

Location 845D High Road London N12 8PT

Reference: 23/1415/FUL Received: 30th March 2023
Accepted: 31st March 2023

Ward: Woodhouse Expiry 26th May 2023

Case Officer: Greta Norton

Applicant: A Frantzoulou

Proposal: Change of use from solicitors office (use Class E) to 3no. self-contained flats including single storey front extension, mansard roof extension and external alterations. Changes to fenestration. Associated refuse/recycling store and cycle store

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

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

Existing Floor Plans, Elevation and Photo HR/22/P/02
Proposed Floor Plans, Elevations and Photo HR/23/P/03 Rev A
Existing Site Location Plan, Site Plan, and Photos HR/22/P/01
Planning Statement prepared by HenryPlanning
Parking Survey prepared by TrafficSurveys dated 10th July 2023

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 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy D4 of the London Plan 2021.

- 4 a) A scheme of hard and soft landscaping, including details of 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 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.

- 5 Prior to occupation of the development refuse collection arrangements shall be in place in accordance with the submitted planning application.

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 6 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, before the development hereby permitted is occupied, (long stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of cycles in connection with the 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.

- 7 No site works or works on this development including demolition or construction work shall commence until a Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:
- 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. Staff travel arrangement;
 - ix. details of contractors compound and car parking arrangements;
 - x. Details of interim car parking management arrangements for the duration of construction;
 - xi. Provision of a competent banksman;

xii. Details of a community liaison contact for the duration of all works associated with the development.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 8 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement 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.

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

The development shall be maintained as such in perpetuity thereafter.

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

- 10 a) No development shall take place until details of sound proofing as shown on the approved drawings and provision of high quality acoustic glazing and acoustic trickle vents, have been submitted to and approved in writing by the Local Planning Authority.
- b) The soundproofing measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or the first

occupation of the development and retained as such thereafter.

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed use noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted 2016), and Policy D6 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 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway, and this considerably shortens the lifespan of the affected highway.

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

works.

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

- 3 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry, or other material likely to impede the free flow of water therein.
- 4 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.
- 5 The applicant is advised that due to the large number of schools and school children in the area that site deliveries during the construction period should not take place between 0800 hrs to 0900hrs and 1500 hrs to 1600 hrs. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.
- 6 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licences please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk.
- 7 Refuse collection points should be located within 10 metres of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 8 Tree and shrub species selected for landscaping/replacement planting shall provide long term resilience to pest, diseases and climate change. A diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below:

An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine.

To ensure the replacement trees meet bio-security standards they should be purchased from a DEFRA accredited supplier that can be found here: <https://planthealthy.org.uk/certification>.

- 9 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.

OFFICER'S ASSESSMENT

1. Site Description

The application site relates to a two-storey building located within a courtyard accessed via an underpass of a frontage building located on the eastern side of High Road, within the Woodhouse ward. The site is currently vacant and has previously been in use as a solicitor's office on both floors. The site does not lie within a Conservation Area and is neither a listed or locally listed building, nor is it located adjacent to a listed or locally listed building.

The site is not located within a flood risk zone, nor are any protected trees nearby.

2. Site History

Reference: 22/3164/PNE

Address: 845D High Road, London, N12 8PT

Decision: Prior Approval Required and Refused

Decision Date: 10 August 2022

Description: Change of use from solicitors' office (use Class E) to dwellinghouse (Class C3) 2 units

Reason: The application would fail to meet the criteria of Class MA, Part 3 of the General Permitted Development Order as the proposed unit would not provide adequate natural light as outlined within Class MA, Part 3 of Schedule 2, paragraph MA.2 (f) of The Town and Country Planning (General Permitted Development) Order 2015 - as amended.

Reference: 22/4581/PNE

Address: 845D High Road, London, N12 8PT

Decision: Prior Approval Required and Approved

Decision Date: 7 November 2022

Description: Change of use from solicitors' office (use Class E) to dwellinghouse (Class C3) 2 units

Reference: 22/6004/FUL

Address: 845D High Road, London, N12 8PT

Decision: Refused

Decision Date: 6 March 2023

Description: Change of use from solicitors' office (use Class E) to dwellinghouse (Class C3) 2 units including single storey rear extension, roof extension involving front dormer

Reason:

1. The proposed 2no self-contained flats on this constrained site would result in poor outlook from the ground, first and second floor windows for future occupiers, and is therefore

considered to result in unacceptable residential accommodation for future occupiers, contrary to policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

2. The proposed development does not provide private outdoor amenity space for either proposed flat, and would provide a sub-standard level of accommodation, detrimental to the residential amenities of the future occupiers of the proposed units. As a result, the proposal fails to provide an adequate level of accommodation contrary to the London Plan 2021, Policies DM01 and DM02 of the LB Barnet: Development Management Policies DPD (2012), the Sustainable Design and Construction SPD (2016) and the Residential Design Guidance SPD (2016).

3. Proposal

Change of use from solicitors' office (use Class E) to 3no. self-contained flats including single storey front extension, mansard roof extension and external alterations. Changes to fenestration. Associated refuse/recycling store and cycle store.

The proposed single storey front element measures 0.90 metres in depth, 5.18 metres in width, 3.25 metres eaves height and 3.60 metres maximum height due to the pitched glass roof.

The proposed roof extension involves addition of a third floor, in the form of a mansard roof extension with a crown measuring 3.86 metres in depth and 9.50 metres. The extension has an eaves height of 6.50 metres and maximum height of 9.25 metres.

The mansard roof has 3 small front dormers measuring 0.60 metres in depth, 1.40 metres in width, and 1.90 metres in height.

The application also involves fenestration alterations, which involves larger windows on both ground and first floors.

Internally, the building is split into three self-contained units, comprising of three floors. Each flat occupies a separate floor, and each serve 1 person studio units. Flat 1 on the ground floor is accessed from the proposed single storey front extension, with access to a covered store/utility via a side door. Flat 2 on the second floor is accessed via stairs to the south of the site. Flat 3, situated within the proposed roof extension, is also accessed via the stairs to the south. This flat also provides an outdoor terrace for the future occupant.

4. Public Consultation

Consultation letters were sent to 149 neighbouring properties. 7 letters of objection, including a petition, have been received, summarised below:

The Finchley Society objected, stating the following:

- The poor outlook for the flats is no less constrained than it was when the refusal of 22/6004/FUL was issued. A few bits of 'soft landscaping' do not improve the enclosed, overshadowed courtyard (they do however permanently obstruct the occasionally used roller door for the Powerail factory next door).
- The 3rd floor flat has equally restricted views due to the 4-storey building on the High Road being directly east of it on the enclosed courtyard.
- 2 of the 3 flats continue to have no private outdoor amenity space, and that provided

for the 2nd floor flat will be permanently in shade.

- What was 2 single bedroom flats is now proposed as 3 single bedroom studios. These are the least required units in Barnet's Housing needs - especially with the proliferation of similarly sized units (e.g. 86 Pocket homes at Woodside Park Tube).

- The application claims that the current proposal is 'near identical' to the permitted development approved 22/4581/PNE (Planning Statement 8.0). The addition of an entire new floor is far from identical.

- The proposal will not provide satisfactory living conditions.

Other objections received:

- Limited outlook for future occupiers. None of the above units are dual aspect and are indeed single aspect, contrary to policy. The outlook of windows face onto a small courtyard. The courtyard is surrounded by two or more storey buildings, and therefore a sense of enclosure is created.

- In this instance as the sole outlook for Flat 1 is onto a courtyard used by the occupiers of flats 2 and 3, this unit would be overlooked thus causing major privacy issues.

- Limited amenity space provision. As flat 3 measures over 20 sq.m it should be provided with 10 sq. m of private outdoor amenity space. This flat has been provided with a 5 sq.m terrace which falls short of the policy by 5 sq. m. This means the outdoor space is only 50% of what is expected by the policy.

- Flat 2 and 3 do not provide any amenity space.

- The proposal involves changes which would affect land not owned by the applicant. The shutter in red above is not owned by the applicant. The proposed extension to the building would involve changes to the existing shutter and would also block access. Were there to be a fire in our building this route also serves as a means of escape for our employees. If this were to be closed off or narrowed, that would pose serious health and safety risk for those working for our company.

- Disruption to neighbouring businesses. Noise, disturbance, dust, and general disruption due to the proposed building works would be severely detrimental to our businesses.

- They are not allowed to encroach onto our Building and where their Drawing shows the Building coming forward on the Ground Floor, this would encroach on our Shutter and the Shutter will not be removed or touched.

Internal and external Consultees

Highways:

The proposal is for conversion of the existing dwelling into 3no. self-contained flats (3 x 1 bedroom flats).

According to the Parking Standards as set out in Barnet Council's Local Plan Development Management Policy DM17, the proposed development would be required to provide between 1.5no. and 2.25no. off-street parking spaces. Based on the PTAL rating for the site as 4 (good accessibility), 2no. off-street parking spaces would be required to meet the parking standards of DM17 policy.

The proposal is car free development and would therefore not meet the aforementioned parking standards. However, Highways acknowledged that the site almost adjoins the North Finchley Town Centre location including a primary shopping area, and that it also lies in PTAL Zone 3, which is deemed to be average/good transport accessibility.

Therefore, Highways initially stated that a Section 106 or Unilateral Undertaking Agreement would be required to amend the Traffic Management Order (TMO) to exempt future occupiers of the new flats from schedule of addresses eligible for parking permits in the CPZ Zone, in order to overcome the shortfall and overspill of 2no parking spaces.

Following this, a car parking survey was submitted by the agent, to justify that a S106 or Unilateral Undertaking Agreement is not needed. Highways reviewed the document and confirmed that the parking survey presents that the average parking stress is 64% which is below the 90% threshold. Therefore, the overspill of 2no. car parking spaces arising from this development can be accommodated on-street.

Therefore, the proposal does not need to have a S106 agreement.

Refuse:

The proposed location of the bin store should be within 10 metres from public highway with clear and levelled pedestrian access to be provided for the refuse crews on collection days which satisfies the highway requirements

Cycles:

The proposed development will need to provide 3no. 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 storage facility to be located in a safe, well-lit and overlooked area. The design details of cycle parking spaces and storage facilities need to comply with the London Cycling Design Standards (LCDS).

Thames Water:

Thames Water were consulted due to the nature of objections received regarding drainage. However, the consultee confirmed that they had no comments to make on the application.

Environmental Health:

No objection subject to conditions.

5. Planning Considerations

5.1 Policy Context

Revised 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 Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2021

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS14.

- Relevant Development Management Policies: DM01, DM02, 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 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)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

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:

- i. The principle of development
- ii. Whether the proposal provides satisfactory living accommodation for future occupiers.
- iii. Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality.
- iv. The impact on the amenities of neighbouring occupiers
- v. Parking and highways
- vi. Cycle Storage
- vii. Refuse and recycling storage

5.3 Assessment of proposals

Principle of development

It has been established in the previous application at the site, under ref. 22/4581/PNE, that the property has been vacant since 1st of March 2022. In addition to this, the building has permission under prior approval to be converted into 2no self-contained units (Class C3). Therefore, the principle of a residential use is acceptable due to fallback position.

The previously refused scheme, under reference 22/6004/FUL, sought to intensify the use of the site through increasing the total number of occupiers to 5 people rather than 2 occupants which was approved as part of the prior approval. Therefore, the full planning scheme concluded that the increase in occupants from 2 to 5 people would represent an

over-intensive use of the site.

However, the current scheme, whilst it provides the same extensions as the previously refused scheme under ref. 22/6004/FUL, results in a reduction in the number of occupants from 5 to 3. The refused scheme proposed a 1 bedroom 2 person flat and a 2-bedroom 3 person flat whereas the current application proposes 3 single person studio flats. Therefore, the principle of the ground and first floor flats remain alike to what was approved under prior approval, with the addition of a third floor to provide 1 extra studio.

In this case, extending the site to provide living accommodation for one extra occupant would not cause significant intensification, thus the provision of 3 single person studio flats is considered acceptable, given the fallback position.

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality:

Policy DM01 states that: '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.'

As aforementioned, the proposal involves extending the existing building upwards to create a third floor within the roof, and a minor projection at ground floor level.

With regard to the proposed roof extension, it takes the form of a crown roof design, with 3 subordinate front dormers of modest sizing that sit comfortably within the roof slope, therefore compliant with Barnet's RDG (2016).

The proposed single storey front element would be minor in projection at 0.9m deep, with a pitched glass roof, therefore appearing a subordinate addition to the existing building.

The replacement of existing windows with larger, sash windows appear as attractive additions to the building, and would therefore contribute to the character of the area and improve the visual interest of the existing building.

Therefore, the proposal would be acceptable from a character perspective, as it would enhance the existing physical appearance of the site, in compliance with policy DM01 and Barnet's RDG (2016).

Whether the proposal provides a satisfactory living environment for future occupiers

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

Floorspace standards:

In terms of the amenity for future occupiers, the Planning Authority expects a high standard of internal design and layout in new residential development to provide an adequate standard of accommodation. The London Plan and Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units.

The London Plan (2021) and the Sustainable Design and Construction SPD (2016) set out the minimum space requirements for residential units and bedrooms. A 1 bed studio flat with

a shower room must provide at least 37sqm of internal floor space.

Flat 1 measures an internal GIA of 61m² and serves a 1 bed 1-person studio. Therefore, this is compliant and significantly in excess of the requirements set out in London Plan policy D6.

Flat 2 measures an internal GIA of 53.6m² and serves a 1 bed 1-person studio. Therefore, this is also compliant and significantly in excess of the requirements set out in London Plan policy D6.

Flat 3 measures an internal GIA of 41.33m², and also serves a 1 bed 1-person studio. This also meets the requirements of the London Plan.

The London Plan (2021) states that the minimum floor to ceiling height must be 2.50 metres for at least 75% of the gross internal area of each dwelling. The ceiling heights measure at least 2.50 metres across the whole site and therefore are acceptable.

Light/Outlook:

Barnet's Sustainable Design 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. Whilst the proposed habitable rooms do not all meet this target, a daylight and sunlight assessment report has been submitted as part of the application. The report concludes that all habitable rooms exceed the target daylight factors. Therefore, the application is acceptable with regard to daylight and sunlight for future occupiers.

Barnet's Sustainable Design SPD (2016) implies that dual aspect dwellings have many benefits including better daylight, a greater chance of direct sunlight for longer periods, natural cross ventilation, mitigating pollution, offering a choice of views, access to a quiet side of a building, greater flexibility in the use of rooms, and more potential for future adaptability by altering the use of rooms. Where single aspect flats are considered acceptable, they should demonstrate that all habitable rooms and the kitchen are capable of providing adequate ventilation, privacy and daylight and the orientation enhances amenity, including views.

All units are single aspect, due to the positioning of the existing building. Although the top flat has a side elevation window this looks on to a brick wall so outlook is limited. Therefore, outlook is only provided from the eastern façade of the building. Whilst the outlook from the proposed ground and first floor flats is not particularly high quality due to the building's location within a courtyard, the previously proposed car parking spaces, of the scheme ref. 22/6004/FUL, directly outside of Flat 1's windows have been removed as part of the current proposal. This has slightly improved the outlook for future occupants of Flat 1, especially as some landscaping is to be introduced outside the front of these windows, which will be secured by way of a landscaping condition.

Larger windows have also been proposed, to increase the amount of light and potential outlook for future occupants, which is an improvement of the prior approval scheme.

Furthermore, as the number of occupants for Flat 1 and 2 have been reduced to single person occupancy rather than 2 people, the scheme is more alike to the previously approved prior approval application. Therefore, given the fallback position for 2no. studio flats, the outlook is considered to be acceptable.

The outlook of the third floor flat within the roof extension, given its more elevated positioning and distance of over 21 metres from the opposite building is considered acceptable.

Overall, the outlook of the current proposed scheme seems to be an improvement of the previously refused scheme and prior approval schemes. Combined with the fallback position, the outlook is, on balance, deemed acceptable.

Provision of adequate outdoor amenity space for future occupiers:

In terms of outdoor amenity space, Barnet's Sustainable Design and Construction SPD sets out the minimum standards for outdoor amenity space provision in new residential developments. For flats, 5m² of outdoor amenity space per habitable room should be provided.

In this case, as each of the 3 studio flats are over 20sqm in size, this equates to two habitable rooms per flat, according to Barnet's Sustainable Design and Construction SPD, meaning 10sqm of outdoor amenity space should be provided for each studio.

The previously refused scheme under reference 22/6004/FUL had a reason for refusal regarding the lack of provision for outdoor amenity space. The previous refusal reason reads as follows:

The proposed development does not provide private outdoor amenity space for either proposed flat, and would provide a sub-standard level of accommodation, detrimental to the residential amenities of the future occupiers of the proposed units. As a result, the proposal fails to provide an adequate level of accommodation contrary to the London Plan 2021, Policies DM01 and DM02 of the LB Barnet: Development Management Policies DPD (2012), the Sustainable Design and Construction SPD (2016) and the Residential Design Guidance SPD (2016).

In the current scheme, there is still a lack of outdoor amenity provision, contrary to Barnet's Sustainable Design and Construction SPD, and the London Plan (2021).

However, the internal configuration of the flats has been altered since the previously refused scheme. The newly proposed flats seek permission for 3 self-contained studio flats, each on their own separate floor, as opposed to the previous scheme which sought permission for 2 no. flats split over a floor and a half each. The flats within the previous scheme had an internal floor area of 83.8sqm for flat 1, in excess of the London Plan's internal space requirement by 25.8sqm (Policy D6 Table 3.1), and 72sqm for flat 2, which was in excess of the 70sqm standard by just 2sqm.

In the current scheme, the ground and first floor flats both exceed their minimum internal space standards by 21.6sqm and 14.6sqm, as their occupancy has changed to one person per flat. Therefore, as both flats now exceed the internal minimum requirements significantly, the shortfall of outdoor amenity space is deemed acceptable, and would not warrant a reason for refusal. In addition to this, there is fallback position due to the prior approval, which also did not provide outdoor amenity space.

As flat 3 provides just 5sqm of outdoor space, this is considered to be a shortfall of 5sqm which would be required under Barnet's Sustainable Design Construction SPD. Moreover the terrace is surrounded by walls on 3 sides and does not provide good quality amenity space. However, given the fact that the flats are situated within a town centre location, it is more challenging to provide adequate outdoor amenity space in a location of this nature. Whilst it is acknowledged that the London Plan defaults to the Local Plan in respect of

outdoor space, nonetheless, 5sqm would meet the 5sqm requirement that would otherwise be sought under Policy D6 of the London Plan.

On balance, the lack of amenity space, given the internal floorspace proposed and town centre location, is considered acceptable in this instance.

Privacy:

Given the infrequent use of the courtyard, the proposed scheme does not raise concerns regarding privacy for future occupiers.

Impact on the amenities of neighbours

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy H12 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites. One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours' amenity is unlikely to be supported.

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. Any development adjacent to residential units should ensure that the amenities of neighbouring occupiers are respected. Policy DM01 of the Development Management Plan Policies states in part that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The locality of the site is tucked away from street view and is accessed via a shared pathway/driveway underneath an archway within the primary retail frontage of High Road.

The attached building within the courtyard, which serves a Powerrail warehouse, will not be impacted by the proposed extensions as the single storey front extension is minor in projection. The proposed addition of a crown roof/third floor would not detrimentally impact the amenities of 853a (the warehouse), as the neighbouring building consists of a flat roof and therefore no neighbouring living space will be impacted as a result of the roof extension.

There is a flank wall to the south of the site, which is part of a neighbouring building. This is currently higher than the existing host site, and without the presence of any windows on this wall, no neighbouring amenity will be impacted.

Thus, it is concluded that the proposed extensions to the existing building would not result in a detrimental impact upon neighbouring amenity with regard to loss of light, overshadowing, loss of privacy, overlooking and overbearing impact.

With regards to the additional comings and goings related to the addition of new residential units, the proposed units would result in 3 new occupiers at the site. The existing courtyard is currently not frequently utilised due to the vacant nature of the offices. In addition to this, the roller shutter door (at no. 853a), adjacent to the host site, is the secondary entrance to their warehouse, and is therefore not frequently used. In light of this, there would be an increased number of comings and goings from the site, however, it will not have a negative impact on neighbouring amenity due to the site's circumstances.

5.4 Response to Public Consultation

(The poor outlook for the flats is no less constrained than it was when the refusal of 22/6004/FUL was issued. A few bits of 'soft landscaping' do not improve the enclosed, overshadowed courtyard (they do however permanently obstruct the occasionally used roller door for the Powerail factory next door).

- As discussed in the report, the prior approval fallback position is a material consideration of some weight in this circumstance. With regard to the third floor flat, the outlook is not as constrained due to its elevated positioning. With regard to the soft landscaping, this will be implemented on the applicant's land, and would be a civil matter between the applicant and neighbour. Furthermore, this roller shutter is the secondary access to the factory.

(The 3rd floor flat has equally restricted views due to the 4-storey building on the High Road being directly east of it on the enclosed courtyard.)

- The 4-storey building is located at a distance of just over 21 metres away from the eastern façade of 845D High Road. This is considered to be a significant distance that will not detrimentally impact the amenity of the third floor flat.

(2 of the 3 flats continue to have no private outdoor amenity space)

- As discussed in the body of the report, there is fallback position of flats 1 and 2 from the prior approval application, which does not provide outdoor amenity space.

(What was 2 single bedroom flats is now proposed as 3 single bedroom studios. These are the least required units in Barnet's Housing needs - especially with the proliferation of similarly sized units (e.g., 86 Pocket homes at Woodside Park Tube).

- Whilst it is acknowledged that they are not a high priority housing type, the flats will still contribute towards Barnet's housing provision target as set out in the London Plan 2021.

(The application claims that the current proposal is 'near identical' to the permitted development approved 22/4581/PNE (Planning Statement 8.0). The addition of an entire new floor is far from identical)

- The ground and first floor flats are of an improvement to the prior approval application and are similar in nature. It is acknowledged that the addition of a third floor is not near identical to the prior approval, however the LPA consider the addition to be acceptable in regard to neighbouring amenity, future amenity, and the character of the area.

(The proposal will not provide satisfactory living conditions)

- As discussed within the future amenity section, the LPA consider the proposed development to provide adequate natural light, and internal space standards. The outlook and outdoor amenity space are, on balance, deemed acceptable due to fallback position and improvements in the current scheme.

(In this instance as the sole outlook for Flat 1 is onto a courtyard used by the occupiers of flats 2 and 3, this unit would be overlooked thus causing major privacy issues)

- The level of activity in the courtyard is likely to be relatively low and, given the

screening that could be provided by the landscaping proposed, would not cause significant levels of overlooking.

(The proposal involves changes which would affect land not owned by the applicant. The proposed extension to the building would involve changes to the existing shutter and would also block access. Were there to be a fire in our building this route also serves as a means of escape for our employees. If this were to be closed off or narrowed, that would pose serious health and safety risk for those working for our company.)

- The agent has confirmed that the development will take place within their own land, and therefore if owners of the neighbouring building have right of way on the land owned by 845D High Road, this would be a civil matter, not a planning matter.

(Disruption to neighbouring businesses. Noise, disturbance, dust, and general disruption due to the proposed building works would be severely detrimental to our businesses.)

- Disturbance during construction is not a planning consideration, however a condition is suggested requiring submission of a Demolition and Construction Management Plan.

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, this application is recommended for APPROVAL subject to a legal agreement and conditions.



Existing Site Plan
Scale 1:500

