

Location 71 Sunny Gardens Road London NW4 1SJ

Reference: 21/3818/FUL Received: 9th July 2021
Accepted: 12th July 2021

Ward: Hendon Expiry 6th September 2021

Case Officer: Andrew Turner

Applicant: c/o Agent

Proposal: Subdivision of the existing dwelling into 2no self-contained flats including single storey rear extension. Associated amenity space, parking, cycle storage and refuse and recycling store [amended description and plans]

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 -
- A contribution of £2,392.01 to ensure that the new occupants are prevented from

purchasing CPZ parking permits

- A contribution of £101.10 to meet the Council's costs of monitoring the planning obligation

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:

Planning Statement dated 8 July 2021

21.1261/001

21.1261/002

21.1261/003

21.1261/004

21.1261/005

21.1261/006

21.1261/007

21.1261/008

21.1261/010 Rev B

21.1261/011 Rev A

21.1261/012 Rev B

21.1261/013 Rev A

21.1261/014 Rev A

21.1261/015 Rev A

21.1261/016 Rev B

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 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 6 a) Notwithstanding the approved plans, before the development hereby permitted is first occupied cycle parking spaces and secure 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 T5 of The London Plan (2021) 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.

- 7 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 8 a) No development or site works shall take place on site until a 'Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The 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 SI 1, SI 7, D14 and T7 of the London Plan 2021.

- 9 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.

- 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 October 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 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 SI2 and SI3 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 SI5 of the London Plan (2021).

RECOMMENDATION III:

- 1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 13.08.2022, 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 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 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.

- 4 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 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.

- 6 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.

- 7 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any

damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

OFFICER'S ASSESSMENT

1. Site Description

The application site contains a two-storey terrace property along Sunny Gardens Road within the Hendon ward. The site is not located within a conservation area and is not a listed building.

The road is comprised of a mixture of two storey terraced and semi-detached houses. Opposite the site, at the junction with Rowsley Avenue, is three storey building in use as a hospital.

The area is mixed in character with a number of properties on the road registered as flats. These include: 45 Sunny Gardens Road, 47 Sunny Gardens Road, 51 Sunny Gardens Road, 55 Sunny Gardens Road, 59 Sunny Gardens Road, 61 Sunny Gardens Road, 63 Sunny Gardens Road, 65 Sunny Gardens Road, 67 Sunny Gardens Road, 69 Sunny Gardens Road, 73 Sunny Gardens Road. Moreover, other properties along the street have been granted planning permission for the conversion of the property into flats. These include 101 Sunny Gardens Road (ref 19/5070/FUL), 125 Sunny Gardens Road (ref 19/2672/FUL), 8 Sunny Gardens Parade(18/3071/FUL), 125 Sunny Gardens Road (17/7920/FUL), 151 Sunny Gardens Road (ref 15/05473/FUL). These are the permissions granted since 2015.

2. Site History

None

3. Proposal

Following amendments, the planning application seeks permission for the subdivision of the existing dwelling into 2no self-contained flats including single storey rear extension. Associated amenity space, parking, cycle storage and refuse and recycling store are proposed.

The single storey rear extension has a depth of 3 metres where it meets the boundary with no. 73 and is flush with the neighbours' existing rear elevation. The extension would have a flat roof with a height of 3.2m.

The proposed development would have 2 parking spaces on the front forecourt, storage space for 3 bicycles and an area for refuse and recycling to the front of the property.

The flats would be as follows:

- Ground floor flat- 3 bed 4person flat with a Gross Internal Area (GIA) of 81 sq m for a 3p 4p flat.
- First floor flat- 1bed 2 person flat with a Gross Internal Area (GIA) 58.1 sq m.

Outdoor amenity space would be provided for the ground floor unit only.

4. Public Consultation

Consultation letters were sent to 131 neighbouring properties.

5 responses were received. 5 objections were received. They can be summarised as follows:

- Cramped private amenity space and too long distance to access rear outdoor amenity space for flats 2 and 3
- Subdivision uncharacteristic of area and over-intensification of use
- Excessive bin stores unsightly
- Front two bedrooms of Flat 1 do not comply with London Plan
- Noise disturbance a living room being proposed next to neighbouring living room
- No floor plans provided for flat 3
- Proposed dormer too large
- Insufficient car parking. No parking survey conducted to show capacity of on street parking

The LPA reconsulted with neighbours when amended plans were received.

A site notice was posted on the 22.07.2021

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

The Mayor's London Plan 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 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 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 document. Both were adopted in September 2012. The following policy documents were consulted:

Core Strategy Policies:

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9 and CS14.
- Relevant Development Management Policies: DM01, DM02, DM08 and DM17.

Barnet's Draft Local Plan (Reg 22) 2021

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.

Supplementary Planning Documents

Residential Design Guidance SPD (Adopted 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 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:

- i. The principle of flats in this location
- ii. The impact on the appearance and character of the area
- iii. The impact on the amenities of neighbouring occupiers
- iv. Whether the proposal provides satisfactory living accommodation for future occupiers
- v. Parking and highways

5.3 Assessment

Photos were provided by the applicant in order to carry out the assessment.

The principle of flats in this location

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 houses.

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.

Within Paragraph 2.8.1 of the Development Management Document which is a material consideration in the determination of this application, the Council state the following: "The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street 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 of Barnet's Local Plan Development Management Policies DPD 2012 (LP) states that proposals should be based on an understanding of local characteristics. Criterion h of the same policy states that the conversion of dwellings into flats in roads "characterised by houses" will not normally be appropriate.

As noted above the area is very mixed in terms of single family dwellings and flatted properties including subdivisions. These include properties which have been recently granted planning permission or subdivision into flats. These include: 101 Sunny Gardens Road (ref 19/5070/FUL), 125 Sunny Gardens Road (ref 19/2672/FUL), 8 Sunny Gardens Parade(18/3071/FUL), 125 Sunny Gardens Road (17/7920/FUL), 151 Sunny Gardens Road (ref 15/05473/FUL). These are the permissions granted since 2015.

Furthermore, the neighbouring property no.73 benefits from planning permission (W15990C/07, 2007) for the conversion into 2no flats.

Consequently, the conversion of the property is not considered to directly conflict with the character of the area and the way in which it functions therefore, the use of the application site as self-contained flats would not be contrary to DM01 and the proposal is considered acceptable in principle.

The Impact on the appearance and character of the area

In accordance with DM01, all development should represent high quality design which demonstrates high levels of environmental awareness. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale mass, height and pattern of surrounding buildings, spaces and streets.

Barnet's Residential Design Guidance (2016) recommends single storey rear extensions for terraced properties of 3 metres in depth.

The proposal seeks a single storey rear extension. The proposed rear extension has a depth of 3 metres (measured from the projecting wing adjacent to no.73) which would be similar to the existing extension at no. 73. On the boundary adjacent to no.69, the depth of the extension would be deeper given that this side is recessed, however the neighbouring property benefits from its own extension.

The proposed height at 3.2m would be acceptable and overall, the extension would appear subordinate to the host site.

As noted, there are similar extensions in the immediate vicinity, including as mentioned at no.73 and no.69, and as such this element would not be uncharacteristic for the area. Therefore, it is not considered that there would be unacceptable harm to the character of the area as a result of the external changes to the dwelling, complying with DM01.

In addition to the extension, the proposal includes the provision of cycle storage, additional off street parking and refuse and recycling facilities. The siting of the refuse and recycling and cycles stores are deemed acceptable; this would be subject to conditions.

As noted above, the changes to comings and goings due to the additional household will be in keeping with the mixed character of the street.

The proposal is therefore considered to be in keeping with the character of Sunny Gardens Road.

The impact on the amenities of neighbouring occupiers

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

With regard to the rear extension, as noted above the rear extension would come flush with the rear elevation of no. 73 Sunny Gardens Road, not detrimentally impacting with the visual amenity of this occupier.

No. 69 Sunny Gardens Road projects deeper than the proposed rear extension therefore not impacting the visual amenities of no. 69 Sunny Gardens Road.

With regard to the intensification of the property, both no. 69 and 73 Sunny Gardens Road are recorded as accommodating flats according to Council Tax records. Therefore, given the modest increase of one additional residential unit, there is considered to be no undue harm caused by the intensification of the use to either neighbouring property.

Whether the proposal provides a satisfactory living environment for future occupiers

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The application will therefore be assessed according to the requirement laid out in the London Plan (2021).

Floor Area:

The London Plan (2021) and Barnet's policies and Sustainable Design SPD (Oct 2016) set out the minimum GIA requirements for residential units.

The Gross Internal Area (GIA) of the ground floor flat is 81 sq m for a 3b 4p flat. The minimum requirement is 74 sq m.

The Gross Internal Area (GIA) of the first floor flat is 58.1 sq m for a 1b 2p flat. The minimum requirement is 50 sq m.

The units would comply with the required standards.

The minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling in accordance with the London Plan. The submitted section plan drawings demonstrate that both units would comply with requirement.

Room stacking:

The Residential Design Guidance SPD (October 2016) requires that the stacking of rooms between vertically adjoining units flats should as far as practical ensure that bedrooms do

not overlap living rooms, kitchens and bathrooms on other floors to reduce nuisance from sound transmission.

The proposed layout of the units has achieved this.

Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. A condition will be imposed to secure this aspect.

Light/outlook:

Barnet's Sustainable Design SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and that bedrooms and living rooms / kitchens should have a reasonable outlook with clear glazed windows. Section 7.9 of the Residential Design Guidance SPD (2016) states that new development should be sited and designed to maximise daylight and sunlight as far as possible. North facing single aspect units are normally considered unacceptable.

All habitable rooms within units would ensure adequate levels of glazing and therefore provide appropriate levels of light, ventilation and outlook whilst maintaining privacy.

Amenity Space:

Section 2.3 of the Sustainable Design and Construction SPD (2016) requires for flats a minimum of 5m² of outdoor amenity space per habitable room.

The proposed development would provide garden space of 96.6 square metres for the ground floor unit only. The ground floor flat would have the equivalent of 5 habitable rooms and therefore this unit would benefit from adequate outdoor amenity space. This space would provide a high level of amenity space for a family unit.

For the first floor unit, which has 3 habitable rooms, 15sqm of outdoor amenity space would be required in accordance with the standard. Due to the property being a mid-terrace dwelling, it is not possible to provide practical amenity space to the first floor flat; access could only be provided via the rear alleyway which is deemed unsuitable. Although, no outdoor amenity space would be provided, given that the internal floor area is in excess of the minimum space standards by 8sqm, the unit not being a family unit and that the site is within close proximity of a local park (Sunny Hill Park), this is considered to be acceptable in this instance.

Conclusion

The units would thus comply with the minimum space standards and provide an acceptable level of living accommodation for future occupiers. The proposal is therefore considered acceptable on these grounds.

Parking and Highways

Highways were consulted on the proposal and their comments have been included in this section.

The proposal is for the conversion of a property into 2 self contained flats (1 x 3 bed 4 people and 1 x 1 bed 2 people). Two parking spaces are proposed on the existing hardstanding.

The site has a PTAL of 2 which is considered to be average. Furthermore, there is a CPZ which operates Mon- Fri, 10am-5pm & 1-6pm on event days.

An assessment of the site and surrounding area confirms that the site benefits from an existing dropped kerb; there is an existing bay and street post. Highways officer raised no concerns about the access to the two proposed spaces.

Policy DM17 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).

Based on the number of units, the proposal should provide between 2 and 3 parking spaces.

Following discussions with the highways officer it was agreed that a S106 agreement would be entered into prevent residents from applying for parking permits for the CPZ area on Sunny Gardens Road operates all day. (Mon-Fri, 10am-5pm). It was proposed that one car parking space would be allocated to the three bedroom unit and one car park space would be allocated to the one bedroom unit, thus complying with DM17. The Council's Highways officers were satisfied with this proposal and did not therefore require a parking survey to be carried to test the stress of on-street parking.

In accordance with Policy T5 Cycling of the new London Plan (2021), new development should provide secure, integrated, convenient and accessible cycle parking facilities. Based on table 10.2 of the London Plan, the development would require the provision of 3 cycle spaces for the residential use (1 cycle space per studio and 1 person 1 bedroom unit, 1.5 cycle spaces per 2 person 1 bed dwelling, and 2 cycle spaces per other sized dwellings). Cycle storage / parking should be secure and weatherproofed. Two cycle stores would be provided, one for each unit; details have been secured via a condition.

Similarly, refuse would be provided at the front of the site; a condition has been attached requiring details of the refuse and recycling store.

5.4 Response to Public Consultation

- Cramped private amenity space and too long distance to access rear outdoor amenity space for flats 2 and 3

Response: The scheme has been revised reduced the number from three flats to two flats. The amenity space allocation is for the ground floor flat only.

- Subdivision uncharacteristic of area and over-intensification of use

Response: the subdivision into two flats is very characteristic of the areas as demonstrated above. The scheme has been reduced from 3 flats to 2.

- Excessive bin stores unsightly

Response: A certain level space was needed for bin stores to be policy compliant. The level of bins stores is not considered to be unsightly and given the reduced number of flats, the requirement has also reduced.

- Front two bedrooms of Flat 1 do not comply with London Plan

Response: The bedrooms are compliant with space standards, the London Plan (2021) and Barnet's Sustainable Design and Construction Plan (2016)

- Noise disturbance a living room being proposed next to neighbouring living room

Response: Given both neighbours are flatted properties and the flat will need to comply with Requirement E of the Building Regulations 2010 this is not considered to unduly impact neighbouring properties.

- No floor plans provided for flat 3

Response: Flat 3 has now been removed from the scheme.

- Proposed dormer too large

Response: Dormer window now been removed from the scheme.

- Insufficient car parking. No parking survey conducted to show capacity of on street parking

Response: This has been addressed in the assessment above.

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 subject to compliance with the attached conditions and legal agreement, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.

