

**Location** **2 Netherfield Road London N12 8DP**

**Reference:** **20/2734/FUL** Received: 17th June 2020  
Accepted: 19th June 2020

Ward: West Finchley Expiry 14th August 2020

**Case Officer:** **Syndsey Ballet**

Applicant: MR H PERACHA

Proposal: Part demolition of existing garages and rear additions. New single storey side and rear extensions. Single storey front extension with associated internal alterations to provide 1no. additional self-contained flat. Provision of 2no. off-street parking spaces

### **OFFICER'S RECOMMENDATION**

Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 their 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. Amendment to Traffic Management Order - £2,022  
Monitoring of the agreement - £101.10

## RECOMMENDATION II:

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

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

Design & Access Statement by Pearson Associates ref REP/MP/2943 dated 11.06.2020  
488919-1B  
488919-2B

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 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4
  - 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).

- 5 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.

- 6 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.

- 7 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.

- 8 No site works including demolition or construction work shall commence until a Demolition and Construction 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. The Demolition and Construction Management and Logistics Plan submitted 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. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- v. 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;
- vi. noise mitigation measures for all plant and processors;
- vii. details of contractors compound and car parking arrangements;
- viii. Details of a community liaison contact for the duration of all works associated with the development.
- ix. 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
  - a) Before the development hereby permitted is first occupied, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.
  - b) The development shall be implemented 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) and the Sustainable Design and Construction SPD (adopted April 2013).

- 10 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).

### **RECOMMENDATION III:**

- 0 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 15.01. 2021, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

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. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

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

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the

Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

#### Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

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

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

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

- 3 The 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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 4 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 5 Prior to commencement of the development a Condition Survey of the existing public highway shall be undertaken and the results submitted to the Local Highway Authority. Within one month of the construction work ceasing a second road condition work shall be undertaken and the results submitted to the Local Highway Authority. Thereafter, any damage to the public highway identified by the two condition surveys shall be rectified by the applicant in agreement with the Highway Authority within one year of the development being constructed.

Details are required to be submitted prior to the commencement of development to provide a record baseline assessment of the condition of the highway in the interest of highway safety.

- 6 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 7 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 unadopted 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 Councils refuse collection department is consulted to agree a refuse

collection arrangement.

- 8 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.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site is an end of terrace property located on the west side of Netherfield Road within the electoral ward of West Finchley. It has been converted into two self-contained flats. The site includes a double garage to the side, rear conservatory and a covered access. The rear garden is relatively small and roughly triangular in shape, with the rear boundary slanting toward the house. The garden is enclosed by close board fencing, with narrow footpaths behind the fence to one side and the rear. A single storey structure identified as a granny annex is currently linked to the main dwelling by the covered access. The property is not locally / statutorily listed nor is it located within a Conservation Area.

### **2. Site History**

Reference: C01337  
Address: 2 Netherfield Road, London, N12 8DP  
Decision: Approved subject to conditions  
Decision Date: 22nd February 1967  
Description: Erection of a garden shed.

Reference: C01337A  
Address: 2 Netherfield Road, London, N12 8DP  
Decision: Approved subject to conditions  
Decision Date: 18th July 1968  
Description: Conversion of house into 2 flats with existing garage.

Reference: C01337B  
Address: 2 Netherfield Road, London, N12 8DP  
Decision: Approved subject to conditions  
Decision Date: 11th September 1990  
Description: Conservatory at rear.

Reference: C01337C/01  
Address: 2 Netherfield Road, London, N12 8DP



Decision: Approved subject to conditions  
Decision Date: 8th November 2001  
Description: Rebuild garage and shed

Reference: C01337E/05  
Address: 2 Netherfield Road, London, N12 8DP  
Decision: Approved subject to conditions  
Decision Date: 25th February 2005  
Description: Retention of rear outbuilding and construction of a single storey linkway to main building.

Reference: F/05039/13  
Address: 2 Netherfield Road, London, N12 8DP  
Decision: Approved subject to conditions  
Decision Date: 23rd December 2013  
Description: Conversion of existing stand-alone outbuilding to side of main building into a habitable room and construction of single storey linkway connecting the outbuilding to the main building.

Reference: F/01322/14  
Address: 2 Netherfield Road, London, N12 8DP  
Decision: Approved subject to conditions  
Decision Date: 17 April 2014  
Description: Non-material minor amendments to planning permission F/05039/13 dated 29/10/13 for "Conversion of existing stand-alone outbuilding to side of main building into a habitable room and construction of single storey linkway connecting the outbuilding to the main building" Amendments include addition of small ensuite shower room.

Reference: 15/03149/FUL  
Address: 2 Netherfield Road, London, N12 8DP  
Decision: Refused  
Reason(s):  
The proposed flats by virtue of their insufficient internal floor area, limited outlook and light from private outdoor amenity space and rear facing lower ground floor bedrooms, would result in a sub-standard form of accommodation giving rise to poor living conditions for future occupiers of these units, contrary to Policies CS1 and CS5 of the Council's Core Strategy (2012), Policies DM01 and DM02 of the Council's Development Management Policies DPD (2012), Residential Design Guidance and Sustainable Design and Construction SPDs (2012), Policy 3.5 including accompanying Table 3.3 of the London Plan (2015) as well as the objectives of National Planning Policy Framework.  
Decision Date: 12 August 2015  
Description: Single storey front extension including demolition of single garage. Single storey rear extension replacing the existing conservatory and lower ground extension to provide 2no. self-contained flats.

Reference: 15/07317/FUL  
Address: 2 Netherfield Road, London, N12 8DP  
Decision: Refused (Appeal Dismissed)  
Reason(s):  
The proposed flats by virtue of their limited outlook would result in a sub-standard form of accommodation giving rise to poor living conditions for future occupiers of

these units, contrary to Policies CS1 and CS5 of the Council's Core Strategy (2012), Policies DM01 and DM02 of the Council's Development Management Policies DPD (2012), Residential Design Guidance and Sustainable Design and Construction SPDs (2012), Policy 3.5 including accompanying Table 3.3 of the London Plan (2015) as well as the objectives of National Planning Policy Framework.

The proposed extensions, by reason of its size, siting, scale, bulk and design would appear bulky and result in a overdevelopment of the site detrimental to the character and appearance of the property, the character of the area and the general locality contrary to policies 7.4 and 7.6 of The London Plan (2015), policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2013).

Decision Date: 27 May 2016

Description: Addition of an extra self-contained unit following single storey front extension including alteration to existing canopy and demolition of single garage. Single storey rear extension replacing the existing conservatory and lower ground extension to provide habitable space (AMENDED PROPOSAL)

Reference: 20/0422/FUL

Address: 2 Netherfield Road, London, N12 8DP

Decision: Refused

Reason(s):

The proposed extensions, by reason of their size, siting, scale, bulk and design would appear bulky and result in a overdevelopment of the site detrimental to the character and appearance of the property, contrary to Policies 3.5, 7.4 and 7.6 of the London Plan (2016), Policies CS NPPF, CS1, CS5 of the Local Plan Core Strategy (Adopted September 2012), and policies DM01 of the Local Plan Development Management Policies DPD (Adopted September 2012) and the Residential Design Guide (2012).

By reason of flat 3 failing to meet the recommended minimum space standards as set out by The London Plan (2016) and the Sustainable Design and Construction SPD (2016) the development would give rise to poor living conditions for future occupiers. The application is therefore considered unacceptable and is contrary to policy DM01 of the Development Management DPD, policies CS NPPF, CS1 and CS5 of the Barnet Core Strategy and the Residential Design Guidance and Sustainable Design and Construction SPDs (2016) and the National Planning Policy Framework.

Decision Date: 27 March 2020

Demolition of existing garages and 2no. single storey rear extensions. Construction of part single, part two storey front, side and rear extension with associated internal alterations to provide 1no. additional self-contained flat. Provision of 2no. off-street parking spaces

### **3. Proposal**

Part demolition of existing garages and rear additions. New single storey side and rear extensions. Single storey front extension with associated internal alterations to provide 1no. additional self-contained flat. Provision of 2no. off-street parking spaces

The footprint of existing extensions measures approx 128sq.m. Proposed works would measure approx 137sq.m. Proposed works would result in an increase of the existing footprint by approx.9sq.m, which would largely be the result of the infill of an

existing external area at ground level between the existing garages/extensions and the original property in addition to setting in at the side and setting back from the rear building lines.

Extension of the existing front porch (altered hipped roof form) by approx 0.90 metres width x 4.0 metres height, 3.0 metres high to the eaves.

Demolition of garages and 2no. single storey side and rear extensions. Erection of a single storey front to side extension would be set back approx 1.650 metres from the porch, would maintain the existing front building line and extend (the flank wall of the main property) approx 3.50 metres width x 9.0 metres depth x 4.0 metres height, 3.0 metres high to the eaves. Given a splayed side boundary, the frontmost corner of the extension would be set in approx 1.0 metre and the rearmost corner of the extension would be set in approx 0.80 metres from the boundary. Comparably the flank elevation would be staggered, and the rear elevation would be set forward approx 1.50 metres from the existing rear building line.

Demolition of rear conservatory and erection of a single storey rear extension (with hipped roof form) across the width of the main property approx 3.0 metres depth x 8.30 metres width x 4.0 metres height, 3.50 metres high to the eaves on the common boundary with adjoining no. 4. This would result in a comparably lesser rear depth by approx 0.50 metres forward of the existing rear building line.

The rear extension would provide additional accommodation for the existing ground floor flat. The side extension would provide an additional self-contained flat 1 x 1-bed 1-person dwelling 50sq.m. The proposed unit would be accessed internally. All occupiers would communally access the property via the existing main door in the front elevation.

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

Consultation letters were sent to 72 neighbouring properties. Responses have been received, comprising 10 letters of objection.

The objections received can be summarised as follows:

- Impact on the design and character of the property as a result of cumulative forms of development
- Parking pressures
- Noise and disturbance
- Impact on a street tree

#### **5. Planning Considerations**

##### **5.1 Policy Context**

###### National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the 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 draft New London Plan is at an advanced stage. In December 2019, the Mayor issued the "Intend to Publish" version of the emerging New London Plan. After considering that Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor making a series of eleven Directions to the Plan. The Mayor cannot publish the New London Plan until the Directions have been incorporated, or until alternative changes to policy to address identified concerns have been agreed. Those policies affected by the Directions carry moderate weight, whilst those with no modifications can carry significant weight

### 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
- 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)

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

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether satisfactory living standards would be provided for future occupiers; and
- Whether harm would be caused to the local highways network and car parking

## **5.3 Assessment of proposals**

### Background History

The application site has been the subject of three previous applications:

Planning application 15/03149/FUL, for various alterations and extensions, was refused on 12 August 2015 for the following reason;

1. The proposed flats by virtue of their insufficient internal floor area, limited outlook and light from private outdoor amenity space and rear facing lower ground floor bedrooms, would result in a sub-standard form of accommodation giving rise to poor living conditions for future occupiers of these units, contrary to Policies CS1 and CS5 of the Council's Core Strategy (2012), Policies DM01 and DM02 of the Council's Development Management Policies DPD (2012), Residential Design Guidance and Sustainable Design and Construction SPDs (2012), Policy 3.5 including accompanying Table 3.3 of the London Plan (2015) as well as the objectives of National Planning Policy Framework.

Planning application 15/07317/FUL, for various alterations and extensions, was refused on 27th May 2016 for the following reasons:

1. The proposed flats by virtue of their limited outlook would result in a sub-standard form of accommodation giving rise to poor living conditions for future occupiers of these units, contrary to Policies CS1 and CS5 of the Council's Core Strategy (2012), Policies DM01 and DM02 of the Council's Development Management Policies DPD (2012), Residential Design Guidance and Sustainable Design and Construction SPDs (2012), Policy 3.5 including accompanying Table 3.3 of the London Plan (2015) as well as the objectives of National Planning Policy Framework.

2. The proposed extensions, by reason of its size, siting, scale, bulk and design would appear bulky and result in an overdevelopment of the site detrimental to the character and appearance of the property, the character of the area and the general locality contrary to policies 7.4 and 7.6 of The London Plan (2015), policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2013).

The decision was appealed under ref: APP/N5090/W/16/3152402. The appeal was dismissed on 19 September 2016. The inspectorate concluded that the development would have a detrimental impact on the character and appearance of the area and the living conditions of future occupiers.

Recent planning application 20/0422/FUL, for various alterations and extensions, was refused on 27th March 2020 for the following reasons:

1. The proposed extensions, by reason of their size, siting, scale, bulk and design would appear bulky and result in an overdevelopment of the site detrimental to the character and appearance of the property, contrary to Policies 3.5, 7.4 and 7.6 of the London Plan (2016), Policies CS NPPF, CS1, CS5 of the Local Plan Core Strategy (Adopted September 2012), and policies DM01 of the Local Plan Development Management Policies DPD (Adopted September 2012) and the Residential Design Guide (2012).

2. By reason of flat 3 failing to meet the recommended minimum space standards as set out by The London Plan (2016) and the Sustainable Design and Construction SPD (2016) the development would give rise to poor living conditions for future occupiers. The application is therefore considered unacceptable and is contrary to policy DM01 of the Development Management DPD, policies CS NPPF, CS1 and CS5 of the Barnet Core Strategy and the Residential Design Guidance and Sustainable Design and Construction SPDs (2016) and the National Planning Policy

Framework.

Comparably this application has removed the two-storey element and incorporated a hipped roof form with a reduced ridge and eaves level.

As the property has previously been converted to flats, the principle of additional units in this location would be considered acceptable.

#### Impact of the proposal on the character and appearance of the area

The NPPF attaches great importance to the design of the built environment, stating 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" (para.124).

Policy DM01 states, 'development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

The applicant proposes the demolition of existing garages and two of the existing single storey rear extensions. The existing property has two flats, an additional flat is proposed under this application. The first floor flat remains unchanged and the other will be enlarged from approx 57sq.m to 64sq.m. Proposed works would unify development at the side and rear of the property with the use of a subordinate hipped roof form of acceptable eaves and ridge level to provide a visually sympathetic form of development perceptible from the public realm, which is considered an enhancement of existing circumstances. Although marginally greater than the existing footprint within an already cramped site, this is owed to the infill of an existing external area at ground level between the existing garages/extensions and the original property to provide for an additional self-contained unit. However, the replacement extension would be set in at the side and rear thereby providing an element of visual containment. Although obscured from the public realm, the single storey rear extension on the common boundary with adjoining no 4 has been designed in line with the Council SPD 2016 in terms of depth and height respectively.

Proposed works involving external alterations would be of an appropriate scale and design providing a visually sympathetic relationship and proportionate form of development with the host property and would not prejudice the visual amenities of the wider street scene or character and appearance of the host property and local building context. Following previous ref 20/0422/FUL, concerns on character grounds have been adequately addressed.

#### Impact on the Amenities of Neighbours

Barnet policy DM01 requires new development to have due regard to the amenity of existing occupiers in neighbouring buildings.

Adjoining no 4 to the north is extended at the rear. The proposed single storey rear extension on the common boundary would be set forward approx 0.50 metres. The proposal will not cause any significant overlooking or privacy concerns as the attached neighbour has a similar extension located on the shared boundary. On

balance, the proposal is not considered to significantly harm the amenity of the occupiers of the neighbouring properties in regard to loss of outlook, light and privacy. Whilst the marginal increase in residential occupancy across the site is not expected to result in an unacceptable level of noise and disturbance upon neighbouring properties.

#### Provision of adequate accommodation for future occupiers

In terms of the amenity for future occupiers, the Planning Authority expects a high standard of internal design and layout in new residential development to provide an adequate standard of accommodation. The London Plan and Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units.

The London Plan (2016) and the Sustainable Design and Construction SPD (2016) set out the minimum space requirements for residential units and bedrooms. Existing flat 1 would be enlarged by virtue of proposed works from 57sq.m to 64sq.m and provide a 2-bedroom 3-person unit. The London Plan states it should be a minimum of 61sqm. New flat 3 is a 1-bed 1-person unit with an area of approx 50sq.m. The London Plan states it should be a minimum 39sq.m. 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. All rooms would benefit from sufficient light and outlook. As such, both units would exceed the above-mentioned minimum space standards and provide an acceptable standard of residential accommodation for future occupiers.

#### Provision of adequate outdoor amenity space for future occupiers

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m<sup>2</sup> per habitable room. The garden (as existing) would maintain an area of approx.80sqm.

The amenity area, albeit shallow, would be adequately subdivided to provide private outdoor amenity for ground floor occupiers of flat 1 and 3 and separately accessed via rear openings. A condition has been attached to secure details of the sub-division of the amenity area. Overall, the proposal would be considered to provide an acceptable level of residential accommodation for future occupiers.

#### Highways and parking provision

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 London Plan 2016 states that all developments in areas of good public transport accessibility (in all parts of London) should aim for significantly less than 1 space per unit. In outer London areas with low PTAL (generally PTALs 0-1), boroughs should



consider higher levels of provision, especially to address 'overspill' parking pressures.

Netherfield Road is a residential road and the site is in a CPZ (Mon-Sat, 9am-5pm) and lies in an area with a PTAL score of 3 (average). There are 7 bus routes available from stops within 4 - 7 minutes walking distance of the site and Woodside Park tube station is about 9 minutes walking distance to the north.

The proposed extension to provide an additional self-contained unit is acceptable. However, the provision of two off-street parking spaces is not supported as it will affect a large tree and it seems that the front garden depth is not large enough.

Given that the site is in a CPZ (Mon-Sat, 9am- 5pm), Highways officers would raise no objection to the proposed extension subject to the applicant agreeing to enter into a s106 agreement with the council to deny occupants of the development the right to purchase CPZ permits.

The London Plan set out in Table 6.3 states that 1no. cycle parking space is required for a studio and 1no. bedroom unit, whilst 2no. cycle parking spaces are required for all other dwellings.

Details of cycle parking are requested by way of a planning condition to ensure that cycle parking is provided in a covered, sheltered, secure, lockable and enclosed compound and that the type of stands used would allow both wheels and the frame of the bicycle to be locked.

Subject to securing the s106 agreement with the council, the proposal is found to be acceptable on highways ground and compliant with policy DM17.

#### Waste Recycling and Cycle Parking

Paragraph 11.10 of the Residential Design Guidance SPD 2016, states that, "Waste and recycling storage can cause a nuisance to neighbours and future occupiers, by reason of odour and noise, and can be visually intrusive in the streetscene. Waste and recycling storage areas should be integrated within the building or provided on-site and screened within an enclosure or by landscaping avoiding garden areas in front of dwellings."

Paragraph 11.5 of the Residential Design Guidance SPD 2016, states that, "The design and layout of new residential development should take account of the needs of cyclists through the provision of safe, accessible and secure cycle parking.

No information is provided on refuse storage, but it is expected that no major changes will be made to existing refuse storage arrangements. Nevertheless, details of refuse storage are therefore requested by way of a condition to ensure that location and type of refuse storage proposed are acceptable.

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

Concerns raised have been duly addressed within the report.

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

The proposal does not conflict with either Barnet Council's Equalities Policy or the

commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

## 7. Conclusion

This application is therefore recommended for APPROVAL.



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