

Location **Marston Court Mays Lane Barnet EN5 2EG**

Reference: **22/4044/FUL** Received: 5th August 2022
Accepted: 8th August 2022

Ward: Underhill Expiry 3rd October 2022

Case Officer: **Zakera Matin**

Applicant: Mr Nagle

Proposal: Additional storeys at second and third floor levels comprising 5no self-contained flats. Associated amenity space, parking space, refuse and recycling and cycle parking

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:

1859.OS.001 Rev A
1859.EX.01
1859.EX.02
1859.EX.03
1859.EX.04
1859.EX.05
1859.EX.06
1859.EX.07
1859.EX.08
1859.EX.11

1859.PP.01
1859.PP.02
1859.PP.03
1859.PP.04 Rev B
1859.PP.05 Rev B
1859.PP.06
1859.PP.07
1859.PP.08 Rev B
1859.PP.09
1859.PP.10
1859.PP.11
Planning 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), including the balcony guarding, fencing and gate, 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 visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;

- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

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.

- 5 Prior to occupation of the development, a revised parking layout plan showing the dimensions of the 2 parking spaces proposed shall be submitted to and approved in writing by the Local planning Authority. Thereafter the 2 parking spaces shall be implemented in accordance with the approved plans and shall be used only as agreed and not for any purpose other than the parking and access/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 Details of cycle parking including the type of stands, gaps between stands, location of cycle parking and type of store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, a minimum of 8 long stay and 2 short stay cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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.

- 7 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.

- 8 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).

- 9 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(1) 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 the 2016 Mayors Housing SPG.

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.

Informative(s):

1 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.

- 2 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.

- 3 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.

- 4 If a pump lorry is to be operated from the surface of the public highway, any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

- 4 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the councils Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk.

OFFICER'S ASSESSMENT

This case is referred to committee because of number of objections received.

1. Site Description

The application site is a purpose-built development of six self-contained residential flats on the northern side of Mays Lane, close to the junction of Barnet Lane. It is not within a conservation area nor a listed building. There are no Tree Preservation Orders on site.

2. Site History

Reference: 18/6383/FUL

Address: Marston Court, Mays Lane, Barnet, EN5 2EG

Decision: Approved subject to conditions

Decision Date: 4 December 2018

Description: Additional storey to provide 3 new no. self-contained flats with balconies/terraces. New refuse and recycling area with fence and access gate and new cycle storage.

Reference: 21/4548/FUL

Address: Marston Court, Mays Lane, Barnet, EN5 2EG

Decision: Approved subject to conditions

Decision Date: 03.08.2022

Description: Additional storeys at second and third floor levels comprising 4no self-contained flats. Associated amenity space, parking space, refuse and recycling and cycle parking.

3. Proposal

The application proposes additional storeys at second and third floor levels comprising 5no self-contained flats. Associated amenity space, parking space, refuse and recycling and

cycle parking.

The proposal is slightly different from the recent approval 21/4548/FUL. The current proposal proposes end gables similar to neighbouring buildings and one additional flat at loft. The overall height remains unchanged.

Amended drawings were received during the course of the application to change the rear elevation to reduce the size of the rear balcony.

The assessment of the application is based on the amended plans.

The proposed development approved under the original permission have commenced works however the description remains as above as the units are not substantially complete.

4. Public Consultation

Consultation letters were sent to 95 neighbouring properties. Total 6 responses have been received.

The objections received on original proposal are summarised as follows:

- subsidence issue and impact on day light for no.7 Mays Lane
- existing structure was designed to cope with such stresses
- Increased parking pressure on road
- Privacy issue for no.12 Mays Lane
- Probable increased traffic, increased chance of accidents, air pollution, increased noise pollution
- four level building (4 floors) does not respect local context,
- Overlooking for no.8 Mays Lane
- Impact on drainage and ground stability

1 objection received on the amended plans as below

- Probable increase in traffic, noise from the building works, overlooking for 12 Mays lane

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was updated on 20 July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote

sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

The 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.

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, 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 Draft Local Plan (Reg 22) 2021

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

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)
Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the living conditions of future occupiers;
- Whether harm would be caused to highways network and parking;
- Whether refuse and recycling are in a suitable arrangements;
- Sustainability and Accessibility

5.3 Assessment of proposals

Impact on the character and appearance of host building, street scene and wider area:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Policy CS5 of Barnet's Core Strategy (2012) states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

National Planning Policy Framework (2021) states that amongst other things, planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The application building is sited close to the junction of Underhill and Barnet Lane to the east, and Vale Drive to the north. The application building is a two-storey brick-built development. The building has a pitched roof, which due to its pitch, has a relatively large front roof plane.

To the west is Stokes House, No. 11 Mays Lane which is a two-storey building with gable end pitched roof. The eaves and ridge height of No. 11 are broadly similar to that of Marston Court. Further west along Mays Lane are modest two-storey cottages which have a lower ridge height than Stokes House.

Opposite Marston Court to the north are Nos. 6 - 16 Mays Lane, which are three pairs of

two-storey semi-detached properties with pitched roofs.

To the east is Nos. 1 - 7 Mays Lane, a terrace of four three-storey dwellings. The terrace of dwellings has pitched roof with end gable and is sited at an angle in relation to Marston Court. Both the eaves and ridge height of the terrace are greater than that of Marston Court. The Potteries to the rear (on Barnet Lane) is also a three-storey building with pitched roof and gable ends.

Therefore, it is clear that there are a mix of building heights in the immediate area with Nos. 1 - 7 Mays Lane being the tallest and that pitched roof is a common feature shared by all the properties in the locality.

The proposal to add additional storey to the host building to provide 5 nos. self-contained residential flats is similar to approved scheme 21/4548/FUL dated 03/08/2022. The proposed height remains same as the approved scheme, the difference is that the current proposal includes end gables and one additional flat at loft level. The rear elevation will change from the approved to include 2 rear balconies.

Councils design officer was consulted on the original submission who informed that the end gables would be similar to the end gable of no. 11 and no.7 and would be sympathetic and would respect the character and the street scene. The original proposal proposed 2 large balcony at rear elevation to serve the loft flats. The design officer recommended these to be reduced in size. Subsequently, the proposal was amended to reduce the size of the rear balcony of the 2 loft flats.

As noted the proposed height remains same as recent approved scheme and would remain consistent with the rhythm of increasing building heights as one travels easterly along this part of Mays Lane. The proposed end gable would have a limited impact on street scene because of similar end gable feature of neighbouring property no.11 and no.7.

As the height remains same as recently approved scheme the proposal would not have any additional overbearing visual impact for residential properties No. 10 - 16 Mays Lane on the opposite side of the road.

The additional stories have been designed to reflect the fenestration arrangement, design and proportions below and is therefore in keeping with the character and appearance of the main building.

The additional balconies at rear at roof level would be similar in design as the approved ones and would be proportionate and would respect the character of the property.

Overall, it is considered that the revised proposal is sympathetic to local character, including the surrounding built environment, while increasing densities and optimising the potential of the site to accommodate and sustain an appropriate amount and mix of development, as supported by London Plan 2021 and NPPF.

Impact on amenity of neighbouring occupiers:

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

The proposal would add two additional storeys to the originally built host building. It would therefore not increase the footprint of the building. The rear building line of Marston Court and Stokes House (No. 11 Mays Lane) are relatively in line. There are no side windows in No. 11 Mays Lane facing Marston Court. The proposed end gable would be sited 2.3m from the flank wall of No.11. there are no flank window proposed facing No.11. In this circumstances, it is not considered the development would appear overbearing or impact outlook to an unacceptable level for no.11.

Although rooflights facing No. 11 would be placed in the rear projection, due to the angle of rooflights, it would not cause an unacceptable degree of overlooking or loss of privacy. Rear roof terrace is proposed at the western side of the rear roof slope and would be able to overlook directly onto the rear of the plot of No. 11. However, it is observed that Stokes House has little outdoor amenity space as much appears to be hardstanding and parking. As such, it is considered the overall impact on the amenities of No. 11 to be acceptable in this instance.

The rear building line of Marston Court and No. 7 Mays Lane are relatively in line despite at an angle with each other. There are side windows in No. 7 Mays Lane facing the host building. It was confirmed verbally in the previous permission ref: 18/6383/FUL by the occupier of No. 7 Mays Lane that these windows serve a staircase. It therefore does not serve a habitable room. The proposed end gable would be sited 4.3m to 3m from the flank wall of No. 7 Mays Lane. No flank wall window proposed facing No.7. Considering the distance, the proposed end gable and the proposed rooflights and roof terrace would not cause an unacceptable degree of overlooking or loss of privacy or overshadowing impact for No. 7.

Given that the distance between Marston Court and the three pairs of semi-detached properties on the opposite side of the Mays Lane (Nos. 6 - 16 Mays Lane) is over 21m, it is not considered that the proposal would cause any harm to the amenities of those properties in term overlooking, overshadowing and overbearing.

Quality of accommodation for future occupiers:

Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings and outdoor amenity space.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new residential accommodation. The council also has adopted SPD's (entitled Sustainable Design and Construction and Residential Design Guidance) providing more detailed guidance on a range of matters related to creating new residential accommodation in addition to the Mayors adopted SPG's (entitled Housing).

The size of the proposed flats (bedroom/bedspaces) to gross internal area are as follows:

Flat 7: 2-bedroom 3-person = 61 sqm GIA (approved)
Flat 8: 2-bedroom 3-person = 66 sqm GIA (approved)
Flat 9: Studio Unit- 2-person = 62 sqm GIA (approved)
Flat 10: 1-bedroom 2-person = 51.5sqm GIA proposed
Flat 11: 1-bedroom 2-person = 51.5 sqm GIA proposed

The units would meet the floorspace standards set out in the London Plan and Table 2.1 of Barnet's SDC SPD (2016).

The agent has demonstrated on plans that all the flats would provide a minimum ceiling height of 2.5m for at least 75% of the gross internal area of the flat, as set out in London Plan 2021. Officers are satisfied the units would provide adequate ceiling heights. The bedroom sizes would meet the standards set out Table 2.2 of Barnet's SDC SPD (2016).

Table 2.1 of the SPD states that proposals should avoid single aspect dwellings that are north facing or exposed to noise exposure categories C & D or contain three or more bedrooms.

Flat 7 and 8 are dual aspect units. Flat 9 is a single aspect but benefits from a large glazed rear gable window and rooflights which provide open sky views. Furthermore, the rear glazed gable end is south facing, a studio unit and is not exposed to a loud noise source. Flat 10 and 11 would be single aspect but would benefit from south facing terraces which would provide adequate outlook. This unit would also receive sufficient daylight and sunlight through skylights and south facing glazing.

Table 2.3 of Barnet's SDC SPD (2016) states that flats should be provided with 5 sqm of outdoor amenity space per habitable room. It states that development proposals will not normally be permitted if it compromises the minimum outdoor amenity space standards. Each new flat would be provided with private outdoor amenity space in the form of inset balconies or rear roof terraces. Each flat would fail to meet these standards, with an under-provision. Nonetheless, Officer acknowledges there is an existing communal garden area and the existing flats do not benefit from their own balconies. It is considered that although the proposed balconies do not meet standards, they would meet the expected needs of an amenity area including the day-to-day uses such as hanging washing, external storage, relaxing etc.

Table 2.4 of the SDC SPD (2016) states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room. Flat 7 and 8 are dual aspect flats. Flat 9, 10 and 11 are single aspect but benefits from glazed rear window and terraces (which is south facing) and rooflights which provide open sky views. The proposal is considered to meet the standard.

The bedrooms and living areas would have a reasonable outlook with clear glazed windows, as stated in Table 2.4.

Table 2.4 also states that in new residential development there should be a minimum distance of 21m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5m to a neighbouring garden. No side windows are proposed (only rooflights which are at an angle). The rear glazed elevation of the unit 9, 10 and 11 would overlook the shared garden area of the Potteries to the rear, however, would be no different to the existing windows at first floor level. A neighbour has raised the issue of overlooking to the properties opposite on Mays Lane (i.e. front windows facing front windows) however, this is no different to the existing situation and is common to overlook the properties at the front across suburban streets such as this one. Notwithstanding this, according to the Council's internal GIS system, the front windows meet the 21m standard.

It should also be noted that 3 units at the second floor level was considered to be acceptable under the previously approved scheme ref: 21/4548/FUL.

Highways and parking:

Policy DM17 of Barnet's Development Management Policies Document states that the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi-detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

2. Residential development may be acceptable:

- i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity.
- ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

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

It further states that, "Outer London boroughs wishing to adopt minimum residential parking standards through a Development Plan Document (within the maximum standards set out in Policy T6 .1 Residential parking) must only do so for parts of London that are PTAL 0-1."

"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."

Table 10.3 of London Plan 2021 provides maximum residential parking standard.

It states that all areas with PTAL 5 to 6 should be car free. For outer London area with PTAL 4 maximum parking for 1 to 2 bed units are 0.5 to 0.75 space per dwelling.

Highway Officers were consulted on the proposal. The officer informed that, the site fronts onto Mays Lane, a local distributor road. The section fronting the site is covered by 20mph speed limit zone and there are waiting restrictions and a zebra crossing in the vicinity of the site. The site lies in an area with a PTAL score of 4 (good) with access to 9 bus routes (383, 307, 107, 263, 184, 384, 234, 34 & 326) from stops within 3-7 minutes walking distance of the site. High Barnet tube station is within 6 mins walking distance of the site. The site is not in a CPZ but it is close to a CPZ that operates Mon-Fri, 2pm-3pm.

The proposal comprises additional storeys at third and fourth floor levels to provide 5 self-contained units (1xstudio, 2x1bed and 2x2bed) Based on Barnet's Policy DM17, a maximum allowable parking provision of between 2 to 6 spaces. For a site with a PTAL score of 4, Highways would accept the provision of 3 spaces. The application form indicate

that 2 new spaces are proposed which could lead to a potential displacement of 1 vehicle on-street. This level of displacement is unlikely to have a discernible impact on local parking conditions and the proposed 2 spaces are considered acceptable.

Given the low number of units proposed, the level of vehicle trip generation by the development is unlikely to be to have a noticeable network impact.

Table 10.2 of London Plan provides minimum cycle parking standard. 1 space should be provided for 1 bed and studio unit, 1.5 space for 1 bed 2 person unit and 2 spaces for all other units.

Cycle parking is to be provided in accordance with the 2021 London Plan standards which equates a minimum of 8 long stay and 2 short stay cycle parking spaces. Long stay cycle parking should be provided in a covered, secure, lockable and enclosed compound while short stay parking should be provided in a covered, sheltered and lockable environment. 3% of the cycle spaces provided should be accommodate larger bicycles. Cycle parking is proposed at the rear of the building. A condition is attached for detail for cycle storage.

Refuse storage and collection as well as other servicing arrangements will continue as existing. A new refuse store is to be installed at the rear of the property. A management will need to be put in place for the bins to be transported to a location near the roadside on collection days.

Highway has no objection subject to attached conditions.

Sustainability and Accessibility

In terms of accessibility, Barnet policy DM03 requires developments to meet the highest standards of accessible and inclusive design. Policy DM02 requires compliance with London Plan requires 90% of new housing to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

There would be no internal lift and therefore the new units would not comply.

London Plan 2021 in paragraph 3.7.6 states that,

"In exceptional circumstances the provision of a lift to dwelling entrances may not be achievable. In the following circumstances - and only in blocks of four storeys or less - it may be necessary to apply some flexibility in the application of this policy:

- o Specific small-scale infill developments (see Policy H2 Small sites)
- o Flats above existing shops or garages
- o Stacked maisonettes where the potential for decked access to lifts is Restricted."

The London Plan 2021 therefore acknowledges that this may be difficult to deliver in blocks of four storeys or less, such as this one, where historically the London Plan has not required lifts.

London Plan 2021 further states that, "affected dwellings above or below ground floor would be required to satisfy the mandatory building regulations requirements of M4(1) via the Building Control process."

In this particular instance this is acceptable, and a condition requiring M4(1) is attached.

In respect of carbon dioxide emission reduction, The London Plan (2021) requires 10% reduction of CO2 emission for new residential buildings. A condition is attached to address this issue.

In terms of water consumption, a condition is attached to require the dwelling is 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 5.15 of the London Plan (2021).

5.4 Response to Public Consultation

Whether the foundation of the existing building could withstand the addition of two-storeys and subsidence issue are not a material planning consideration but a matter for building regulation and engineering. As such, this is not addressed in this report.

All other objections have been addressed within the main body of this 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

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

