

Location **548 Finchley Road London NW11 8DD**

Reference: **23/0786/FUL** Received: 24th February 2023
Accepted: 24th February 2023

Ward: Childs Hill Expiry: 21st April 2023

Case Officer: **Mansoor Cohen**

Applicant: C/O UPP

Proposal: Conversion of the existing dwelling into 3no. self-contained flats including single storey rear extension, roof extension involving front, side and rear dormer windows and 2no. side facing rooflights. Associated amenity space, cycle storage and refuse and recycling

OFFICER'S RECOMMENDATION

Approve subject to s106

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)

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:
 1. The Council's legal and professional costs of preparing the Agreement and any other enabling agreements.

2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.

Amendment to the Traffic Management Order:

-A contribution of £2,392.01 towards the amendment of the Traffic Management Order (TMO) to ensure that the new occupants are prevented from purchasing CPZ parking permits

-Meeting the Council's costs of monitoring the planning obligation

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:

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

Existing:

548FI-A-01-001
548FI-A-01-002
548FI-A-02-001
548FI-A-02-002
548FI-A-03-001
548FI-A-03-002
548FI-A-03-003
548FI-A-03-004
548FI-A-05-001
548FI-A-05-002
548FI-A-06-001
548FI-A-06-002
548FI-A-06-003
548FI-A-06-004

Proposed:

548FI-A-01-001
548FI-A-01-002
548FI-A-02-101
548FI-A-02-102
548FI-A-03-101
548FI-A-03-102
548FI-A-03-103
548FI-A-03-106
548FI-A-05-101
548FI-A-05-102
548FI-A-06-101
548FI-A-06-102

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 The site shall not be brought into use or first occupied until the means of enclosure, as shown on drawing 548FI-A-01-002, have been fully implemented and shall be retained as such thereafter.

Reason: To protect the amenities of future occupiers in accordance with Policy DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

6 a) Notwithstanding the approved plans, before the development hereby permitted is first occupied details of cycle parking including the type of stands, location of cycle parking and type of store proposed to incorporate a minimum of 6 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.

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

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

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

8 a) Before the development hereby permitted is first occupied, details of the subdivision of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2016).

9 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 G5 and G7 of the London Plan 2021.

10 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and G7 of the London Plan 2021.

- 11 Prior to occupation of the development, a revised drawing showing the proposed crossover in front of the property reinstated to footway and changes to the CPZ layout in front of the property shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the detailed approved drawing. The applicant will be expected to enter into with the Highways Authority under Section 184 Agreement of the Highways Act for works on the public highway and will be liable for the cost of the proposed works and any amendments to the existing traffic management order. All off site highway works must be completed to the satisfaction of the local highway authority prior to first occupation of the 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.

- 12 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).

- 13 Before the building hereby permitted is first occupied the proposed windows in the side elevations facing nos. 548 and 546 Finchley Road as annotated on drawing nos. 548FI-A-03-101, 548FI-A-03-102 and 548FI-A-03-103 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 save for the proposed two side dormer windows which shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut.

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

- 14 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.

- 15 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

- 16 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). 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.

- 17 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).

RECOMMENDATION III:

- 1 That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:
- 2 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 29th September 2023, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not provide a legal agreement to mitigate the highways impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and highway safety, contrary to Policy T6.1 of the London Plan (2021), Policy CS9 of the Adopted Core Strategy and Policy DM17 of the Adopted Development Management Policies DPD

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 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 Licences or email highwayscorrespondence@barnet.gov.uk.

OFFICER'S ASSESSMENT

1. Site Description

The application site is a two-storey detached property located on the eastern side of Fernside, a slip road off Finchley Road. The property is nonetheless addressed as Finchley Road. Fernside consists of a row of six detached properties and one pair of semi-detached properties which are partly screened from Finchley Road by a grass verge and shrubbery. Beyond Fernside to the south lies an electricity substation.

The surrounding area has a mixed residential character, with larger purpose-built flats located to the south along Finchley Road and at the junction between Finchley Road and West Heath Avenue, as well as converted properties and single family dwelling houses.

The site has a PTAL rating of 6a, which is deemed to be very good access to public transport.

The application site is not located within a conservation area and is not a listed building.

2. Site History

Reference: C06504A
Address: 548 Finchley Road, London, NW11 8DD
Decision: Approved subject to conditions
Decision Date: 22 January 1979
Description: Single storey rear extension

Also of relevance are the following at the adjacent site 546 Finchley Road:

Reference: 18/3477/FUL
Address: 546 Finchley Road, London, NW11 8DD
Decision: Refused. Allowed on appeal ref APP/N5090/W/18/3214504
Decision Date: 14 September 2018
Description: Demolition of existing dwelling and erection of a two storey building with rooms in roofspace to create 6no self-contained flats. Associated parking, cycle store and refuse and recycling

Reference: 19/3373/FUL
Address: 546 Finchley Road, London, NW11 8DD
Decision: Approved subject to conditions
Decision Date: 16.09.2019
Description: Demolition of the existing building and erection of a two-storey building with rooms in the roof space to provide 8no. self-contained flats and 4no. off street parking spaces to front forecourt, and associated cycle storage and refuse & recycling facilities

Reference: 20/2874/FUL
Address: 546 Finchley Road, London, NW11 8DD
Decision: Approved subject to conditions
Decision Date: 23.04.2021
Description: Demolition of the existing building and the erection of a two-storey building with rooms in the roof space to provide 8no. self-contained flats, together with basement car park (7 spaces) and car lift , cycle storage and refuse/recycling facilities

3. Proposal

The application seeks planning consent for the 'Conversion of the existing dwelling into 3no. self-contained flats including single storey rear extension, roof extension involving front, side and rear dormer windows and 2no. side facing rooflights. Associated amenity space, cycle storage and refuse and recycling.'

The proposed single storey rear extension would have a depth of 4m along the boundary with no.550 and 2.5m with no.546 due to the existing staggered rear elevation of the property rising to a height of 3.1m to its flat roof.

1no. dormer would feature to each of the four facing roofslopes. The existing garage door would be replaced with a window.

The proposed flats would be as follows:
Unit 1- (Ground Floor) GIA 133sqm - 3 bed 6 person
Unit 2- (First Floor) GIA 110sqm - 3 bed 5 person
Unit 3- (Loft Floor) GIA 52sqm - 1 bed 2 person

The rear garden would be subdivided to provide private amenity space to unit 1 and communal garden for the remaining two flats.

The proposal does not incorporate any off-street parking spaces.

4. Public Consultation

Consultation letters were sent to 50 neighbouring properties.
5 responses have been received, comprising 5 letters of objection.
The objections received can be summarised as follows:

- Significant concerns of overlooking and loss of privacy in particular from the proposed roof dormers. Obscure glazing is not sufficient, a restricted opening should also be included.
- Loss of light and views from neighbouring windows in particular no.550's kitchen which is against the legal 'right to light'
- Concerns of construction damage
- increase in parking and traffic flow would change character of the area
- Concerns in relation to diverting the existing culvert and associated flooding

4.1 Other Consultees

Highways Officer: No objection subject to s106 permit restrictions and conditions

Thames Water: Having reviewed the details, Thames Water have no comments to make at this time.

Tree officer: No objection subject to conditions

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

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 (adopted October 2016)

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:

- The principle of flats at this location
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

- Whether the proposal provides satisfactory living accommodation for future occupiers
- Parking and Highways
- Tree impacts.

5.3 Assessment of proposals

Whether the principle of residential units is appropriate for the area

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

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse. The conversion of existing dwellings into flats can have a cumulative effect that is damaging to the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street particularly where they are highly accessible. However, even in such locations they can harm the character of areas by changing external appearance and increasing activity. Such activity can often involve more people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries."

As noted in the site description, the locality comprises of a mixture of residential uses to include purpose built flatted development, converted properties and single family dwellinghouses. As such, the locality has a mixed residential context.

Planning history and council tax records show the presence of at least 10 flat conversions in the locality to include: nos.526, 524, 520-522, 516, 512 and most notably no.546, directly adjacent to the subject site, which has multiple consents for its conversion into flats, with the most recent extant permission for its conversion to 8 flats. Further to this, no.558, which like the application site is located on Fernside was granted permission in 2007 (ref: C16164A/06) for 3 self-contained flats and no.514, further south, was granted permission for 3 self-contained flats in 2017 (ref: 17/2399/FUL).

In further support of the above, it is noted that in two appeal decisions relating to neighbouring no.546, both Inspectors considered the character of the area to be mixed and the principle of flats acceptable.

Furthermore, the proposal would re-provide a family unit with a net additional family unit at first floor level and therefore is in accordance with Policy DM08 which requires a suitable housing mix.

Having regard to all the above, it is considered that the principle of flats in this location is acceptable, subject to further considerations as set out below.

Impact on the character of the area

Policy DM01 requires development proposals to 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 a single storey rear extension measuring a depth of between 2.5m-4m due to the existing staggered rear elevation. Residential Design Guidance SPD (2016) states that a 4m deep extension for detached properties is usually appropriate. The proposed extension would comply with guidance. Furthermore, it is noted that a similar extension is in situ at the adjacent neighbour, no.550. As such, it is considered that the proposed extension would be a proportionate addition to the property.

The proposal also incorporates a total of 4no. dormer windows corresponding to 1no. dormer to each facing roofslope. Guidance states that 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. Each dormer window would comply with guidance and be visually contained within the respective roofslope thus reading as subordinate additions.

It is noteworthy to highlight that dormer windows such as proposed on the subject property are a characteristic feature of the locality with the immediate neighbour, no.550 benefitting from comparable dormers to each roofslope as well as nos.546, 556, 558 and 33 West Heath Avenue which all front Fernside. As such, these proposed additions would have an acceptable impact on the character and appearance of the host property, neighbouring properties and streetscene.

The proposal also incorporates the partial bricking up of the front facing garage door and replacement with a window. This would be a modest alteration to the front façade and not deemed harmful. It is also noted that the pair of semi-detached properties along Fernside have carried out similar works.

Consequently the proposed development is considered to have an acceptable impact on the host building and locality.

Impact on the amenities of neighbours

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 proposal would incorporate a 4m deep ground floor extension along the boundary with no.550, however this would be recessed from the rear elevation of this neighbour. Officers site visit noted a number of windows featuring along the flank wall of the neighbouring property which would likely be impacted by the proposed extension. A separation distance of approximately 1.3m would exist flank to flank. Whilst not definitive, officers consider these windows likely serve as secondary windows and/or non-habitable spaces. In addition, the in situ neighbouring fence and boundary wall already compromise outlook from these windows and substantially reduce any light intake. Officers also consider it appropriate to attach weight to what could be deployed through permitted development rights - a 4m deep single storey rear extension along the boundary with no.550 (albeit half the width) equivalent to the proposed extension in impact terms. Lastly, due to the level difference between the two respective sites, whereby the subject property sits at a lower

level than no.550, some of this impact would be mitigated.

In considering all of the above factors, on balance officers consider the impact to be acceptable and would not warrant a refusal on these grounds alone.

To the side facing no.546, the extension would not protrude beyond the existing single storey outrigger and thus no additional impact would arise as result of the extension.

A number of windows would feature on the flank wall of the subject property facing nos.550 and 546, however, these either serve non-habitable spaces or as secondary windows and have all been annotated as being obscure glazed which could be conditioned in the event of an approval. As such, it is not considered that a loss of privacy or overlooking would arise.

In respect of the dormer windows, it is acknowledged that the proposed side dormers windows would somewhat align with the existing side dormer windows at nos.546 and 550, however the proposed dormer windows have been annotated as obscure glazed and one of which serves a non-habitable space. In order to safeguard the privacy of these neighbours, officers consider it appropriate to apply a condition to ensure the highest level of obscure glazing is fitted along with the window being permanently fixed shut. It is considered that these measures would suitably mitigate any overlooking or loss of privacy.

In respect of increased noise and disturbance as a result of the conversion, given the mixed character of the locality consisting of flats and conversions against a busy Finchley Road throughfare, it is not considered that the proposal would have a demonstrable harmful impact on the amenities of neighbouring occupiers.

Based on the above, it is not considered that the proposed development would cause significant harm to the residential amenity of neighbouring occupiers by way of overshadowing, overbearing impact or overlooking. Furthermore, it is considered that the impact on neighbouring amenity via an increase in site occupancy levels is acceptable on balance having considered the established mixed character of this section of Finchley Road / Fernside.

Living standards for future occupiers

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:

Unit 1- (Ground Floor) 3 bed 6 person GIA 133sqm (required 95sqm)

Unit 2- (First Floor) 3 bed 5 person GIA 110sqm (required 86sqm)

Unit 3- (Loft Floor) 1 bed 2 person GIA 52sqm (required 50sqm)

As per above, all of the units would exceed the required 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 bedrooms across the units would meet the above noted 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 floor plans and section demonstrates that all units would meet this requirement.

Room stacking:

The proposed stacking is broadly like for like and therefore acceptable. A condition for pre-completion sound insulation certificates will be imposed to ensure noise transfer is adequately mitigated.

Light/outlook:

All units would be dual aspect and considered to provide an acceptable level of outlook and light for the respective units.

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 unit 1 would require a provision of 35sqm, unit 2 of 30sqm and unit 3 of 15sqm.

The proposal incorporates a private amenity space of 43sqm for unit 1 abutting its rear elevation and a communal garden space beyond of some 225sqm. Access to the communal space is provided by a side passage.

As such, the outdoor amenity provision is well in excess of the requirements and therefore considered acceptable.

In conclusion, the proposed development would provide an acceptable level of amenity for future occupiers.

Parking and Highways

The site lies within a CPZ which operates Monday - Fri, 11am-12noon. The Public Transport Accessibility Level (PTAL) rating for the site is assessed as 6a which is considered as an excellent level of accessibility. There are 14 bus routes that can be accessed from stops within 5 minutes walking distance of the site and Golders Green Tube Station is 7 minutes walking distance.

The proposed conversion will require between 2-4 off street parking spaces in accordance with Policy DM17. Given the excellent PTAL rating of 6a, Highways would anticipate 2 spaces, to be provided for the 3 bed units, however, considering the excellent PTAL of 6a and the intentions of London Plan Policy T6.1 (which advocates car free development for PTAL 6), Highways would accept a car free scheme subject to CPZ permit restrictions.

Vehicular Access:

There is an existing crossover outside the property and this will need to be reinstated to footway and the CPZ parking bay extended accordingly as no car parking is proposed. This will require working on the public highway for which the applicant will need to obtain a s184 licence. All off-site highway works will need to be completed to the satisfaction of the local highway authority prior to first occupation of the dwelling.

In considering the comments from Highways, officers note that the reinstatement of the dropped curb would provide a net gain of 1 space for on-street parking. When combining this with a legal agreement to restrict future occupiers from obtaining parking permits, officers consider the car free scheme would be acceptable and would not give rise to increased parking pressure or congestion.

Cycle parking:

In accordance with Policy T5 of the London Plan (2021), the proposal would require a 5-6 cycle parking spaces. The plans indicate a cycle store would be located within the rear communal garden which is acceptable and further details of the store could be secured through a condition.

Refuse/Recycling:

The plans indicate a brick built store would be placed within the front forecourt and fronting Fernside. Officers consider this may feature as a dominant and uncharacteristic store being sited directly adjacent to Fernside, however an alternative arrangement could be deployed within the front forecourt such as orientating the store perpendicular to the house which reduce its prominence. Therefore whilst the principle of the store in the front forecourt is acceptable and could meet the requirements, a condition will be imposed to secure a revised layout.

Tree impacts

The councils tree officer has reviewed the application and provided the following comments:

'There are numerous trees and shrubs in the general vicinity of the proposed development, some of which is situated on neighbouring land. The presence of an existing patio is likely to have influenced root growth to some extent which is likely to have reduced risk associated with the proposed rear extension. Anticipated impact from foundation works is low.

Additionally there is a grove of TPO trees (TRE/HE/26/G39) abutting the rear boundary of the site. The development is unlikely to invite risk to these trees. In the event of approval it is recommended that tree protective fencing is installed with a 5m clearance from the rear boundary, to be maintained during development to alleviate any risk of soil compaction and/or contamination (eg: from material storage, mixing, etc)

There are 2no large Barnet owned trees situated to the front of the property. Development works (including access requirements) are unlikely to invite risk to these trees.

Landscaping has not been incorporated into the proposal. A landscaping scheme is recommended, pursuant to Barnet's Local Plan (Development Management Policies) -

Policy DM01: Protecting Barnet's character and amenity.'

It is highlighted that the TPO trees abutting the rear boundary of the site is a considerable distance (approx. 26m) from the proposed extension and therefore the above measures are precautionary. Nonetheless for certainty a Tree Protection Plan condition will be imposed.

In addition, a hard and soft landscaping scheme condition will be applied as recommended by the officer.

In light of the above the proposal would be acceptable in respect of tree impacts subject to the aforementioned conditions.

5.4 Response to Public Consultation

Mainly addressed in the report. Further comments as follows:

- Loss of light and views from neighbouring windows in particular no.550s Kitchen which is against the legal 'right to light'

Loss of light and outlook has been addressed in the report. Rights to a view and any associated legalities are not material planning considerations.

-Concerns of construction damage; Concerns in relation to diverting the existing culvert and associated flooding

These are not material planning considerations. In respect of flooding, the site lies in flood zone 1 meaning a low risk of sea/river flooding. In respect of surface water flooding the extension is being built on existing hardstanding and provides an increased level of soft landscaping to the front forecourt.

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, 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 and the completion of a s106 agreement.

