that affect requiring these to be obscure glaze prior to occupation of the development.

The proposal does incorporate balconies and a roof terrace to the rear. At first and second floor, the balconies align directly with one another and extend from the rear elevation in line with the flank elevation adjacent to no.95 Sunny Gardens Road with a terrace at third floor is proposed on the roof of the second floor.

Due to the proximity of the balconies and terraces to neighbouring residential gardens, the amenity areas must provide screening to the sides to mitigate any overlooking and privacy issue for neighbouring occupiers. The plans indicate 1.8 metres screening to the sides of each balcony and terrace, although specific details of the materials to be used have not been provided. Officers consider that provided screening is in place to the sides of each balcony and terrace the proposal would mitigate any potential residential harm. Details of the specific materials to be used for the screening will be conditioned to ensure that they are of sufficient obscurity prior to occupation of the development. This is consistent with the position agreed during formal pre-application engagement.

The proposal will result in some level of increase in noise and associated comings and goings by virtue of the creation of three additional units. However, officers consider given the existing use of the site as flat development and surrounding mixed character, this would not be to such an extent to warrant a refusal.

For the reason given above, it is not considered the proposal would result in any unacceptable levels of harm to the amenity of neighbouring occupiers in accordance with Policy DM01 of the Development Management Policies DPD.

Amenity of future occupiers;

Section 8.4 of Barnet's Local Plan SPD: Residential Design Guidance states: "in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy". In addition to this, section 2.4 of the SPD for sustainable design and construction states that "the impact of development on the availability of daylight / sunlight and privacy to the occupants of existing buildings and the occupants of new development is strongly influenced by design and contributes significantly to the quality of life. The amount of daylight available in buildings enhances people's quality of life and reduces energy use. The Mayor's Housing SPG standard 5.5.2 recommends that development should preferably have direct sunlight in living areas and kitchen dining spaces and all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Overheating should be considered when designing for sunlight".

The Gross Internal Area of the six self-contained units that would be created are as follows:

Flat 1 - 1no. storey flat (3no. bed, 4no. person) 80sqm
Flat 2 - 1no. storey flat (1no. bed, 2no person) 50sqm
Flat 3 - 1no. storey flat (2no.bed, 3no persons) 61sqm
Flat 4 - 1no. storey flat (1no. bed, 2no. person) 50sqm
Flat 5 - 1no. storey flat (2no. bed, 3no person) 63sqm

Flat 6 - 1no. storey flat (3no.bed, 4no persons) 78sqm

Table 3.3 of the London Plan (2016 MALP) and Barnet's policies and table 2.1 of Barnet's Sustainable Design SPD (Oct 2016) set out the minimum residential space standard requirements for new residential units. The required GIA for units is as follows:

- 3 bedroom unit for 4 persons requires 74sqm
- 2 bedroom 3 person on one floor requires 61sqm.
- 1 bedroom unit 2 person requires 50qm.

The proposed dwelling meets and exceeds the min. GIA requirements.

Lighting

Barnet Councils Sustainable Design and Construction SPD under section 2.4 'Daylight, Privacy (minimum distance), Outlook and Light Pollution' highlights the need for development proposals to ensure that the availability of daylight/sunlight for new developments is adequate and contributes significantly to the quality of life of future occupiers.

Within the design principles section, the SPD highlights that all glazing to habitable rooms should normally not be less than 20% of the internal floor area of the room. Except for the glazing to the lower ground floor second bedroom closest to the front elevation of the property all other rooms are considered to meet the requirements of the Sustainable Design and Construction SPD.

Officers consider that the level of glazing used and outlook afforded from the proposed fenestration is sufficient and do not have any concerns regarding lighting for future offcomers.

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, although a floor to ceiling height of 2.5 metres is preferred.

The proposed dwelling meets and exceeds the requirement

Room stacking

Policy DM04 of the Development Management Document (2012) part d. states that proposals will be refused if it leads to an unacceptable level of noise and disturbance unless the scheme can demonstrate any mitigation measures. 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.

Officers share some minor concerns regarding the vertical stacking arrangement of the living space of Unit 2 and the bedrooms to the front of Unit 1. However, it is considered the layout of the proposed is the most appropriate in order to ensure each unit is well proportioned and functions well with appropriate circulation space. As such considering these constraints the stacking in this instance is acceptable in principle. Officers however will condition requirement of pre-completion sound certificates showing that the

development meets Part E of the Building Regulations to be submitted to the local authority prior to occupation of the development.

Subject to the aforementioned condition, the layout and stacking is considered acceptable.

Amenity Space

Table 2.3 of Barnet's Sustainable Design SPD (Oct 2016) states that flats should have 5 m² of amenity space per habitable room. Habitable rooms exceeding 20 m² of floor space are counted as two. Using these standards each flat requires the following level of amenity space;

Flat 1 has 5 no. habitable rooms and requires 25 m² of amenity space.

Flat 2 has 3 no. habitable rooms and requires 15 m² of amenity space.

Flat 3 has 4 no. habitable rooms and requires 20 m² of amenity space.

Flat 4 has 3 no. habitable rooms and requires 15 m² of amenity space.

Flat 5 has 4 no. habitable rooms and requires 20 m² of amenity space.

Flat 6 has 4 no. habitable rooms and requires 20 m² of amenity space.

The proposal provides the following for each unit

Flat 1 (Private rear amenity space) - 22m²

Flat 3 (Private balcony) - 5m²

Flat 5 (Private balcony) - 5m²

Flat 6 (Roof terrace) - 25m²

Furthermore, all flats benefits from a shared communal garden of 74m² to the rear.

Given the mix of both private and communal space proposed including, roof terrace and several balconies the proposed private and shared amenity space is considered an appropriate size and acceptable - subject to a condition for a revised layout to the rear to enable the outlook and private amenity space to Unit 01 to be increased. This is considered achievable in-principle, with those details to be brought forward. A further condition will be attached providing details of boundary treatments to be used in order to ensure that there is sufficient privacy between the outdoor amenity spaces of the unit 1 and the communal garden.

Highways

Policy DM17 of Barnet's Development Management Policies Document DPD (2012) states:

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 1.5 to 1 spaces per unit for flats (2 to 3 bedrooms); and 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.

A total of 4no parking spaces are proposed, one to the front and three to the rear of the site. Public Transport Accessibility Level (PTAL) rating for the site is assessed as 0. Based on the PTAL rating for the site, provision of 7no spaces has been identified by the Local Highway Authority. Therefore, provision of 4no parking spaces on the site will result in a shortfall of 3no parking spaces. This section of Sunny Gardens Road is within a controlled parking zone (CPZ) on Event Days only; apart from this there is no controlled parking.

Paragraph 18.8.5 of the Development Management Plan DPD (2012) states that 'Development proposals need to demonstrate through a parking survey that sufficient on-street capacity is available to justify limited or no site parking'

The applicant has submitted a parking survey by Canerparo Associates which carried out parking surveys on the 27th and 28th of November 2019. The parking survey indicates an average weekday stress of 78%. Highways officers have been consulted and assessed the information provided and consider that the survey indicate there is space for any potential parking overspill on the surrounding street.

As such the proposed is considered to comply with the requirements of Policy DM17 of the Development Management Policies DPD.

Refuse and Recycling

The applicant has indicated the refuse and recycling storage would be to the front of the property and there is no in principle objection to this. However, the applicant has not specifically stated the number or size of bins provided, nor specified the detail of materials for construction of the bin store. The plans indicate it would be a construction of brick and perhaps wood which would not be unacceptable but specific details of materials together with number and size of bins propose will be conditioned to be approved by the LPA prior to occupation of the development.

Cycle Parking

The proposal seeks the provision of 16 cycle spaces to the rear of the property, significantly over the requirement within the London Plan. The cycle storage appears as though would be constructed of wood and metal, however again specific details of the materiality of the cycle storage have not been submitted and will be required by condition to be approved prior to occupation of the development.

Sustainability

In respect of carbon dioxide emission reduction, the scheme should be designed to achieve a minimum of 6% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is 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 would be attached to any permission to ensure compliance with this Policy.

In terms of water consumption, a condition would be attached to any permission 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 could be conditioned to meet the necessary sustainability and efficiency requirements of the London Plan in the event of an approval.

5.4 Response to Public Consultation

Concerns regarding impact on light and outlook to neighbouring residential windows and outdoor amenity space; This has been addressed within the main body of the report.

Concerns regarding discrepancies in planning statement compared to plans; this is noted - This assessment is based on what is indicated on the plans, which would form the basis of the approved documents under Condition 1

Concerns regarding potential subsidence and impact on adjacent sites and surface water drainage; Officers do not consider the proposal to be in a designated sensitive area to drainage or subsidence and thus additional measures are not considered necessary in this instance.

Concerns regarding increased noise and disruption; This has been addressed within the main body of the report.

Concerns regarding potential air pollution; Officers do not consider the proposed would result in unacceptable increase in air pollution through the increase in car ownership.

Concerns regarding quality of rear amenity space; This has been addressed within the main body of the report.

Concerns regarding potential parking overspill and impact on local highways network; This has been addressed within the main body of the report.

Concerns regarding ease of access and manoeuvrability for rear car parking spaces; Highways officers have assessed the application and consider that there is sufficient room for manoeuvring cars. The utility of the access way would remain comparable to the existing situation

Concerns regarding over provision of cycle spaces; Officers note that it is over the policy requirement however, do not consider this to be unacceptable. The council support the use of sustainable transport modes.

Concerns regarding no sustainable energy plan provided; This is not a requirement for a development of this scale.

Concerns regarding construction phase resulting in access issues to neighbouring occupiers' garages and potential cost due to parking elsewhere; This is not a material planning consideration. Notwithstanding that, a construction management plan will be required to be submitted prior to the development starting which will detail the proposed

access arrangement together with operational details and timescales to be approved by the local authority.

Concerns regarding party wall and requirement for reconstruction due to development; This is not a material planning consideration.

Concerns regarding lack of privacy screen material details; This has been addressed within the main body of the report

Concerns regarding noise and disturbance throughout construction period; As above, a construction management plan will be required to be submitted prior to the development starting. This will be assessed by the Environmental Health Team who deal with noise and disturbance related issues.

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 locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers or future occupiers. This application is therefore recommended for APPROVAL

