

Location **52 Greenfield Gardens London NW2 1HX**

Reference: **19/3943/FUL** Received: 17th July 2019
Accepted: 5th August 2019

Ward: Childs Hill Expiry 30th September 2019

Applicant: Mr Mehdi Jafarifar

Proposal: Conversion of existing property into three self contained flats. (AMENDED DESCRIPTION)

Recommendation: Approve subject to s106

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)

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Contribution of £2,072.55 is required towards the amendment of the Traffic order. Monitoring contribution of 5% of total financial contributions, which is £103.63

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control or Head of Strategic Planning approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning:

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

- o Site location Plan ref: MX386805;
- o Drawing numbers: 103 Rev C, 105 Rev C; 106 Rev C & 107 Rev C

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 Before the development hereby permitted is first occupied or the use first commences the car parking spaces shown on Drawing 105 Rev C 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.

4 The property shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

5 Each residential unit must have access to their own private amenity space as shown on drawing number: 105 Rev C.

The development shall be carried out in accordance with the details thus approved and maintained thereafter.

Reason: To ensure good quality amenity space is provided in accordance with the London Plan's Housing SPG and table 2.3 of the Barnet SPD (2016).

6 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)

7 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).

8 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).

9 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

RECOMMENDATION III:

0 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 20/01/2019, unless otherwise agreed in writing, the Service Director – Planning and Building Control or Head of Strategic Planning REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 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.

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 recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential 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.

- 3 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 a 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 a 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.

- 4 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.

- 5 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

Officer's Assessment

1. Site Description

The site comprises of a two-storey detached property with a converted garage, located to the eastern side of Greenfield Gardens, adjacent to a public footpath which leads through to the A41 Hendon Way at the rear. The property is currently vacant, although had previously been converted into 5 flats without the benefit of planning permission..

At present, the front curtilage provides off-street parking for 3 cars whilst the rear garden has a shared storage outbuilding to the rear of the plot.

The application site is located to the eastern side of Greenfield Gardens, adjacent to a public footpath which leads through to the A41 Hendon Way at the rear. To the rear there are residential dwellings which front Hendon Way. The site is not located within a Conservation Area and is not listed building.

Greenfield Gardens is a wide, tree lined residential street. The surrounding area is predominantly characterised by residential development.

2. Site History

Reference No: 17/5916/RCU;

Description of development: Change of use from C3 (Residential) to Sui Generis Use (HMO) for up to 10 people

Decision: Refused

Decision date: 14 November 2017

Planning ref: 18/4027/FUL

Description: Conversion of existing dwelling into 2no self-contained flats including conversion of existing garage

Decision: Refused. Appeal allowed.

Decision: 31st August 2018

This application was refused by the Council under Delegated Powers for the following two reasons:

1: The conversion of the property into two self-contained flats would result in the loss of a single-family unit in an area characterised by houses and would be out of character within its setting of established single-family dwelling houses.

2. The proposed conversion by reason of its poor layout; sub-standard overall floor areas; and failure to meet the minimum internal space standards would provide a substandard level of accommodation resulting in an unacceptable poor level of amenity for the future occupiers of these units.

The Councils decision was subsequently appealed and allowed by the Planning Inspectorate on 11th February 2019 (under appeal reference APP/N5090/W/18/3212780). The Inspectorate concluded the following:

o Greenfield Gardens contains examples of existing properties which have been converted to flats, and these properties appear like single family houses from street views. The Inspectorate noted that it was a "struggle to notice that some of the houses have been

converted to flats which was a broad indication that they generally do not appear out of character to the area".

o With reference to the impact on amenity to local residents in terms of potential noise disturbance, the Inspectorate concluded that there was "no evidence to support the contention that the "levels of coming and goings, including vehicle movements likely to be generated by the occupiers of the two flats need be materially greater than the levels that could be generated if the property was occupied by one large single family, and thereby would not alter the character and appearance of Greenfield Gardens".

o The proposed standard and quality of accommodation was considered acceptable as the flats would be dual aspect and there is no evidence that outlook and levels of natural light and ventilation would be substandard. Contrary to the Local Authority's opinion, the Inspector concluded that the circulation space was not "contrived" and noted that "it not unusual for dwellings to be used flexibly" and that "small bedrooms are often used as studies and dining rooms as living rooms".

3. Proposal

The proposal is to convert the existing building into three self- contained flats, comprising of no 1 x 3 bed unit; no 1 x 1 bed unit & no 1 x studio unit, within the existing building envelope. The proposal makes provision for 3 car parking spaces and private amenity space for each unit.

4. Public Consultation

Consultation letters were sent to 88 neighbouring properties on 06 August 2019.

Site notice dated 15.08.2019

10 individual letters of objection were received (9 in the initial consultation) after consultation letter issued to residents on 6th August 2019. At that point, the description of development was for the "conversion of 2 flats into 3 self-contained units".

The representations received can be summarised as follows:

- o This proposal is out of context and attempts to alter the character of the street, which is characterised by single family dwellings;
- o Converting family house into flats impacts on the local cohesion of the street and reduces the amenity value of the area;
- o The proposal would set an unwanted precedent for similar future developments;
- o The proposal would increase traffic and demand for parking on Greenfield Gardens;
- o It would result in more litter and noise pollution on the street;
- o The proposal would jeopardise the existing calmness and community atmosphere of the street;
- o The proposed additional three car parking spaces would add additional pressure on traffic and parking provision in Greenfield Gardens; and
- o The applicant asserts that there are 2 existing flats on site, which is incorrect as there appears to be several more.

After the initial consultation period expired, both local residents and LPA Officers were concerned that the description of development was ambiguous and misleading. Whilst the applicant did secure planning consent on appeal for 2 self-contained flats on site, this

permission has never been implemented. As such, it was incorrect to claim there are two "existing" flats on site. For the avoidance of doubt and to rectify this matter, the Local Planning Authority re-consulted local residents again on 6th April 2020 on an amended and accurate description of development. This description was as follows: "Conversion of existing property into three self-contained flats".

4 objections were received on the revised proposal (3 of which had raised objections previously) and 1 new objection. Most of their concerns were previously expressed (as set out above). In addition to these concerns, the following new grounds for objection were as follows:

- o The introduction of flats would put further strain on local resources and add to the increased problems of parking;
- o The applicant does not discuss the development of a new building at the bottom of the garden;
- o Whilst there are existing flats elsewhere on Greenfield Gardens, most of the development in the area are single family dwellings;
- o The proposal could result in anti-social behaviour, noise, refuse problems or congestion;
- o The description of the development has changed but the actual proposal remains the same as before;
- o The proposed configuration of the units, and the size of the units appear to be substandard;
- o The proposal does not address the Council's reasons for refusal in the previous planning application (refused by Members and allowed at Appeal) regarding the impact the proposal would have on the character and appearance

5. Planning Considerations

The main material planning considerations are as follows;

- Whether the principle of development is acceptable on site and its impact on the character and appearance of Greenfield Gardens;
- Whether harm would be caused to existing building in design terms;
- Whether harm would be caused to the living conditions of neighbouring and/or future residents;
- Whether the proposals would be of detriment to parking and highways network; and
- Whether the proposal has dealt with the issues raised by the Inspector at the recent appeal on the site in the extant planning consent.

bl 5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

Relevant Core Strategy Policies: CS NPPF, CS1, CS5.

Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM17

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.

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

Sustainable Design and Construction SPD (October 2016)

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

Main issues for consideration

The main planning considerations are as follows:

- o Whether the principle of development is acceptable on site and its impact on the character and appearance of Greenfield Gardens;
- o Whether harm would be caused to existing building in design terms;
- o Whether harm would be caused to the living conditions of neighbouring and/or future residents;
- o Whether the proposals would be of detriment to parking and highways network; and
- o Whether the proposal has dealt with the issues raised by the Inspector at the recent appeal on the site in the extant planning consent.

5.2 Assessment of proposals

Whether the principle of three self-contained flats is acceptable on site and its impact on the character and appearance of Greenfield Gardens:

Policy CS5 of Barnet's Core Strategy (2012) states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high-quality design. It also states that the Council enhance the borough's high- quality suburbs and historic areas through the provision of buildings of the highest quality that are sustainable and adaptable.

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that conversion of dwellings into flats in roads characterised by houses will not normally be appropriate (point h) and that loss of houses in roads characterised by houses will not normally be appropriate (point i). It also states in point b that:"development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets".

Paragraph 2.8.1 of Barnet's Development Management Policies Document DPD (2012) states: "The conversion of existing dwellings into flats can have a cumulative effect that is damaging to 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 particularly where they are highly accessible. However, even in such locations they can harm the character of areas by changing external appearance and increasing activity. Such activity can often involve more people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries."

The main issues in considering the impacts of three self-contained flats on site is whether it would have an adverse impact on the character and appearance of Greenfield Gardens. Further, in assessing this matter, the Planning Inspectorate's previous decision to allow 2 self-contained flats on site must be given sufficient weight as a material planning consideration, when assessing this subject application.

At present, there are examples of existing self- contained flats at the following properties which include numbers 1, 18, 32, 44, 61, 67, 90 and 97 Greenfield Gardens.

The Planning Inspector, in the previous planning application (LPA reference number: 18/4027/FUL) concluded that it was difficult to notice that some of the houses had been converted to flats. The Planning Inspector in paragraph 9 of the previous Appeal Decision noted that it was difficult to: "notice that some of the houses had been converted to flats is a broad indication that they (self-contained flats) generally do not appear out of character". Further, the Planning Inspector concluded that it would not harm the character and appearance of Greenfield Gardens.

Bearing this in mind, it is unlikely that three self-contained flats (one of which is a studio) would result in a noticeable and unacceptable increase in the level of comings and goings, especially as the family sized unit will be smaller.

The Inspector in the previous planning proposal also found that the proposed intensity of occupation (two self-contained flats comprising of 1 x 4 bed and 1 x 2 bed units) was similar to the occupation arrangements of the existing building. Paragraph 11 of the Inspectors Appeal decision stated that: "the character of an area is defined by how it functions as much as how it looks. To this end, it has been suggested that the proposal would not result in a greater intensity of occupation. There is no evidence to support the contention that the level of comings and goings, including vehicle movements, likely to be generated by the occupiers of the two flats need be materially greater than the levels that could be generated if the property was occupied by one large single family". The Inspector also found that the proposed intensity of occupation would be similar to that of a single-family occupation scenario, and therefore considered it to be acceptable.

Given that the proposal is for 3 self-contained flats comprising of 1 x 3 bed, 1 x 1 bed and 1 x studio), it is not considered that this new dwelling mix would result in an over intensification of residential use on site and is unlikely to result in a noticeable increase in noise disturbance. Further, the proposal retains a family sized unit, albeit a three-bedroom flat.

On balance, the proposal would not result in an over intensification of the use and would not be out of character to the existing local area, and adheres to the overall aims of policies CS NPPF, CS1 and CS5 of the adopted Barnet Local Plan Core Strategy (CS), policy DM01 of the DPD or the Council's adopted Residential Design Guidance Supplementary Planning Document, which all promote high quality design that respects local context.

Whether harm would be caused to existing building in design terms

No. 52 Greenfield Gardens is an inter-war property like others in the street which, although not uniform in their appearance, display broadly similar characteristics in terms of their general size and layout and the street has a pleasant, suburban feel to it.

There are no proposed external alterations or additions to the existing dwelling and the three flats would be accessed through the existing main entrance. As such, the proposal would not alter the outer appearance of the house or the character of the locality.

Impact on neighbour residential amenity

The application property is a detached dwelling that is separated from No. 50 Greenfield Gardens to the north by the side access pathway into the rear garden space and is also distanced from No 54 to the south by a public footpath that leads through to Hendon Way to the rear.

As there are no external alterations (no repositioning of windows or additional windows) or extensions proposed to the property, neighbouring amenity in terms of daylight, sunlight, outlook and privacy would not be compromised.

Further, the number and size of the proposed units are not considered to result in undue noise disturbance, as discussed earlier in this report.

Dwelling mix

The previous planning proposal allowed at appeal made provision for one family unit (4 bedrooms).

The Council's current Local Plan identifies 3 and 4 bed units as being of the highest priority types of market housing for the Borough. The need for a diverse range of unit sizes is also echoed within the London Plan Policy 3.8.

This subject proposal does provided a 3 bed family unit. On balance, the proposed provision for 1 x 3 bedroom unit; 1 x 1 bedroom unit and 1 x studio provides an acceptable dwelling mix.

Quality of accommodation for future occupiers

Policy DM01 states, in point e, that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

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

Within reference to minimum space size standards, the London Plan and the Councils adopted Residential Design Guidance (2016) require the following:

- o The minimum space size requirement for a Studio unit is 39m²
- o The minimum space size requirement for a one bedroom (one person) flat is 39m²
- o The minimum space size requirement for a three bedroom (4 person flat) is 74m²

The proposal makes provision for 39sqm for the studio flat; 46.35 for the one bedroom (one person flat); and 75 sqm for the three bedroom (4 person flat). As such, the proposed unit sizes meet the minimum size standards. Further, the bedrooms; internal arrangements; and ceiling heights, comply with the standards, and are similar to those previously allowed at appeal by the Planning Inspectorate.

The 1 x three bed unit on the ground floor and the 1 x one bed flat on the first floor are both dual aspect. Further, the studio unit at ground floor contains three south facing windows. As such, the proposal provides good quality living conditions for future occupiers of the proposed flats, with good levels of daylight, outlook and ventilation.

The London Plan Housing SPG stating that a minimum of 5m² of outdoor space should be provided for 1-2 person dwellings and an extra 1m² should be provided for each additional occupant. Further, the family unit at ground floor would be provided with adequate outdoor amenity space, in accordance with Table 2.3 of Barnet's SDC SPD (2016).

The existing rear garden would be subdivided to provide private amenity space for each of the units. The ground floor three bedroom flat would have direct access to approximately 70m² rear garden area via the French doors within the living room area at the rear of the dwelling.

The ground floor Flat 2 (studio) and upper floor flat 3 (one bedroom flat) would each have a section of the rear garden measuring, approximately 33.5m² for each flat, accessed via the shared side passageway to the northern side of the property. The applicant would be required to provide the access arrangements to the private gardens for each unit in accordance with the drawings submitted to the Local Planning Authority. This would be secured by way of condition.

There is an outbuilding located to the rear of the property which is currently shared as a communal storage area. The applicant notes that this arrangement would continue as part of the proposed development, as all three flats would have use of this storage facility.

The proposal therefore adheres to the overall aims of Policies 3.5 and 7.6 of the London Plan, Policies CS1 and CS5 of the CS, Policies DM01 and DM02 of the DPD and the Council's Residential Design Guidance and Sustainable Design Construction Supplementary Planning Documents, which seeks to ensure that adequate quality of accommodation is provided.

Impact on highways and parking

Car parking

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

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

The site has a Public Transport Accessibility Level (PTAL) rating of 2 which means it has moderate to poor access to Public Transport.

The proposed conversion would generate a maximum allowable parking provision of between 1-3.5 cars. The applicant proposes 3 spaces and the building forecourt is large enough to accommodate 3 cars. There are 3 car parking spaces proposed, one car parking space would be allocated to each flat. The Council's Highways team have confirmed that this provision is acceptable.

In the previous planning application, the Planning Inspectorate concluded that three car parking spaces on site for 2 units (albeit for 1 x 4 bed & 1 x 2 bed flats) would be

"satisfactory" .As the site already provides 3 parking spaces to the front of the property, the development accords with Local Plan policy DM17.

The site is also located in the C1 Controlled Parking Zone (CPZ- 10:00-11:00). The development does not provide additional parking within the development. As such, the proposal would increase the demand for car parking permits within this controlled parking zone. London Borough of Barnet's Highways team have reviewed the application and raise no objection to the application subject to a legal Agreement between the Council and the applicant which restricts the residents of the new dwellings from gaining car parking permits to avoid congestion and reduce impacts to highway safety. The applicant has agreed to enter into a Section 106 Agreement for this reason.

Cycle Parking

Policy 6.3 (cycle parking) of the London Plan sets out the minimum standards:

- o 1 cycle space per 1 bed room unit
- o 2 cycle spaces for 3 bed room units.

Based on the above, the proposal would be required to provide a minimum of 4 cycle parking spaces. The proposal makes provision of 5 cycle spaces, thereby the quantum of cycle parking is therefore acceptable. Notwithstanding, the applicant has not provided specific details of the cycle storage area. Details of cycle parking including the type of stands, gaps between stands, location of cycle parking and type of store proposed shall be submitted to and approved in writing by the Local Authority. This would be secured by way of a condition.

Refuse and Recycling facilities

The proposal makes provision for 6 refuse storage bins (577mm depth x 715mm width x 1145mm height), which complies with the minimum standards for three dwellings in accordance with the Councils requirements. The bins are also located in an area which is not visible from the street. The bins will be placed by the roadside for collection on the appropriate days and then returned to the storage areas.

In the previous planning consent, the Planning Inspectorate concluded that adequate refuse and recycling storages could be provided in a visually acceptable way. The proposed location of the refuse and recycling storage area location broadly remains the same as that which was allowed by the Planning Inspectorate. Bearing this in mind, Officers do not raise any objections to the provision of refuse and recycling facilities on site.

Conclusions

The proposed conversion of the existing dwelling into three self-contained flats would not be detrimental to the character and appearance of this street, particularly as there are already existing examples of properties which have been converted from single family dwellings to self-contained flats, and given the appeal scheme. There is no evidence to suggest that the proposal would result in over intensification of residential use on site.

Crucially, the principle of having two self-contained flats has been allowed by the Planning Inspectorate at appeal. As such, it would be difficult to robustly justify that the principle of three self- contained flats would be unacceptable on site. Moreover, the proposal provides a 3 bedroom unit, suitable for family accommodation.

The proposal therefore adheres to the overall aims of policies CS NPPF, CS1 and CS5 of the adopted Barnet Local Plan Core Strategy (CS), policy DM01 of the DPD or the Council's adopted Residential Design Guidance Supplementary Planning Document, which all promote high quality design that respects local context.

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for conditional approval and the completion of a legal agreement to restrict future occupiers from applying for car parking permits on Greenfield Gardens.

Response to objections

It is considered that the concerns raised have been addressed within the report. The objections and concerns raised from residents have been considered within the evaluation above, and all representations received from residents were fully considered in the assessment of the application.

Greenfield Gardens does contain examples of existing properties which have been converted to flats, although many of these properties continue to appear as houses from the street level when viewed along the street scene. Indeed, it is difficult to notice that some of the houses have been converted to flats when walking along Greenfield Gardens. This broadly demonstrates that flat conversions do not appear out of character to the area.

Concern was expressed that the proposal would increase the pressure on local services such as the local schools and medical centres. The objections did not provide information regarding their capacity, and it is unlikely that an additional 3 units would place undue pressure on resources in any case.

Some residents feel the scheme would set an undesirable precedent for additional conversion schemes within Greenfield Gardens. However, one of the fundamental principles underpinning the planning system is that each planning application must be considered on its individual merits. On balance, it is not considered that the proposal would set an unwanted precedent for other conversions on Greenfield Gardens.

With reference to concerns relating to noise disturbance specifically relating to the structure of the building, sound insulation is a matter adequately addressed by the Building Regulations. The proposal would not result in an over intensification of the use on site.

Highways officers consider the highway impacts acceptable, subject to the legal agreement.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations and the recent planning history into account, it is considered that subject to compliance with the attached conditions and legal agreement, the proposed development would on balance have an acceptable impact on the character

and appearance of the application site, the street scene and the locality. In this instance, the proposed development is not considered to have an adverse impact on the amenities of neighbouring occupiers and would provide an acceptable quality of accommodation for future residents.

