

Location **147 Cheviot Gardens London NW2 1QB**

Reference: **22/6015/S73** Received: 19th December 2022
Accepted: 19th December 2022

Ward: Cricklewood Expiry 13th February 2023

Case Officer: **Emily Bell**

Applicant: Mr Sanjay Gulati

Proposal: Variation of condition 1 (Approved plans) pursuant to planning permission 22/0425/FUL dated 29/11/2022 for `Conversion of single residential dwellinghouse into 2 self-contained flats, including part single, part two storey side and rear extension and alterations to existing rear dormer window. Associated amenity space, refuse storage, cycle storage and off-street parking.` Amendments include addition of a separate side access entrance for the occupant of Unit 2 (the upper floor flat) and relocation of one of the first floor flank wall windows and relocation of the stairs and alterations to internal flat layout.

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:

202212/147CG/SA/01
202212/147CG/SA/02
202212/147CG/SA/03
202212/147CG/SA/04

202212/147CG/SA/05
202212/147CG/SA/06
202212/147CG/SA/S1
202201/147CG/C/05

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 the original permission 22/0425/FUL dated 29/11/22.

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

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

- 5 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).

- 6 The use of the outbuilding hereby permitted shall at all times be ancillary to and occupied in conjunction with Unit 2 and shall not at any time be occupied as

separate units or dwellings.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

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

The development shall be maintained as such in perpetuity thereafter.

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

- 8 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 9 Prior to occupation of the development, cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's local Plan Policy CS9 of the Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 10 Prior to occupation of the development the proposed parking spaces within the parking area as shown in drawing no. 202201/147CG/C/05 submitted with the

planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all times. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

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

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

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

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. 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 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.

- 5 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 6 Any gates must open inwards and not out onto the public highway for health and safety reasons.
- 7 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licences please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk.

OFFICER'S ASSESSMENT

1. Site Description

The application property is a two-storey semi-detached single-family dwelling on the south side of Cheviot Gardens on a corner plot with Chiltern Gardens located in the Cricklewood ward. The application property is not located in a conservation area or locally / statutorily listed.

2. Relevant Site History

Reference: 19/6016/192

Address: 147 Cheviot Gardens, London, NW2 1QB

Decision: Lawful

Decision Date: 6 December 2019

Description: Roof extension involving hip to gable, rear dormer window and 3no front facing rooflights

Reference: 19/6019/HSE

Address: 147 Cheviot Gardens, London, NW2 1QB

Decision: Approved subject to conditions

Decision Date: 30 December 2019

Description: Part single, part two storey side and rear extension

Reference: 22/0425/FUL

Address: 147 Cheviot Gardens, London, NW2 1QB

Decision: Approved subject to conditions

Decision Date: 29 November 2022

Description: Conversion of single residential dwellinghouse into 2 self-contained flats, including part single, part two storey side and rear extension and alterations to existing

rear dormer window. Associated amenity space, refuse storage, cycle storage and off-street parking

3. Proposal

Variation of condition 1 (Approved Plans) pursuant to planning permission 22/0425/FUL dated 29/11/2022 for 'Conversion of single residential dwellinghouse into 2 self-contained flats, including part single, part two storey side and rear extension and alterations to existing rear dormer window. Associated amenity space, refuse storage, cycle storage and off-street parking'.

The proposed amendments to the approved plans include:

- o Addition of a separate side access entrance for the occupants of Unit 2 (the upper floor flat)
- o Relocation of first floor flank wall windows
- o Relocation of stairs internally
- o Alterations to internal flat layout

4. Public Consultation

Consultation letters were sent to 77 neighbouring properties. 5 letters of objection have been received, summarised below:

- o Dividing a house into three flats without amenities (no baths or showers shown on plans) fails to protect standards of living
- o Goes against planning guidance HOU03
- o No explanation of SUDS to prevent flooding
- o Loss of amenity with parking suggested over front garden
- o Planning proposal makes no reference to front hardstanding
- o Current plans propose independent access to each flat which will revitalise the corner of Cheviot with Chiltern Gardens and provide an active frontage (improvement to previous scheme)
- o Not clear from plans what will happen with refuse bins
- o Speculative development where the loft can be used independently
- o Concerned the garden room will be used as a bed-in-shed or Flat 4
- o Would be desirable to have front hedging

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The revised National Planning Policy Framework (NPPF) was published on 20th July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2021

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS14
- Relevant Development Management Policies: DM01, DM02, DM08, DM17

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Barnet's Local Plan (Reg 22) 2021

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

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the building, the street scene and the wider area;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposal provides satisfactory living accommodation for future occupiers

5.3 Assessment of proposals

In deciding whether a change is material a Local Planning Authority must have regard to the effect of the change on planning permission as originally granted, together with any previous changes made under this Section. The LPA should consider amendments under S73 providing that the proposed changes do not amount to a fundamental alteration of the consented scheme.

Upon review of the proposal, officers are satisfied that the proposed changes do not have the effect of a fundamental alteration to the allowed scheme and can be determined under the scope of an application under S73.

The proposed amendments do not result in any greater number of flats than previously approved and as such there are no objections to the principle of the development which was found to be acceptable.

Impact of the proposal on the character and appearance of the building, the street scene and the wider area

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the site's context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plan), D1, D3 and D6 (of the London Plan).

The relocation of windows to the side elevation facing Chiltern Gardens represents a minimal change to the approved external appearance of the building as the number of upper floor windows remains as previously approved. The associated internal layout changes would have no impact on the external character and appearance.

In relation to front doors for residential conversions, the Residential Design Guidance states that the replacement of the existing front door with two doors adjacent to one another should be avoided. However, it then states "...on especially large properties or those on corner plots, it may be possible for each unit to have its own front door on different sides of the house without detracting from the appearance of the property".

The introduction of a door to the side elevation providing access for the upper floor flat is not considered to result in a detrimental impact to the character and appearance of the site which would warrant refusal of the application.

Whether harm would be caused to the living conditions of neighbouring residents

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan policy D6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The proposed alterations to the approved plans include the relocation of windows within the side elevation facing Chiltern Gardens. The relocation represents a minor movement of the windows and would be a minimal change to that previously approved. The number of windows within the side elevation on the upper floors would remain as previously approved. Further, the plans indicate that these windows would be obscure glazed. Given that Chiltern Gardens separates the opposite neighbouring houses, these changes are not considered to give rise to any detrimental impacts to neighbouring occupiers.

The proposed internal alterations would not impact on amenities of neighbouring occupiers.

Whether the proposal provides a satisfactory living environment for future occupiers

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

Floorspace standards:

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

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

The relocation of the stairs internally would alter the layout and unit mix from the approved development. The ground floor flat would provide a 2 bed, 3 person unit (a reduction from a 4 person unit as approved) with a GIA of 91sqm. A 2 bed, 3 person unit over 1 storey requires 61sqm. The proposed flat would greatly exceed this requirement. Moreover, the room shown as study would still be large enough to be a single bedroom and meet the minimum unit size. The upper floor flat would still provide a 3 bed family sized unit with the same floor area as previously approved. The amended layout and flat provision is considered acceptable.

5.4 Response to Public Consultation

- o Dividing a house into three flats without amenities (no baths or showers shown on plans) fails to protect standards of living

The plans submitted are not required to show individual appliances. However, there is a bathroom proposed for each flat with a bath shown. The flats shown meet the minimum space standards as per the London Plan 2021.

- o Goes against planning guidance HOU03

Policy HOU03 is contained within the 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. Further, the conversion of the dwelling into flats has been approved and the permission is extant under ref. 22/0425/FUL. This application relates to changes to this permission.

- o No explanation of SUDS to prevent flooding

SUDS are not a requirement for minor development.

- o Loss of amenity with parking suggested over front garden
- o Planning proposal makes no reference to front hardstanding
- o Would be desirable to have front hedging

The provision of a hardstanding to the front to provide 2no parking spaces would be consistent with the streetscene where it appears that the majority of properties benefit from front hardstanding. Further, this aspect of the scheme has already been granted permission under ref. 22/0425/FUL, with this application relating only to changes to the approved plans with regards to addition of a separate side access entrance, relocation of first floor side windows and internal layout.

- o Not clear from plans what will happen with refuse bins

This application seeks amendments to the approved application 22/0425/FUL, however, does not propose changes to the location of the proposed refuse storage which was indicated at the previous application to be located to the side of the application site. As per the previous consent, details of refuse and recycling storage and collection is to be secured by condition.

- o Speculative development where the loft can be used independently

Each application is assessed on its own merits. The plans indicate that the loft level will provide an additional bedroom for Unit 2. Any use of the development not in accordance with the approved plans should be reported to the council's enforcement team.

- o Concerned the garden room will be used as a bed-in-shed or Flat 4

The proposal does not include the conversion of the outbuilding to a self-contained unit. Planning permission would be required for this. A condition could be attached to any approval requiring the outbuilding to be ancillary to the first and loft floor unit. Any unlawful development should be reported to the council's enforcement team.

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 amendment to the condition would not give rise to any unacceptable impacts on the character and appearance of the application site, the street scene and the locality, or have an adverse impact on the safety and amenities of neighbouring occupiers. This application is therefore recommended for approval.

