

Location 10 Garrick Road London NW9 6AP

Reference: 20/2437/FUL Received: 1st June 2020
Accepted: 3rd August 2020

Ward: West Hendon Expiry: 28th September 2020

Case Officer: Elizabeth Thomas

Applicant: Mr Pol Gallagher

Proposal: Two storey side and rear extensions. Extension to roof including 2 x rear dormer windows, with juliet balcony door opening inwards. Conversion of resultant building to provide 4 no. self-contained flats and associated cycle store, refuse/ recycling store and amenity space. (Amended Plans and Amended Description)

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 Chair (or in their absence the Vice-Chair) 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. i. Amendment to the Traffic Management Order:

-A contribution of £2392 towards the amendment of the Traffic Management Order (TMO) to ensure that the new occupants are prevented from purchasing CPZ parking permits.
- ii. Meeting 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:

- 100 RevA - Existing Site Plan
- 101 RevA - Existing Basement Plan
- 102 RevA - Existing Ground Floor Plan
- 103 RevA - Existing First Floor Plan
- 104 RevA - Existing Loft Floor Plan
- 105 RevA - Existing Floor Plans
- 200 RevA - Existing Section
- 300 RevA - Existing Front Elevation
- 301 RevA - Existing East Elevation
- 302 RevA - Existing Rear Elevation
- 303 RevA - Existing West Elevation
- 353 RevE - Proposed East Elevation
- 106 RevE - Proposed First Floor Plan
- 351 RevB - Proposed Front Elevation
- 105 RevE - Proposed Ground Floor Plan
- 352 RevE - Proposed Rear Elevation
- 107 RevF - Proposed Second Floor Plan
- 251 RevA - Proposed Section
- 354 RevE - Proposed West Elevation
- Site Location Plan
- Design Proposal (prepared by ZAP Architecture; dated 19/07/2021)

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), unless otherwise specified in the approved Design Proposal (prepared by ZAP Architecture; dated 19/07/2021)

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 SI 1, SI 7, D14 and T7 of the London Plan 2021.

- 5 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); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

- 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 cycle parking facilities are provided in accordance with the minimum standards set out in Policy T5 and Table 10.2 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) Notwithstanding the approved plans, before the development hereby permitted is first occupied, details of the sub-division of the amenity area(s) - including the safeguarding of privacy to habitable room windows - shall be submitted to and approved in writing by the Local Planning Authority.
 - b) The development shall be implemented in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 8
- a) Prior to the first occupation of the hereby approved development, details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.
 - b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and Policies G1, G5 and G6 of the London Plan (2021)

- 9 a) Prior to first occupation of the hereby approved development, a scheme of hard and soft landscaping to the front forecourt area, including details of any existing trees and shrubs to be retained and size, species, planting heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the Local Planning Authority.
- 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) and Policies G1, G5, G6 and G7 of the London Plan 2021

- 10 Before the building hereby permitted is first occupied the proposed window(s) in the first floor side elevation facing No 14 Garrick Road shall be glazed with obscure glass only 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 October 2016).

- 11 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 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 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).

- 13 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 14 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 10 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 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 LB Barnet Development Management Policies DPD (2012), Policy SI 2 of the London Plan (2021) and the Mayors Housing SPG (2016)

- 15 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).

RECOMMENDATION III:

- 1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted within three months of the date of any resolution to approve, 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 proposed development does not include a formal undertaking to meet the costs of amending the Traffic Management Order to ensure that the new occupants are prevented from purchasing CPZ parking permits. The proposal would therefore not address the impacts of the development and would have a detrimental impact on the free flow of traffic and parking provision, contrary to Policy T6.1 of the London Plan (2021), Policies CS9 and CS15 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policy DM17 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Planning Obligations SPD (2013)

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.

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

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.

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

5 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.

6 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.

7 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.

8 Any gates must open inwards and not out onto the public highway for health and safety reasons.

OFFICER'S ASSESSMENT

1. Site Description

The application site relates to an existing two storey detached dwellinghouse which benefits from a vacant plot of land that sits adjacent to No.14 Garrick Road.

The area is mixed in typology, consisting predominately of terrace properties but with No.8 and 10 being detached. A number of properties have been converted into flats including No.s 6 and 8 Garrick Road. The immediate area has a mixed character sitting opposite the Garrick Road industrial estate and commercial units along Wilberforce Road.

The site is not within a conservation area, nor is it a listed building. The PTAL of the site is 3 which indicates a medium level of transport accessibility, though it is 5 minutes walk to Hendon mainline station and with numerous shops and services on West Hendon Broadway. The street is within a controlled parking zone.

2. Site History

N/A

3. Proposal

Two storey side and rear extensions, extension to roof including 2 x rear dormer windows with juliet balcony door opening inwards, conversion of resultant building to provide 4 no. self-contained flats and associated cycle store, refuse/recycling store and amenity space. (Amended Plans and Amended Description)

The resultant building will have a width of 15.9m set 1.2m off both neighbouring boundaries. A maximum depth of 14.7m at ground floor level 12.6m at first floor level. The eaves height and ridge height of the extended part of the building will align with the existing established building heights, however, the measurements will vary due to the gradient of the street.

The design of the extended part of the building will replicate the design features of the existing building including bay window and window openings, however, it is noted that the windows be reprovided as casement windows to the front elevation across the whole building.

The building to the rear will have a more contemporary design and will incorporate a staggered rear building line and dormer windows.

Due to the layout of the proposal the building will be effectively split to form two separate

The proposal will provide 4 self contained units consisting of:

2 x 3 bed units at ground floor level

2 x 3 bed duplex units over the first and second floor levels

The ground floor units will have access from the front elevation and the upper flats will be accessed via side entrance on either side of the building. The ground floor flats will also benefit from a private decking area immediately outside the lounge area with the remainder of the garden being shared space.

No additional parking will be provided.

4. Public Consultation

Consultation letters were sent to 83 neighbouring properties.
17 responses have been received, comprising 17 letters of objection.

The objections received can be summarised as follows:

- Flood risk/Drainage due to over-development of site - undue pressure on existing drains and rain water will run off down hill causing problems for neighbouring properties.
- Loss of privacy and overlooking into my property- I would ask you to consider the Human Rights Act Protocol 1, Article 1 a person has the right to peaceful enjoyment of all their possessions, which include the home and other land.
- Overshadowing/Loss of natural light
- Over-development not in keeping with surrounding area
- General over-development
- Lack of parking - there are existing problems with available parking in the surrounding road and the proposal will result in increase demand for parking spaces resulting in further problems with existing residents. Parking spaces have already been given to the school on Wilberforce Road which has exacerbated problems with parking availability
Barnet council have plans to make it a one way street which will cause disruption. Already have problems with industrial estate and customers of angels fancy dress shop.
- No need for further flats as there are already provided for with redevelopment and conversions in the West Hendon area.
- Proposal will result in 2 to 3 years of building works leading to increased disruption/noise/parking problems/untidy roads
- Only motivated by commercial interest

Further consultation was carried out following amendments to the description of development removing the previously provided outbuilding to provide a self contained unit. One objection was received following this further round of consultation.

The objection is summarised as:
Objection to the principal of further flats in the area.
Parking is an existing problem.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must

determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The revised National Planning Policy Framework (NPPF) was revised in 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, 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 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.

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 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 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 development;
- Whether harm would be caused to the character and appearance of 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 residents.
- Whether the development would impact traffic and highways to an unacceptable level.

5.3 Assessment

Principle of development:

For areas such as the application site, policies CS1 and CS3 of the Barnet Core Strategy (2012) expect new developments to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

Residential Design Guidance SPD advises that, "Where new development is considered detrimental to the site and local character, planning permission will normally be refused."

The proposal involves the extension of the existing building to the side and rear and the creation of 4 self contained flats. The provision of flatted development in this location is not considered to be harmful to the established character of the area and the way it functions. There are examples of other flatted developments within the immediate area and taking into context the mixed character of the area being sited opposite an industrial estate it is not considered that the proposal would change the way the area functions.

In addition, the proposal would contribute 4no 3-bed family sized dwellings - a priority dwelling type recognised in both Policy DM08 of the Local Plan and in the London Plan.

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), D1, D3 and D4 (both of the London Plan). Policy DM01 states that all proposals should preserve and enhance the local character of the area.

Paragraph 131 of the NPPF states that 'in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.'

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.

All proposed developments should be based on an understanding of the local characteristics, preserving or enhancing the local character and respecting the appearance, scale, mass and height of the surrounding buildings, spaces and streets in accordance with DM01 of the Development Management Policies DPD (2012).

Paragraph 6.6 of the Councils Residential Design Guidance (2016) SPD states, "the design and layout of new development should be informed by the local pattern of development. The continuity of building lines, forecourt depths, road layout, space about the building and rear garden areas are all likely to be significant factors when redeveloping sites within existing residential areas, or at the interface of larger development sites and existing housing". Although the proposal relates to extensions to an existing building rather the aforementioned factors are still considered to be relevant.

The proposed extension will align with the existing building with a continued eaves and ridge height. The proposal will maintain the style of the existing building including the provision of an angled bay window to replicate the existing bay and window openings and alignment will be retained. The proposal will appear as a pair of semi-detached properties and remain in-keeping with the surrounding context which is characterised by a mix of building types.

The proposal will have a contemporary design to the rear which is considered to be acceptable in this location and would not result in harm to the wider character of the area, which is of mixed character. The proposal will respect the established building lines of this stretch of Garrick Road. It is noted that both neighbouring properties benefit from substantial two storey rearward projections which would also frame the proposal and their unsympathetic nature is considered to provide the opportunity for a more contemporary approach.

Whether harm would be caused to the living conditions of neighbouring residents

Policy DM01 notes that any proposed development must protect the amenity of neighbouring properties. The proposed two storey side extension is located adjacent to 14 Garrick Road, this property benefits from a two storey rear extension with flat roof which currently extends deeper than the rear building line of 10 Garrick Road.

The proposed extension will maintain a distance of 1.27m to the neighbouring property, whilst at first floor level the rear extension will maintain a distance of 3.9m.

At its deepest point in the centre it will extend only 0.6m beyond the neighbouring building line. Taking into account the distance to the neighbouring property and the depth of the proposed extensions rearwards it is not considered that the extension would result in harm to the neighbouring amenities or result in an unacceptable loss of light, outlook, or undue overbearing impact to the neighbouring occupiers.

The first floor of the proposal would not extend beyond the rear of the two storey rear projection at No 8. As such, no unacceptable harm to amenity is anticipated.

The proposal would not feature habitable windows on the side elevation of the proposal facing either 8 or 14 Garrick Road. Where side windows are proposed within the living area of the first floor units these windows face towards largely blank flank walls of the neighbouring extensions. Nonetheless, those facing No 14 have the potential for oblique views toward the rear garden and there is a window at first floor level in the flank wall of No 14 itself. As such, these windows are proposed to be obscured and a condition to that effect is included.

The proposed rear-facing windows are not considered to result in any undue loss of privacy to neighbouring occupiers with the rear of the site backing on to the rear of the garden space of properties on Russell Road. There are no facing windows that will be impacted by the proposed rear extension at the application site.

It is not considered that the proposal would result in an intensity of use that would be harmful to the neighbouring occupiers by way of increased comings and goings.

In accordance with the above, the proposals are not considered to result in any unacceptable impacts to the residential amenities of neighbouring occupiers.

Whether the proposal would provide adequate amenity for future residential occupiers

The National and London Plan (2021) guidance states that new developments should provide a mix of housing size and types based on current and future needs. Policies CS4 and DM08 reflect this guidance. Policy DM08 states that "development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough" It goes on to list the council's dwelling size priorities with the highest priority being 3 bed homes for social rented, 3/4 for intermediate affordable housing and 4 bed for market housing. The scheme provides 4 x 3 bedroom flats, this is considered to appropriately provide for family sized accommodation.

Floor Area:

The London Plan (2021) and Table 2.1 of Barnet's Sustainable Design and Construction SPD (2016) set out the minimum gross internal area (GIA) requirements for residential units.

- 1 bed 2 person unit - 39sqm
- 2 bed 3 person - 61 sqm
- 2 bed 4 person - 70 sqm
- 3 bed 4 person - 74 sqm
- 3 bed 5 person - 86 sqm
- 3 bed 6 person - 95sqm

The LPA's measurements at ground floor vary from those provided on the plan as the stairwell serving the upper floor units have been removed from the internal floor area.

Unit 1 - 96.8sqm complies as a 3 bed 5 person dwelling 2 double rooms bedroom 3 although shown with a double bed will have a floor area of a single bedroom and has been considered as such.

Unit 2 - 87sqm complies as a 3 bed 5 person dwelling with a single room of 7.6sqm

Unit 3 - 93sqm complies as a 3 bed 5 person unit over 2 storeys.

Unit 4 - 95sqm complies as a 3 bed 5 person unit over 2 storeys.

The proposal has been amended since the initial submission to create duplex units across the first and second floors. The units will across two floors will achieve the internal floor space standards. The units will be meet the relevant standards.

Given the master bedrooms of flats 3 and 4 is located within the roofspace of the proposed building the internal floor area has to be measured against the internal ceiling height as some parts of the rooms will fall below 1.5m and therefore discounted from the overall floor area which is considered usable. The proposed unit will meet the required space standards. Furthermore, national standards set a minimum height of 2.3m for 75% of the GIA, but in London 2.5m is required by Policy D6. Within table 2.2 of Barnet's Sustainable Design and Construction SPD it states that habitable floorspace in rooms with sloping ceilings is defined as that with 1.5 m or more of ceiling height.

The proposal will achieve a minimum height of 2.5m over 75% of the GIA.

Table 2.2 of the Sustainable Design and Construction SPD also states that development proposals should avoid single aspect dwellings that are north facing. Each dwelling provides sufficient floor to ceiling heights through the unit and each benefits from dual aspect.

In regards to outdoor amenity space Residential Design Guidance requires new flats should provide 5sqm of amenity space per habitable room. Based on each unit being 5 habitable rooms the proposal would require 25sqm for each unit. The total amenity space provision for all 4 units is in compliance with the required standard. The two ground floor units will have direct rear access to the amenity space with the upper floor units gaining access via the side passages on either side of the building. Details of the sub-division of the amenity space to ensure adequate privacy for the ground floor rear facing windows will be conditioned.

Parking and Highways

The site lies within a PTAL 3 which means that there is medium public transport accessibility to and from the site. A Controlled Parking Zone is in operation on-street (WH1) from Monday-Saturday between the hours of 9:30am-4:30pm.

Requirements set out on Policy DM17 of the Barnet Local Plan, taking the existing property into consideration, state that 4x off-street car parking spaces should be provided for a proposal such as this.

However, it is noted that:

- The site lies within a CPZ (WH1) in operation from Monday-Friday between the hours of 9:30am-4:30pm;
- The application is for a conversion;
- The site is located within walking distance of local amenities.
- The formation of 4no spaces would incur a substantial area of hardstanding

Taking the above into consideration, the proposal would be acceptable with a Legal Agreement to amend the Traffic Order that regulates the schedule of addresses for the CPZ where the site is located. The applicant has agreed to this as stated in the Planning Statement.

Cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport. The plans indicate cycle stores to be provided in the rear of the site.

5.4 Response to Public Consultation

- Flood risk/Drainage due to over-development of site - undue pressure on existing drains and rain water will run off down hill causing problems for neighbouring properties.
- Loss of privacy and overlooking into my property- I would ask you to consider the Human Rights Act Protocol 1, Article 1 a person has the right to peaceful enjoyment of all their possessions, which include the home and other land. - The proposal including the new windows particularly in the rear elevation meet the relevant standards of maintaining 10.5m to rear gardens and 21m to facing windows.
- Overshadowing/Loss of natural light - The proposal by reason of its siting, design, height and depth of extensions is not considered to result in a loss of amenity to neighbouring residential occupiers.
- Over-development not in keeping with surrounding area - The proposal has been considered in regards to the context of the site and is not considered to result in overdevelopment. The proposal has been amended since initial submission removing the previously proposed unit in the outbuilding and creating a total of 4 units as opposed to 5. Taking into account the amendments the proposal is considered acceptable.
- General over-development - it is noted that there are various projects within West Hendon for regeneration but this proposal would not result in an overdevelopment.
- Lack of parking - there are existing problems with available parking in the surrounding road and the proposal will result in increase demand for parking spaces resulting in further problems with existing residents. Parking spaces have already been given to the school on Wilberforce Road which has exacerbated problems with parking availability - The application is subject to a legal agreement to amend the existing traffic order in force. The highways team have considered the proposal and have not objected to the proposal on the

basis of the legal agreement.

- Barnet council have plans to make it a one way street which will cause disruption. Already have problems with industrial estate and customers of angels fancy dress shop. Again, the Highways Authority have endorsed the proposal
- No need for further flats as there are already provided for with redevelopment and conversions in the West Hendon area. - The formation of flats is not unacceptable in principle and would contribute additionally toward meeting the housing need, providing 4no family sized dwellings
- Proposal will result in 2 to 3 years of building works leading to increased disruption/noise/parking problems/untidy roads - Working hours and disruption associated with construction works are not a relevant consideration. However, a construction management plan is proposed as a condition to mitigate the impact.
- Only motivated by commercial interest. Not a planning matter. The proposal is considered to meet with planning policies and guidance.

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.

