

Location Sunnyside House Sunnyside London NW2 2QL

Reference: **22/2242/FUL** Received: 26th April 2022
Accepted: 27th April 2022

Ward: Childs Hill Expiry 22nd June 2022

Case Officer: **Zakera Matin**

Applicant: City & Country Properties Limited

Proposal: Demolition of existing garages, erection of 2no dwellings. Associated refuse/recycling store and amenity space

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the 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)

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

2020_011_A100 Rev A
2020_011_A101 Rev A
2020_011_A105 Rev A
2020_011_A110 Rev A
2020_011_A111 Rev A
2020_011_A112 Rev A
2020_011_A113 Rev A
2020_011_A115 Rev A
2020_011_A201 Rev A
2020_011_A205 Rev A
2020_011_A206 Rev A

2020_011_A208 Rev A
2020_011_A210 Rev A
2020_011_A211 Rev A
2020_011_A212 Rev A
2020_011_A213 Rev A
2020_011_A215 Rev A
Desk Study Report
Parking Survey
Planning Statement
Preliminary Roost Assessment
Design and Access Statement
Daylight & Sunlight Amenity (Neighbouring) Study
Drainage Strategy Statement

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 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy D4 of the London Plan 2021.

- 4 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been 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 retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation

to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies D4, D5, D8 and G7 of the London Plan 2021.

- 5 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 7.15 of the London Plan 2021.

- 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 the flank elevations of the development hereby approved.

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

Reason: To ensure a satisfactory appearance to the development in accordance

with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2021.

- 8
- a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.
 - b) The treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat
 - c) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM16, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 9
- 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.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of 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.

10 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.

11 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 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.

12 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given

those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced.

The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

d) Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 5.21 of the London Plan 2021.

screens to be installed around the first floor terrace shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens shall be installed 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), the Residential Design Guidance SPD (adopted October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

- 14 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 the London Plan 2021 and Mayors Housing SPG.

- 15 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).

- 16 Other than the area shown as the first floor terrace, the roof of the building 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).

- 17 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 Barnet Development Management Policies document (2012), the London Plan (2021) and the 2016 Mayors Housing SPG.

- 18 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted to and approved in writing by the Local Planning Authority.

b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or the first occupation of the development and retained as such thereafter.

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed use noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016), and Policies D13 and D14 of the London Plan 2021.

- 19 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).

- 20 a) Prior to first occupation of the development hereby approved, details of measures to incorporate suitable bird and bat boxes/bat bricks shall have been submitted to and approved in writing by the Local Planning Authority.

b) The measures shall be implemented in accordance with the approved details prior to first occupation.

Reason: To ensure improvements to biodiversity in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016); and, Policy G6 of the London Plan 2021.

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.

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 soft landscaping scheme should include native tree species of local provenance, berry bearing shrubs and hedges and wildflower areas where the sward height is allowed to grow higher than a managed lawn.
- 4 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.

- 5 If demolition is delayed for more than one-year, repeat surveys should be undertaken. If at any time following the start of works a bat roost is identified or evidence of bat roosts is observed, all work would need to cease until a suitably qualified, licensed bat ecologist had been consulted and advice sought on how best to proceed legally. Where a bat roost is identified, destruction of the roost would usually need to be covered by a European Protected Species (EPS) Licence obtained from Natural England. The Planning Authority would need to have sight of any mitigation strategy developed for a licence application in order to address their obligations under The Conservation of Habitats and Species Regulations 2017 (as amended).

OFFICER'S ASSESSMENT

1. Site Description

The application site is located on the western side of Sunnyside, within the Childs Hill ward. It contains a group of single-storey garages/storage units located to the rear of Sunnyside House which fronts Cricklewood Lane.

Sunnyside is residential in character, comprising predominantly terraced dwellinghouses on its western side and semi-detached properties on its eastern side. A notable exception is Sunnyside House, which is a four-storey building containing self-contained flats, located on the junction with Cricklewood Lane (A407). Cricklewood Lane comprises various commercial uses at ground floor.

The property is not within a conservation area and is not a statutory or locally listed building.

2. Site History

Reference: 20/5880/FUL

Description: Demolition of existing garages, erection of 2no dwellings. Associated refuse/recycling store and amenity space.

Decision: Refused

Date: 28.04.2021

Reason for refusal: The erection of this two-storey building would result in demonstrable harm to the amenity of neighbouring occupiers by virtue of their scale and siting, and would result in an unacceptable loss of light to the detriment of the residential amenities of neighbouring occupiers including Flats 3 and 5, Sunnyside House, contrary to Policy D6 of the London Plan (2021), Policy CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policy DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012), the Residential Design Guidance SPD (2016), Sustainable Design and Construction SPD (2016) and The Mayors Housing Supplementary Planning Guidance (2016).

Appeal dismissed: 21.02.2022

3. Proposal

This application seeks planning permission for 'Demolition of existing garages, erection of 2no dwellings. Associated refuse/recycling store and amenity space.'

The proposal is a resubmission after a previous refusal under 20/5880/FUL.

The proposal involves the erection of a two-storey building to provide 2no self-contained flats. The proposed building would adjoin the existing terrace on the western side of Sunnyside to form a new end-of-terrace dwellinghouse.

The height of the proposal has been reduced from the previous proposal significantly. The total height has been reduced from 9 m to 7m.

The proposed building would measure approximately 8.7 metres in width, 16.5 metres in total depth, and 7 m metres in height at ridge. At first floor level it would be 6.6m wide and 8.3m deep. It would feature a pitched roof. It features single-storey projections to the side and rear with flat roofs, including a green roof at the rear. The single storey side element would be maximum 3.8m high and 2m wide at front and 1m at the rear. The single storey rear element would be total 8.2m deep and staggered at the side. This depth would be similar to the two storey outrigger of the attached terrace. The single storey rear element would be 3.6m high along the side boundary with attached terrace.

The proposal would create 2no self-contained flats. The proposed flats are as follows:

- Flat 1 (ground floor) 2-bedroom (4 person), 74 sqm;
- Flat 2 (first floor) 1-bedroom (2 person), 60 sqm.

The proposed development provides private amenity space for each unit, comprising 51.8 sqm for ground floor flat 1 and 10 sqm for first floor Flat 2.

It also provides a separate cycle store and bin stores for each unit. The proposal is a car-free development.

4. Public Consultation

Consultation letters were sent to 129 neighbouring properties.

14 Objections received.

Their contents are summarised below:

- Concern regarding blocking daylight for Flat no.2, 3,5 and 6 Sunnyside house
- Concern regarding available parking on road
- Impact of building work on neighbours
- Overlooking impact for ni.2 Sunnyside house
- Do not respect the terrace and street scene
- Entrance to ground floor flat is unsafe
- Parking survey is out of date

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

Relevant Policies: D1, D3, D4, D6, D7, H1, H2, SI 2, SI 12, SI 5, T5, T6.

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, 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.

Barnet's 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 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 existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring occupiers.
- Whether satisfactory living standards would be provided for future occupiers; and
- Whether harm would be caused to highway safety.
- Refuse and recycling
- Accessibility and sustainability

5.3 Assessment of proposals

Principle of development

Policy CS4 provides policy on quality homes and housing choice in Barnet and states that,

"seeking a range of dwelling sizes and types of housing including family and lifetime homes that meets our identified housing priorities and does not undermine suburban character or local distinctiveness."

Policy H1 of London Plan 2021, recommends to optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions. These includes sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m distance of a station or town centre boundary.

Policy D3- Optimise Site Capacity, of London Plan 2021 recommends incremental increase in density. Policy H2 of London Plan supports incremental intensification of existing residential are within PTAL 3 to 6 or areas within 800m of station or town centre by new built, infill, conversion and redevelopment.

Policy D3 of London Plan 2021 recommends enhancement of local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout,

orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

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."

The proposal involves the demolition of the existing single-storey garages and the erection of a two-storey building to provide a residential use. This is considered to be acceptable in principle. The existing garages have no particular merit and are understood to be used as storage independently of the adjacent residential block. As such, there are no reasons that would warrant an objection in principle to their loss. The proposed residential use would be in keeping with the predominantly residential uses in the surrounding area.

Regarding the proposed use as self-contained flats, 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.

Policy DM01 of Barnet's Local Plan Development Management Policies DPD 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.

It is noted that the adjacent building at Sunnyside House comprises several flats. Following a review of planning history and council tax records, it is also noted that several other properties on Sunnyside comprise self-contained flats as a result of conversions. This includes, for instance, the property at No. 7, which was granted planning permission for conversion of the original single dwellinghouse to 2no self-contained flats. It is not considered that Sunnyside is characterised exclusively by single dwellinghouses, while flatted uses are an established feature within the street. Therefore, it is considered that the principle of a development involving flats would be acceptable at the site, subject to other material considerations.

It is noted that, the principle of demolition of existing garage and erection of a two-storey building to provide a residential use was established in the previous scheme under 20/5880/FUL.

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

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

The London Plan also contains a number of relevant policies on character, design and landscaping matters. Policy D6 of the London Plan states that Housing development should be of high-quality design and provide adequately-sized rooms (see Table 3.1) with

comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures.

The height of the proposal has been reduced from the previous proposal significantly. The total height has been reduced from 9 m to 7m. Habitable rooms in the loft have been removed. Previously the proposal had same height at ridge (9m) as the rest of the terraced properties. In this proposal this has been set down from the ridge of attached terrace by 2m. The overall depth and width of the proposal remains the same as previous scheme. The proposed footprint follows the existing footprint of the garages at the site as before.

The proposed building would measure approximately 8.7 metres in width, 16.5 metres in total depth, and 7 m metres in height at ridge. At first floor level it would be 6.6m wide and 8.3m deep. It would feature a pitched roof. It features single-storey projections to the side and rear with flat roofs, including a green roof at the rear. The single storey side element would be maximum 3.8m high and 2m wide at front and 1m at the rear. The single storey rear element would be total 8.2m deep and staggered at the side. This depth would be similar to the two-storey outrigger of the attached terrace. The single storey rear element would be 3.6m height along the side boundary with attached terrace no.2 Sunnyside.

The proposed building would adjoin the neighbouring property at 2 Sunnyside, which currently forms the end of a relatively long terrace on the western side of Sunnyside. Properties on this terrace benefit from front bay windows at ground floor. The proposed building would form a new end-of-terrace dwellinghouse. Though the ridge would sit 2m below the ridge of attached terrace, the proposal would reflect the slope of the road.

The ground and first floor would sit below that of the neighbouring property and would respect the sloping ground level. The proposed building would benefit from a front bay window and fenestration reflecting the proportion and design of that of the terrace. It is considered that the proposed building would sit comfortably within the streetscene and would be in keeping with the appearance and form of surrounding buildings.

The single-storey side element would be modest in scale and is not considered to disrupt the character of the terrace, given its lesser prominence as a single-storey element. Regarding the protrusion at ground floor to the rear, this is in keeping with the depths of outriggers to properties along this section of Sunnyside. As such, the footprint of the building is relatively in keeping with the established pattern of development.

Although further details of materials would be requested by condition, the approach to material, including facing brickwork for external walls and dark grey roof tiles, would be in keeping with the local character. A condition requiring further details of proposed bin and cycle stores would be considered sufficient to ensure these would not have a detrimental impact on the streetscene.

The proposed use of the building as 2no self-contained flats is not considered to be an over intensive use, given the presence of other flatted uses within the surrounding area, including at Sunnyside House. It is not considered to result in a detrimental level of activity in terms of comings and goings, deliveries, or other activities associated with a residential use.

Overall, the proposed development is considered to have an acceptable impact on the local character and streetscene, in accordance with planning policy including Policy DM01 of the Development Management Policies DPD. It is noted that the previous scheme was

not refused on character grounds.

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

Policy DM01 of the Local Plan states that any schemes must protect the amenity of neighbouring residents. It is necessary to assess the impact of all new development on neighbouring amenity, including impact on light, outlook, privacy and causing a feeling of overbearing.

Access to the ground floor flat is proposed via the existing side access which is considered acceptable.

The rear of the proposed building at first floor, notwithstanding the projecting balcony (3m deep), would be aligned with the rear of the neighbouring property at No. 2. The projecting balcony is set away 1.7m from the shared boundary and privacy screening would be provided to ensure that there would be no harmful overlooking to the neighbouring property. In considering the impact of this balcony, weight is given to existing rear balconies within the vicinity, such that it would not be a completely alien element. The ground floor of the proposed building would have a depth of 8.2m similar to the 2 storey rear outrigger of attached terrace no. 2 Sunnyside. The proposed height of 3.6m along the shared boundary is such that it would not protrude above the existing boundary wall. Given this, it is not considered that there would be any harmful impact in terms of loss of light, outlook or overbearing to the neighbouring occupiers at No. 2.

The proposed building is separated from the neighbouring residential block no.1 to 19 Sunnyside House by approximately 4.8 metres at the nearest point, similar to the previous proposal. There are external walkways up to second-floor level and flank walls with non-habitable windows above at 1 to 19 Sunnyside House. The distance to the nearest habitable windows of that property, which are set inside the site, is approximately 10 metres from the flank wall of the proposal.

Table 2.4 of the Sustainable Design and Construction SPD (October 2016) states that there should be a distance of 21m between properties with facing windows to habitable rooms to avoid overlooking. The proposal does not contain any habitable windows on the northern side flank wall facing no. 1 to 19 Sunnyside House, that would result in harmful overlooking. As above, the proposed privacy screening to the first-floor terrace, subject to further details as required by condition, would be considered sufficient to mitigate any potential overlooking.

The previous proposal was refused due to detrimental impact in terms of loss of light for neighbouring properties flats 3 and 5 Sunnyside House. The current proposal addresses the issue by lowering the height of the proposed building, so that it does not overshadow or cause loss of light for the neighbouring block of flats at no.1 to 19 Sunnyside House.

The applicant has provided a daylight and sunlight analysis for the revised scheme. The analysis has considered 30 windows belonging to 30 rooms at the neighbouring properties. The results have confirmed that satisfactory levels of daylight would continue to be received to all of these windows following the construction of the proposed development.

The results to the first floor living room within Flat 3 is 0.94 and the result within the first floor kitchen within Flat 5 is 0.98 as per the submitted analysis. As such it is considered that, the neighbouring properties at no.1 to 19 Sunnyside House would receive adequate daylight following the construction of the proposal.

It is considered that the revised proposal addresses the reason for the previous refusal and it is considered not to have any detrimental impact on neighbouring amenity.

Whether the proposal provides a satisfactory living environment for future occupiers

The development would create 2no self-contained flats. The gross internal area of the flats would be as follows:

- Flat 1 (ground floor) 2-bedroom (4 person), 74 sqm;
- Flat 2 (first floor) 1-bedroom (2 person), 60 sqm.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that it makes a positive contribution to the borough. The London Plan (2021) and Barnet's policies and Sustainable Design SPD (Oct 2016) sets out the minimum GIA requirements for residential Units as follows:

- 2 bed/4 person - 70 sqm;
- 1 bed/2 person - 58 sqm over two levels.

Both flats would meet the minimum internal floorspace standards as described above and are therefore considered to be acceptable in this regard.

Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;
- Double bedroom: minimum area should be 11.5 m² and at least 2.75m wide.

The proposed bedrooms comply with these minimum standards.

London Plan 2021 and the sustainable design and construction SPD requires a minimum ceiling height of 2.5 metres for at least 75% of the dwelling area . It is considered that the host property would benefit from adequate internal ceiling height at all storeys of habitable space.

Room stacking/siting

The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors.

The proposed layout is considered to provide adequate stacking provision ensuring bedrooms for the most part are stacked above bedrooms and kitchen and living areas likewise.

Light/Outlook

In terms of the amenity for future occupiers, the Council would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation.

The proposed units are both dual-aspect and would benefit from good levels of light and outlook. The proposals are therefore considered to be acceptable in this regard.

Amenity

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. Sustainable Design and Construction SPD (adopted October 2016) states that, "Outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents as well as contribute to maintaining and enhancing the wider character of the borough". It further mentions that, "Residential units with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers."

Section 8.4 of Barnet's Local Plan Residential Design Guidance SPD (2016) states: "in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy". Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 sqm per habitable room for flats.

The proposed development provides private amenity space for each unit, comprising 51.8 sqm for ground floor flat 1 and 10 sqm for first floor Flat 2, which would meet the above standards and are considered to be acceptable.

Whether harm would be caused to highway safety

The site is in a PTAL score of 4 which means that there is good public transport accessibility to and from the site. 3 Bus routes can be accessed within 1 minute walking distance of the site and the nearest tube station is Cricklewood Station which can be accessed within 2-3 minute walking distance from the site. There is a Controlled Car Parking in operation on streets surrounding the site of Resident permit holders only (zone C1) Mon-Fri 10am-11am.

T6 of London plan 2021 states that, "Car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity."

It further states that, "Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite'). Car-free development has no general parking but should still provide disabled persons parking in line with Part E of this policy."

It further mentions that, "Where sites are redeveloped, parking provision should reflect the current approach and not be re-provided at previous levels where this exceeds the standards set out in this policy."

As per London plan 2021 Table 10.3 - Maximum residential parking standards, for Outer London area with PTAL 4 for 1 to 2 bed residential units maximum parking standard is Up to 0.5 - 0.75 spaces per unit. According to London Plan parking requirement is 1 to 1.25 spaces.

Councils DM 17 requires

1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

With regard to the maximum parking standards as set out in Barnet Council's Local Plan

Development Management Policy DM17, the maximum range of vehicular parking spaces required for the proposed development is between 2 and 2.5 spaces.

The proposal is car-free development. The applicant has provided a parking survey in accordance with Lambeth methodology. The survey results show that there is sufficient car parking capacity available in the surrounding area with a minimum of 10 permit holder bays available overnight in the study area and more parking available during the day and early evening.

Furthermore, the applicant's planning statement states that the proposal would involve the removal of the single yellow line and dropped kerb along the site's frontage on Sunnyside to accommodate one car parking space for inclusion within the local controlled parking zone. Highways officers have been consulted and are satisfied that the proposals would not result in an unacceptable increase in parking stress.

Cycle parking and cycle storage facilities should be provided in accordance with London Plan 2021 and Policy DM17 London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport.

Table 10.2 of London plan 2021 provides minimum cycle parking standard. This requires 1.5 spaces per 2 person 1 bedroom dwelling and 2 spaces per all other dwelling.

For this proposal the required total cycle parking provision is 3.5 cycle parking spaces. Cycle stores are shown on the proposed site plan which can accommodate 4 cycles. A condition is considered to be sufficient to ensure satisfactory compliance with this policy.

It is therefore considered that subject to appropriate conditions, the proposed development would have an acceptable impact on the surrounding highways network, in accordance with planning policy including Policy DM17.

Refuse and recycling

Supplementary Planning Document: Residential Design Guidance (2016) states that waste and recycling can be visually intrusive within the street scene. It goes on to state that waste and recycling storage areas should be integrated within the building or provided on-site and screened within an enclosure or by landscaping avoiding area in front of dwellings.

The proposed development includes the provision of bin stores to the front of the site. Details of the screened facilities would be required by condition to ensure their siting and appearance is appropriate and does not harm the character or visual amenities of the site.

Impact on Ecology

National policy states that "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

Core Strategy Policy CS7: Protecting and Enhancing Barnet's Open Spaces, aims to protect and enhance biodiversity across the borough. The network of green spaces, places and features that thread through and surround urban areas and connect town to country are known as Green Infrastructure. Barnet's Green Infrastructure includes: Green Belt and MOL, parks and gardens, natural and semi-natural green spaces, trees, hedgerows and

green corridors, playing pitches and outdoor sports facilities, amenity green space, landscape, children's play facilities, allotments, community gardens and urban farms, cemeteries and churchyards, rivers, streams (including the Blue Ribbon Network) and open water areas as well as green roofs and walls.

DM16 states that, "When considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity."

The applicant submitted a preliminary Bat survey. No evidence of bats was found to be associated with the building.

The lack of potential roosting places and absence of any evidence of the presence of bats means that no further surveys are required for this building. It is considered that the building has no potential as a roosting place for bats.

The Council's Ecologist informed that, if demolition is delayed for more than one-year, repeat surveys should be undertaken. If at any time following the start of works a bat roost is identified or evidence of bat roosts is observed, all work would need to cease until a suitably qualified, licensed bat ecologist had been consulted and advice sought on how best to proceed legally. Where a bat roost is identified, destruction of the roost would usually need to be covered by a European Protected Species (EPS) Licence obtained from Natural England. The Planning Authority would need to have sight of any mitigation strategy developed for a licence application in order to address their obligations under The Conservation of Habitats and Species Regulations 2017 (as amended).

Therefore, the proposal is not considered to have any impact on Ecology.

Accessibility and Sustainability

The application scheme is required by Policy D7 of the London Plan (2021) to meet Building Regulation requirement M4(2). The submitted drawings show that the proposed development can be adopted to meet this requirement, and a condition is attached to ensure compliance with these Policies.

Policy SI 2 of the London Plan 2021 require, all Major development should be net zero-carbon. It states that, "Minimum on-site reduction of at least 35 per cent beyond Building Regulations is required for major development. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough."

In respect of carbon dioxide emission reduction, the proposed scheme has to designed to achieve CO₂ reduction to comply with the requirements of Policy SI 2 of the London Plan 2021 and a condition is attached to ensure compliance with the Policy.

In terms of water consumption, a condition is attached to require the units 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 SI 5 of the London Plan (20 21).

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

5.4 Response to Public Consultation

Addressed in the report.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

The proposal addresses the previous reason for refusal.
The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

