

Location **Land Adjacent To Larkspur Road Edgware HA8 9GG**

Reference: **22/4009/FUL** Received: 3rd August 2022
Accepted: 5th August 2022

Ward: Edgware Expiry 30th September 2022

Case Officer: **Emily Bell**

Applicant: Mr Johnson

Proposal: Construction of a two storey building with lower ground floor level to provide 4no. self-contained flats Associated parking, refuse/recycling/cycle storage and amenity space

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
22/3524/1 REV B
22/3524/2
22/3524/3 REV A
Site Location Plan

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 shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 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 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016).

6 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

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

Local Planning Authority.

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

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

8 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

9 Before the development hereby permitted is first occupied, the parking spaces and forecourt area shown on the approved plans shall be provided and thereafter 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 T6 and T6.1 of the London Plan (2021)

10 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.

- 11 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.

- 12 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the wholesome water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012), Policy SI 5 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

- 13 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 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 14 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).

- 15 Before the building hereby permitted is first occupied the proposed window(s) in the flank elevation facing no. 1 Iris Walk shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

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.

- 5 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.

- 6 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 7 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 8 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 licences please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licences or email highwayscorrespondence@barnet.gov.uk.
- 9 Any gates must open inwards and not out onto the public highway for health and safety reasons.

OFFICER'S ASSESSMENT

1. Site Description

The site is located at the northern end of Larkspur Grove, in the ward of Edgware. The street is characterised as residential. The site consists of an open, grassed area. There is a steep level change across the site. The highest part of the site is at the eastern boundary (adjoining 1 Iris Walk) and drops quickly towards the western boundary.

The site is bounded by Edgware Way to the north, no.1 Iris Walk to the east and Aster

Court (flatted building) to the west. The site is not a listed building and is not within a conservation area.

2. Site History

Reference: 15/00793/FUL

Address: Land Adjacent to Aster Court, Larkspur Grove, Edgware, HA8 9GF

Decision: Approved, subject to conditions

Decision Date: 1st April 2015

Description: Erection of a three bedroom, two storey detached house with onsite parking for two cars and associated garden area

Reference: 15/05292/S73

Address: 1 Iris Walk, Edgware, HA8 9GG

Decision: Approved subject to conditions

Decision Date: 14 October 2015

Description: Variation of condition 1 (Plans) pursuant to planning permission 15/00793/FUL dated 01/04/2015 for 'Erection of a three bedroom, two storey detached house with onsite parking for two cars and associated garden area'. Variation include revision is to alter the design of the rear single storey projection due to sewer easement issues

Reference: 17/4816/FUL

Address: Land at Larkspur Grove Adjacent to 1 Iris Walk

Decision: Refused

Decision Date: 12 October 2017

Description: Construction of a two storey building to create 3no self-contained flats. Associated parking, refuse and recycling store

Appeal Decision: ALLOW

Appeal Decision Date: 17 July 2018

Reference: 20/1249/CON

Address: Land At Larkspur Grove Adjacent to 1 Iris Walk, Edgware, HA8

Decision: Approved

Decision Date: 29 January 2021

Description: Submission of details of conditions 3 (Levels), 4 (Demolition and Construction Method Statement), 5 (Details of Location, Extent and Depth of Excavations for Services), 6 (Tree Protection), 7 (Tree Protection), 8 (Materials), 9 (Landscaping), 11 (Cycle Parking) and 13 (Refuse) pursuant to appeal decision APP/N5090/W/18/3198562 dated 17/07/18 (planning reference 17/4816/FUL)

3. Proposal

Construction of a two storey building with lower ground floor level to provide 4no. self-contained flats. Associated parking, refuse/recycling/cycle storage and amenity space.

The 4 flats would be as follows:

Flat 1: 1 bed, 2 person unit over 1 storey with GIA of 56sqm

Flat 2: 1 bed, 2 person unit over 1 storey with GIA of 50sqm

Flat 3: 1 bed, 2 person unit over 1 storey with GIA of 56sqm

Flat 4: 2 bed, 3 person unit over 2 storeys with GIA of 82sqm

4. Public Consultation

Consultation letters were sent to 40 neighbouring occupiers. 17 letters of objection have been received, summarised below:

- o Noise and disturbance
- o Parking issues
- o Permission previously refused
- o Safety with regards to building works
- o Height, depth and width of proposed development would bring the building very close to Aster Court resulting in overlooking
- o Block sunlight to flats and garden of Aster Court
- o Visually oppressive and overbearing and not in keeping with design of surrounding properties
- o Communal bin shed with attract vermin and bad odour
- o Reduction in grass area and outdoor area for recreation
- o Structural damage to neighbouring properties
- o Flood risk
- o Light pollution
- o Impact of construction work including noise and dust
- o Detrimental impact on character and appearance of local area
- o Building works already started on site

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 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.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM04, 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.

However, policy DM08 advises that a variety of sizes of new homes to meet housing need and that development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough. Family sized accommodation, including 3 bedroom units are a priority within the borough.

The area is characterised by a mix of single family dwellings and flatted development, including purpose built blocks of flats including the adjacent property, Aster Court. Given the mixed character of the area it is not considered that the principle of flats would be out of character and the principle of flats is considered to be acceptable. Further, permission was previously allowed at appeal at the site for the construction of a two storey building to create 3no self-contained flats. The principle of flatted development at the site was established under the previous application.

Character and appearance

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), D1, D3 and D6 (of the London Plan).

The proposed building will be a two storey building with additional lower ground floor level and undercroft parking. Permission was previously granted on site following an appeal for the construction of a two storey building with an undercroft parking area (ref. 17/4816/FUL and appeal ref. APP/N5090/W/18/3198562). The current proposal would differ from the previous consent by making use of the levels on site by the addition of 1no lower ground floor flat. The overall height and bulk of the proposed building matches that of the approval building with the same overall height and profile in the streetscene.

With regards to character and appearance of the building, the inspector found:

"The proposed flats would occupy two storeys but would be partly above an undercroft parking area on the lower part of the sloping site giving it an appearance height comparable with three storey buildings nearby. It would have an L-shaped plan with the rear wing set back behind a parking area.

The immediate context of the site is formed by a large three storey block of flats on one side and a terrace of houses set at a higher level on the other. The eaves of the latter are at a similar level to those of the proposed buildings. That part of Larkspur Grove leading to the site consists of both two and three storey dwellings. The height, scale and bulk of the proposed building would not appear at odds with the established built context.

The development would occupy much of the width of the site and a greater extent than an unbuilt two storey house which has planning permission on the higher end of the site

would do. Whilst the undeveloped nature of the site presently provides a gap between buildings, the built form that would result would not appear harmful in contrast to the built up character of much of its surroundings, significant parts of which are made up of short terraces of houses situated in close proximity to one another. Furthermore, the building would terminate views along Larkspur Grove providing definition to the streetscape and public realm, rather than being obtrusive. Consequently, the design and built form of the development would not harm the character and appearance of the area."

It is noted that the current proposed building is largely the same with regards to overall height, width and bulk as that found acceptable by the Inspector. The current proposal would utilise the levels on site and incorporate an additional lower ground floor. This is not considered to result in any greater impact on the character and appearance of the streetscene.

It is noted that the previous application was originally refused due to insufficient information having been provided to demonstrate that the development would not result in the loss of a protected tree on the site. However, in the subsequent appeal it was found that the tree in question was no longer present on the site.

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 for flats based on a standard set for the number of bedrooms (b) and persons-bedspaces (p). A 1 bed, 2 person unit over 1 storey requires 50sqm and a 2 bed, 3 person unit over 2 storeys requires 70sqm. 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 proposed units are as follows:

Flat 1: 1 bed, 2 person unit over 1 storey with GIA of 56sqm

Flat 2: 1 bed, 2 person unit over 1 storey with GIA of 50sqm

Flat 3: 1 bed, 2 person unit over 1 storey with GIA of 56sqm

Flat 4: 2 bed, 3 person unit over 2 storeys with GIA of 82sqm

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

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'.

The proposed flats are considered to benefit from adequate light and outlook. The proposed window serving the bedroom of Flat 1 within the lower ground floor would face onto the communal hardstanding area to the front of the site. In order to protect the privacy

of future occupiers of this flat, a revised block plan showing new soft landscaping in front of this window was received. This is considered to adequately ensure that the occupants of the lower ground floor flat would receive adequate privacy and avoid overlooking from use of the hardstanding area.

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.

The proposed layout provides reasonable stacking throughout the property. In the event of an approval, a condition should be attached for Pre-Completion Sound Insulation Test Certificates to be submitted to the LPA.

Outdoor 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.

The proposal will provide sufficient amenity space.

Impact on the amenities of neighbours

The proposal is set at a sufficient distance from the neighbouring properties in particular Aster Court to ensure that there will be no overlooking or loss of privacy as a result of the proposal. The proposal will be a minimum of 15 metres between the corner building line and due to the orientation and layout of the two buildings, there is not considered to be any direct overlooking or loss of privacy towards or from the proposed windows.

The proposed building has a staggered rear building line across the L-shaped footprint. At its deepest the depth of the building projects approximately 3 metres from the rear building line of 1 Iris Walk which is as per the previously consented scheme. The proposal is located approximately 1 metre from the common boundary with 1 Iris Walk and 2 metres from the flank wall of 1 Iris Walk. These distances are considered to be sufficient to ensure that the proposal would not be harmful to residential occupiers of no. 1 Iris Walk. The positioning of the proposed building is not considered to result in adverse amenity impacts, by way of loss of privacy, sunlight, or outlook on the adjoining neighbours. The building will be approximately the same height to the eaves level as the neighbouring property and will be set lower than the ridge height and as such would not appear overbearing against this property. It is noted that the overall height of the building, due to level changes, will be higher than the neighbouring building but this will not extend higher than the established building height.

Due to the relationship of the proposed building and neighbouring property, Aster Court, there is not considered to be any adverse amenity impacts, by way of loss of privacy, sunlight, or outlook on the adjoining neighbours.

Parking and highways

Highways officers have reviewed the submitted application documents and following

confirmation that the turning space for vehicles is in excess of the requirements, they have confirmed that there is no objection to the plans and proposal on highways grounds. The applicant is reminded that an application must be made for a vehicular access as part of a S184 application.

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 S1.5 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 S1.2 of the London Plan (2021) and the 2016 Housing SPG's requirements.

In relation to accessibility, the appeal inspector stated "Due to the topography of the site and configuration of the flats, access to all three flats would be via external steps. It would not be appropriate to require compliance with optional Building Regulations for accessible and adaptable dwellings as that requirement assumes reasonable provision of access to include step free access. " As such, the relevant condition is not proposed.

5.4 Response to Public Consultation

o Noise and disturbance

Given the mixed character of the area including single family dwellings and flat developments, it is not considered that the addition of the 4no proposed units would have an unacceptable impact on the amenity of neighbouring occupiers with regards to the noise and disturbance resulting from the proposed use.

o Parking issues

Highways officers have reviewed the application and have raised no objection to the proposal on highways grounds.

o Permission previously refused

Permission was refused by the council; however, this was subsequently allowed at appeal (ref. APP/N5090/W/18/3198562).

o Safety with regards to building works

o Impact of construction work including noise and dust

A condition will be attached to ensure that the development is implemented in accordance with the measures detailed within the Construction Management Plan (REV B) as approved under discharge of condition application 20/1249/CON dated 29/01/21.

o Height, depth and width of proposed development would bring the building very close to Aster Court resulting in overlooking

o Block sunlight to flats and garden of Aster Court

The height, depth and width of the proposed development in relation to Aster Court has not changed from the previous application which was allowed at appeal. The previous application was found to have an acceptable impact on neighbour amenity and this did not

form a reason for refusal.

- o Visually oppressive and overbearing and not in keeping with design of surrounding properties
- o Detrimental impact on character and appearance of local area

As discussed within the main body of the report in greater detail, the design and scale of the building was found to be acceptable at appeal (ref. APP/N5090/W/18/3198562). The scale of the proposed building is largely the same as previously approved. The current proposals utilises the site levels to provide 1no additional flat at lower ground floor level which is not considered to result in greater impact on the character and appearance of the area above that previously approved.

- o Communal bin shed with attract vermin and bad odour

Details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers are to be secured by way of a condition.

- o Reduction in grass area and outdoor area for recreation

Within the previous appeal decision, the inspector stated that "it has been reported that the site was used as an informal play area, however, the appellant points out that it is private and there is no indication that it has any formal recognition for such a use." It is also noted that works have started on site to implement the previous approved scheme.

- o Structural damage to neighbouring properties

The impacts of structural works would be dealt with as a matter of building control and regulations. This is not a material planning consideration.

- o Flood risk

The application site is located within Flood Zone 1 and in an area with low risk of surface water flooding.

- o Light pollution

The proposed development is set sufficiently from neighbouring properties so as not to result in undue light pollution. Further, the addition of 1no additional flat to the development compared to the previous approval which is being lawfully implemented on site is not considered to result in a greater impact which would warrant refusal of the application.

- o Building works already started on site

The building works started on site relate to the previously approved scheme, allowed at appeal.

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 the proposed development would have an acceptable impact on the character and appearance of the application site and the general locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

