

Location **Garages To The Rear Of Gloucester Court, Golders Green Road
Golders Green London NW11 9AA**

Reference: **20/5433/RCU** Received: 12th November 2020
Accepted: 12th November 2020

Ward: Golders Green Expiry 7th January 2021

Case Officer: **Ashley Niman**

Applicant: ZAS Investments Ltd

Proposal: Retention of and alterations to the existing 2no. single storey dwellings including reduction in ridge height of roof (RETROSPECTIVE APPLICATION)

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. 3. Highways (traffic order) £2,072.20
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.

4. Monitoring of the Agreement £110.10

Contribution towards the Council's costs in monitoring the obligations of the agreement.

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: 0GCGGR-A-01-001, 0GCGGR-A-01-002, 0GCGGR-A-02-101, 0GCGGR-A-02-102, 0GCGGR-A-03-101, 0GCGGR-A-03-102, 0GCGGR-A-03-106, 0GCGGR-A-05-101, 0GCGGR-A-05-102, 0GCGGR-A-06-101, 0GCGGR-A-06-102, 0GCGGR-A-06-103, 0GCGGR-A-06-104

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 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).

- 3 a) Before the development hereby permitted is first occupied, recycling containers and wheeled refuse bins or other refuse storage containers shall be provided and screened as shown on the approved drawings.

b) The development shall be implemented in full accordance with the details as approved 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); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 5 The layout of the residential units as indicated on the hereby approved plans shall be implemented 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 policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (adopted April 2013).

- 6 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in any of the elevations.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 7 Before the building hereby permitted is first occupied the proposed windows in the front elevation facing Gloucester Court and rear elevation facing Eagle Lodge shall be glazed with obscure glass and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D, E of Part 1 of Schedule 2 of that Order shall be carried out within the area of the 2 dwellinghouses hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 9 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 wholesome 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. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

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), Policy SI 5 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

- 10 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.

- 11 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with the approved drawings.

b) The development shall thereafter be implemented in accordance with the details as approved 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.

- 12 The use of the storage area/ garage use hereby approved shall be ancillary to and occupied in conjunction with the main building at Gloucester Court and shall not at any time be occupied as a separate unit or dwelling.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 13 This development shall be completed in accordance with the approved plans within 6 months of the date of the decision.

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

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 20/09/2018, unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

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

Informative(s):

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

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a payment under Barnet CIL.

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

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

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

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

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form

available from the Planning Portal website: www.planningportal.gov.uk/cil.

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

Please visit

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

- 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 or by telephoning 0208 359 4500.

OFFICER'S ASSESSMENT

1. Site Description

The application site is a former row of 11 domestic garages to the rear of Gloucester Court within the Golders Green ward. The garages are sited to the rear of the property backing on to an adjacent row of garages serving Eagle Lodge. The rear of the main building at Gloucester Court is used as access to some of the flats.

The site is not listed nor in a conservation area. Gloucester Court is a characteristic mansion block dating from the 1930s with frontages to Golders Green Road and Gloucester Gardens.

The PTAL (Public Transport Accessibility Level) is 4 (good) with bus and tube available within the PTAL calculation area. The development is in a controlled parking zone

2. Site History

Reference: 18/0779/FUL

Address: Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Refused

Decision Date: 10.04.2019

Description: Conversion of existing garages into 2 no. self-contained flats with associated refuse storage and amenity space.

For the following reason:

"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 (2012) and the Planning Obligations SPD (2013)."

Reference: 17/7913/FUL

Address: Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Withdrawn

Decision Date: 31.01.2018

Description: Conversion of existing garages into 2 no. self-contained flats with associated refuse storage and amenity space.

Reference: 17/6981/NMA

Address: Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Refused

Decision Date: 21.11.2017

Description: Non material amendment to planning permission 16/1936/FUL dated 30/06/16 for `Conversion of existing garages into 2 no. self-contained flats with associated refuse storage and amenity space. New garage for two parking spaces.` Amendment include additional of bathroom window to flat 2. Removal of dividing wall between the 2 garages and replace the proposed garage doors with 2 windows and 1 door at the front and 2 small rear windows

Reference: 16/1936/FUL

Address: Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Approved subject to conditions

Decision Date: 30.06.2016

Description: Conversion of existing garages into 2 no. self-contained flats with associated refuse storage and amenity space.

Reference: 16/00078/FUL

Address: Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Refused. Appeal dismissed

Decision Date: 10 February 2016

Description: Conversion from 11 no. garages into 3 no. self-contained flats

Reasons for refusal:

1. The proposed conversion by reason of its siting close to Gloucester Court and resultant mutual overlooking onto proposed habitable rooms and additional fenestration would provide unacceptable standards of amenity for both future and existing occupiers
2. The proposals fail to provide adequate standards of usable amenity space for future occupier's contrary, in addition to the single aspect design which would result in poor outlook for the future occupiers.

Reference: F/02342/13

Address: Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Approved subject to conditions

Decision Date: 12 September 2013

Description: Variation of conditions 1 (Plan Numbers), 6 (Layout), 8 (Position of windows), 9 (Obscure glazing) pursuant to planning permission F/00031/13 dated 06/03/2013 to provide a revised layout to the flats (kitchen and bathrooms moved to provide better access to drainage points) and changes to the fenestration facing Gloucester Court (replacing previously angled glazed windows with standard privacy flush doubled glazed windows).

Reference: F/00031/13

Address: Garages To The Rear Of 1-12 Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Approved subject to conditions

Decision Date: 08 March 2013

Description: Partial demolition and conversion of existing garages to the rear of Gloucester Court into 2 no. residential units. Alterations to include new front wall, windows and door with a new roof.

Reference: F/02764/12

Address: Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Refused

Decision Date: 17 September 2012

Description: Partial demolition and conversion of existing garages to the rear of Gloucester Court into 2no residential units. Alterations to include new front wall, windows and door with a new roof.

Reference: F/05000/11

Address: Garages To The Rear Of 1-12 Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Refused

Description: Partial demolition and conversion of existing garages to the rear of Gloucester Court into 2no residential units. Alterations to include new front wall, windows and door with a new roof.

Reasons for refusal:

1. The proposed conversion by reason of its siting close to Gloucester Court and resultant overlooking onto proposed habitable rooms would provide unacceptable standards of amenity for future occupiers contrary to policies D5, H16 and H26 of the Barnet Adopted Unitary Development Plan (2006) and policy DM01 of the Emerging Local Plan Development Management Development Plan Document (Examination in Public Version)

2012.

2. The proposals fail to provide adequate standards of usable amenity space for future occupiers contrary to policy H18 of the Barnet Adopted Unitary Development Plan (2006) and policy DM02 of the Emerging Local Plan Development Management Development Plan Document (Examination in Public Version) 2012.

3. No undertaking has been given by the developer to meet identified additional educational, health, libraries and monitoring costs which would be incurred by the community as a result of the development, contrary to Policy CS1, CS8, CS13 of the Barnet Adopted Unitary Development Plan (2006), Adopted Supplementary Planning Document on Contributions to Education (2008), Libraries (2008), Health (2009) and Monitoring (2006) and policy CS15 of the Emerging Local Plan Core Strategy (Examination in Public Version) 2012.

Decision Date: 25 May 2012

Appeal Decision: Dismissed (19 December 2012)

Reference: F/04319/10

Address: Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Refused

Decision Date: 16 December 2010

Description: Conversion of existing garages to the rear of Gloucester Court into 2no self-contained studio flats.

Enforcement History:

ENF/01364/17. Enforcement Notice as works were not implemented in accordance with the approved plans in permission 16/1936/FUL. An appeal against the enforcement notice was dismissed on 20 January 2020. The inspector stated:

"... in this case, operations have been carried out in breach of a condition requiring the prior approval of details. The Courts have held that if the development contravenes such conditions it cannot be properly described as commencing that authorised by the permission. There is no evidence that the pre-commencement condition has been properly discharged. Therefore, I must conclude that the planning permission ref 16/1936/FUL has not been implemented and has lapsed, as of 30 June 2019."

3. Proposal

Retention of and alterations to the existing 2no. single storey dwellings including reduction in ridge height of roof (RETROSPECTIVE APPLICATION)

The houses are of conventional design, in brick with a pitched roof and glazing and entrance doors to the north west elevation facing the rear of Gloucester Court. They are separated by private amenity space and refuse storage, whilst the western section will be used for storage use. The existing substation remains unaffected.

4. Public Consultation

Consultation letters were sent to 163 neighbouring properties. Seven responses have been received, comprising seven letters of objection.

The objections received can be summarised as follows:

- The owner of the property did not take any actions to obey the Enforcement Notice ENF/01364/17
- The owner is now proposing in his new application to lower the roof by only 29 cm. The

roof will be still too high and will obstruct both the light and the view. Moreover, his application now also includes a mezzanine, maybe for yet another floor, possibly to allow for even more inhabitants in a building which already includes more residences than was originally approved.

- My ground floor flat gets barely any daylight due to Zes Investment's existing development which I objected previously. Lights in my flat have to be switched on all day. Lack of daylight is not good for anyone's wellbeing.
- Any further permission will make the area overcrowded. The gap between the buildings (Gloucester Court and the development) is very narrow.
- It will also increase the number of cars and put more strain on the Gloucester Gardens' parking situation which is problematic as it is.
- the roof is still too high, obtrusive, inclusion of mezzanine floor which based on Zes Investment is likely to be another flat in disguise,
- The approval of the proposed developments will increase the number of occupants within the limited land mass of Flat 1 19 Gloucester Court which is already choked up and put further pressure on existing inadequate infrastructure i.e resident parking as residents presently have to drive to Golders Green .
- The board should reject the retrospective application by Zes Investment in its entirety and insist that he comply with penalties imposed by the Planning Enforcement officer for breaches of planning regulations and he can thereafter submit a new request after compliance if he so wishes.
- We object to this roof, which among other previous objections raised, is a sore point, adding visual impairment to the total loss of privacy for the residents.

Highways: The scheme reflects earlier approvals and is recommended subject to conditions and legal agreement.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning application 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 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.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

Existing policies in Barnets Local Plan (2012) and the London Plan (2021) should not be considered out of date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF.

The Mayor's London Plan 2021

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 2041. 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.

Barnet's Local Plan (2012)

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. 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.

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, DM17.

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

Supplementary Planning Documents

Residential Design Guidance

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.
- Highways issues

5.3 Assessment of proposals

Principle of conversion into self-contained units and impact on the character of the area

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

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

The principle of the redevelopment of the site to provide residential accommodation has been established by the approved decision refs F/00031/13 and 16/1936/FUL. The units would not harm the character of the area which has a mixed form of residential development.

Impact on the amenities of neighbours

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours' amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured. The Residential Design Guidance SPD stipulates that development should not be imposing and should not result in a harmful sense of enclosure or overbearing impact on adjoining properties.

Planning permission was granted on the site for the conversion of the garages into 2 one bedroom flats (F/00031/13). The subsequent approved scheme (Ref 16/1936/FUL) provided internal courtyards, which in turn facilitated dual aspect views and angled windows on the front elevation to prevent direct overlooking. The current proposal is an amendment to the recently approved scheme with a slightly smaller outdoor private amenity space to each of the units. This will not materially make any difference to the amenity of the adjacent residents when compared to the original approval.

It is not considered that the height of the proposed new roof, as shown on the section drawing OGCGGR-A-05-101 would result in a material loss of light to neighbouring residents on Gloucester Court given distance between the buildings. The drawing shows an overall height of 4.75 metres from ground level to the apex of the roof and a floor to ceiling height of 2.47 metres

However, the scheme as constructed considerably exceeds the height of both the approved scheme and the present proposal. The roof as constructed is much steeper than that shown on either the approved or current application drawings and rises to 5.04 metres. Officers are aware of the irregularity of the scheme not being built in accordance with approved plans and the Enforcement team is dealing with the matter. An appeal against service of the Enforcement Notice was dismissed. Notwithstanding this, the drawings as presented are considered to be acceptable in terms of the effect on neighbour amenity as they are similar to those approved in 16/1936/FUL. The 'garage/ storage area' in the 2016 scheme had a flat roof. Application 18/0779/FUL was referred to committee in June 2018 and was approved subject to completion of a section 106 agreement. The

applicant failed to enter into the legal agreement and the application was ultimately refused for that reason on 10.04.2019. The plans recommended for approval in that application were very similar to the plans submitted in the current application. The 'garage/ storage area' had a pitched roof to match the 2 dwellings, as currently proposed. The garage/ store had a roller shutter door in the 2018 proposal but now has a door and 2 front facing windows. As such it can clearly be used only for storage. A condition is proposed restricting it to use in connection with Gloucester Court only.

The issue of mutual overlooking has already been determined under the approved scheme ref 16/1936/FUL. The officers report stated, 'The proposed units along the access to flats on Gloucester Court would not give rise to unacceptable levels of overlooking from existing residents onto the habitable rooms of the proposed self- contained units'. The proposal would have obscure glazed windows where they face the rear of Gloucester Court to avoid mutual overlooking. Both units have clear glazed windows facing inwards to their respective amenity area. It is considered therefore that this issue has been resolved and agreed in the previous application.

Highways

The Highway Officer states that, 'it is thought that the current garages are not of a size which could accommodate a modern vehicle, therefore it doesn't represent a valid off-street parking facility, as such their loss would not generate an impact on the surrounding highway network. The passage to the garages is also of a narrow width which again would make it difficult for larger vehicles to navigate'. As no off-street parking facilities or details relating to current parking stress level are provided in association with this application, future occupiers will be exempt from applying for CPZ permits.

The above site has been the subject of several previous applications and appeals (16/1936/FUL and F/05000/11) none of these applications raised any objections on highway grounds.

The Highways Officer goes on to note, 'London Plan stated minimum cycle parking levels suggest that a development of this nature should provide 4 cycle parking spaces. No cycle parking spaces have been proposed however both of the units have amenity areas where cycles can be kept, as such the absence of cycle parking would not warrant a reason for refusal in this instance'.

Refuse stores have been provided within a suitable proximity of the entrances to the development for the use by future residents, the bin stores are also a reasonable proximity from the public highway and can be easily accessed by refuse operatives.

Accessibility and Sustainability

In respect of carbon dioxide emission reduction, the scheme has been designed to achieve a 6% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy S1.2 of the London Plan 2021 and the 2016 Housing SPG's requirements and a condition is attached in the event planning permission is granted to ensure compliance with the Policy.

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

consumed per person per day, to ensure the proposal accords with Policy S1.5 of the London Plan 2021.

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

5.4 Response to Public Consultation

The comments are covered within the evaluation

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

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval subject to legal agreement.

