

Location **47 Warwick Road Barnet EN5 5EQ**

Reference: **22/5451/FUL** Received: 9th November 2022
Accepted: 10th November 2022

Ward: Barnet Vale Expiry 5th January 2023

Case Officer: **Mansoor Cohen**

Applicant: Mr Antonio Gjata

Proposal: Conversion of the existing dwelling into 2no self contained flats including single storey rear extension, first floor rear extension, rear dormer window, 1no additional front facing rooflight and alterations to front elevation. Changes to the levels of front driveway to include 1no. off street parking space. Associated refuse/recycling/cycle store.

OFFICER’S RECOMMENDATION

Approve subject to conditions

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

47WR-101-B
47WR-102-B
47WR-103-B
47WR-104-B
47WR-105-B
47WR-106-B
47WR-107-B
47WR-108-B
47WR-109-B
47WR-110-B
Site location plan
Nocturnal Emergence Surveys, dated August 2022
Planning Statement

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 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 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

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

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

5 Before the development hereby permitted is first occupied, refuse and recycling facilities and associated access as shown on drawing no. 47WR-110-B shall be provided prior to first occupation of the development and retained as such thereafter.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first

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

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

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

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy T5 and Table 10.2 of the London Plan (2021), London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

7 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No.47WR-109-B shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policy T6.1 of the London Plan 2021.

- 8 No works on public highway including creation or modification of a vehicular access as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans. The applicant will be expected to make an application to the Domestic Crossovers Team, for the creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on public highway are carried out to the satisfaction of the highway authority in the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 9 a) Before the development hereby permitted is first occupied, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 10 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 October 2016).

- 11 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.
- b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and G7 of the London Plan 2021.

- 12 Before the building hereby permitted is first occupied the proposed ground floor window in the side elevation facing no.45 Warwick Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 13 Prior to the first occupation of the residential units 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 Policies document (2012), Policies SI 2 of the London Plan 2021.

- 14 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

- 15 Prior to occupation of the development at least 2 x Woodcrete bat box (or similar) shall be installed into the newly constructed building as outlined within the

submitted the Bat Survey Report (Ecoassistance, September 2022b), and 2 x Woodcrete bird boxes (or similar) shall be installed onto the newly constructed building (as appropriate) in accordance with the recommendations of the submitted Nocturnal Emergence Surveys Report (August 2022, Acer Ecology) and guidance of 'Designing for Biodiversity A technical guide for new and existing buildings (RIBA) as appropriate. Details on the specifications, location, aspect, and position of bat roost and bird nest boxes shall be submitted by the applicant for approval by the Local Planning Authority.

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan.

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. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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

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

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

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

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

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

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

- 4 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways

Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

Please Note: A maximum width of a crossover allowed from a public highway is 4.2 metres.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

- 5 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway, and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 6 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 7 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.
- 8 The applicant is advised that if the development is carried out, only low-level planting or landscaping (Below 0.6m in height) shall be provided at the entrance to the development to ensure that the visibility splays on either side of the access for the vehicles emerging from the development are kept clear of any obstruction which is likely to have a detrimental impact on highway and pedestrian safety.
- 9 It is recommended that the compensation for loss of amenity lawn onsite should utilise species rich seed mix or turf. This mix should consist of a ratio of 70/30 native grass to flowering plants as such flowering plant species and grasses provide high value to pollinating insects including bees, butterflies. An example of a potential species rich meadow seeding mix includes Boston Seed Dual Purposed Wildflower Meadow Seed Mix BSXM 70/30 and for the amenity lawn Emorsate Seed Strong Lawn Grass Mixture EG22.

Any proposed tree and shrub planting should incorporate native species rich plantings and consist of native berry producing shrub species such as hawthorn, blackthorn, spindle, field maple, hazel, and hornbeam. A best practice approach would be to apply a '10-20-30' formula to develop a diverse tree/hedge population - no more than 10% of any species, 20% of any genus or 30% of any family. These species will provide ideal foraging and sheltering habitats for a variety of species including nesting birds, invertebrates, and foraging mammals.

Night scented plants should also be incorporated into a detailed planting schedule where feasible. An extensive list of suitable plant species can be found on the RHS advice page <https://www.rhs.org.uk/advice/pdfs/plants-for-bats.pdf>. The provision of bat friendly planting is in Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan.

OFFICER'S ASSESSMENT

1. Site Description

The subject site is 47 Warwick Road, EN5 5EQ, a semi-detached single family dwelling comprising of 4 bedrooms. The property has been extended on the side with a two-storey extension and extension to the roofscape. This extension has allowed for an extra bedroom. An application for a rear dormer has previously been deemed lawful.

The surrounding area of Warwick Road consists of a combination of semi-detached, some terrace houses and small blocks of flats. The area is mainly residential with local shops a 10 minute walk away. There is not a specific architectural style on Warwick road as properties hold different characteristics from different periods. Flatted developments are present to the adjacent side of the subject site.

The site is not in within a Conservation area, nor is it subject to a listed building. The site lies within Flood Zone 1 (low probability of flooding).

2. Site History

Reference: 21/5284/FUL

Address: 47 Warwick Road, Barnet, EN5 5EQ

Decision: Refused

Decision Date: 13 December 2021

Description: Conversion of the existing dwelling into 2no self contained flats including single storey rear extension, rear dormer window and 1no additional front facing rooflight. Associated refuse/recycling/cycle store

Refusal reason 1: In the absence of a Preliminary Roost Assessment (PRA), it has not been possible to determine whether the proposed development would affect the current habitat for protected species. Therefore, in the absence of detailed information the proposal is considered to have a detrimental impact on ecology, including the fragmentation of habitats, contrary to Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

Refusal reason 2: The bin storage placement is in the rear garden and placement for collection is considered inadequate for this site. The storage and collection of refuse and recycling would potentially be detrimental to the character and appearance of the host property and amenity of future occupiers, contrary to Policies D6 and SI 7 of the London Plan (2021), Policy DM01 of the LB Barnet: Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016)

Refusal reason 3: The proposed rear dormer by reason of its excessive size, massing, siting and design, would fail to appear as a subordinate, proportionate or sympathetic addition to the existing dwelling house, to the detriment of the character and appearance of the host property and surrounding area, contrary to Policy D3 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet: Local Plan Core Strategy DPD (2012), Policy DM01 of the LB Barnet: Local Plan Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016)

Refusal reason 4: The proposed stacking of habitable rooms between the proposed flats, would result in a sub-standard form of residential accommodation, detrimental to the residential amenities of future occupants, contrary to Policy D6 of the London Plan (2021),

Policy CS5 of the LB Barnet: Local Plan (Core Strategy), Policies DM01 and DM02 of Barnet's Development Management Policies DPD (2012), the Residential Design Guidance SPD (2016), Sustainable Design and Construction SPD (2016) and The Mayors Housing Supplementary Planning Guidance (2016).

Refusal reason 5: The proposal would fail to provide the quality and quantity of external amenity space necessary to meet the likely needs of future occupiers. As a result, the proposal would be to the detriment of the residential amenity of future occupiers and contrary to policy DM02 of Barnet's Development Management Policies (2012) and the Sustainable Design and Construction SPD.

Reference: 21/1413/192

Address: 47 Warwick Road, Barnet, EN5 5EQ

Decision: Lawful

Decision Date: 3 June 2021

Description: Roof extension involving rear dormer window and 3no front facing rooflights following removal of the existing

Reference: 21/1414/HSE

Address: 47 Warwick Road, Barnet, EN5 5EQ

Decision: Approved subject to conditions

Decision Date: 27 May 2021

Description: Single storey rear extension

Reference: NO8661

Address: 47 Warwick Road, Barnet, EN5 5EQ

Decision: Approved subject to conditions

Decision Date: 11.05.1987

Description: Two-storey side extension with basement garage under

3. Proposal

The application seeks planning consent for the conversion of the existing dwelling into 2no self contained flats including single storey rear extension, first floor rear extension, rear dormer window, 1no additional front facing rooflight and alterations to front elevation. Changes to the levels of front driveway to include 1no. off street parking space. Associated refuse/recycling/cycle store.

The proposal follows a previously refused scheme for a similar development. The primary differences are as follows:

- A reduction in the depth of the ground floor extension by 0.5m
- The addition of a modest sized first floor rear extension
- Rear dormer size substantially reduced
- Alterations to the front landscaping and the provision of an additional 1no. off street parking space
- Minor internal layout changes

The proposal would provide the following units:

Flat 1 (Ground floor) - 3b5p GIA 86sqm

Flat 2 (First and second floor) - 2b4p GIA 86sqm

Subdivision of the rear garden will facilitate private outdoor amenity space for each flat. Cycle parking will be provided within the respective rear gardens.

2 car parking spaces will be provided within the front forecourt.

4. Public Consultation

Consultation letters were sent to 58 neighbouring properties. 6no objections has been received as part of this application including 1 request to speak at committee

They objections are summarised as follows:

- Inaccuracies in the application form; trees within the site, loss of garden, EPC certificate
- over intensification of the site
- overdevelopment of the site
- Concerns of overlooking and overshadowing by way of the rear extension
- No established rights of way to gain access to the rear garden and cycle storage of the site along the side passageway
- Parking spaces too small to meet standards and would result in overhang onto footway
- Insufficient parking provision for the development
- Increased pressure on on-street parking and congestion
- Loss of a valuable large family house
- The proposal should ensure decarbonisation
- Loss of natural habitat and garden space

5. Planning Considerations

5.1 Policy Context

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 Plan 2021 was adopted on 02 March 2021 and is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth.

The Plan is part of the statutory development plan for London, meaning that the policies in the Plan should inform decisions on planning applications across the capital. Borough's Local Plans must be in 'general conformity' with the London Plan, ensuring that the planning system for London operates in a joined-up way and reflects the overall strategy for how London can develop sustainably, which the London Plan sets out.

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

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, DM17.

Barnet's Draft Local Plan (Reg 22) 2021

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

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

Supplementary Planning Documents

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate amenity would be provided for future occupiers;
- Impact on highways;
- Ecology and Trees.

5.3 Assessment of proposals

Principle of development

Policy GG2 of the London Plan 2021 seeks to ensure that development explores the potential to intensify the use of the land to support additional homes. Policy CS3 of the Core Strategy sets out how the Council will provide 28,000 new homes throughout the lifetime of the Core Strategy 2011-2026.

The proposal seeks to convert the existing family dwelling into 2 separate dwellings consisting of 1 x 3 bedroom unit and 1 x 2 bedroom unit.

Policy DM08 states 'Development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough'.

The proposal would provide an appropriate mix of dwelling sizes by providing a 3 bedroom family unit deemed as a medium priority in the local plan and the highest priority within the emerging local plan as well as a two bedroom unit which is recognised as a medium priority within the emerging plan. The proposal would also realise a net gain in housing provision and thus compliant with the aforementioned policy.

Policy DM01 part (h) states that the conversion of dwellings into flats in roads characterised by houses will not normally be acceptable.

A review of the Council Tax records has been undertaken for properties along Warwick Road. The following properties provide flatted accommodation:

- 35 and 35A Warwick Road, Barnet, EN5 5EQ
- 23 and 23A Warwick Road, Barnet, EN5 5EQ
- 12 and 12A WARWICK ROAD, Barnet, Herts, EN5 5EQ
- 14 and 14A Warwick Road, Barnet, EN5 5EQ
- 31 and 31A Warwick Road, Barnet, EN5 5EQ

In addition, the adjacent side of the Warwick Road consists of purpose built flatted development.

Based on the evidence given above, it is clear that flatted developments are a feature of Warwick Road and therefore the conversion of the dwelling into flats is considered to be acceptable as a matter of principle and in line with Policy DM01 (h). This is the same conclusion reached in the previously refused scheme.

The principle of the proposed development is therefore considered to be acceptable subject to other material planning considerations as set out below.

Character and appearance

All new development is expected to preserve and respect the established character and appearance of the surrounding area. Policy DM01 states that:

b. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

A 3.5m deep single storey rear extension was considered acceptable within the previously refused scheme. A similar sized extension was also granted under an earlier householder

application. The current proposes a similar addition with a modestly reduced depth by 0.5m, the addition would be compliant with Residential Design Guidance and would feature as a subordinate addition to the property. Thus this element continues to be acceptable.

This proposal introduces a modest sized first floor rear extension with hipped roof. This element would read as a subordinate addition due to its narrow width and substantially set down roof height and would integrate acceptably with the existing property.

The previous scheme included a sizeable rear dormer which virtually engulfed the main roofslope, this was considered unacceptable and contrary to guidance. The present proposal incorporates a considerably reduced size rear dormer which would be visually contained within the rear roofslope and would read as a subordinate addition broadly in compliance with guidance.

Minor changes to openings on the front elevation of the property would retain the proportions and positioning of the upper floors windows and therefore provide a cohesive appearance.

Landscaping to the front forecourt and associated level changes are proposed to facilitate an additional off street parking space. Whilst this would reduce the existing soft landscaping, efforts have been made to retain areas of soft landscaping to soften the visual appearance of the dwelling. It is also noted that a number of properties along this stretch feature similar hard landscaped front forecourts. A condition can be imposed to ensure permeable materials are utilised.

The front entrance stairwell has been altered to suit the proposed layout and contains two sets of landing steps to break up its visual appearance deemed to be appropriate.

In summary, the proposed enlargements and alterations are deemed to have an acceptable impact on the character and appearance of the host property, streetscene and locality.

Neighbouring 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.

In respect of the adjoining neighbour, no.49 Warwick Road, the proposed single storey rear extension would project a relatively modest depth of some 3m beyond the neighbouring rear elevation, this would be compliant with guidance and has previously been accepted under the extant permission. It is therefore not considered that this element would adversely impact neighbouring amenity in terms of excessive overshadowing, loss of light or outlook.

The first floor rear extension is set a substantial distance away from the common boundary of this neighbour and its modest size is not considered to result in a harmful impact.

To the side facing no.45 Warwick Road, the respective properties are separated by an alleyway some 3.6m in width. In addition no.45 benefits from a part single part two storey rear extension which extends beyond the subject property rear elevation. Whilst it is acknowledged that this neighbour sits at a lower level due to the decline of the road, taking into consideration the separation distances, the existing extensions of no.45 and the proposed relatively modest and guidance compliant extensions, it is not considered that this would result in an adverse impact to this neighbour.

The proposal incorporates a ground floor side window facing no.45, however, this would serve a bathroom and therefore not a habitable room. In addition a condition will be imposed to ensure this is obscure glazed with only a fanlight opening to ensure full privacy is maintained.

Based on the above, it is considered that the proposed development would have an acceptable impact on the residential amenity of neighbouring occupiers by way of outlook, daylight / sunlight, privacy and enclosure.

With regards to the conversion of the dwellinghouse into 2 self-contained flats, it is not considered that the comings and goings of an additional 1 residential unit in this location would result in adverse impacts on the amenity of adjoining occupiers above and beyond that already present with the existing large single family dwellinghouse. As such, the proposal is not considered to result in an over intensification of the site.

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.

The proposal would provide the following units:

Flat 1 (Ground floor) - 3b5p GIA 86sqm (required 86sqm)

Flat 2 (First and second floor) - 2b4p GIA 86sqm (required 79sqm)

As set out above both units would either meet or exceed the minimum space standards.

Table 2.2 contained within the Sustainable Design and Construction SPD (Oct 2016) states that bedrooms should meet the following requirements.

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

All proposed bedrooms meet the above standards.

Floor to ceiling height:

Policy D6 of the London Plan 2021 requires a minimum ceiling height of 2.5 metres for at least 75% of the gross internal area of each unit.

The submitted section demonstrates both units would meet this requirement.

Room stacking/siting

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

Whilst it is acknowledged that the stacking between the two flats is not wholly like for like, this is limited to the overlap of the kitchen area of the upper floor flat over the single person bedroom of the ground floor flat and officers consider that any undue noise transfer could be suitably addressed through the imposition of a condition requiring pre-completion Sound

Insulation Test Certificates to be submitted to the LPA for approval. A condition to this effect will be included to any approval.

Light/outlook:

Barnet's Sustainable Design & Construction SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and that bedrooms and living rooms /kitchens should have a reasonable outlook with clear glazed windows.

It is considered that the proposed dwellings would benefit from dual aspect outlook and an acceptable level of daylight / sunlight provision to all habitable rooms.

Amenity Space:

Table 2.3 of the Sustainable Design and Construction SPD states that 5sqm of outdoor private amenity per habitable room should be provided for flats, whereby rooms in excess of 20sqm are counted as two. Accordingly each flat would require a provision of 20sqm of outdoor amenity space.

The proposal incorporates the subdivision of the rear garden providing 59sqm for the ground floor unit and 74sqm for the first floor unit which are well in excess of the requirements and therefore acceptable.

In order to address refusal reason 5 of the previous scheme, direct access from the first floor flat to its relating amenity space has been provided by way of the proposed first floor rear extension which provides a stairwell leading into the amenity space.

The proposal is therefore found to provide an acceptable level of living accommodation for future occupiers.

Highways

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 2 and 3 off-street parking space. The site also lies in a PTAL rating of 3 which indicates moderate accessibility to public transport.

The applicant has proposed 2 car parking spaces off-street which is within the specified range. As such, Highways consider the proposal to be acceptable. It is also highlighted that the two proposed spaces as shown on the plans would meet the standards measuring 2.4m by 4.8m.

To facilitate the 2 parking spaces the proposal requires, the applicant is proposing to provide 2 separate 2.4m crossovers which highways have considered acceptable. The applicant will require to submit a separate application to the Local Highway Authority for the crossovers.

Cycle parking:

The proposal will need to provide 4 cycle parking spaces in accordance with the London Plan 2021. The applicant will provide 2 cycle parking spaces for each flat located within their

respective gardens which is acceptable. Further details will be secured through a suitably worded condition.

Refuse/Recycling:

Refuse and recycling storage would be located within a dedicated area within the building envelope utilising a void within the lower ground floor. A new closed board timber door would facilitate access to the bin store and would be within 10m drag distance of the highway. The area provided would adequately accommodate the required number of bins. The proposed bin store is therefore deemed acceptable and overcomes the previous relating reason for refusal.

Ecology

The application has been accompanied by an Ecological report which has been reviewed by the councils Ecologist, the following comments were provided:

'No objections on ecological grounds as the bat emergence surveys did not reveal any evidence of roosting bats or nesting birds (Nocturnal Emergence Surveys Report, August 2022, Acer Ecology). The proposed works are deemed unlikely to negatively impact protected or notable species.'

It is further highlighted that in respect of a biodiversity net gain assessment, the councils ecologist has noted that the proposed development would not meet the threshold for such a requirement and would not be fairly and reasonably related in scale and kind to the development. As such this is not required.

Lastly, to compensate for the loss of amenity lawn to the front of the site, the ecologist recommends soft landscaping should utilise native species. The recommended informative will be applied to any approval.

In light of the above, there are no objections on ecological grounds.

Trees

The councils tree officer has reviewed the submission and notes the proposal in respect of tree impacts is broadly comparable in scope to the extant approval 21/1414/HSE. The officer further notes the proposal will necessitate the removal of a small Euonymus in the rear garden.

A condition for hard and soft landscaping across the site will be attached to any permission.

5.4 Response to Public Consultation

- Inaccuracies in the application form; trees within the site, loss of garden, EPC certificate

These are duly noted and have been considered in the assessment of the application. In any event, the tree officer has stated the proposal will not result in the loss of any trees; loss of any residential garden land refers to a land use change, the proposal

- overdevelopment of the site

The enlargements proposed are relatively modest and could be largely realised through the extant permission and lawful certificate previously issued.

- No established rights of way to gain access to the rear garden and cycle storage of the site along the side passageway

The land in question appears to be under third party ownership, however, the subject property benefits from an existing side gate which the applicant confirms has been in use for over 30 years, there is therefore no evidence to assert that the applicant does not benefit from established rights of access. In any event rights of easement are not material planning considerations.

- Increased pressure on on-street parking and congestion

The parking provision for the development is considered acceptable and in accordance with Policy DM17.

- Loss of a valuable large family house

The proposal would result in a replacement family unit deemed a medium priority, as well as a net additional unit contributing to the housing number and mix in the borough.

- The proposal should ensure decarbonisation

A condition will be imposed requiring the development to provide a 10% carbon reduction in accordance with Policy SI 2 of the London Plan.

- Loss of natural habitat and garden space

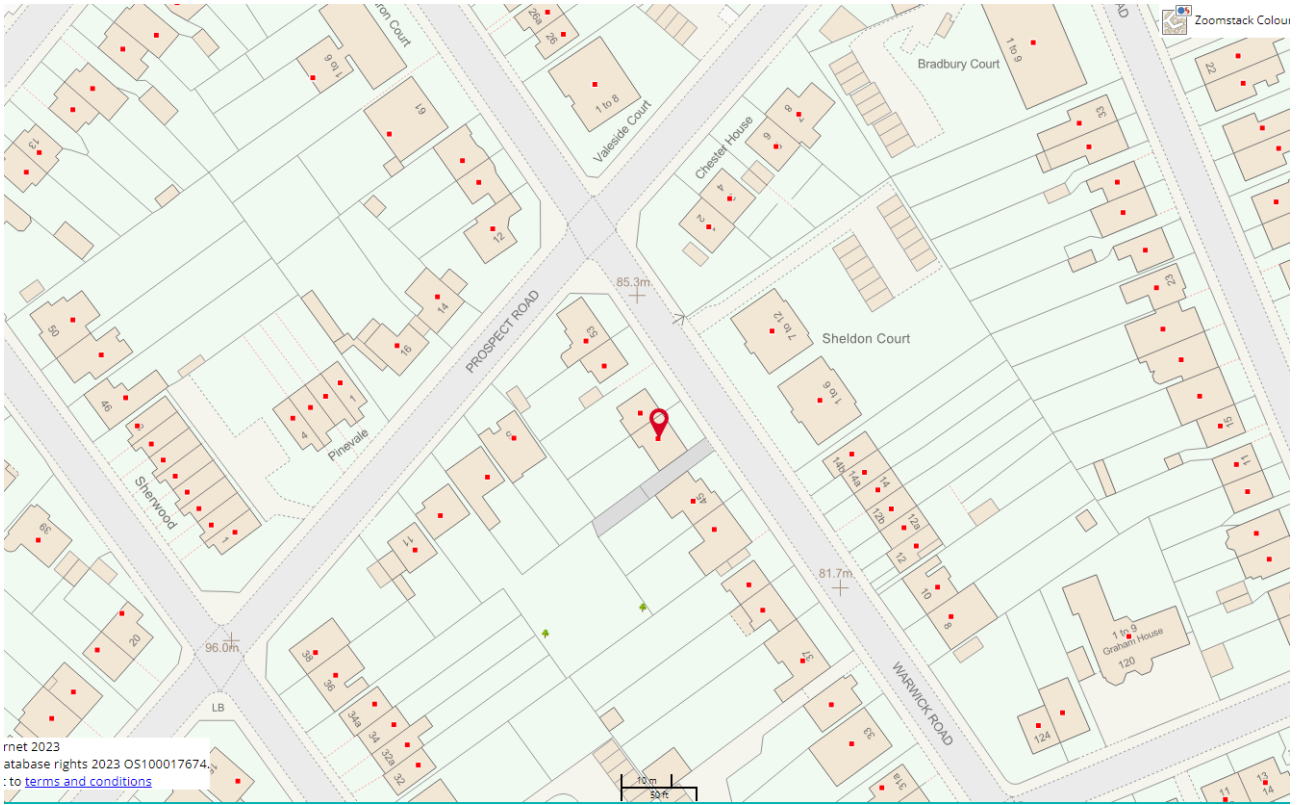
The Council's ecologist has raised no objection to the proposal. Garden space remains well in excess of the requirements.

6. Equality and Diversity Issues

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

7. Conclusion

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



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