

Location **38 - 40 Sydney Grove London NW4 2EH**

Reference: **20/0375/FUL** Received: 24th January 2020
Accepted: 24th January 2020

Ward: Hendon Expiry 20th March 2020

Applicant: C/O Agent

Proposal: Demolition of 38-40 Sydney Grove and associated outbuildings and the construction of a two storey detached building with rooms in the roof space to provide 6no self-contained flats, including associated refuse and cycle storage and 3no off street parking spaces

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:

- Location Plan, S.101, GA.101, GA.102, GA.103, GA.104, GA.105, GA.107, GA.108, GA.109, GA.110

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 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason: To protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

- 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 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 No site works or works on this development including demolition or construction work shall commence until a Demolition, Construction and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. All works must be carried out in full accordance with the approved details.

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 a) Before the development hereby permitted is first occupied, details of cycle parking in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards - including the number of spaces type of stands, gaps between stands, location and type of cycle store proposed - shall be submitted to and approved in writing by the Local Authority and shall provide a minimum of 10no spaces for the development as a whole

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and shall be permanently maintained as such and shall not be used for any purpose other than cycle parking in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles 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 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 8 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 9 The property shall be occupied as 6no self-contained units comprising 1 x 3 bedroom 4 person unit, 2 x 2 bedroom 4 person units , 1 x 2 bedroom 3 person unit, and 2 x 1 bedroom 2 person units, as shown in the hereby approved plans.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the 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. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £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.

- 3 The applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed vehicular access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.

To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section - Development and Regulatory Services, London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

Officer's Assessment

1. Site Description

The application site comprises two detached houses fronting Sydney Grove, a residential street largely made up of semi-detached and detached properties. Properties along this road are relatively tightly packed, with typically small gaps between them. However, this terracing effect is softened by trees lining the street, as well as soft landscaping features in the majority of front gardens. Altogether these provide a verdant and attractive aspect to the road.

Sydney Grove is arranged as a long cul-de-sac, with the majority of properties arranged as stylistically similar suburban semi-detached dwellings - featuring period details such as bay windows and timber framed front gables, though demonstrating a variety in architectural detailing. A number of properties are now arranged as flats.

The site is not within a Conservation Area and is not within an area covered by an Article 4 direction.

2. Site History

Reference: 16/3397/FUL

Address: 38 - 40 Sydney Grove, London, NW4 2EH

Decision: Refused (Appeal Allowed APP/N5090/W/16/3165527)

Decision Date: 13.07.2016

Description: Demolition of the existing detached buildings and construction of a two storey detached building with rooms in roofspace and basement to provide 5no. self-contained flat, including associated refuse and cycle storage and 3no. off-street parking spaces.

Reference: 15/05543/FUL

Address: 38 - 40 Sydney Grove, London, NW4 2EH

Decision: Refused

Decision Date: 29.10.2015

Description: Demolition of the existing detached buildings and construction of a two storey detached building with rooms in roofspace and basement to provide 5no. self-contained flats, including associated refuse and cycle storage and 5no. off-street parking spaces

Reference: H/01668/08

Address: 40 Sydney Grove, London, NW4 2EH

Decision: Approved subject to conditions

Decision Date: 05.08.2008

Description: Conversion of existing dwelling into two self-contained flats.

3. Proposal

This application proposes the demolition of the existing properties at 38 and 40 Sydney Grove and the construction of a two storey detached building with rooms in the roof space to provide 6.no self-contained flats, configured as 2no 1-bed, 3no 2-bed and 1no 3-bed units.

The scheme would also provide a combination of private and communal amenity space, together with associated refuse and cycle storage and 3no off street parking spaces

4. Public Consultation

Consultation letters were sent to 89no neighbouring properties.

11no objections and 1no petition (with 45no signatures) have been received (summarised below):

- Concerns regarding proposed building to fundamentally conflict with character of surrounding area in terms of mass, bulk and use as self-contained units.
- Concerns regarding over intensification of the site
- Concerns regarding insufficient parking provision and subsequent increase demand on street and potential impact on free flow of traffic.
- Appeal used as precedent for more additional units.
- Parts of Design and Access Statement irrelevant
- Concerns regarding use of existing outbuilding as self-contained unit.
- Concerns regarding increase in noise and disruption during and post construction of development,
- Concerns that the proposal will to be adhered to and developers will build more units than permitted.
- Loss of family sized dwelling
- Concerns regarding limited outdoor amenity space due to existing outbuildings

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, DM08, 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)
Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues are considered to be:

- Principle of Development
- Impact on the character and appearance of the site, street scene and wider locality
- Impact on the amenities of neighbouring occupiers
- Standard of accommodation for future occupiers
- Impact on highway safety

5.3 Assessment of proposals

. Principle of Development:

A previous application (16/3397/FUL) for demolition of the existing buildings and construction of a new two-storey detached building to provide 5no. self-contained flats was refused on the 13.07.2019

That scheme was refused only for the following reason;

'The applicant has failed to demonstrate how the displacement of existing off street car parking spaces (as a result of the proposed development) would be accommodated. As such in the absence of adequate car parking provision, the proposal would result in increased demand for on-street parking detrimental to the free flow of traffic and pedestrian and highway safety contrary to policies CS9 of the Core Strategy (Adopted) September 2012 and DM17 of Development Management Policies (Adopted) September 2012.'

The application was subsequently subject to an appeal (APP/N5090/W/16/31655) which was allowed on the 23.03.2017

In determining the appeal, the Inspector stated the following in regards to parking;

"The appeal proposal includes 3 on-site car parking spaces. Taking into account Policy DM17 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 (DMP DMD), there would be a requirement to provide a maximum of about 7 on-site car parking spaces. The Policy does not include a minimum number of car parking spaces for sites, but at paragraph 18.8.2 of the reasoned justification to the policy it states that the policy allows for some flexibility and that the accessibility of individual locations will be considered based on the level of public transport accessibility (PTAL), parking stress including the level of on-street parking control, population density and parking ownership, location, ease of access by walking and cycling and other considerations (eg whether the proposal is a conversion of an existing use).

There is no dispute between the parties that the Public Transport Accessibility Level (PTAL) score is 2 (poor). However, I do acknowledge the appellant's comment that it would actually be a score of 4 (good) if the additional six bus services which are a further 100 metres from the identified walking distance were taken into account. I attach some weight to this matter and consider that the site is within reasonable walking distance of a range of good bus services. I also note the references made to other developments in the area where the Council has approved similar car parking ratios (for example 34 Heriot Road and No 8 Sydney Grove), and I have no reason to doubt the information provided by the appellant indicating that car ownership is low in the ward. Given these factors, there would be some scope for allowing car parking provision which is marginally less than the required maximum 7 on-site car parking spaces. However, as only 3 on-site car parking spaces would be provided, I consider that it is reasonable to conclude that this would not represent a marginal shortfall in the maximum on-site car parking provision. Therefore, the proposal would not accord with the on-site car parking requirements of Policy DM17 of the DMP DMD.

Notwithstanding the above, Policy DM17 goes on to state that "residential development may be acceptable 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". At planning application stage, the appellant did not submit car parking survey data. However, car parking survey information has been submitted by the appellant (prepared by Royal Haskonig DHV) as part of this appeal. The Royal Haskonig DHV report concludes that "the local area experiences high parking stress and is operating at capacity during periods of peak demand overnight during the week and during the commuter peak periods, no doubt exacerbated by Hendon Central station being nearby and the absence of CPZ in the locality".

Whilst the above survey data has revealed that there is on-street parking stress in the immediate area, it is necessary to take into account the fact that the proposal would replace one form of residential development with another. In this case, No 38 Sydney Road is used as a single dwelling house and No 40 is used as four flats. When Policy DM17 car parking

standards are applied to the existing residential units, there would be an almost identical requirement for on-site car parking provision. Therefore, whilst it is acknowledged that when the proposed development is considered in isolation there would be a shortfall in on-site car parking provision (and there is existing on-street car parking stress in the area), the proposal would not make matters worse when compared to existing residential development on the appeal site. Furthermore, I note that the proposal includes cycle storage facilities and therefore this would seek to discourage car use.

For the reasons outlined above, I conclude that whilst there would be some conflict with the car parking standards in Policy DM17 of the DMP DMD, this has to be weighed against the fact that when compared to the existing development on the site the proposal would not give rise to a material increase in on-street car parking demand. This is a weighty material planning consideration and outweighs any conflict with the aforementioned policy. For this reason, the proposal would provide adequate car parking provision on-site, would not result in increased demand for on-street car parking and would not be detrimental to the free flow of traffic and pedestrian and highway safety. In this respect, the proposal would accord with the highway safety and traffic management aims of Policy CS9 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012."

The current application is almost identical to the scheme previously allowed at appeal. Only the following changes are proposed:

- Number and mix of self-contained units
- Removal of basement from the proposal
- Alterations to the pattern of fenestration

The previous scheme proposed 5no self-contained units configured as 3no 3-bed and 2no 2-bed units with a maximum potential occupancy of 26no persons.

The scheme now proposed 6no self-contained units made up of 1no 3-bed, 3no 2-bed and 2no 1-bed units with a maximum potential occupancy of 19no persons.

As the proposal would continue to provide for residential accommodation in the form of flats and would continue to provide 1no 3-bed unit to compensate for the loss of the existing family dwelling, it is considered that the revised proposal would remain acceptable in-principle.

The changes are assessed in more detail in the following sections.

. 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.

As set out above, in the main the current application is largely identical to the scheme previously allowed at appeal.

The alterations proposed to the physical manifestations of the property including the removal of the basement (and associated light wells, fenestration and staircases to the rear). Doors in the rear elevation of Flats 1 and 2 on the ground floor will now step down to garden level.

Minor alterations are also proposed to the windows in the flank elevations, including the removal of a window at first floor level on the east elevation and the addition of one window at ground floor and one at first floor to the western elevation, both of which will be obscure glazed.

These amendments would result in limited perceptible change from any vantage point within the public realm, whilst the removal of the lightwell is considered to improve the setting of the building at the rear.

The alterations from the approved scheme are therefore not considered to result in any unacceptable impact on the character and appearance of the application site, the street scene or wide locality in accordance with Policy DM01 of the Development Management Policies DPD.

. Whether harm would be caused to the living conditions of neighbouring residents:

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

Privacy is an important design issue and the positioning of homes, including their windows and balconies, 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 proposed physical alterations would not result in any additional mass or bulk, nor would they result in any overlooking - with the proposed fenestration to the flank elevations being obscure glazed.

With regard to the increase in the number of units, although it would reduce in 1no additional household, it would result in a decrease in maximum potential occupancy levels from the previously approved 26no persons to just 19no persons.

Considering the potential reduction in occupancy rate and the limited scope of the minor physical alterations, officers do not consider the resultant development would result in an unacceptable impact on the visual or residential amenities of neighbouring occupiers relative to the approved scheme - in accordance with Policy DM01 of the Development Management Policies DPD.

. Impact on amenity of future occupiers;

As the proposal amends the layout and number of units these must be assessed to ensure that they meet the requirements of local and national policy.

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

Floor Area:

The proposed units consist provide the following Gross Internal Area (GIA)

- Flat 1 - 2b 4p - 88sqm
- Flat 2 - 2b 4p - 88sqm
- Flat 3- 1b 2p - 51.68sqm
- Flat 4 - 2b 3p - 62sqm
- Flat 5 - 1b 2p - 54.2sqm
- Flat 6 - 3b 4p - 97sqm

Table 3.3 of the London Plan (2016 MALP) and Table 2.1 of LB Barnet: Sustainable Design and Construction SPD (2016) set out the minimum residential space standard requirements for the proposed units is as follows:

- 1 bedroom unit for 2 persons on one floors requires 50sqm
- 2 bedroom unit for 3 persons on one floor requires 61sqm
- 2 bedroom unit for 4 persons on one floor requires 70sqm
- 3 bedroom unit for 4 persons on one floor requires 74sqm

All of the proposed units would therefore meet the minimum GIA requirements.

Floor to Ceiling Height:

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling, although a floor to ceiling height of 2.5 metres is preferred.

All of the proposed units would continue to meet this requirement.

Light/Outlook:

Table 2.4 of Sustainable Design and Construction SPD (2016) sets out the minimum glazing requirements for habitable rooms in a new residential unit. It states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and the habitable rooms should have an acceptable level of outlook.

It is considered that all the habitable rooms would continue to benefit from adequate glazing.

Amenity Space:

The Sustainable Design and Construction SPD (2016) highlights the importance of good quality amenity space. Section 2.31 highlights that 'outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents as well as contribute to maintaining and enhancing the wider character of the borough. Residential units with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers.

Section 2.3 requires 5sqm per habitable room for flats. Habitable rooms over 20sqm are counted as two rooms for the purpose of this calculation.

On that basis, the scheme would require the following provision:

Flat 1 - 2b 4p - 20sqm
Flat 2 - 2b 4p - 20sqm
Flat 3 - 1b 2p - 15sqm
Flat 4 - 2b 3p - 20sqm
Flat 5 - 1b 2p - 15sqm
Flat 6 - 3b 4p - 25sqm

The proposal will provide 293sqm of outdoor amenity space, most of which will be communal.

Flats 1 and 2 will both be provided with private outdoor amenity space accessed through the rear of these units - with 35sqm and 38sqm respectively.

On the basis of the above, the LPA are satisfied that the development will provide sufficient outdoor amenity space for future occupiers - consistent with the approved scheme. Details will be secured via condition to ensure that any boundary treatments installed to subdivide the amenity space are acceptable and provide sufficient screening.

In light of the above, officers consider the proposed amendments would remain acceptable in terms of the residential amenities of future occupiers relative to the approved scheme - in accordance with Policies DM01 and DM02 of the Development Management Policies DPD.

. Highways:

As stated, the previous application for 5no units - which proposed 3no spaces - was initially refused on highways grounds however, subsequently allowed at appeal.

With regard to Policy DM17, the configuration of the original scheme would have resulted in a maximum potential demand of 7.5no spaces.

However, the Inspector noted that No 38 Sydney Road is used as a single dwelling house and No 40 is used as four flats. When Policy DM17 car parking standards are applied to the existing residential units, there would be an almost identical requirement for on-site car parking provision (6.5no spaces). Therefore, whilst it is acknowledged that when the proposed development is considered in isolation there would be a shortfall in on-site car parking provision (and there is existing on-street car parking stress in the area), the proposal

would not make matters worse when compared to existing residential development on the appeal site.

The Inspector concluded "that whilst there would be some conflict with the car parking standards in Policy DM17 of the DMP DMD, this has to be weighed against the fact that when compared to the existing development on the site the proposal would not give rise to a material increase in on-street car parking demand. This is a weighty material planning consideration and outweighs any conflict with the aforementioned policy".

The revised application for 6no units would result in an amended configuration of units and a revised maximum potential demand of 8no spaces - an increase of just 0.5no spaces on the approved scheme.

The Local Highway Authority have reviewed this scheme - taking into consideration the comments made in the previous appeal and the reduction in maximum occupancy level - and have not raised any objection. It is considered that the impact of the amended scheme would remain comparable to the approved development. In that context, the proposal would remain acceptable in highways terms.

. Cycle Parking:

The plans illustrate that cycle parking will be provided to the rear of the property, though details of the number of spaces and the type of storage facility to be used remain to be determined. These details will be secured by way of a condition to ensure that the development meets the requirement of the London Plan.

. Refuse/Recycling:

The plans illustrate that the refuse and storage containers will be at the front of the site. This is acceptable in principle and consistent with the approved scheme however, details of the number of bins and type of enclosure facility to be provided remain to be determined. As such, these details will be secured by way of a condition to be discharged prior to occupation of the development.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). A condition will be attached to ensure compliance with these Policies.

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

In terms of water consumption, a condition would be attached in the event planning permission is granted to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres

of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

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

5.4 Response to Public Consultation

-Concerns regarding proposed building to fundamentally conflict with character of surrounding area in terms of mass, bulk and use as self-contained units; Concerns relating to character are addressed in the delegated report for the previous application (16/3397/FUL) - where no objections were raised. The minor alterations since the previous design have been addressed within the main body of this report.

-Concerns regarding over intensification of the site; This has been addressed within the main body of this report. The scheme results in a reduction of the overall occupancy comparative to the previously approved scheme and therefore would not result in over intensification of the site within that context

-Concerns regarding insufficient parking provision and subsequent increase demand on street and potential impact on free flow of traffic; This has been addressed within the main body of the report.

-Appeal used as precedent for more additional units; The appeal has established that the principle of flats is acceptable. The formation of any additional units in the future would require express consent and be subject to scrutiny by the LPA

-Parts of Design and Access Statement irrelevant; Officers note the comments regarding aspects of the Design and Access statement. The principle of the scheme has already been established and this application is concerned with the minor alterations to the previously allowed scheme.

-Concerns regarding use of existing outbuilding as self-contained unit; The outbuildings are to be demolished as part of the proposal.

-Concerns regarding increase in noise and disruption during and post construction of development; With regards to post development, this has been addressed within the main body of the report. With regards to during construction, a condition will be attached requiring the approval of a Demolition and Construction Management Plan which will need to be agreed with Environmental Health and the Local Highway Authority prior to commencement of the development. This will include details of operation hours, delivery times and use of machinery which must be approved by the council prior to approval of the condition.

-Concerns that the proposal will to be adhered to and developers will build more units than permitted; The LPA can only assess what has been proposed. Any additional units would require a further grant of planning permission and any unauthorised works would be liable for enforcement action

-Loss of family sized dwelling; The development does provide one family sized unit. Considering the exist lawful use of one property as four flats and the re-provision of 1no 3-bed unit, the proposal would not result in a loss of a family unit. The principle of the conversion has already previously been established

-Concerns regarding limited outdoor amenity space due to existing outbuildings; The existing outbuildings would be demolished as part of the proposal.

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 proposal is recommended for APPROVAL subject to conditions

