

Location **41 Wentworth Avenue London N3 1YN**

Reference: **22/0307/FUL** Received: 21st January 2022
Accepted: 8th February 2022

Ward: West Finchley Expiry 5th April 2022

Case Officer: **John Sperling**

Applicant: Mr Rambhai Patel

Proposal: Proposed basement and ground floor rear extension. Conversion of existing dwellinghouse into 2no. self-contained flats with associated amenity space, refuse storage and off-street parking (AMENDED DESCRIPTION AND DRAWINGS).

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:

PA2-1741-00
PA2-1741-01
PA2-1741-02
PA2-1741-03
PA2-1741-04
PA2-1741-05
PA2-1741-09 A
PA2-1741-10 A
PA2-1741-11 A
PA2-1741-12

PA2-1741-13 A
PA2-1741-14 C
PA2-1741-15

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

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

- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 Prior to occupation of the development, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason

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.

- 5 Prior to occupation of the development the proposed parking spaces within the parking area as shown in drawing no.PA2-1741-14-Rev.C submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all times. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason

To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 6 a) 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.

- 7 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register

at <https://nrmm.london/>

Reasons: In the interest of good air quality in accordance with London Plan policies 5.3 and 7.14.

8 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.

9 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).

10 a) Notwithstanding the approved plans, 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, details of the sub-division of the amenity area(s) 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 2016).

12 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the

water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy SI 5 of the London Plan 2021

- 13 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement in carbon dioxide emissions of a minimum of 10% when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies SI 2 of the London Plan 2021.

- 14 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 east and west flank elevations of the extensions 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).

- 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).

- 16 The property shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 17 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).

- 18 The use of the existing outbuilding shall at all times be ancillary to and occupied in conjunction with the upper flat and shall not at any time be occupied as a separate unit or dwelling.

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

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 to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning

Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 4 The submitted Construction Method Statement shall include as a minimum details of:
 - o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
 - o Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.
 - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

- 5 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This

would include:

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

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

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works.

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

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 7 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially

registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 4500.

OFFICER'S ASSESSMENT

1. Site Description

The application site relates to a semi-detached property on the north-western side of Wentworth Avenue, within the West Finchley Ward.

The area is characterised by a mixture of single family dwellinghouses and converted flats.

The site is not a locally or statutorily listed building nor is situated within a Conservation Area.

2. Site History

Reference: 17/6900/192

Address: 41 Wentworth Avenue, London, N3 1YN

Decision: Lawful

Decision Date: 29 November 2017

Description: Roof extension involving hip to gable, rear dormer window with juliette balcony, 1no. rooflights to front and new gable window to side elevation to facilitate a loft conversion

Reference: 17/7209/HSE

Address: 41 Wentworth Avenue, London, N3 1YN

Decision: Approved subject to conditions

Decision Date: 15 January 2018

Description: Basement and ground floor rear extension. Alterations to access steps to garden level

Reference: 18/7192/192
Address: 41 Wentworth Avenue, London, N3 1YN
Decision: Lawful
Decision Date: 16 January 2019
Description: Single storey outbuilding in rear garden

Reference: 18/5765/FUL
Address: 10 Wentworth Avenue, London, N3
Decision: Refused. Allowed on appeal
Appeal Decision Date: 19 July 2019
Description: Conversion of existing property into 3no. self-contained flats including a part single, part two storey side and rear extension plus creation of basement with lightwells at rear. Roof extension including rear dormer window, 2no. rooflights to side roofslope and 1no. rooflight to front rooflope. Associated amenity space, refuse and cycle storage and provision of 4no. off-street parking spaces

3. Proposal

This application seeks permission for 'Proposed basement and ground floor rear extension. Conversion of existing dwellinghouse into 2no. self-contained flats with associated amenity space, refuse storage and off-street parking (AMENDED DESCRIPTION AND DRAWINGS).'

Flat 1 would provide 90sqm and would provide 34sqm of outdoor amenity space
Flat 2 would provide 104.7sqm and would provide 28sqm of outdoor amenity space.

The new front hardstanding would include permeable materials

Cycle storage would be located in the rear amenity space in a subdivided area that is separate from the outdoor amenity space.

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4. Public Consultation

Consultation letters were sent to 36 neighbouring properties.

7no objections were received and summarised as follows:

- Works began without planning permission
- Not informed of basement renovation and no planning permission obtained
- Residential road of quiet family houses harmed
- Increased congestion and parking problems leading to poor highways safety
- No capacity for cars
- Overdevelopment of the site and property
- Unsafe environment as building materials spill onto the pavement
- Antisocial behaviour of builders
- Overflowing skip that has blocked the highway.
- Long-terms works taking place
- Insubordinate extensions harmful to size of property
- Surrounding properties converted into flats and HMO existing without consent
- The shared community rear access road is blocked (against the terms of the title deeds and with no consultation with residents) and often spills onto the public footpath.
- Waste being constantly burnt on site.
- Contrary to planning policy and local need

- Loss of amenity to neighbours.
- Large ugly outbuilding at the rear of the property poorly completed
- The size of the property is also unsuitable for this kind of subdivision.
- Inaccurate information

1no representation was made and can be summarised as follows:

- Noise disturbance and pollution
- Overdevelopment of the plot
- Unsafe building environment and spill over to pavement
- Quiet neighbourhood would be harmed

Following a review of objections and plans, the case officer requested amendments in the following areas:

- Remove rear staircase
- Remove first floor rear extension

Further amendments sought to clarify the proposal would provide a good standard of accommodation to the future residents by way of internal space standards and floor level to ceiling height standards.

A 14 day reconsultation period was issued.

1no of objection was received:

- - side windows are not opaque and overlook neighbouring properties
- There is a side door to the property
- Side and rear elevations not accurate
- Poor quality design
- Single family dwellinghouses are prevailing
- Overdevelopment of the site
- Limited front amenity space for vehicle and refuse parking
- Vehicle manoeuvring / reversing is likely to be problematic and dangerous
- The plans make no reference to an outbuilding at the rear of the property which is within the original plot of the property. This has now been fenced off for the new garden areas created and it is not clear on its purpose in relation to the proposed 2 flats. There is no direct access to the outbuilding which now has its own access solely from the communal access road so we are concerned as to the intentions for this outbuilding.

1no letter of support was received:

- Hope development can be completed swiftly
- Understand the development is to be a family home split in to 2 flats yet occupied by members of the same family & not as we feared an overdevelopment to be used for rentals

A site notice was posted on 17.02.2022

4.1 Internal Consultation

The Environmental Health raised no objections to the scheme subject to information secured by conditions.

The Highways department requested revised plans showing the proposed vehicular

access to aid the assessment. This information was obtained and reviewed by the Highways department and found to be acceptable. Highways also advised the imposition of conditions.

The LPA's refuse services find the approach acceptable.

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 on 20 July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2041. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Relevant policies:

D4 - Good Design

D5 - Inclusive Design

D6 - Housing Quality and Standards

D7 - Accessible Housing

H2 - Small Sites

H12 - Housing Size mix

SI 2 Minimising Greenhouse Gas Emissions

T6.1 - Residential Car Parking

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, DM03, DM08, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Barnet's Local Plan (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 (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. 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 developments 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 it states that developments should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

Officers consider that the main planning considerations are as follows:

- Principle of Development
- Impact on the Character of the Area
- Whether the proposal provides satisfactory living accommodation for future occupiers
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents
- Impact on highways;
- Refuse Storage;
- Cycle Storage.

5.3 Assessment of proposals

Principle of Development

- Conversion from single family dwelling to flatted development:

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

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

Within Chapter 2 of the Development Management Policies states

"The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Policy DM01 part h states "Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate."

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 appeal decision under planning reference number 18/5765/FUL in relation to 10 Wentworth Avenue (opposite no. 41) considered the following in respect of the principle of flats in this location:

"Paragraph 6: Policy DM01(h) and (i) of the Barnet's Local Plan Development Management Policies (2012) (BLPDMP) states that the loss of houses to flat development in roads characterised by housing would not normally be permitted, although it is clear that what is to be considered are cumulative effects of increased activity and changes in external appearance.

Paragraph 8: It is implicit in the tension between Policy DM01 of the BLPDMP and the strategic Policy CS1 of the BLPCS that a balance has to be struck between housing delivery and the retention of family housing on a case by case basis. Although single-family occupancy is predominant in Wentworth Avenue, it seems to me that a small number of conversions and subdivided dwellings have been successfully assimilated into the area and have not changed its essentially suburban character.

Paragraph 10: The proposal would have a shared single entrance door and a bicycle store

located in the garden in a concealed accessible location. Additional bin storage, subdivision of the garden and introduction of a formal parking area would signify a change in the character of activity. However, the garden is screened from the street and bearing in mind the level of domestic activity potentially arising in a large family dwelling such as that already approved at the appeal site, the increase and change in activity would not be significant."

The Inspector concludes in paragraph 11 that the proposed development would not adversely or cumulatively harm the character of the area nor, thereby, conflict with Policy DM01 nor Policies CSNPPF, CS1 and CS5 of the Core Strategy.

It is noted that this permission recently elapsed and was recently renewed under planning reference number 22/2858/FUL.

In light of the above, and that there are no new relevant policies to warrant an alternate view, officers consider the proposal is acceptable in principle.

The Impact on the appearance and character of the area

- Extensions

The ground and basement level extensions are identical to the dimensions approved under planning reference number 17/7209/HSE. The delegated report of the aforementioned application states the following:

'The depth of a single storey rear extension, normally considered acceptable for semi-detached properties is 3.5 metres as stated in the Residential Design Guidance, this application seeks permission for a rear extension with a depth of 3 metres from the original rear wall and a maximum height of 3 metres to a flat roof. This element of the proposal will not be visible from the streetscene.

It is considered this element of the proposal will not harm will be caused to the character and appearance of the existing building, the street scene and the wider locality.

It is considered the proposed rear extension would not cause harm to the living conditions of neighbouring residents.

The Residential Design Guidance SPD states "The council seeks to ensure that basement development does not harm the established architectural character of buildings and surrounding areas, including gardens and nearby trees, and that no adverse impact is caused to the amenity of neighbouring properties."

It goes on to say "The council will normally allow single floor basement extensions which do not project further than 3 metres from the rear wall of a house or more than half its width beyond each side elevation.

The property already benefits from a basement which covers the original footprint of the dwellinghouse. The proposal seeks to extend this element a further 4 metres. It is considered even though contrary to the Residential Design Guidance the proposed basement extension on this occasion would be an acceptable addition to the property. This is because the property benefits from a large decking structure to the rear of the house and natural reduction in levels. In this way the extension will not involve extensive

excavation. As a result the proposed basement excavation would be situated along the boundary with neighbouring property at no. 43 Wentworth Avenue and would not appear visually discordant with the character and appearance of the rear of the property. The basement has not proposed lightwells to the front.

It can be concluded that by reason of its size, siting and design, the proposal would be an acceptable addition to the dwelling. It is considered this proposal will not detract from the character or appearance of street scene and the wider locality. This proposal is considered acceptable and would result in a proportionate addition to the existing house.'

In the current application it is noted that the originally proposed first floor rear extension was removed due to adding significant bulk that would have cumulatively led to the overdevelopment of the property. Alongside this, no other examples are seen in the wider area so this aspect of the proposal would not have fallen within the prevailing pattern of development.

In light of the above and having conducted a site visit officers are content to view the proposed extensions as acceptable and not considered to result in a materially harmful impact on character grounds under Policy DM01.

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

Policy DM01 of the Development Management Policies 2012 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.

- Conversion from single family dwelling to flatted development:

The existing property serves a four-bedroom single family dwelling capable of accommodating up to 7.no persons. The existing entrance at the front elevation would provide a common entry point for all flats with internal doors would provide separate access to respective units. The proposed 2no self-contained flats would create a cumulative occupancy level that would provide accommodation for up to 8 persons. The LPA considers the difference between existing and proposed levels are similar and is thus not considered to be a harmful intensification.

The conversion is not considered to result in an intensity of use that would be harmful to the neighbouring residential occupiers by way of noise and disturbance and comings and goings, especially in light of recent approval of planning permissions for 3no self-contained flats at No.10 Wentworth Avenue, which is situated just opposite the application site.

- Extensions

With regards to the impact on the residents at No.43 Wentworth Avenue, the proposed ground floor extension extends a depth of 3 metres, which is 0.5 metres less than the advised depth of extension under Barnet's SPG (2016). It is noted no.43 benefits from a ground floor rear extension. Due to the level change across the depth of the property the basement extension is not considered to appear visually dominating or likely to result in a deleteriously harmful impact that would cumulatively result in a loss of outlook or sense of enclosure.

With regards to the impact on the residents at No.39 Wentworth Avenue, the impact of the ground and basement level extensions is not considered to result in a deleteriously harmful impact by reason of the distance from the site to the neighbouring property being 3.4 metres, across an access way. Residents would not experience a harmful loss of outlook or sense of enclosure.

Potential impacts upon the amenities of future residents

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough.

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

The requirements for Gross Internal floor Area (GIA) for 2 bedroom, 4 persons, two storey dwelling is 79sqm.

Flat 1 would provide 90sqm.

Flat 2 would provide 104.7sqm.

As such, the proposed dwellings comply with this requirement.

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

- Double/twin bedroom: minimum area should be 11.5 m² and should be at least 2.75m wide and every other double (or twin) bedroom and at least 2.55m wide.

The proposed dwellings are compliant with this requirement.

The Nationally described space standard sets a minimum ceiling height of 2.30m for at least 75% of the gross internal area of the dwelling. To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space. Policy D6 of the London Plan (2021) requires a minimum floor to ceiling height of 2.5m for at least 75% of the Gross Internal Area of each dwelling.

The submitted section drawing and the additional information provided by the agent dated 19/07/2022 at 12:50 demonstrates that all of the units would exceed the London Plan required minimum internal floor to ceiling height.

Room Stacking:

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 development is considered to result in an acceptable degree of stacking. It is noted that Bedroom 2 in Flat 1 would be situated below the respective kitchen and dining space. However, this is

considered acceptable by reason of the rooms being part of the same unit.

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

Outlook and light provision

It is considered that each unit will have adequate levels of glazing to provide appropriate levels of light, ventilation and outlook whilst maintaining privacy.

Amenity Space

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room.

Flat 1 would provide 34sqm of outdoor amenity space. This exceeds the required amount.

Flat 2 would provide 28sqm of outdoor amenity space. This exceeds the required amount.

Therefore, the proposed development would provide sufficient private amenity space for future occupiers in accordance with Barnet's Sustainable Design Guidelines.

Impact on highways and parking:

A Highways Officer was consulted with throughout the course of the application process. On receipt of the amended drawings, namely PA2-1741-14 B, the officer provided the following comments:

Proposal

The applicant is proposing to convert the existing 1x 4+bed single family dwelling into 2x 2bed single family dwellings with the provision of 2x off-street car parking spaces.

Car Parking

The site lies within a PTAL 3 zone, which means that there is good public transport accessibility to and from the site.

The proposed provision of 2x off-street car parking spaces (1 per dwelling) is in line with requirements set out on Policy DM17 of the Barnet Local Plan, and is therefore acceptable on highways grounds.

Vehicular Access

The applicant is proposing to construct a new vehicular crossover. Please be advised that vehicular crossovers must be between 2.4m-4.2m wide.

The applicant is advised that an application must be made to the highways domestic crossovers team prior to the commencement of any works on the public highway. There appears to be a street lamp fronting the site where the proposed crossover is to be

constructed. Any costs associated with crossover works are to be covered by the applicant.

Refuse

The proposed refuse storage area is within 10m of the public highway and is therefore deemed acceptable on highways grounds.

Recommendation

The application is recommended for approval subject to the conditions and informatives.

Cycle Storage:

The submitted drawings includes cycle parking to the rear of the property. However, further details are required to confirm the storage meets the required number of units for the proposed development. These details would be secured via condition.

5.4 Response to Public Consultation

7no objections were received and summarised as follows:

- Works began without planning permission
- Not informed of basement renovation and no planning permission obtained
- Residential road of quiet family houses harmed
- Increased congestion and parking problems leading to poor highways safety
- No capacity for cars
- Overdevelopment of the site and property
- Unsafe environment as building materials spill onto the pavement
- Antisocial behaviour of builders
- Overflowing skip that has blocked the highway.
- Long-terms works taking place
- Insubordinate extensions harmful to size of property
- Surrounding properties converted into flats and HMO existing without consent
- The shared community rear access road is blocked (against the terms of the title deeds and with no consultation with residents) and often spills onto the public footpath.
- Waste being constantly burnt on site.
- Contrary to planning policy and local need
- Loss of amenity to neighbours.
- Large ugly outbuilding at the rear of the property poorly completed
- The size of the property is also unsuitable for this kind of subdivision.
- Inaccurate information

1no representation was made and can be summarised as follows:

- Noise disturbance and pollution
- Overdevelopment of the plot
- Unsafe building environment and spill over to pavement
- Quiet neighbourhood would be harmed

Following a 14 day reconsultation period the following comments were received:

1no of objection was received:

- Side windows are not opaque and overlook neighbouring properties
- There is a side door to the property
- Side and rear elevations not accurate

- Poor quality design

These comments relating to character, amenity and highway impacts are addressed in the report.

- Single family dwellinghouses are prevailing

The LPA acknowledges this prevailing property type but is mindful of the appeal decision

- Overdevelopment of the site

The site would be intensified but not to a harmful degree. Please see the main body of the report for further detail.

- Limited front amenity space for vehicle and refuse parking

Sufficient space is available in the front amenity space for these elements. The Highways department have raised no objection.

- Vehicle manoeuvring / reversing is likely to be problematic and dangerous

The Highways department considers that the Highways impact is acceptable.

- The plans make no reference to an outbuilding at the rear of the property which is within the original plot of the property. This has now been fenced off for the new garden areas created and it is not clear on its purpose in relation to the proposed 2 flats. There is no direct access to the outbuilding which now has its own access solely from the communal access road so we are concerned as to the intentions for this outbuilding.

Adressed via a condition.

- Problems during construction

These relate to on-going works. A condition is recommended to secure a Demolition and Construction Management Plan.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is recommended that the proposed development is APPROVED, subject to conditions.



LOCATION PLAN SCALE 1:1250