

**Location** Apex Court Selvage Lane London NW7 3JU

**Reference:** 22/4227/FUL Received: 17th August 2022  
Accepted: 18th August 2022

Ward: Mill Hill Expiry: 13th October 2022

**Case Officer:** Mansoor Cohen

Applicant: Mr Keith Thompson

Proposal: Roof extension involving side and rear dormers and rooflights to front, side and rear elevations to form 2no. self-contained flats. Associated refuse/recycling and cycle storage. Addition of 2no. off-street parking spaces

### **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:

-AC-100, AC-101-A, AC-102-A, AC-103-A, AC-104-A,, AC-105-A, AC-106-A ,AC-107-A, AC-108-A, AC-109-A, AC-110-A, AC-111-A, AC-112-A, AC-113-A, AC-114-A, AC-115-A, AC-116-A, AC-117-A, AC-118-A, AC-119-A, AC-120-A, AC-122-A, AC-123-A, AC-124-A, AC-125-A, AC-126-A, AC-127-A

-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.

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

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

- 5 a) Before development commences, an air quality assessment report written in accordance with the relevant current guidance shall be submitted to and approved by the Local Planning Authority. The report shall include an assessment of the air quality impacts of the demolition, construction and operational phases of the development.

The assessment shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and London Atmospheric Emissions Inventory. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

c) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies GG3 and SI1 of the London Plan 2021.

6 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policy D14 of the London Plan 2021.

7 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policies D13 and D14 of the London Plan 2021.

8 a) Notwithstanding the approved plans, before the development hereby permitted is first occupied details of cycle parking including the type of stands, location of cycle parking and type of store proposed to incorporate a minimum of 2 cycle spaces shall be submitted to and approved in writing by the Local Authority.

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

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

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

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

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

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

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

- 11 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

- 12 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) with the exception of the provision of a lift. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policy D7 of the London Plan (2021) and the 2016 Mayors Housing SPG.

- 13 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).

- 14 Prior to occupation of the development, 2no. parking spaces and the access to the parking area from public highway as shown on drawing no. AC-125-A shall be provided and retained in accordance with the submitted planning application. Thereafter, 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 adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 15 The level of noise emitted from any plant installed shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and D14 of the London Plan 2021.

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

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

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

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

- 17 The air cleaning ventilation plant and filters shall be inspected regularly in accordance with manufacturer's recommendations and kept in full working order for the entirety of the development. The program of inspection shall be submitted and approved by the LPA prior to occupation of the units.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies GG3 and SI1 of the London Plan 2021.

- 18 Prior to the first occupation of the hereby approved units all windows shall be tested to demonstrate compliance with the mitigation requirements as detailed within the conditioned acoustic report. The results of those tests shall be submitted and approved by the LPA prior to the first occupation of the units.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies D13 and D14 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. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

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

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

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

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

- 3 The applicant is advised that 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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 4 The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1)



Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014

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

- 5 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site relates to a three storey building comprising commercial units at ground floor and six residential flats at the upper floors, known as Apex Parade and Apex Court respectively. The parade is designated as a local shopping frontage. The site is bound by a three storey 'self storage' building to the north west, the M1 motorway to the south and Selvage Lane to the east close on the approach to Apex Corner roundabout in Mill Hill.

The area is characterised by a mixture of uses with commercial uses within the nearby neighbourhood centre at Apex Corner, and residential properties further afield. The buildings within the vicinity are predominantly three stories in scale.

The site is not in within a Conservation Area, nor a listed or locally listed building. The site lies within Flood Zone 1 (low probability of flooding).

### **2. Site History**

N/A

### **3. Proposal**

The application seeks planning consent for 'Roof extension involving side and rear dormers and rooflights to front, side and rear elevations to form 2no. self-contained flats. Associated refuse/recycling and cycle storage. Addition of 2no. off-street parking spaces'.

The roof extension involves 3no rear dormer windows and 1no side dormer window to the northern roofslope and the formation of a pitched roof with crown top. 6no. rooflights would feature to the front roofslope, 4no. rooflights to the crown top and 2no. rooflights to the rear outrigger.

The proposal would provide 2no. 1 bedroom self contained flats.

A provision of 2no parking spaces would be sited along the access way to the southern boundary of the site.

### **4. Public Consultation**

Consultation letters were sent to 42 neighbouring properties and a site notice erected on 25.08.2023. 6no objections have been received as part of this application. The objections are summarised as follows:

- Concerns of structural damage and integrity as a result of the proposed extensions
- Concerns of large amounts of air pollution evidenced by health issues from existing residents
- Noise and pollution concerns exacerbated by proposed construction activities
- Fire safety concerns including impeding emergency vehicle services
- Rights of easement disputes
- Loss of loft space storage
- Out of character with existing architecture of surrounding 1930s buildings.
- Area already overcrowded

## **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, DM04, 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.

## **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 existing mixed use building consists of commercial floorspace at ground floor level and residential units on the upper floors. The proposal seeks to provide an additional two self contained flats via a roof extension. As such, the principle of flats at this location is established and therefore the proposal is acceptable in principle subject to the considerations 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.

The proposal incorporates the formation of a crown flat roof top to the existing pitched roof. It is considered that this element would modestly alter the appearance of the building and would be visually read with the neighbouring self storage building which features an extensive crown top roof. As such, this aspect is deemed to have an acceptable impact on the character and appearance of the subject building.

Residential Design Guidance (2016) states: Dormer roof extensions should normally be subordinate features on the roof and should not occupy more than half the width or half the depth of the roof slope. The proposal incorporates 3no. rear dormer windows and 1no. side dormer window. The rear dormer windows whilst cumulatively would occupy more than half the width of the roof slope, they would be modest in height and depth and visually contained within the roof slope. As such, the dormers would feature as subordinate additions to the building. In respect of the side dormer window, this would be modest in size and scale featuring as a subservient addition to the building.

Rooflights to the front roof slope and crown roof top would not project more than 0.15m from the relating roof slope and it is noted that some neighbouring properties also feature rooflights. As such, these additions would have an acceptable impact on the character and appearance of the building and locality.

In conclusion, it is considered that the additions are relatively modest in size and scale and would have an acceptable impact on the character and appearance of the host building, neighbouring buildings 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.

The host building is isolated from any neighbouring occupiers, with the nearest neighbouring building being to the adjacent side of Selvage Lane. In respect of the existing occupiers within the subject building, given the proposed enlargements are at roof level, it is not considered that this would demonstrably harm the amenities these occupiers.

In respect of increased noise and disturbance as a result of the proposed additional 2 x 1 bedroom units, given the urban context of the site, busy thoroughfare and size of the proposed units, it is not deemed to result in any perceptible harm to existing occupiers.

Neighbouring comments have been received in terms of suitability of the site for further housing due to high air pollution levels and noise from the surrounding roads in particular the M1 motorway, this will be addressed in the subsequent section.

## **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 7 (Loft level) - 1b2p GIA 63sqm (required 50sqm)

Flat 8 (Loft level) - 1b2p GIA 65sqm (required 50sqm)

As set out above both units would 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 m<sup>2</sup> and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

Both of the proposed double bedrooms would meet the above noted standard.

### *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 floor plan demonstrates that both units would meet this requirement.

### *Room stacking:*

To ensure noise transfer between the existing and proposed units is adequately mitigated, a condition for pre-completion sound insulation certificates will be imposed.

### *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 15sqm of outdoor amenity space.

Due to the constraints of the site, no outdoor amenity space is proposed. Furthermore, having regard to noise and pollution levels in the area, it is not considered in this instance appropriate to provide such. Notwithstanding, the site lies within a local shopping frontage

- in which a variety of shops and services are readily available for future occupiers. In addition, Mill Hill Park is within 15 minute walking distance of the site. Lastly, it is highlighted that both units exceed the minimum space standards by approximately the amount of outdoor amenity space required. Whilst the latter point cannot be deemed wholly compensatory, the combination of the above factors in this instance suitably addresses the shortfall.

#### *Air pollution:*

Environmental Health (EH) have been consulted in respect of this application. The following comments were provided:

'The location of this proposed two flat extension is in the middle of probably one of the worst sites for air pollution in the borough. Modelled air pollution levels from the respected Global Health website (London pollution sources map - Global Clean Air) show that the levels of air pollution are predicted to certainly exceed the annual average objectives for Nitrogen dioxide and be close to the hourly level for Nitrogen dioxide.

As a minimum they would require mechanical ventilation with filters for NOx and a maintenance program for the filters. The air intake should be as high as possible on the building away from traffic flow. The flats would require cooling for the summer months. I would not recommend that the windows are openable for the location. Effectively the building should be an airtight closed block. In the future when the air quality has improved significantly, may be five-ten years away, then the windows may be opened, but the inside of the flats would be noisy, and the air significantly polluted until then. As such, a condition for a full air quality report which is only rarely for small developments but in this case the exceptionally poor air quality necessitates the condition.'

Officers acknowledge that due to the surrounding site context which includes the A41 and M1 motorway, air pollution in this location is at its highest, however there are examples across the borough with similar site constraints in which the LPA has consented new residential development subject to a suite of conditions to mitigate the impact.

As such, to fully assess and mitigate the impact of air pollution on future occupiers, EH have advised a condition for a full air quality report as well as a compliance condition for maintenance of the mechanical ventilation system must be applied. The recommended conditions will be imposed as pre-commencement conditions.

Furthermore, EH have advised that windows should not be openable and mechanical ventilation will be required to serve the new flats. This approach is consistent with that applied to other sites with high pollution levels. As such, a condition will be applied to ensure windows remain permanently shut.

#### *Noise:*

The adjacency to busy thoroughfares results in high ambient noise levels. EH have advised that the units would need very high specification sound proofing insulation on the window glazing. The levels on the Extrium noise map suggest a range of LAeqs from 60dBA to 75dBA minimum. These would require reducing to 30dBA in bedrooms so a 45dBA level of glazing would be required. EH have further advised that the windows would likely need to be fixed closed for as long as the poor air quality and high noise levels were evident. The glazing would probably need to be checked afterwards to ensure that it had been fitted sufficiently well so as not to reduce the insulation.

EH therefore recommend a noise report and post glazing installation check.

The recommended conditions will be applied.

In summary, whilst it is acknowledged that air pollution and noise levels act as a barrier to further residential development in this location, it is considered that subject to the aforementioned pre-commencement conditions adequate mitigation measures can be deployed to ensure the quality of accommodation proposed is suitable and of a sufficient standard for future occupiers.

## **Highways**

The existing site benefits from two separate crossovers providing an in/out access around the subject building. The proposal incorporates the provision of two parking spaces to be sited on the existing hardstanding to the southwest boundary of the site.

The Councils Highway team have assessed the proposal and consider the provision of 2 spaces (1 per dwelling) to be acceptable and in accordance with Policy DM17.

### **Cycle Parking:**

The proposed development will need to provide 2no. long-stay cycle parking spaces in accordance with the London Plan Cycle Parking Standards. The cycle parking spaces will need to be secured within a covered and lockable storage facility. The submitted plans show cycle storage would be located to the rear of the building which is acceptable and further details of the store can be secured through a condition.

### **Refuse/Recycling:**

Waste collection arrangements would remain as existing - in which refuse vehicles enter to the rear of site, collect waste and exit through the other side. The councils refuse teams consider this to be acceptable.

In respect of storage facilities, a new store to the rear of the site would be provided to accommodate bins for both existing and future occupiers which improves on the existing layout where bins are contained within the rear access stairwell which impedes pedestrian access. Further details of the store will be secured through a condition.

## **5.4 Response to Public Consultation**

Mainly addressed in the report.

-Concerns of structural damage and integrity as a result of the proposed extensions;  
Rights of easement disputes.

These are not material planning considerations.

-Noise and pollution concerns exacerbated by proposed construction activities.

Addressed in the report. Construction activities are relatively domestic in nature and for a limited period of time. A Construction Management Plan condition will be imposed to mitigate some of the impact.



-Loss of loft space storage.

This is primarily a civil matter for residents to dispute with the applicant.

-Fire safety concerns including impeding emergency vehicle services.

As per the submitted tracking plan (dwg. No. AC-127-A), the proposed parking spaces would not impede access to emergency vehicles. A fire statement has been provided which confirms the development will be fully building regulations compliant.

## 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 subject to conditions.

