



- 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 a) No development or site works shall take place on site until a 'Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The 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 Notwithstanding the details appearing on drawing 07C, before the development hereby permitted is first occupied turning space, visibility splays, details of crossovers, and a minimum of 3no. parking spaces shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and Policy T6.1 of the London Plan 2021.

- 6 a) Notwithstanding the approved plans, before the development hereby permitted is first occupied details of cycle parking including the type of stands, location of cycle parking and type of store proposed shall be submitted to and approved in writing by the Local 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 adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, Policy DM17 of Development Management Policies (Adopted) September 2012 and Policy T5 of the London Plan.

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

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

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

- 8 Before the development hereby permitted is occupied, details of the screening and treatment of the basement lightwells shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in full accordance with these details.

Reason: To ensure satisfactory appearance to the development.

- 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 2016).

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

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

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

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

- 12 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting

that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the east and west flank elevations of the extensions hereby approved.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

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

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

- 14 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 15 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat

c) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

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

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

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

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

## Part 2

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

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

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

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

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: In the interest of good air quality in accordance with Policy DM04 of the Barnet Local Plan Development Management Policies (2012) and Policy SI1 of the London Plan 2021.

- 18 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).

#### **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](http://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](mailto:cil@barnet.gov.uk).

- 3 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information from London Borough of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.
- 4 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
  - 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
  - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
  - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
  - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
  - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to



buildings;

6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

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

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site forms a two-storey detached single-family dwelling on the east side of Wentworth Avenue at a junction with Wentworth Park within the ward of West Finchley. The application site is not located within a conservation area, nor is it within close proximity to any listed structures or historical monuments.

### **2. Site History**

Reference: 17/5336/192

Address: 10 Wentworth Avenue, London, N3 1YB

Decision: Lawful

Decision Date: 11 September 2017

Description: Roof extension involving semi-pitched roof with rear dormer window and 2no front rooflights

Reference: 17/5353/PNH

Address: 10 Wentworth Avenue, London, N3 1YB

Decision: Prior Approval Not Required

Decision Date: 21 September 2017

Description: Single storey rear extension with a proposed depth of 8 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: 17/6464/HSE

Address: 10 Wentworth Avenue, London, N3 1YB

Decision: Approved subject to conditions

Decision Date: 12 March 2018

Description: Creation of basement level with associated lightwells. Part single, part two-storey side and rear extensions with pitched roof to match existing following demolition of existing side outbuilding. Extension to roof involving 1no front roof light to existing pitched roof and 2no side and rear rooflights to proposed pitched roof

Reference: 18/5765/FUL

Address: 10 Wentworth Avenue, London, N3 1YB

Decision: Refused

Decision Date: 28 November 2018

Appeal Decision: Allowed, subject to conditions

Appeal Decision Date: 09 July 2019

Description: Conversion of existing property into 3no. self-contained flats including a part single, part two storey side and rear extension plus creation of basement with lightwells at rear. Roof extension including rear dormer window, 2no. rooflights to side roofslope and 1no. rooflight to front rooflope. Associated amenity space, refuse and cycle storage and provision of 4no. off-street parking spaces

Reference: 22/2858/FUL

Address: 10 Wentworth Avenue, London, N3 1YB

Decision: Approved subject to conditions

Decision Date: 22 July 2022

Description: Conversion of the existing property into 3no. self-contained flats including a part single, part two storey side and rear extension plus creation of basement with lightwells at rear following the demolition of the existing side structure. Roof extension including rear dormer window and 2no. side and 1no. front facing rooflight. New front porch. Associated amenity space, refuse and cycle storage and provision of off-street parking spaces following demolition of the existing garage (amended description)

### **3. Proposal**

The application seeks planning consent for the 'Conversion of existing property into 4no. self-contained flats including a part single, part two storey side and rear extension plus creation of basement with lightwells at rear. Roof extension including rear dormer window, 2no. side and 1no. front facing rooflights. Associated amenity space, refuse and cycle storage and provision of 3no. off-street parking spaces following demolition of the existing garage'.

The site benefits from a recent approval, reference 22/2858/FUL which consented the conversion of the dwelling into 3no. self contained flats along with extensions.

This application proposes the same enlargements, however incorporates a different internal arrangement to provide a total of 4no. self contained flats. This has been achieved through internal alterations to provide a smaller 3 bedroom unit and the addition of a studio unit.

It is noted that the consented scheme 22/2858/FUL was identical to the scheme allowed at appeal on 9th July 2019 reference 18/5765/FUL.

The current proposal would provide the following units:

Flat 1 (basement and ground level): 2 bed 3 person unit 71.5sqm

Flat 2 (basement and ground level): 1 bed 2 person unit 60sqm

Flat 3 (first floor level): 3 bed 4 person unit 76.8sqm

Flat 4 (loft level): studio unit 38.5sqm

As per the consented scheme (22/2858/FUL) and previously allowed appeal scheme (18/5765/FUL), the extensions would measure as follows:

The single storey side element would be set in approx. 1.1-1.3m from the (north east) boundary, providing access to respective rear amenity, maintain the front building line and measure 2.0m width x 9.0m depth x 3.60m max. height, 2.0m high to the eaves (therefore extending beyond the original rear wall by approx. 4.0m depth;

The first-floor side element would be set back approx. 1.0m from the front building line, measure approx. 2.0m width x 8.0m depth, feature a hipped roof form set down approx. 1.50m below the main roof ridge level and maintain the roof eaves level. No window openings are proposed to the side elevation, two rooflights on the roof slope;

The single storey rear element would extend across the rear elevation approx. 4.0m depth x 8.50m width x 3.60m max. height, 2.9m high to the eaves;

A first-floor rear element would be set in approx. 1.87m from the (north east) boundary, 2.16m from the common boundary with no. 8, measure 3.0m depth x 4.40m width and feature a hipped roof form with crown set down below the main roof ridge level and maintain the roof eaves level;

Basement (below ground level) would extend the original rear wall approx. 4.0m depth x 8.50m width x 2.5m max. height. Two light wells are proposed to provide natural light into the basement (which serve kitchen/diner rooms respectively for flats 1 and 2). Each lightwell would measure 2.6m in width and 1.40m depth.

The rear dormer would measure 2.50m width x 1.60m depth x 1.4m height.

#### **4. Public Consultation**

Consultation letters were sent to 48 neighbouring properties.

16no. letters of objections were received, summarised as follows:

- overdevelopment of the site
- over intensification by providing 4 flats in a quiet residential street
- Concerns of noise and disturbance from use
- Parking, vehicle movements and congestion concerns
- Concerns over parking layout, manoeuvrability and highway safety
- safety concerns of local residents and school children
- excessive enlargements
- strain on sewage and water infrastructure

- concerns of construction noise and pollution
- too many similar developments in the local area
- use out of character with the area
- HMO inconsistent with character
- Electric generator not shown in plans
- Concerns of damage as a result of works
- Impact on existing trees and nature conservation
- Confusion between the two applications on this site
- Concerns of overlooking

#### **4.1 Other Consultees**

Tree officer: Following a site survey, the Council has decided not to create a TPO for any of the trees situated within the rear garden at 10 Wentworth Avenue, N3 1YB. Closer inspection of the subject trees revealed that they are of sub-optimal form and quality, therefore application of a new TPO has not been deemed appropriate in this instance.

The street trees to which you also refer, 1no Acer cappadocicum and 1no Malus, are managed by the London Borough of Barnet. Having reviewed the details of proposal 22/2858/FUL to which your letter refers (approved subject to conditions on 22.07.2022) it would appear that neither of these street trees are at risk from the development works.

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

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

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, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM04, 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.

### Supplementary Planning Documents

#### Residential Design Guidance SPD (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States developments should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity it states that developments should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted 2016)

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

## 5.2 Main issues for consideration

The main planning considerations are as follows:

- o The principle of development
- o The impact on the appearance and character of the area
- o The impact on the amenities of neighbouring occupiers
- o Whether the proposal provides satisfactory living accommodation for future occupiers
- o Parking and highways
- o Refuse and recycling storage
- o Tree impact

## 5.3 Assessment of proposals

### Principle of development

Conversion from single family dwelling to flatted development:

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

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

Within Chapter 2 of the Development Management Policies states

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

Policy DM01 of Barnet's adopted Local Plan (Development Management Policies) 2012 states that development proposals should be based on an understanding of local characteristics in order to ensure that local character is preserved. In particular, the

conversion of dwellings into flats in roads characterised by houses will not normally be appropriate.

The principle of the development for flats is established by virtue of the extant permission (22/2858/FUL). The following was recorded in the officer report of the approved scheme:

*'The proposal is a direct replication of the allowed appeal decision ref.18/5765/FUL which recently lapsed. The proposal is therefore essentially a 'renewal' of the lapsed permission. The appeal decision is a material consideration in the assessment of this application. The Inspector considered the following in respect of the principle of flats in this location:*

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

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

Paragraph 10: The proposal would have a shared single entrance door and a bicycle store located in the garden in a concealed accessible location. Additional bin storage, subdivision of the garden and introduction of a formal parking area would signify a change in the character of activity. However, the garden is screened from the street and bearing in mind the level of domestic activity potentially arising in a large family dwelling such as that already approved at the appeal site, the increase and change in activity would not be significant.

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

In light of the above, and that there are no new relevant policies to alter from this view, the proposal is considered acceptable in principle.'

It is also highlighted that the proposal re-provides a three bedroom unit and thereby there is no net loss of family housing thereby according with Policy DM08.

Taking all of the above into consideration, the principle of flats continues to be acceptable.

#### The Impact on the appearance and character of the area

The proposed extensions replicate the extant scheme (22/2858/FUL) which itself replicated application 18/5765/FUL allowed at appeal. The primary differences between the recently approved scheme and this application relates to the internal configuration, amenity spaces and parking layout. These matters are discussed below in the relevant sections.

In respect of the enlargements, the officer delegated report to the approved scheme notes that the extensions have taken into account many of the principles outlined in the adopted

Residential Design Guidance (2016) and considered the extensions would be subordinate and proportionate in relation to the existing dwelling. Officers concur with this view.

Officers concur with this view, however, for the avoidance of doubt, these include a side extension no more than half the width of the original dwelling, a 1m recessed first floor side element, set down from the main ridge in excess of 0.5m. A guidance compliant 4m ground floor rear extension (for a detached dwelling). A first floor rear extension no more than 3m in depth and set off at least 2m from either side boundary.

As such, officers consider the proposed extensions are deemed to have an acceptable impact on the character and appearance of the host dwelling, streetscene and locality and would not constitute an overdevelopment of the site. This is consistent with advice previously given.

### Impact upon Residential Amenity

Policy DM01 of the Development Management Policies 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

The application site sits adjacent to no.8 Wentworth Avenue, whilst no.12 is sited to the adjacent side of the side road Wentworth Park.

The officers delegated report to the allowed appeal scheme which incorporated the same enlargements, did not consider any harmful impact would arise to neighbouring occupiers.

For completeness this is re-assessed;

The single storey element of the rear extension would project for 4m, which would equate to approximately 1.3m beyond no.8s single storey rear extension. It is therefore not considered that harm would arise as result of this aspect. The first floor rear element would be set off the boundary by 2.1m with a further approximately 1.8m to the neighbouring flank wall and extend for a depth of 3m. Considering the separation distances it is not considered this aspect would result in undue impact in terms of overshadowing, loss of light or a sense of enclosure.

No windows are proposed within the flank wall of the extensions that would raise concerns of overlooking or loss of privacy. Rear elevation windows would not alter the present relationship.

The basement level would be wholly contained within the footprint of the extension and therefore not considered to result in harm.

Given the intervening Wentworth Park road, it is not considered that harm would arise to no.12.

In respect of noise and disturbance as a result of the subdivision, the proposal would result in a maximum occupancy of 10 persons which is the same number of occupants as the extant scheme. This has been achieved by providing a smaller 3 bedroom 4 person unit (previously 5 persons) and the addition of a single person studio unit.

Whilst this would represent a double in occupancy level of the existing 3 bed 5 person single family dwelling, the application site is a detached property on a corner plot with Wentworth Park and therefore limits the potential for impact arising from demonstrable significant



comings and goings in close proximity to surrounding residential occupiers to an extent that would warrant a reason for refusal.

Furthermore, the Inspector too considered the level of activity would be comparable to that of a large family home and therefore any increase in change would not be so significant. Given the total occupancy level would not exceed the extant scheme and the site specific circumstances, officers do not consider that demonstrable harm would arise in terms of noise and disturbance as a result of the proposal.

In conclusion, it is not found that the proposed development would result in an adverse impact to neighbouring occupiers.

### Quality of Accommodation

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.

#### Floor Area:

The London Plan (2021) and Barnet's Sustainable Design and Construction SPD (2016) set out the minimum GIA requirements for residential units as follows:

Flat 1 (basement and ground level): 2 bed 3 person unit 71.5sqm (min. req. 70sqm)

Flat 2 (basement and ground level): 1 bed 2 person unit 60sqm (min. req. 58sqm)

Flat 3 (first floor level): 3 bed 4 person unit 76.8sqm (min. req. 74sqm)

Flat 4 (loft level): studio unit 38.5sqm (min. req. 37sqm)

As per above, all units would meet the minimum unit size requirements set out in the London Plan and the Sustainable Design and Construction SPD.

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

- Single bedroom: minimum area should be 7.5 m<sup>2</sup> and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All rooms would meet these standards.

Policy D6 of the London Plan (2021) requires a minimum floor to ceiling height of 2.5m for at least 75% of the Gross Internal Area of each dwelling.

The submitted section and loft plan drawings demonstrate that all of the units would meet the London Plan required minimum internal floor to ceiling height.

#### Stacking:

Paragraph 9.6 of the Residential Design Guidance SPD (October 2016) advises that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors.

Stacking between units would broadly be like for like, any overlap can be suitably mitigated through sound insulation. A condition for pre-completion sound insulation certificates will be

imposed to ensure compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

#### Outlook/light:

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

#### Outdoor amenity space:

Sustainable Design and Construction 2016 states that outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents as well as contribute to maintaining and enhancing the wider character of the borough. The SPD requires 5m<sup>2</sup> of outdoor amenity space per habitable room (as defined).

The below marks the requirements against the provision:

Flat 1: Required 25m<sup>2</sup> / provided 27m<sup>2</sup>

Flat 2: Required 15m<sup>2</sup> / provided 15m<sup>2</sup>

Flat 3: Required 25m<sup>2</sup> / Communal provision of 35m<sup>2</sup> for flats 3 and 4.

Flat 4: Required 10m<sup>2</sup> / Communal provision of 35m<sup>2</sup> for flats 3 and 4.

As per the submitted plans the rear garden would be subdivided to provide 3 parking spaces, a dedicated bike store area, private outdoor amenity space for flat 1 and 2 respectively and communal amenity space for flats 3 and 4. As above, the provision would accord with the requirements and details of the means of subdivision will be secured by way of a condition.

#### Highways

The site is located within a Controlled Parking Zone of Resident Permit Holders Only (Zone CE) Mon-Fri 2pm-3pm.

The Public Transport Accessibility Level (PTAL) for the site is assessed as 4 which is regarded as good transport accessibility. Finchley Underground Station is located 10 minutes walking distance from the site. West Finchley Underground Station is located 5 minutes walking distance from the site. 6 TFL bus routes from both directions can be accessed from Ballards Lane (A598), which is 6-8 minutes walking distance from the site.

According to the Parking Standards as set out in Barnet Council's Local Plan Development Management Policy DM17, the range of vehicular parking spaces which would need to be provided as part of the proposed development is between 2no. and 4no. parking spaces.

The applicant following amendments has proposed to provide a total of 3no. off-street parking spaces at the rear area to facilitate the proposed development. In addition, in accordance with table 10.3 of Policy T6.1 of the London Plan (2021), the proposal would attract a maximum provision of 3 spaces. The proposal is thus compliant with Policy DM17 and T6.1 of the London Plan.

It is also noted within the appeal scheme, that the Inspector considered a provision of 3 spaces would allow a more suitable parking arrangement rather than 4 spaces.

It would appear that the parking provision would utilise the existing crossover, however, details of the vehicular access have not been provided.

Highways have stated, that the location of a boundary wall, fence or hedge needs to be within 0.6 metres of the edge of the crossing to prevent vehicles entering their frontage from overriding the adjacent footway. Clear visibility spays are required when vehicles are entering and exiting Wentworth Avenue as vehicles are parked on both sides of the entry and exit to the site. As such, a car parking plan along with these details will be secured through a condition.

It is therefore not found that the proposal would result in an adverse impact to the highway network or pedestrian safety.

Cycle spaces:

The plans indicate a dedicated cycle storage area would be provided within the rear garden which is acceptable. In accordance with the London Plan (2021) a provision of 6 cycle spaces would be required. Details of the store and spaces will be secured by way of condition.

### Refuse Storage

The submitted plans indicate a bin store would be located within the front forecourt of the building which is acceptable. Provision of bins will need to comply with the standards set out in the adopted 'Information for developers and architects, Provision of Household Recycling and Waste Service' (2021). Further details will be secured through a suitable condition.

### Trees Impacts

The councils tree officer has visited the site and assessed the trees his comments state 'they are of sub-optimal form and quality'. There is therefore no objection to their loss. Furthermore, the officer notes that the proposal would not impact on the street trees.

### Other matters

As recommended by the Councils Environmental Health team due to the extensions and formation of a basement level conditions are necessary for Construction Management Plan and Contaminated Land. These will be imposed to any approval.

## **5.4 Response to Public Consultation**

Mainly addressed in the body of the report.

-Parking, vehicle movements and congestion concerns; Concerns over parking layout, manoeuvrability and highway safety

The Inspector previously considered 3 spaces to provide a suitable arrangement. The layout has been amended to provide 3 spaces which still complies with policy standards and will facilitate increased manoeuvrability so vehicles can access and egress safely.

-concerns of construction noise and pollution

This could be suitably alleviated with a condition for a construction management plan.

-too many similar developments in the local area

The proposal has been assessed on its own merits.

-HMO inconsistent with character

The proposal is for the conversion of the property into self contained flats not an HMO.

-Electric generator not shown in plans

Duly noted. This falls outside the site boundary therefore not required.

-Concerns of damage as a result of works

This is not material planning consideration.

-Confusion between the two applications on this site

The council carried out consultation on both applications in accordance with their statutory requirements. It is unfortunate that this led to a layer of confusion, however, it is not uncommon for multiple concurrent applications to be lodged.

## **6. Equality and Diversity Issues**

The existing development 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 wider streetscene and not result in an adverse impact to future and neighbouring occupiers. This application is therefore recommended for approval subject to conditions.

