

Location **27 Ashley Walk London NW7 1DU**

Reference: **22/4491/FUL** Received: 6th September 2022
Accepted: 7th September 2022

Ward: Mill Hill Expiry: 2nd November 2022

Case Officer: **Dominic Duffin**

Applicant: Mr Cavusoglu

Proposal: Reconfiguration of existing single storey dwelling to create two storey building, with hipped roof and single storey rear projection to provide 2no. self contained flats. Associated parking, amenity space, refuse/recycling and cycle

OFFICER'S RECOMMENDATION

Refuse

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 proposal would result in the loss of a dwelling to flats in a road characterised by houses and consequently would harmfully increase noise and disturbance by virtue of increased coming and going and associated general activity and result in an over-intensive use that will have an adverse effect on amenity, contribute towards change in the function and character of the street and be out of character with the established pattern of development, contrary to Policies D3 and D14 of the London Plan (2021), Policies CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM02 and DM04 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted 2016) and the Sustainable Design and Construction SPD (adopted 2016)
- 2 The proposed development, by reason of its scale, height, design and siting, would have an imposing and overbearing impact, leading to an unacceptable loss of outlook, and increased sense of enclosure to the neighbouring property at No 84 Oakhampton Road, to the detriment of the residential amenities of these neighbouring occupiers and contrary to Policy DM01 of the LB Barnet Development Management Policies DPD (2012), Policy CS5 of the LB Barnet Core Strategy DPD (2012), Policy D3 and D6 of the London Plan (2021) and the Sustainable Design and Construction SPD (2016)

Informative(s):

- 1 The plans/documentation accompanying the application are:

Location & Site Plans - A100
Existing Ground Floor Plan - A101
Existing Roof Plan/Existing Section AA - A102
Existing Front & Side Elevations - A103
Existing Rear & Side Elevations - A104

Proposed Ground Floor Plan - A105 Rev C
Proposed First Floor Plan - A106 Rev C
Proposed Floor Plans - A107 Rev A
Proposed Section AA & BB -A108 Rev A
Proposed Front & Side Elevations - A109 Rev A
Proposed Rear & Side Elevations -A110 Rev A

Existing & Proposed Site Plans - A111
Existing & Proposed Views - A112
Details of Bin & Cycle Storages - A113
Ecological Enhancement Methods - A114
Soft Landscape - A115 B
Materials - A116
Boundary Treatments - A117
Surfacing - A118

Design & Access Statement (ADP - Sept 2022)
Ecological Appraisal (Cherryfield Ecology) - October 2022
3D Visualisation Document
PARKING STRESS SURVEY. Cover Letter, 27 Ashley Walk, London, NW7 1DU
Parking Survey Summary Sheet - Yes Engineering (Location: 27 Ashley Walk, London, NW7 1DU
Survey Dates: Wednesday 23rd / Thursday 24th February 2022)
Brick Detail - Technical Sheet
Front Entry Door details - Aluprof technical sheet
Tile/Paving Technical details sheet

- 2 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant sought formal pre-application advice which was provided. Unfortunately the submitted scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

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 is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is 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.

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

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; 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 any appeal being allowed, please contact us: cil@barnet.gov.uk.

Relief or Exemption from CIL

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extension: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk.

Please visit

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil
for further details on exemption and relief.

OFFICER'S ASSESSMENT

This application has been brought before the Committee as one of the objections received during the public consultation is from a planning officer of the LPA who is a local resident

1. Site Description

The application site comprises a single-storey bungalow-style dwellinghouse situated on the eastern side of Ashley Walk, within the Mill Hill ward, set behind a deep grassed verge. The property is at the end of Ashley Walk, near the junction with Oakhampton Road. The site benefits from hardstanding to the front providing off-street car parking and a garden to the rear. The front elevation faces the tree lined boundary of Hendon Golf Club, which runs along the roadway of Ashley Walk. The Golf Course is within the Metropolitan Green Belt. The site is not within a conservation area, nor does it contain any listed buildings.

2. Relevant Site History

Reference: 16/5866/191

Address: 27 Ashley Walk, London, NW7 1DU

Decision: Unlawful

Decision Date: 11 October 2016

Description: Single storey side extension

Reference: 17/3508/FUL

Address: 27 Ashley Walk, London, NW7 1DU

Decision: Approved subject to conditions

Decision Date: 7 August 2017

Description: Single storey side extension (Retrospective Application)

Reference: 22/4491/FUL

Address: 27 Ashley Walk, London, NW7 1DU

Decision: Refused

Decision Date: 02.08.2022

Description: Demolition of existing dwelling. Erection of a three-storey dwelling containing 3no self-contained flats. Associated amenity space, refuse/recycling, and cycle store

Reasons for Refusal:

1. The proposal would result in the loss of a dwelling into flats in a road characterised by houses and consequently would harmfully increase noise and disturbance by virtue of increased coming and going and associated general activity and result in an over-intensive use that will have an adverse effect on amenity, contribute towards change in the function and character of the street and be out of character with the established pattern of development, contrary to Policies D3 and D14 of the London Plan (2021), Policies CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM02 and DM04 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted 2016) and the Sustainable Design and Construction SPD (adopted 2016)

2. The proposed development, by reason of its size, siting, bulk, height and design, would result in a discordant, visually dominant and overbearing development, which would fail to respect the appearance, scale, mass, height and pattern of surrounding buildings, to the detriment of the character and appearance of the application site and the street scene, contrary to Policy D3 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet Local Plan: Core Strategy (2012) and Policy DM01 of the LB Barnet Local Plan: Development Management Policies (2012)

3. The proposed development, by reason of its scale, height, design and siting, would have an imposing and overbearing impact, leading to an unacceptable loss of outlook, loss of daylight/sunlight and increased sense of enclosure to the neighbouring property at No 84 Oakhampton Road, to the detriment of the residential amenities of these neighbouring occupiers and contrary to Policy DM01 of the LB Barnet Development Management Policies DPD (2012), Policy CS5 of the LB Barnet Core Strategy DPD (2012), Policy D3 and D6 of the London Plan (2021) and the Sustainable Design and Construction SPD (2016)

4. No Preliminary Ecological Appraisal or Preliminary Roost Assessment has been undertaken and as such the Local Planning Authority is therefore unable to properly assess the likely presence/absence of protected species, including bats, and therefore any potential impact on protected species and their habitats. In the absence of detailed information it is considered that the proposed development could cause undue harm to protected species contrary to the duty conferred by Section 40 of the Natural Environment and Rural Communities Act 2006, policy CSNPPF of Barnet's Adopted Core Strategy (2018), as well as policies DM01 and DM16 of the Adopted Development Management Policies DPD (2012), and Policy G6 of the London Plan (2021)

Reference: 22/5387/PNV

Address: 27 Ashley Walk, London, NW7 1DU

Decision: Pending Consideration

Decision Date: N/A

Description: Additional storey at first floor level to provide 1no. self-contained flat

3. Proposal

Consent is sought for the reconfiguration of the existing single storey dwelling to create a two-storey building, with hipped roof and single storey rear projection, to provide 2no. self-contained flats, associated parking, amenity space, refuse/recycling and cycle spaces.

2 No. residential flats (1 x two bedroom/3 person, and 1 x three bedroom/5 person).

The building would be finished in brick to match the existing, with a hipped, tiled roof. A single storey side/rear extension would have a flat roof finish. The access to the building would be from a communal front entrance.

The building footprint would have a total width of 10.25m and a total depth of 13.69 (to end of single storey projection), and a total height of 8.8m. The new first floor would have a total depth of 8.8m and a total width of 9.38m and would be set in 1.0m from the adjoining neighbour at No.26.

A sub-divided amenity area to serve each unit would be provided to the rear, with one parking space and refuse storage and cycle parking provision provided to the front.

4. Public Consultation

Consultation letters were sent to 60 neighbouring properties. 36 responses were received comprising 32 letters of objection. The response received can be summarised as follows:

- The proposed development would be a structure out of keeping with the traditional family houses that already exist
- This area is not meant for flats, there are suitable areas for that type of building in other areas of Mill Hill
- Flats not in keeping with this area. Doing so would set a precedent for other properties to be turned into flats
- The bungalow is built on a small piece of land which was part of the garden belonging to 84 Oakhampton Road
- The loss of the only bungalow in this area would be discriminatory to any disabled or elderly person searching for a single level easy access home
- Out of keeping with the traditional family houses that already exist
- Allowing this type of construction to go ahead on such a peaceful country road as Ashley Walk, will set a dangerous precedent for this area
- The above proposal is not in keeping with the nature and culture of the road
- Overbearing and oppressive additional building blocking views of trees
- The rear windows in the proposed development would overlook my back garden, patio and rear of the house
- Complete loss of privacy as both my house and garden would be overlooked
- Lack of parking to serve this development
- This would cause extra noise and privacy issues to neighbouring properties
- Impact on light and privacy of neighbours
- This would result in light being lost and privacy being compromised, due to the proposed height of the proposed building
- This current property was clearly designed for the space it uses, built on a small piece of land that belonged to 84 Oakhampton Road NW7. A bungalow would have been approved

to ensure the light and privacy of the surrounding properties would not have been compromised

-The provision of one parking space for 2 flats is obviously inadequate and would lead to further street parking on a dangerous corner which already has poor visibility

-Construction of the property would reduce the amount of garden available to the existing bungalow - the project therefore has an adverse environmental impact

-I have read the parking survey however I think the summary is unrealistic due to many other "free" parking spaces are elsewhere in the neighbourhood

Comments have been received from No.84 Oakhampton Road, the occupant of this property is a Planning Officer within the Planning Department of Barnet Council. The comments received were as follows;

1) The proposed two storey side extension and reconfiguring of the existing bungalow to facilitate two flats, appear to be a brand new two storey double bay frontage building.

2) The contemporary design of the previously refused scheme has been replaced by a large, albeit more traditional building, which results in a bulky and incongruous structure which will adversely impact the character and appearance of the proposal site and current streetscene. It is out of keeping with the character and design of the properties on both Ashley Walk and Oakhampton Road.

3) The planning history for both Ashley Walk and Oakhampton Road online at www.barnet.gov.uk, lists one application for conversion of the single family dwelling into two flats under reference W07906, refused in 1986. All other applications are mainly to facilitate proportionate extensions at the single family dwellinghouses on both roads. Therefore, notwithstanding the reduction of the amount of flats in comparison to the refused scheme, the principle of flats is still considered to be out of character with the single family dwellinghouses in the vicinity.

4) With regards to the design, character and appearance of the proposed building, it is considered large and bulky and does not harmonise with other properties in the area.

5) When viewed from the rear elevation and garden of no. 84 Oakhampton Road, the flank wall of the proposed property at no. 27 Ashley Walk, would result in loss of light, overlooking and loss of privacy. It would be overbearing and unduly obtrusive.

6) Loss of outlook would be caused to the habitable rooms upstairs and downstairs including the bedrooms and dining room situated at the rear of no. 84.

7) The proposed building could have an obtrusive impact on no. 26 Ashley Lane due to its' size and siting.

8) The previous application was unanimously refused at committee for four reasons: 1: Loss of dwellinghouse, 2: Building was visually dominant and overbearing, 3: Imposing and overbearing impact, leading to an unacceptable loss of outlook, loss of daylight/sunlight and increased sense of enclosure to the neighbouring property at No 84 Oakhampton Road - and 4: Lack of Ecological Appraisal.

The current application does not appear to have overcome the reasons for refusal.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must

determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

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

The Mayor's London Plan 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS14.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM16, DM17.

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)
- Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the application site, the street scene and wider locality;
- Green Belt location;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate amenity would be provided for future occupiers;
- Impact on highways;
- Other material considerations

5.3 Assessment of proposals

Character and appearance

Character

This application follows a recent refusal of consent at Planning Committee B, in a meeting held on 20 July 2022, the details are recorded in the Planning History section above.

With regards to the principle of flats at this location, the report to committee recorded the following:

...."Both Ashley Walk and Oakhampton Road consists entirely of single family dwellinghouses.

The Council recognises that flat developments can make an important contribution to housing provision, in particular providing 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 Core Strategy, 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 streets 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 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. Criterion (i) states that loss of houses in roads characterised by houses will not normally be appropriate.

The council has concern that the proposed flatted use would be out of keeping with the established character of the area and would set a harmful precedent for conversions on Ashley Walk. It is therefore considered that the development of a flatted scheme would be out of character, resulting in an intensification in use which would cause harm to this established character.

The proposed flatted use would not be in keeping with the established character of the area. The increased comings and goings, requirements for parking, refuse storage, deliveries, and other associated impacts would be detrimental to the local character.

Ashley Walk and Oakhampton Road have a strong identifiable character which consists of single-family dwellings arranged in a block system. This is a characteristic of the area which is worthy of preservation. This could not be achieved with the introduction of a flatted development which would appear discordant and distinctly out of character. The general principle of the scheme cannot be accepted"....

It is accepted that the number of proposed units under this application has been reduced, and that the external appearance of the building has been significantly altered (discussed below) to be more in keeping in terms of appearance with the character of the wider area. However, the character of the street is primarily one of family dwellings in terms of character and appearance and this contributes to the local distinctiveness of the area. These houses represent good quality living accommodation in a high-quality, low-density environment, the character of which should be protected.

The National Planning Policy Framework (the Framework) makes it clear that an area's character is defined by more than visual appearance, recognising that the way it functions, local identity and the connections between people and places can contribute to its character. The density of development, use and activity are all factors which in addition to physical features, contribute to the character of an area. A suburban character comprised of single-family houses has a different character to one made up of flats. The proposal would add an additional household into the building, increasing the density of occupation of the site resulting in increased levels of activity including more people movements, increased car movements, the sub-division of the rear garden, and the more intensive use of open space and noise and general disturbance.

In addition, a single family would only have one set of refuse facilities and most likely fewer cars. The occupants of two separate households are also more likely to be coming and going at different times compared to a single family thus increasing activity. Furthermore, the occupants of two smaller flats may have a different lifestyle compared to a single family which could also result in activity at different times of the day/evening. The proposed use would, therefore, be materially more extensive than that associated with a single household. This would harm the character of this established residential area which is predominately comprised of single-family homes.

Furthermore, whilst it cannot be certain that the approval of this scheme would directly lead to further sub-divisions in the vicinity; it must be recognised that it would make it more difficult for the Council to resist further applications for conversions which would have a cumulative harmful effect on the suburban character of the street.

Design

As detailed above, the council acknowledges the role that flatted development can play in the provision of housing for residents of the borough. The council will also look for

opportunities to optimise the capacity of a site, and to ensure that previously developed land is utilised, where possible, to increase housing supply.

However, a fundamental consideration will be how any new development would assimilate into the existing character of an area. The area around the site has a strongly identifiable character of single family dwellinghouses, almost exclusively two storey, save for the application site, and the block system and adjacent Golf Club has a sub-urban character that is easily identifiable.

Once again, the proposal would involve significant physical change to the existing built form on site. The application site contains a single storey structure and does therefore differ to some degree from the two storey properties that prevail.

The new building would be detached, but there is an existing two storey detached property at No.84 Oakhampton Road. Whilst concern has been raised in third party representations that the proposed building would appear out of keeping, bulky and incongruous, it is not considered that an additional detached building would look seriously out of place. The building would be double bay, but the materials palette and hipped roof finish found locally would be retained, and the site benefits from its bookend position on Ashley Walk and at a pivot location where Ashley Walk and Oakhampton Road. The existing building line along Ashley Walk would be maintained.

Policy D3 of the London Plan 2021 requires that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. It is considered that, notwithstanding the policy issue with a flatted scheme, the site could accommodate a two-storey structure. The building would retain a gap to both flank boundaries at first floor level such that it would not appear cramped within the plot/streetscene. A two-storey single family dwelling could be accommodated on the plot.

However, as detailed above the character of an area relates to more than the aesthetic appearance of its buildings. The incumbent changes in creating a flatted scheme would cause harm to the character of the area. There is further concern with regards to the sub-division of the garden space which will impact the character of the area, the block system and sub-urban character would be further eroded by this alteration to the plot, and this scheme would cause harm to the established character, which is worthy of preservation.

Green Belt Location

The site is opposite the boundary to the Metropolitan Green Belt, at this location this takes the form of Hendon Golf Club's course, which is opposite the site. Para. 138. of the NPPF outlines that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Given the development would be contained within the site, and would be viewed in the context of wider development, it is not considered the above aims would be offended. Therefore, it is not considered the proposal would have any appreciable adverse impact on the openness of the Green Belt, given the open character at this location would still be maintained; secured through the existence of Hendon Golf Club's open character.

Neighbouring Amenity

Paragraph 2.7.1 of Policy DM01 states that;

Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well-being of the borough's residents. It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook.

Previously concern was raised that the development of a three storey block of flats close to the common boundary would have a detrimental impact on the amenity of residents at No.84 Oakhampton Road, located to the south of the site. Given the orientation of the sites, the rear garden area of no.84 abuts the flank boundary of the application site.

This development proposal has been altered with the full third floor replaced with a hipped roof. This reduces the level of impact. The first floor also retains a gap of 1.0m to this common boundary. The boundary is demarcated with a screen of hedging, any two-storey building will be visible above this.

Whilst more balanced with this reduction, it is considered the location of a flank wall so close to the common boundary will impact on the amenity of existing residents of this property excessively, leading to a development which would appear overbearing from the rear amenity area, and resulting in a loss of outlook from rear facing windows. There would continue to be overshadowing of the rear garden area in the later part of the day, and the scheme would have a relatively imposing impact when viewed from this adjoining neighbour.

No.82 Oakhampton Road, located to the east, adjacent to No.84, shares a common boundary with the rear of the site, the lower section of the garden's side boundary adjoins the rear boundary of the application site. The creation of a two-storey dwelling would have no serious impact on residents of this property.

The ground floor rear corner of the building would once again extend 2.6m beyond the rear elevation of No.26 Ashley Walk, located adjacent to, and north of the site, the first floor 0.30m beyond the rear corner. This extension beyond the building line would not be overbearing and there would be no serious impact on the light received to rear facing windows. The existing garage at No.26 again provides a buffer to the main living quarters of the house.

A window at first floor level could be reasonably conditioned as obscure glazed, A further condition would be required to ensure the accessible section of the first-floor roof, was not used as a balcony by occupants of the second floor flat. The rear patio area that is proposed is essentially the retention of an existing scenario which would be replicated on this scheme.

The introduction of a flatted use, which would entail a greater level of activity and intensity of use at the site, would result in increased noise and disruption to adjacent neighbouring occupiers, particularly those at 26 Ashley Walk and 84 Oakhampton Road. The subdivision of the garden into two areas of private amenity space would entail a more intense use of this space, also to the detriment of neighbouring amenity, as discussed within the "character" section of this report.

Living standards for future occupiers

Floor Area:

The London Plan (2021) and Section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum gross internal area (GIA) space requirements for residential units. A bedroom measuring 11.5m² and above is calculated as a two-person room.

The proposed dwellings would be required to meet the minimum internal space standards as demonstrated below:

Two bedroom/3 person - 61 sq. m
Three bedroom/5 person - 86 sq. m

The units meet the requirement;

Two bedroom/3 person - 70 sq. m
Three bedroom/5 person - 96 sq. m

Table 2.2 of Barnet's Sustainable Design and Construction SPD (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.

All proposed bedrooms meet the above standards.

Floor to ceiling height:

The London Plan states that a minimum ceiling height of 2.5 metres is required for at least 75% of the gross internal area of a dwelling.

The proposed dwellings meet the above standard.

Light/outlook:

Section 2.4 of Barnet's Sustainable Design & Construction SPD (Oct 2016) states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and should provide reasonable levels of outlook to all habitable rooms.

It is considered that each habitable room would benefit from an acceptable level of outlook and daylight / sunlight. All units are dual aspect. The scheme provides a good standard of outlook for future residents.

Amenity Space:

The Sustainable Design and Construction SPD advocates that suitable outdoor amenity space should be provided for all new residential units. The SPD specifies that 5sqm of outdoor amenity space should be provided per habitable room. A room measuring 20m² or more is calculated as two habitable rooms.

The proposal shows a rear garden space sub-divided to provide two separate private amenity areas which would provide good levels of amenity space for future occupants, albeit there are character concerns with regards to this sub-division.

Based on the above, it is considered that the proposed development would provide an acceptable level of amenity for future occupiers.

Highways

The Local Highway Authority provided the following initial comments:

Proposal

The applicant is proposing to reconfigure the existing 1x 4bed single family dwelling into 2x self-contained units (1x 3bed and 1x 2bed units) with the provision of 1x off-street car parking space.

Car Parking

The site lies within a PTAL 0 which means that there is very poor public transport accessibility to and from the site. In line with requirements set out on Policy DM17 of the Barnet Local Plan, the required off-street car parking requirement for this proposal is 3 off-street car parking spaces. Therefore, the proposed means an under-provision of 2x off-street car parking spaces. The London Plan, Policy T.6.1, would have a requirement of up to 3 spaces.

The applicant has provided the results of an on-street car parking survey, which demonstrates that there is an average of 53% on-street car parking stress. Therefore the potential overspill of 2x car parking spaces is deemed acceptable on Highways grounds.

Vehicular Access

The applicant is proposing to retain the existing vehicular access. This is deemed acceptable on highways grounds.

Refuse

The proposed refuse storage is located less than 10m from the public footway and at ground floor level and is therefore deemed acceptable on highways grounds.

Cycle

Cycle parking needs to be provided in accordance with the requirement of the London Plan cycle parking standards. For the proposed development, a minimum of 4x cycle parking spaces are needed. Cycle parking should be provided in a secure, covered, lockable and enclosed compound.

Recommendation

The application is recommended for approval by highways subject to conditions.

It is considered that the parking requirement generated by the development could be accommodated within the surrounding streets and would not lead to a position of local parking stress. The London Plan espouses maximum parking standards, the requirement for this development would be a maximum of 3 spaces. Opportunities to reduce car dependency should however be sought. Therefore, the proposed 1 parking space, given on street capacity, can be accepted.

Refuse

The proposed development is required to comply with Barnet's Waste and Recycling Strategy (2018). The proposed refuse and recycling bins are to be located to the front of the properties within the site. It is considered that the proposed development would comply with the highlighted standards and the waste strategy for this application is acceptable to the Street Scene collections team.

Trees and Landscaping

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that trees should be safeguarded and that proposals will be required to include hard and soft landscaping. This policy also states that when considering development proposals, the Council will seek the retention and enhancement, or the creation of biodiversity.

The following trees could potentially be impacted by the proposal:

- Cypress overhanging rear garden
- Ash situated in neighbouring garden, adjacent to driveway
-

Neither of these tree/shrubs would merit special protection via a new TPO.

The ash is situated in close proximity to existing hardstanding, which is to be replaced as part of the new proposal. Section 7.4.2.3 of BS5837: 2012 'Trees in relation to design, demolition and construction - Recommendations' states:

"New permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within the RPA".

As the majority of impacted ground is surfaced, this recommendation will not be exceeded as part of this proposal. Any impact to the aforementioned trees/shrubs can be managed through the submission of (and adherence to) an arboricultural impact assessment, method statement and tree protection plan. These details could be secured by condition on any approved scheme.

Ecology

An Ecological Appraisal has been submitted (Cherryfield Ecology). A summary of the findings conclude;

The site consists of one detached dwelling (B1), a shed (B2), hardstanding, amenity grassland and introduced shrub.

- No protected species or evidence of protected species were found on site at the time of the survey.
- The site provides negligible potential for badger, Great Crested Newt (GCN) and reptiles due to the lack of suitable habitat and limited connectivity to more suitable habitats.
- The building (B1) and Shed (B2) provides negligible potential for roosting bats due to the lack of roosting features and access points throughout the building.
- B1 provides Low potential for breeding birds.

Badger - No further surveys are necessary; however, if any badger setts are found throughout works, all works must stop, and advice sought.

Bats - No further surveys are necessary; however, if bats are found throughout works, all works must stop, and advice sought.

Breeding Birds - No further surveys are recommended; however, the development should take place outside the nesting season (March to August). If this is not possible, it is recommended that a qualified ecologist is on site to ensure the building/vegetation is not occupied by breeding birds, prior to demolition. Should an occupied nest be found, a buffer zone would need to be created until the nest is no longer in use.

Great Crested Newt (GCN) - No further survey is necessary; however, if GCN are found onsite, all work must stop and advice sought.

Reptiles - No further survey is necessary; however, if reptiles are found onsite, all works must stop and advice sought.

Habitats - All habitats found are common and widespread, no impacts are foreseen. No impacts are foreseen; however, if any protected species are found during the development, all works must stop, and advice sought.

Enhancements and mitigation are recommended (section 4.4 of the report), this could be agreed by condition on any approved scheme.

Accessibility and Sustainability

The application scheme is required by Policy D7 of the London Plan (2021) to meet Building Regulation requirement M4(2), a condition, in the event of a recommendation for approval, would be attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the scheme has to be designed to achieve a 10% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy SI(2) of the London Plan (2021) and a condition, in the event of a recommendation for approval, would be attached to ensure compliance with these Policies.

In terms of water consumption, a condition, in the event of a recommendation for approval, would be required for each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy S.I 5 of the London Plan (2021).

5.4 Response to Public Consultation

Most issues have been dealt with above.

- The proposed development would be a structure out of keeping with the traditional family houses that already exist

- This area is not meant for flats, there are suitable areas for that type of building in other areas of Mill Hill

- Flats not in keeping with this area. Doing so would set a precedent for other properties to be turned into flats

- The bungalow is built on a small piece of land which was part of the garden belonging to 84 Oakhampton Road
- Out of keeping with the traditional family houses that already exist

Officer Report: Addressed within the character section of the report.

- The loss of the only bungalow in this area would be discriminatory to any disabled or elderly person searching for a single level easy access home

Officer Report: it is not considered that the loss of this unit would be discriminatory, and this concern would not amount to a sustainable reason to refuse permission. Policy DM08 points to a medium priority for 3-bedroom units. The site would retain a 3 bed unit as part of the redevelopment.

- Allowing this type of construction to go ahead on such a peaceful country road as Ashley Walk, will set a dangerous precedent for this area
- The above proposal is not in keeping with the nature and culture of the road
- Overbearing and oppressive additional building blocking views of trees

Officer Comment: Ecological surveys have been submitted and enhancements can be agreed. It is not considered the alterations would have an ecological impact, and there would be no impacts on any protected species, as confirmed within the report. There is no right to a view of trees under the planning system.

- The rear windows in the proposed development would overlook my back garden, patio and rear of the house
- Complete loss of privacy as both my house and garden would be overlooked
- This would cause extra noise and privacy issues to neighbouring properties
- Impact on light and privacy of neighbours
- This would result in light being lost and privacy being compromised, due to the proposed height of the proposed building
- This current property was clearly designed for the space it uses, built on a small piece of land that belonged to 84 Oakhampton Road NW7. A bungalow would have been approved to ensure the light and privacy of the surrounding properties would not have been compromised

Officer Report: Amenity issues addressed within that section of the report.

- The provision of one parking space for 2 flats is obviously inadequate and would lead to further street parking on a dangerous corner which already has poor visibility
- Construction of the property would reduce the amount of garden available to the existing bungalow - the project therefore has an adverse environmental impact
- I have read the parking survey however I think the summary is unrealistic due to many other "free" parking spaces are elsewhere in the neighbourhood
- Lack of parking to serve this development

Officer Report: The submission has been reviewed by the Highways Department who raise no highway safety issues. The submission of a Parking Stress Survey demonstrates available on street parking to serve the development.

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 unacceptable impact on the character and appearance of the application site, the street scene and the locality and would be harmful to the amenity of neighbouring occupiers. This application is therefore recommended for REFUSAL

