

**Location** **124 Bulwer Road Barnet EN5 5EX**

**Reference:** **21/1377/FUL** Received: 15th March 2021  
Accepted: 15th March 2021

Ward: High Barnet Expiry 10th May 2021

**Case Officer:** **Mansoor Cohen**

Applicant: Mr & Mrs D. Poole

Proposal: Conversion of the existing dwelling into 2no self-contained flats including single storey side and rear extension, roof extension involving hip to gable, rear dormer window, 1no side and 2no front facing rooflights. Associated refuse/recycling and amenity space (amended description)

### **OFFICER'S RECOMMENDATION**

Approve subject to conditions

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)

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

EX 01 Rev A - Floor Plans, Elevations & Section (As Existing)  
PL02 Rev F - Floor Plans and Elevations (Proposed)  
19-929-EX02A - Site Location Plan  
Parking Survey Report, dated March 2021  
Sustainability Statement, dated 22 October 2020  
Planning, Design & Access Statement, dated January 2022  
House & Flat Survey (2020)

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) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

- b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies D14, SI 1 and T7 of the London Plan (2021).

- 5 a) Notwithstanding the hereby approved plans, before the permitted development is occupied, details of refuse storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority.

b) The development thereafter shall only be operated in accordance with the approved details under this condition.

Reason: In the interest of highway safety 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 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 adequate and satisfactory provision is made for the parking of bicycles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy T5 and Table 10.2 of the London Plan (2021), 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.

- 7 Before the development hereby permitted is first occupied or the use first commences the parking space shown on Drawing No.PL02 Rev F 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 Policy T6.1 of The London Plan (2021).

- 8 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat

c) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential

properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM16, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 9 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 October 2016).

- 10 a) Notwithstanding the hereby approved plans, before the development hereby permitted is first occupied details of the sub-division of the rear amenity area shall be provided to include boundary treatments and screening.
- b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the 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 2016).

- 11 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement in carbon dioxide emissions of a minimum of 6% 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 SI 2 of the London Plan 2021.

- 12 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 SI 5 of the London Plan 2021

- 13
- a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.
  - b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
  - c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016).

- 14
- 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.

#### **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. 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](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 The applicant shall carry out a "before" and "after" condition survey of the agreed route to be utilised by all construction traffic. The "before" survey shall be submitted to and approved in writing by Local Planning Authority prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Planning Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.
- 5 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting.

Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site relates to a semi-detached single family dwelling house located on a corner plot at the junction with Bulwer Road and Warwick Road. The rear of the site formerly contained a detached garage which was granted planning permission through an appeal decision for its demolition and construction of new single storey dwelling fronting Warwick Road. Consequently, the rear of the site has been subdivided into a separate plot and the new dwelling is under construction.

The character of the area is predominantly residential with a varied typology consisting of detached, semi-detached, terraced houses and purpose built as well as converted flats within the locality. As such, properties vary in size, scale and design.

The host dwelling is not statutory listed; is not located within a conservation area; and, is not subject to any other planning restrictions.

### **2. Site History**

Reference: 15/05240/FUL

Address: 124 Bulwer Road, Barnet, EN5 5EX

Decision: Refused

Decision Date: 13 October 2015

Description: Demolition of existing garage and construction of single storey, one bedroom dwelling with room in roof space, and provision of two off-street parking spaces to serve existing and proposed dwellings.

Reference: 17/0026/FUL

Address: 124 Bulwer Road, Barnet, EN5 5EX

Decision: Refused, Appeal allowed ref: APP/N5090/W/17/3176667 dated 07/09/17

Decision Date: 15 March 2017

Description: Demolition of existing garage, construction of single storey dwelling with rooms in roof space. Provision of two off-street parking spaces to serve existing and proposed dwellings, refuse and recycling and amenity space

Reference: 18/0114/FUL

Address: 124 Bulwer Road, Barnet, EN5 5EX

Decision: Refused

Decision Date: 5 March 2018

Description: Construction of a two storey dwelling attached to the flank elevation of 124 Bulwer Road. Formation of 2no off-street car parking spaces

Reference: 19/4755/192



Address: 124 Bulwer Road, Barnet, EN5 5EX

Decision: Lawful

Decision Date: 26 September 2019

Description: Roof extension, including, hip to gable, rear dormer window, 2no. rooflights to front roofslope,

Reference: 20/0938/S73

Address: 124 Bulwer Road, Barnet, EN5 5EX

Decision: Approved subject to conditions

Decision Date: 18 May 2020

Description: Variation of conditions 2 (Approved Plans), 3 (Finished Floor and Site Levels), 4 (Construction Method Statement), 6 (Materials), 7 (Refuse) and 8 (Parking Spaces) of appeal decision APP/N5090/W/17/3176667 dated 07/09/17 (planning ref 17/0026/FUL) for 'Demolition of existing garage, construction of single storey dwelling with rooms in roof space. Provision of two off-street parking spaces to serve existing and proposed dwellings, refuse and recycling and amenity space.' Variation to include incorporation of a front entrance porch canopy. Variation to the wording of pre-commencement conditions 3, 4, 6, 7 and 8 , ,

Reference: B/04338/13

Address: 124 Bulwer Road, Barnet, EN5 5EX

Decision: Lawful

Decision Date: 28 October 2013

Description: Erection of garden outbuilding.

Reference: B/00780/13

Address: 124 Bulwer Road, Barnet, EN5 5EX

Decision: Approved subject to conditions

Decision Date: 19 April 2013

Description: Single storey side extension and demolition of existing rear garage followed by construction of new double garage including room in roofspace, with access from Warwick Road.

Reference: N08644B/04

Address: 124 Bulwer Road, Barnet, EN5 5EX

Decision: Refused

Decision Date: 14 May 2004

Description: Two-storey side extension. Construction of detached double garage to rear with access from Warwick Road.

Reference: N08644D/05

Address: 124 Bulwer Road, Barnet, EN5 5EX

Decision: Approved subject to conditions

Decision Date: 10 March 2005

Description: Single storey side extension. Construction of a detached double garage in rear garden including room in roofspace, with access from Warwick Road.

Reference: B/01705/09

Address: 124 Bulwer Road, Barnet, EN5 5EX

Decision: Refused

Decision Date: 13 July 2009

Description: Construction two storey building in rear garden including garages and room in roofspace following demolition of existing garage.

Reference: N08644C/04

Address: 124 Bulwer Road, Barnet, EN5 5EX

Decision: Refused

Decision Date: 16 September 2004

Description: Two-storey side extension. Construction of detached double garage to rear with access from Warwick Road.

### **3. Proposal**

The application seeks planning permission for the conversion of the existing dwelling into 2no self-contained flats including single storey side and rear extension, roof extension involving hip to gable, rear dormer window, 1no side and 2no front facing rooflights. Associated refuse/recycling and amenity space.

The proposal was subject to amendments during the course of the application, to which this assessment and report relates. The primary amendments received are as follows:

- A reduction from 3no. flats to 2no. flats and associated alterations to the internal layout.
- A reduction in the depth, width and height of the proposed side extension.
- The upper floor unit now incorporates direct and private access to its own rear garden from within the site. The inclusion of a bathroom accessed from the landing.

The proposed development would provide the following units:

Flat 1 (Ground Floor) - 2 bedroom/4 person GIA 80m<sup>2</sup>

Flat 2 (First & Loft Floors) - 3 bedroom/5 person GIA 93m<sup>2</sup>

The single storey side extension would measure 3.2m wide, 6.8m deep with an eaves height of 2.6m and maximum height of 4.9m.

The single storey rear extension would measure 6.5m wide, 3m deep with an eaves height of 2.5m and maximum height of 3.2m.

1no. off street parking space located towards the rear of the site and fronting Warwick Road would be retained as per the previously approved scheme.

### **4. Public Consultation**

A site notice was erected on 25 March 2021.

Consultation letters were sent to 65 neighbouring properties. 11 letters of objection including from Barnet Residents Association and 1 representation received.

Objections:

- Noise pollution to adjoining neighbours.
- Flats are too small. Should only be two flats.
- Overdevelopment of the site in view of previous permissions.
- Over intensification of the site.
- Out of keeping with surrounding buildings. Extension dominating in size and bulk.
- Concerns over parking congestion and traffic. Parking survey not completed by independent body.
- Concerns over amenity space provision.
- Concerns over layout and space standards of the proposed units

- Does not provide priority housing as per DM08.
- Privacy concerns.
- revised drawings are a significant change in design and impact to original plans. Re-consultation should take place.

Representation:

-In view of the amended plans Barnet Society retracts its former objection.

#### **4.1 Other consultees**

Highways - No objection subject to conditions.

### **5. Planning Considerations**

#### **5.1 Policy Context**

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

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

The National Planning Policy Framework (NPPF) was updated on 20 July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, 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 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

##### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as

neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

#### Barnet's Draft Local Plan (Reg 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft 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 the policies and site proposals in the draft Local Plan and the stage that it has reached.

#### 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:

- Principle of the development;
- 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 harm would be caused to the living conditions of future occupiers;
- Highway impacts;

### **5.3 Assessment of proposals**

#### Principle of Development

Chapter 2 of the Core Strategy which stipulates:

'Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flatted accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate.'

Policy DM01 seeks to protect the character of the borough, which has been informed by the characterisation study undertaken as part of the production of the Local Plan. The supporting text of Policy DM01 states that protecting the character helps to maintain Barnet's heritage, and that development proposals which are out of keeping with the character of an area will be refused. In particular, DM01(h) states that: 'Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate.'

A review of the area, and as detailed above in the site history section, demonstrates that the area has a mixed residential character with varying typologies which comprise of dwellings as well as purpose built and converted flatted development. Notable examples of such are Amberly House located directly opposite the application site which consists of flatted development, No.120 Bulwer Road a converted building housing 9 flats, Windermere House and Sheldon Court along Warwick Road amongst others. The submitted character survey further substantiates the established mixed character. Given the varied character the principle of the conversion to flats is considered acceptable subject to the considerations as set out below.

#### Impact on the Character of the Area

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

The proposal includes the following enlargements: A single storey side extension, a single storey rear extension, roof extensions including a hip to gable and rear dormer window.

Single storey side extension:

The application site occupies a relatively sizeable plot of land whereby the existing flank wall of the property is set a considerable distance away from the boundary of the site fronting Warwick Road.

Residential Design Guidance (2016) states that side extensions should not occupy more than half the width of the property. The proposed side extension has been amended to accord with this guidance and would still retain a considerable distance to the boundary (approximately 5m). The extension would also be significantly recessed from the street elevation on Bulwer Road and afford a 1.4m setback from the principal elevation of the property. Furthermore, the extension improves on a previously approved lapsed scheme (B/00780/13) for a side extension which had an increased width and overall height. Taking the above into consideration, the side extension would feature as a subordinate addition to the dwelling.

#### Single storey rear extension:

Residential Design Guidance considers a 3.5m deep rear extension to be appropriate for a semi-detached dwelling. The proposed extension would extend for a depth of 3m and therefore be compliant with guidance. The proposed mono pitch roof is considered appropriate and would reduce the overall bulk of the extension. Furthermore, it is noted that the adjoining neighbour has a comparable extension. As such, there are no objections to this addition.

#### Roof Extensions:

Paragraph 14.35 of the Residential Design Guidance states: Proposed hip to gable roof extensions need to take into account the following criteria:

- o The gable should not unbalance a pair of semi-detached houses or a short terrace
- o The gable should not reduce the degree of visual separation between houses or glimpsed views from the street
- o The gable should not form an overbearing wall facing a street, neighbouring garden or other public place
- o The gable should not appear out of character within the streetscape

The proposed hip to gable addition would unbalance the pair of semi-detached properties to which it forms part of and therefore contrary to guidance. It is however noted that no uniform architectural style exists in the locality and properties benefit from varied roof forms. The LPA must also consider any reasonable fallback position as a material consideration in the assessment of this application. In this instance, the property benefits from a certificate of lawful development, reference: 19/4755/192 issued on 26 September 2019 for a hip to gable extension and rear dormer window akin to the current proposal. The Court of Appeal ruled in relation to applying the fallback position that the basic principle is that for a prospect to be a "real prospect", it does not have to be probable or likely: a possibility will suffice; In this instance, given that a lawful certificate has been issued, there is a very real prospect that should the application be refused, the applicant could implement this addition through permitted development rights. This has been clearly asserted within the submitted planning statement.

In conclusion, although an unbalancing effect would occur, the combination of varied roof forms in the area and a realistic fallback position, the hip to gable conversion is considered on balance acceptable.

In relation to the rear dormer window, a similar approach would apply, however, it is pointed out that although the dormer is sizeable it would be visually contained within the roof slope retaining adequate roof slope above and below as well as a 1m separation distance from the party wall. As such, this addition would have an acceptable impact.

It is not considered that the proposal would result in the overdevelopment of the site given the reduction in number of units from three to two combined with the overall modest

increase in footprint in the context of the spacious corner plot.

The subdivision of the rear garden for the two flats would not be readily visible from the street scene due to the existing boundary high hedge which would sufficiently screen any views of the garden. This view was also shared by the Inspector on the previous scheme (APP/N5090/W/18/3202432).

The proposed development would provide 1 x 2 bedroom unit and 1 x 3 bedroom unit therefore providing a suitable housing mix including the re-provision of a family unit. This therefore accords with Policy DM08.

Having taken all material considerations into account, the proposed development would appear as a subservient addition to the main dwellinghouse in the context of a spacious site and as such would have an acceptable impact on the character and appearance of the host property and locality.

#### Impact on Amenity of neighbouring occupiers

Development Management Policies (Adopted 2012) in section 2.7.1 states: 'It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook.'

The proposed side extension would be screened by the existing house and therefore would not result in any impact to the adjoining neighbour no.122. Sufficient distances would be retained to the newly subdivided rear plot and houses along Warwick Road. The proposed rear extension would approximately align with the adjoining neighbours rear extension and therefore would not result in any harmful impact.

Whilst the rear extension would bring the built form closer to the newly approved dwelling house, considering the extension is only at single storey level, no harm would arise to these neighbouring occupiers. A condition will be imposed in relation to boundary screening to ensure no undue overlooking is undertaken.

Given the high level siting of the proposed dormer, it is not considered that this aspect would adversely impact the amenities of neighbouring occupiers. The rear facing windows would be comparable to the existing first floor windows and as such would not materially alter the existing relationship.

The proposal has been reduced from the initially 3no flats to 2no. flats. Access to the flats would remain from the existing front door entrance. The increase in occupancy levels would be commensurate with the character of the area and not sought to result in an excessive level of noise and disturbance to neighbouring occupiers.

It is therefore not considered that discernible harm would arise to neighbouring occupiers.

#### Impact on Amenity of future occupiers

Floor space standards:

Flat 1 (Ground Floor) - 2 bedroom/4 person GIA 80m<sup>2</sup> (required 70m<sup>2</sup>)

Flat 2 (First & Loft Floors) - 3 bedroom/5 person GIA 93m<sup>2</sup> (required 93m<sup>2</sup>)

Both of the proposed units would meet the minimum space standards set out in the London Plan (2021) and Sustainable Design Guidance SPD (Oct 2016).

Furthermore and in response to objections, the internal layout of the upper flat (a family unit) has been amended to incorporate a full bathroom as opposed to a shower WC, which can be independently accessed from the landing area.

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.

The submitted plans demonstrate that both units would comply with this requirement.

Outlook, light, and privacy:

Both units would be dual aspect and provide an adequate level of light, outlook and privacy.

Stacking:

Policy DM04 of the Development Management Document (2012) part d. states that proposals will be refused if it leads to an unacceptable level of noise and disturbance unless the scheme can demonstrate any mitigation measures. According to the Residential Design Guidance 'the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors.'

Stacking between the two units would be largely like for like and therefore unlikely to result in undue noise and disturbance between the units. Notwithstanding this, a pre-completion sound insulation certificate condition will be imposed to ensure any transfer of noise between the two units is adequately mitigated.

Private outdoor amenity space:

Table 2.3 of the Sustainable Design SPD (2016) states that for flats 5m<sup>2</sup> of amenity space is required per habitable room (as defined by the SPD), this equates to a requirement of 25m<sup>2</sup> for each of the flats.

The rear garden would be subdivided between the two flats. Each flat would retain in excess of the requirement. Furthermore, each flat would have its own private access from within the site to their respective outdoor amenities spaces.

Overall, the units would comply with all the aforementioned requirements and therefore provide a good level of living accommodation for future occupants.

### Highways

Policy CS9 of the Barnet Core strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, requiring that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

Policy DM17 sets out parking standards as follows for the residential use:

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



bedroom)

Highways have reviewed the proposal, their pertinent contents are contained within:

The site occupies a corner plot at the junction of Warwick Road and Bulwer Road, the site is not within a CPZ, however there are lengths of double yellow lines to both sides of the corner junction. The site is in an area with a PTAL score of 2 (low).

The site will generate a parking demand of between 2-3 spaces based on Policy DM17. Taking into consideration the low PTAL rating, 3 spaces would be required. 1 no. off street parking space would be retained fronting Warwick Road which is an under provision of 2 spaces.

The applicant has submitted a parking survey, the parking survey demonstrates a parking stress of 71% which equates to an average free parking space of 12. The survey therefore demonstrates that the overspill of up to 2 cars could be adequately accommodated on street and therefore acceptable.

Objectors have commented that an independent parking survey should be required, however, have not sufficiently substantiated why the submitted parking survey should be disputed or alternatively presented conflicting proof. In the absence of any contrasting evidence, there is nothing before officers to doubt the findings of the survey. In addition, the findings of the survey appear commensurate with officers site visit which noted some availability of spaces in the area.

Cycle parking:

In accordance with the London Plan 5 no. cycle parking spaces are required for this development. No details of cycle parking have been submitted however, it is noted that there is sufficient space on site to accommodate this requirement. Details of such will be secured by way of a planning condition.

The applicant is advised that cycle parking should be provided in a secure, covered, lockable and enclosed environment. The type of stands used must allow both wheels and the frame of the bicycle to be locked.

Refuse/Recycling:

The submitted plans depict a refuse store to be located within the front forecourt of the property. The location of such is acceptable and it is envisaged that existing collection arrangements would remain. Further details of the store and quantity of bins will be secured with a suitable condition.

## **5.4 Response to Public Consultation**

Mainly addressed within the body of the report.

-Flats are too small. Should only be two flats.

This has been addressed with the received amendments. Both flats comply with the minimum space standards.

-Concerns over layout and space standards of the proposed units

An improved layout has been submitted to address these concerns which incorporate an independently accessed full bathroom for the upper flat. Both units meet the minimum space standards.

-Revised drawings are a significant change in design and impact to original plans. Re-consultation should take place.  
Following receipt of amended plans, re-consultation letters were sent out to all previously notified neighbours.

## 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 into account, it is considered that the proposal subject to the undertaking of a legal agreement and conditions, would have an acceptable impact on the character and appearance of the host property and surrounding locality, and would not result in an adverse impact to neighbouring/future occupiers or the highway network. The application is therefore recommended for approval.



