

Location **28 Cheviot Gardens London NW2 1QE**

Reference: **22/1494/FUL** Received: 22nd March 2022
Accepted: 23rd March 2022

Ward: Cricklewood Expiry 18th May 2022

Case Officer: **Erica Mason**

Applicant: Mr Marjaee

Proposal: Conversion of the existing dwelling into 2no. self-contained flats.
Repositioning of front entrance and changes to the fenestration.
Provision of amenity space, parking, cycle storage, refuse and recycling storage

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:

LCENG-DRG-501-28-NW2 1QE Rev A (Location Plan) dated 09.10.2022
LCENG-DRG-501-28-NW2 1QE Rev A (Block Plan) dated 09.10.2022
LCENG-DRG-501-28-NW2 1QE Rev A (Pre-Existing Ground Floor Plan) dated 09.10.2022
LCENG-DRG-501-28-NW2 1QE Rev A (Existing Ground Floor Plan) dated 09.10.2022
LCENG-DRG-501-28-NW2 1QE Rev A (Proposed Ground Floor Plan) dated 09.10.2022
LCENG-DRG-501-28-NW2 1QE Rev A (Pre-Existing First Floor Plan) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Existing First Floor Plan) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Proposed First Floor Plan) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Pre-Existing & Existing Loft Floor Plan) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Proposed Loft Floor Plan) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Pre-Existing & Existing Roof Plan) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Proposed Roof Plan) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Pre-Existing & Existing Front Elevation) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Proposed Front Elevation) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Pre-Existing & Existing Rear Elevation) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Proposed Rear Elevation) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Pre-Existing & Existing Side Elevation) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Proposed Side Elevation) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Pre-Existing & Existing Side Section) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Proposed Side Section) dated 09.10.2022

Lotus Chartered Engineers Design Report Rev A (Dated 20 June 2022)

Sound Insulation Improvement Technical Note (Dated 19 June 2022)

Agent's Email for Sound Transmission Information (Dated 15 June 2022)

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

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

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

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

- 6 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).

- 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 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) and the 2016 Mayors Housing SPG.

8 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) 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.

9 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 2013).

10 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on the approved proposed ground floor plan shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to

commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

Further details and the application form can be downloaded from:

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

- 4 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense. In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged. Please Note: A maximum width of a crossover allowed from a public highway is 4.2 meters. Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW. Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

OFFICER'S ASSESSMENT

1. Site Description

The application property is a two-storey semi-detached single-family dwelling on the eastern side of Cheviot Gardens, located in the Cricklewood ward. The building is not located in a conservation area: nor is it locally or statutorily listed.

2. Relevant Site History

Reference: 20/5812/192

Address: 28 Cheviot Gardens NW2 1QE

Decision: Lawful

Decision Date: 30 December 2020

Description: Roof extension involving hip to gable, rear dormer window with Juliette balcony, 3no front facing rooflights and new side gable window.

Reference: 21/1411/HSE

Address: 28 Cheviot Gardens NW2 1QE

Decision: Approved Subject to Conditions

Decision Date: 07 June 2021

Description: Demolition of existing side garage. Part single, part two storey side/rear extension. Front extension to accommodate for front porch (AMENDED DESCRIPTION).

Reference: 22/1495/FUL

Address: 28 Cheviot Gardens NW2 1QE

Decision: Refused

Decision Date: 16 September 2022

Description: Conversion of the existing dwelling into 3no. self-contained flats including rear dormer window to the existing first floor side extension. Repositioning of front entrance and changes to the fenestration. Provision of amenity space, parking, cycle storage, refuse and recycling storage.

Reason for Refusal No. 1: Character (Dormer) - The proposed rear dormer roof extension by reason of its size, siting and design when considered cumulatively with the existing extensions, would be harmful to the character and appearance of the property and immediate locality. As such the proposal is contrary to Policies D1 and D4 of the London Plan (2021), Policies CS NPPF, CS1, CS5 of the Local Plan Core Strategy (Adopted September 2012), Policy DM01 of the Local Plan Development Management Policies DPD (Adopted September 2012) and the Residential Design Guide (2016).

Reason for Refusal No. 2: Character/Amenity - The conversion into 3no. self contained flats would result in an over-intensive use that is out of keeping with the prevailing character of the locality consisting of predominantly single family dwellings and conversions into 2no. self contained flats. The proposal would result in a harmful increase in potential noise and disturbance by reason of increased coming and going and associated general activity. The proposed development would therefore have a detrimental impact on the character of the locality and the amenities of neighbouring occupiers, contrary to Policies D3 and D14 of the London Plan (2021), Policies CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the

Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted 2016) and the Sustainable Design and Construction SPD (adopted 2016).

3 Proposal

This application seeks full planning permission for the 'Conversion of the existing dwelling into 2no. self-contained flats. Repositioning of front entrance and changes to the fenestration. Provision of amenity space, parking, cycle storage, refuse and recycling storage'.

Unit 1 is proposed on the ground floor and is a 3 bed, 5 person unit with a GIA of 90sqm; Unit 2 is proposed on the first floor and second floor is a 4 bed, 6 person unit with a GIA of 112.7sqm.

3no. off street parking spaces are provided.

Private garden amenity space is provided to the rear for the proposed 2no. flats. Unit 1 would be provided with 41m², and Unit 2 would be provided with 46m².

4. Public Consultation

Consultation letters were sent to 63no. neighbouring properties. 9no. letters of objection and 9no. letters of support were received, summarised below:

Support:

- Properties on Cheviot Gardens are too old and need regeneration and development. Proposals to convert the houses to modern flats are acceptable in this area.
- New converted properties offering flats in particular at ground floor, is more suitable for people with mobility problems.
- I support conversion of houses to multiple units in Cheviot Gardens as in my opinion the area needs more units to meet the demand for housing. These conversions also improve and modernise the area.
- Golders Green estate including Cheviot Gardens is too old and needs to develop and be regenerated. Proposal to convert house to flats is supported.
- Utilise shortage of properties by converting existing properties into flats.
- Flat conversion would bring young talented professionals to the area making the community be more diversified and successful.
- Flat conversions will improve and modernize the area.
- There are examples for converted flats on Cheviot Gardens including no. 48 benefitting from planning permission. Other examples include no. 51 and no. 80.

Objections

- Two parking spaces is not an acceptable amount for the proposed number of occupants. Cheviot Gardens is already highly congested in terms of parking. Frequent blocking of driveways during construction occurs.
 - Cheviot Gardens has been suffering from a real traffic problem, as many drivers use the street (often speeding) as a shortcut to get to the A41. Increase in number of dwellings would increase issue.
 - Lack of access for larger emergency vehicles are evident in the area, and will be worsened by having only 2 spaces for potentially 10 or more residents.
- (Planners Comments: The Highways Department were consulted during the application process and confirm that the proposal would have an acceptable impact on the Highway.

Also, 3no. parking spaces are proposed).

- Local services are already at maximum capacity and increasing the number of dwellings in this building will put further pressure on these service as well as eroding the sense of local community on the road.

- Potential pressure on waste disposal.

- More rubbish, pressure on local services, litter collection, GP services increased risk of anti social behaviour.

(Planners Comments: It is not considered that the difference in the amount of potential occupiers as proposed, would have such an adverse impact on the available serviced to warrant a reason for refusal).

- Potential increase in noise pollution for neighbours. These buildings were designed to be single household homes and not to be converted into flats.

(Planners Comments: Each application is decided on its' own merits. Other applications and resultant approvals were granted for conversion into flats and therefore the principle is acceptable as discussed below).

- Juliet balcony door in Bedroom 1 of the first-floor flat may allow use of flat roof to be used as roof terrace, disrupting the privacy of 26 Cheviot Gardens and other neighbouring privacy.

(Planners Comments: There is no access on to the rear extension. In the event of an approval, a condition would be added to ensure the above in order to protect neighbouring amenities in relation to privacy and overlooking).

- Developer stated that this would be his 'family home'.

(Planners Comments: This is not a planning consideration).

- Report of energy provider stated that there was a 'First floor flat' listed for 28 Cheviot Gardens on the British Gas website.

(Planners Comments: There is no planning evidence that the property has been converted to flats).

- Two applications submitted without consultation with existing residents.

(Planners Comments: Whilst the applicant is encouraged to speak to neighbours about potential applications, it is not compulsory. It is the duty of the LPA to contact the relevant neighbouring occupiers by letter. This was done).

- Overdevelopment and inappropriate use of materials.

- The materials and colour used are not in line with facing bricks nor the roof materials and tiles and this makes the house an eyesore in contrast to neighbouring properties and drastically changes the visual appearance of the original concentric design of high quality facing bricks.

(Planners Comments: No extension is proposed under the current application. Proposed alterations relate to change to fenestration and repositioning of front entrance door. A condition is added to ensure materials to match are as currently existing).

- Barnet council has approved too many similar conversions (albeit not so overdeveloped).

(Planners Comments: Each application is decided on it's own merits).

- The developers seem already to have started work on this project and residents would like the council to explain how this has been allowed in the absence of planning permission.

(Planners Comments: Planning approval was previously granted for the extensions and not the conversion into flats. It is this work which is being implemented).

- The stress and noise of the renovation can impact health of residents.

(Planners Comments: No extension is proposed and therefore neighbouring amenities from noise and disturbance are considered to be protected in this regard. However, the Environmental Health Department should be contacted in the event of persistent noise).

- The builders carrying out the renovation have made a hole in next doors living room wall. No rectification of the issue following correspondence. Ornaments broken in

neighbouring dwelling when works were carried out at no. 28).

(Planners Comments: This is not a planning consideration - but is a civil matter)

- Erosion of the community and loss of character in the area.

(Planners Comments: Character discussed in the main body of the report).

- Health and Safety risk - fire exits for example.

- Potential fly tipping, anti-social behaviour, safety may be caused by new tenants who move into the area - are not invested in it. These properties should be kept for families which is in keeping with the original plan for the area.

- Loss of family built homes.

(Planners Comments: Fly tipping is not a planning consideration. However, loss of family homes is discussed within the main body of the report).

- Concern raised about the constant changing of planning and intended use of this property, as well as previous assurances from the developer that this was definitely going to remain a single family dwelling.

(Planners Comments: Each application is decided on its' own merits).

- Loss of privacy may be caused from the rear bedrooms with large windows looking into neighbouring garden.

(Planners Comments: Discussed in the main body of the report)

4.1 Internal Consultation

Highways

The LPA's Highways department was consulted regarding this application. The following comments were made:

- 1) Details of the vehicular access is requested in meters. A distance of 2.4m is required from the existing crossover. A new vehicular crossover will need to be created as per site observations.
- 2) Details of the dimensions of the car parking spaces is requested (2.4m x 4.8m)
- 3) Details of the distance from the bin store and the car parking spaces proposed is requested

Following a further meeting with the Highways Officer and assessment of the initially submitted drawing no. LCENG-DRG-402-28-NW2 1QE (PROPOSED GROUND FLOOR) - (updated to LCENG-DRG-501-28-NW2 1QE Rev 0 (Proposed Ground Floor Plan)) including the perimeter of the site and front drive/hardstanding, it was confirmed by the Highways officer that a further dropped kerb measuring 2.4m could be accommodated in front of the site - if it was set away from the existing dropped kerb at the site by at least 1.2m. The submitted drawings comply with the above.

Crossover Team

The LPA's Crossover Team within the Highways department was consulted regarding this application. The following comments were made:

'The location was inspected in April however as there was ongoing work we have not yet sent approval and will need a re- visit before it is approved'.

Therefore, no notable issues were found in relation to the submitted proposed application and proposed Crossover.

Building Control

The LPA's Building Control department was consulted regarding this application. The following comments were made:

- 1) I can confirm from the sound insulation improvements proposed is satisfactory and is an improvement in the minimum requirements of Part E. However, this will require the

actual sound test report to confirm that the proposed figures (db) have been met. Building Control usually request the above at the pre-completion stage of the project.

5. Planning Considerations

5.1 Policy Context

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

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

The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Relevant policies:

D1 - Form and Character

D3 - Amenities

D4 - Good Design

D6 - Housing Quality and Standards

H10 - Housing Size mix

SI 2 - Minimising Greenhouse Gas Emissions

T5 - Cycle Parking

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, CS4, CS5, CS9, CS14.

- Relevant Development Management Policies: DM01, DM02, 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 (Reg 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

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

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- i. The principle of flats in this location
- ii. Whether the proposal provides satisfactory living accommodation for future occupiers
- iii. Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality
- iv. The impact on the amenities of neighbouring occupiers
- v. Parking and highways
- vi. Cycle Storage
- vii. Refuse and recycling storage.

5.3 Assessment of proposals

Principle of conversion into flats in this location

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

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

Within Paragraph 2.8.1 of the Development Management Document which is a material consideration in the determination of this application, the Council state the following: "The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flatted accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate.

Policy DM01 of Barnet's Local Plan Development Management Policies DPD 2012 (LP) states that proposals should be based on an understanding of local characteristics. Criterion h of the same policy states that the conversion of dwellings into flats in roads "characterised by houses" will not normally be appropriate.

Following an assessment of planning records, it is noted that a number of properties on Cheviot Gardens benefit from planning permission for the conversion into self-contained flats.

Planning permission has been granted between the period 2006-2021 for conversion of houses to flats, notably at nos. 145 (C14798D/06, F/02295/10 and 17/1280/FUL), 80

(F/01365/09), 153 (F/04564/12), 124 (14/07553/FUL), 8 (16/6467/FUL), 108 (17/2834/FUL), 144 (17/7057/FUL), 46 (18/5942/FUL) and 51 (20/6116/FUL).

Cheviot Gardens is therefore considered an appropriate location in which housing has already undergone conversions and redevelopment into small-flatted development, in particular, conversion of single family dwellinghouses to 2no. self contained flats. Given the mixed residential character of Cheviot Gardens, officers consider that the principle of the conversion of the single family dwelling in this location to be acceptable in principle, in compliance with Policy DM01.

Therefore, as advised under Policy H10 - Housing Size Mix of the London Plan (2021): 'Schemes should generally consist of a range of unit sizes. Paragraph 4.2.8 states that where existing houses are redeveloped or subdivided, boroughs may require the provision of family-sized units (3 bed + units).

The proposal would provide a 3no. bedroom 5 persons ground floor unit which would provide a family sized home and a 4no. bedroom 6 persons first/second floor flat facilitated by the first and second floor levels. This is also acceptable in principle and would re-accommodate family sized units, following the loss of the single family dwellinghouse.

Whether the proposal provides a satisfactory living environment for future occupiers

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

Floorspace standards:

The London Plan sets a minimum Gross Internal Floor Area flats based on a standard set for the number of bedrooms(b) and persons-bedspaces (p). Table 3.3: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

The London Plan (2021) advises the following:

-A 3 bed, 5 person unit over 1 storey requires 86sqm and a 4 bed, 6 person unit over 2 storeys requires 106sqm.

-At least 75% of the floor space of each flat should accommodate a minimal internal height of 2.5m.

The proposed units are as follows:

Flat 1 is proposed on the ground floor and is a 3 bed, 5 persons unit with a GIA of 90sqm.
Flat 2 is proposed on the first floor and second floor is a 4 bed, 6 persons unit with a GIA of 112.7sqm.

All flats are shown to meet the relevant minimum standards for internal floorspace and

internal height of at least 2.5m for at least 75% of each proposed dwelling.

Outlook, light and privacy:

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'.

Both flats 1 and 2 are dual aspect at all levels - with the second floor bedrooms having rear glazing. The proposed flats would receive adequate light and in general the outlook is considered acceptable.

Stacking:

Policy DM04 of the Development Management Document (2012) part d. states that proposals will be refused if they lead to an unacceptable level of noise and disturbance unless the scheme can demonstrate any mitigation measures.

It is noted that the kitchen/living-room element of the proposed first floor flat would be set above the bedrooms 2 and 3 at least partially at ground floor level. However, following submission of initial sound insulation details and consultation with the Building Control Department - it was confirmed that a condition could be submitted in relation to a Pre-Completion Sound Insulation Test Certificates to be submitted to the LPA. Therefore, subject to the above, the proposal is considered to have an acceptable impact on future occupiers in relation to adequate sound insulation, subject to the appropriate condition as specified above.

Outdoor amenity space:

Section 8.4 of Barnet's Local Plan SPD: residential design guidance states: "in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy". Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5sqm per habitable room. Rooms over 20m² should be counted as two habitable rooms.

All proposed units would have access to private amenity space. Specifically, unit 1 would be provided with 41m², and Unit 2 would be provided with a private garden amenity area of 46m². Therefore, adequate outdoor amenity space would be provided for the proposed residential units. The access to the private outdoor amenity space for unit 2 will be facilitated down the side of the building within the curtilage of the site - with the rear of the ground floor flat able to access their allocated garden amenity from the rear patio doors.

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

Any proposal should respect the local character and either preserve or enhance it, compliant with policies DM01 and CS05 of the Local Plan DPD.

The application site previously gained planning approval for 'Demolition of existing side garage; Part single, part two storey side/rear extension. Front extension to accommodate for front porch' under planning reference 21/1411/HSE dated 07.06.2021. Also, 'Roof extension and alterations involving hip to gable, rear dormer window with juliette balcony,

3no. front facing rooflights and new side gable window' was approved under reference 20/5812/192 dated 30.12.2020. Both applications have been implemented. Albeit, the dormer roof extension is slightly larger than shown on the approved plans, the as-built drawings reveal that the rear dormer falls within permitted development by reason of its size.

Extensive discussion between the applicant and planning officer took place with regards to the proposed rear dormer at the rear of the existing and approved first floor side element. The rear dormer is eliminated from the scheme and therefore the scheme is considered appropriate and does not detract from the character and appearance of the proposal property and immediate locale.

The proposed conversion of the dwellinghouse into 2no. self-contained flats, is not considered to detract from the general character of the area to an unacceptable degree - and is not out of character with the immediate and general locale.

Lastly, the proposal includes the repositioning of the main front entrance and changes to the fenestration of the front entrance of the property. This aspect of the proposal is considered not to have an harmful impact on the character and appearance of the proposal property, immediate locale and current streetscene.

Impact on the amenities of neighbours

The only external alterations to the scheme relate to the front entrance and fenestration. The approved and implemented extensions to the property listed above, were considered to have an acceptable impact on the amenities of neighbouring occupiers under the relevant planning approvals.

The existing dwelling benefits from 4no. bedrooms. Given the size of these bedrooms, it is likely that the existing occupancy could be approximately 7 persons.

The proposal is for 1x3 bed, 5 persons flat, 1x4 bed, 6 persons flat. The conversion would result in additional occupancy of potentially 4 people. It should be noted that several properties in close proximity to the site have been converted into 2no. flats. Whilst it is accepted that the scheme would result in additional comings and goings compared to the existing single family dwelling, it is considered that 2 households are acceptable and given the character of the surrounding properties and Cheviot Gardens as a whole, officers do not consider that the increase in occupancy level would result in an unacceptable level of harm to the amenity of the neighbouring occupiers that would warrant a refusal - when compared to other properties in the vicinity being converted into 2no. flats.

Residential use is accepted on site and it is considered that there would be no significant additional harmful impact on the residential amenities of the neighbouring occupiers as a result of the sub-division. Thus, it was found that the proposed development will have an acceptable impact to the neighbouring properties.

Therefore, in assessment, the proposed 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, to an unacceptable degree.

Parking and Highways

Barnet's Highways department were consulted regarding parking and highways for the

proposed development.

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 a total of 3x off-street parking spaces for the dwellings, is in line with requirements set out on Policy DM17 of the Barnet Local Plan. The applicant is proposing to use the existing and proposed vehicular access.

The Crossover Team confirmed that the applicant submitted an application for an additional Crossover in front of the site to facilitate further parking access - and subject to a final on street assessment, the proposal is acceptable. Also, the Highways officer confirmed the acceptance of the parking arrangement.

The application is therefore found acceptable on Highways grounds.

Cycle Storage

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

Notwithstanding the provision of drawing no. LCENG-DRG-501-28-NW2 1QE Rev 0 (Proposed Ground Floor Plan), a condition is attached requiring details of cycle parking, including providing a secure, covered and lockable storage in an appropriate location.

Refuse and recycling storage

The plans indicate that refuse storage is proposed to the side of the application site. Details of refuse and recycling storage and collection is requested by a condition.

Accessibility and Sustainability

Conditions would be attached to any permission to ensure the integration of water saving and efficiency measures insofar as a maximum of 105 litres of water consumption per person per day to comply with Policy S I 5 of the London Plan (2021) and a reduction of CO2 emissions over Part L of the 2013 Building Regulations in accordance with the requirements of Policy S I 8 of the London Plan (2021).

5.4 Response to Public Consultation

The comments are discussed above within section 4: Public Consultation and the main body of the report.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, the proposed development would result in a development of the site not detracting from the character of the proposal property and immediate vicinity and the wider locality. The application is also acceptable

on amenity ground sin relation to neighbours. Therefore, the application is compliant with the planning policies in this regard and is recommended for APPROVAL, subject to conditions.

