

**Location** **Crossbill Apartments 452 Finchley Road London NW11 8DG**

**Reference:** **23/1556/FUL** Receive  
d: 11th April 2023  
Accepted: 11th April 2023  
Ward: Childs Hill Expiry 6th June 2023

**Case Officer:** **Tania Sa Cordeiro**

Applicant: Mr Henry Fordham

Proposal: Additional storey at fourth floor level to provide 1 no. self-contained flat

### **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:

Drg.no. 1201 (Existing South & West Elevations)  
Drg.no. 1202 (Existing East & North Elevations)  
Drg.no. 1101 (Existing Ground and Lower Ground Floor Plans)  
Drg.no. 1102 (Existing First and Second Floor Plans)  
Drg.no. 1103 (Existing Third and Roof Plans)  
Drg.no. 2201 Rev. 03 (Proposed South & West Elevations)  
Drg.no. 1202 Rev. 03 (Proposed East & North Elevations)  
Drg.no. 2101 Rev. 04 (Proposed Third and Fourth Plans)

Drg.no. 2102 Rev. 01 (Proposed Roof Plan)  
Drg.no. 2301 (Proposed Section)  
Drg.no. 101 Rev. 04 (Levels Study)  
Drg.no. 102 (Site Plan)  
Drg.no. 001 (Location Plan)  
Planning Statement, dated 10 February 2023  
Daylight & Sunlight Assessment, dated March 2023, prepared by EAL Consult  
Statement, dated 10 May 2023, prepared by DC Architecture Design

Block Compliance\_ communal ASHP, received on the 20 June 2023

Drg.no. B101 (Proposed Car Park / Basement Plan), received on the 22 August 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) The approved residential unit shall not be occupied until details of the means of enclosure for the fourth floor terrace have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential

properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM16, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 5 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
  - ii. site preparation and construction stages of the development;
  - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
  - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
  - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
  - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
  - vii. noise mitigation measures for all plant and processors;
  - viii. details of contractors compound and car parking arrangements;
  - ix. details of interim car parking management arrangements for the duration of construction;
  - x. details of a community liaison contact for the duration of all works associated with the development.

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

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

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

- 6 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).

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

The development shall be maintained as such in perpetuity thereafter.

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

- 8 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 Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

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

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

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

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

- 11 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 12 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards, in the interests of promoting cycling as a mode of transport and to safeguard the visual amenities of the building and surrounding area, in accordance with Policy T5 and Table 10.2 of The London Plan (2021), Barnet's Local Plan Policies CS NPPF, CS1 and CS9 of Core Strategy (Adopted) September 2012, and Policies DM01 and DM17 of Development Management Policies (Adopted) September 2012.

**Informative(s):**

**OFFICER'S ASSESSMENT**

## 1. Site Description

The site was a former public house and associated hotel at the junctions of Finchley Road, Cricklewood Lane and Hermitage Lane. The public house became vacant and redundant and the site has since been redeveloped.

The site is not located in a Conservation Area and there are no statutory listed buildings which may be affected by the proposed development. The park at the rear contains trees subject to a Tree Preservation Order.

The surrounding area is predominantly characterised by commercial and residential development.

The site is located in a PTAL 4 location.

## 2. Site History

Reference: 16/1974/FUL

Address: 452 Finchley Road, London, NW11 8DG

Decision: Approved following legal agreement

Decision Date: 03.02.2017

Description: Redevelopment of the site comprising five-storey building to provide offices and retail shops at upper and lower ground floor levels and 13no residential units at first, second and third floor levels, with parking at lower ground/part-basement level, cycle storage, refuse storage. Solar panels to roof

Reference: 18/0725/S73

Address: Crossbill Apartments, 452 Finchley Road, London, NW11 8DG

Decision: Approved following legal agreement

Decision Date: 9 November 2018

Description: Variation of condition 1 (Plan Numbers) pursuant to planning permission 16/1974/FUL dated 03/02/2017 for `Redevelopment of the site comprising five storey building to provide offices and retail shops at upper and lower ground floor levels and 13no residential units at first, second and third floor levels, with parking at lower ground/part-basement level, cycle storage, refuse storage. Solar panels to roof.` Amendments include internal alterations to the layout of the approved units, provision of additional lobbies to 2 residential units at ground floor level, alteration of the alignment of the lower ground floor level, provision of fixed fanlights to windows above ground floor level on east, south and west elevations and realignment of main entrance door

Reference: 18/0726/FUL

Address: Crossbill Apartments, 452 Finchley Road, London, NW11 8DG

Decision: Refused

Decision Date: 24 April 2018

Description: Roof extension to existing building comprising of an additional fourth floor level to provide 1no self-contained flat

Reference: 18/4798/CON

Address: Crossbill Apartments, 452 Finchley Road, London, NW11 8DG

Decision: Approved

Decision Date: 20 September 2018

Description: Submission of details of condition 16 (Air pollution) pursuant to planning permission 16/1974/FUL dated 03/02/17

Reference: 18/6298/CON

Address: Crossbill Apartments, 452 Finchley Road, London, NW11 8DG

Decision: Approved

Decision Date: 30 November 2018

Description: Submission of details of condition 18 (Toll booth plaque. Part discharge only-location of plaque) 20 (Refuse/recycling) pursuant to planning permission 16/1974/FUL dated 03/02/17

Reference: 19/0215/CON

Address: Crossbill Apartments, 452 Finchley Road, London, NW11 8DG

Decision: Approved

Decision Date: 30 January 2019

Description: Submission of details of condition pursuant 21 (Enclosure/boundary treatment) to planning permission 16/1974/FUL dated 03/02/17

Reference: 19/3766/CON

Address: Crossbill Apartments, 452 Finchley Road, London, NW11 8DG

Decision: Split Decision

Decision Date: 9 October 2019

Description: Submission of details of conditions 6 (Pre completion sound test certificates) 11 (Sound Insulation) 13 and 14 (Extraction and Ventilation) 18 (Plaque location) 19 (Car park management plan) pursuant to planning permission 16/1974/FUL dated 03/02/17

Reference: 19/4468/FUL

Address: Crossbill Apartments, 452 Finchley Road, London, NW11 8DG

Decision: Approved subject to conditions

Decision Date: 6 November 2019

Description: Change of use of the proposed commercial floor space at upper and lower ground floor levels from A1/B1(a) to flexible A1/A2/ B1(a)/D1 use

### **3. Proposal**

The proposal is for 'Additional storey at fourth floor level to provide 1no. self-contained flat'. It will have a height of approximately 2.5m and has a GIA of 155.3m<sup>2</sup>.

### **4. Public Consultation**

173 neighbour letters were sent to neighbouring properties.

A site notice was erected on 20.04.2023

29 representations were received from local residents.

The objections received can be summarised as follows:

- overdevelopment
- additional bulk/massing is out of character in terms of appearance and is overbearing
- loss of privacy in terms of overlooking

- loss of light
- overshadowing Elm park
- parking pressure
- collective enfranchisement notice served to the Applicant
- solar panels not installed
- Air and noise pollution
- current plan is already an extension of the original plan passing from 9 to 13 flats
- proposal was rejected in 2018, which is similar to the current proposal

## **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

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.

Relevant Development Management Policies: DM01, DM02, DM06, DM15.

#### Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's



draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan.

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

### Supplementary Planning Documents

#### 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 planning considerations are as follows:

- 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;
- Provision of adequate accommodation for future residents; and
- Highways and parking.

## **5.3 Assessment of proposals**

Impact on the character and appearance of the host building, street scene and surrounding area

As seen in the history section above the site received planning permission in 2016 (ref. 16/1974/FUL) to construct a new 4 storey building comprising of commercial on the ground floor and 13 no. self-contained flats on the floors above. It also includes a basement which accommodates a total of 16no. car parking spaces. (includes 3no. spaces for the commercial units).

Subsequently, a new application was received in 2018 for an additional floor (ref. 18/0726/FUL). Due its setback nature, this proposal was not considered to have an overbearing or dominating impact and was therefore considered to be acceptable by the Authority. Notwithstanding this, the application was refused by planning committee for the following reason 'The proposed additional storey by reason of its massing, siting and design would visually dominating and obtrusive and be detrimental to the character and appearance of the streetscene, general locality and the local townscape'.

The current proposal involves the construction of an additional storey at fourth floor level to provide 1no. self-contained flat, very similar to the proposal refused at committee (ref. 18/0726/FUL).

The difference between the two proposals is that the layout has been reconfigured and simplified. Furthermore, the current proposal has a smaller footprint. It has a GIA of 155.3m<sup>2</sup> as compared to the refused scheme that had a GIA of 168m<sup>2</sup>.

Whilst there are few material changes to the layout and footprint of the current application, the proposed additional floor would be considerably set back from the front and side (north) elevations and as such is not considered to be overly prominent or visual obtrusive within this streetscene. The additional floor will increase in height, however due to its design and set back nature, will appear subordinate in scale and will satisfactorily integrate with the host building. Therefore, the Authority finds that the proposed additional floor will not appear prominent or visually obtrusive within the context and the immediate vicinity. Furthermore, as noted, a similar scheme was previously recommended for approval by the Authority.

#### Impact on surrounding neighbouring amenity

To the north of the site is Portman Heights, two storey terrace properties to the south on Hermitage Lane, 713 Finchley Road opposite to the west and Elm Park to its East.

The proposed fourth floor will be set back approximately 11m from the north boundary with Portman Heights. In terms of overlooking, there are no proposed windows along the north elevation facing Portman Heights.

The front elevation is considerably set back from the front elevation of the floors below it, resulting in a separation distance of approximately 31m between elevation's with no.713 Finchley Road. Similarly to its east, due to its staggered nature, will have a minimum set back of 4.7m to a maximum set back of 8.7m from the rear elevation of the building adjacent to Elm Park. Furthermore, due to its orientation and substantial set back from the existing elevation, it will not result in loss of light or overshadowing to the park to a level that would warrant a refusal.

The Council's Sustainable Design and Construction SPD Meets SPD advises that there should be a distance of 21m between habitable rooms. The proposal would comply with this requirement and as such is considered to have any harmful effects in terms of overlooking. The proposed external terrace is limited to the rear of the building where it would overlook

onto Elm Park. The opportunities for overlooking would be very limited and as such this element is considered to be acceptable.

The proposal would introduce some additional views to the neighbouring park from their windows, however having regard to the grain of the area and the presence of existing residential windows with the same or similar outlook, it is not considered that the proposal would be detrimental to the privacy of the occupants of any neighbouring property.

The applicant has submitted a revised daylight/sunlight report which considers the potential impact from the proposed development as a whole. The report concludes that the amenity values of daylight and sunlight to neighbouring residential properties would be retained to a level that satisfies BRE criteria. Officers have inspected and reviewed the submitted report and are satisfied that the additional storey would not have a detrimental impact on the levels of light received by neighbouring buildings.

#### Provision of adequate accommodation for future occupiers

In terms of the amenity for future occupiers, the Planning Authority expects a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. Table 3.3 within policy 3.1 of the London Plan 2021 provides minimum spaces standards for new dwellings.

The proposal would provide a two-bedroom four-person unit measuring approximately 135sqm. This would be significantly above the minimum internal space requirements of 70sqm.

The proposed unit would benefit from dual aspect outlooks and is considered to provide adequate levels of daylight/sunlight for future occupiers of the unit. It is proposed to provide a south-facing terrace area overlooking Elm Park, measuring approximately 49sqm. This would exceed the Council's Sustainable Design and Construction SPD for the provision of outdoor amenity space.

Overall, the proposal is considered to provide adequate accommodation for the future occupiers of the unit.

#### Impact on the highway

The site has good access to public transport links with a PTAL rating of 4 (Good). The following stations are accessible within a few minutes' walk: Golders Green Station for the Northern Line - 0.8 Miles (12 Minutes) and Cricklewood Station for Thameslink Services - 0.8 Miles (15 Minutes). The site is also well served by a number of London bus services, with bus routes running along Finchley Road. The site is in a CPZ which operates between Mon -Fri between 11am, -12 Midday.

The 2 bed unit will attract a parking requirement of 1 space and 2 cycle parking spaces. While the additional 2 bed unit is unlikely to have a significant impact on local parking conditions, cycle parking for the new unit needs to be identified. Highways would request confirmation of the existing cycle parking provision and the provision for the new units.

The proposal will provide 2 additional cycle spaces. This will be secured by way of a condition.

## **5.4 Response to Public Consultation**

- overdevelopment
- additional bulk/massing is out of character in terms of appearance and is overbearing
- loss of privacy in terms of overlooking
- loss of light
- overshadowing Elm park

These concerns have been addressed in the body of the report. The extension is subordinate in scale and due its height and its set back nature is not overbearing and will not lead to overdevelopment and overshadowing of Elm Park. Furthermore, due to its sitting and set back nature, it will not lead to overlooking or loss of privacy.

- parking pressure

Highways officers have been consulted and they have raised no concerns, subject to provision of 2no. additional cycle spaces.

- solar panels not installed

The approved scheme proposed to install a number of photovoltaic panels on the roof in order to help reduce the scheme's carbon emissions. This is no longer proposed as the additional storey will occupy this roofspace. The agent has provided further details and a Block compliance report to confirm that the building will achieve a 35% reduction in carbon emission through alternative means. The submitted details are considered to be acceptable.

- collective enfranchisement notice served to the Applicant

This is not a planning matter and is a civil matter. The Authority has no control over these matters

- Air and noise pollution

Unfortunately, this is part of the redevelopment process.

- current plan is already an extension of the original plan passing from 9 to 13 flats

There is no limit to the number of units the applicant can apply for, as long as they meet the space requirements and adhere to the policies set out by the Local Authority and the Government.

- proposal was rejected in 2018, which is similar to the current proposal

Whilst the proposal is similar to the refused scheme, it was recommended for approval by the Local Authority and refused by committee. This new proposal has a slightly reduced footprint and is therefore materially different, therefore the Authority are obliged to accept and consider this new application.

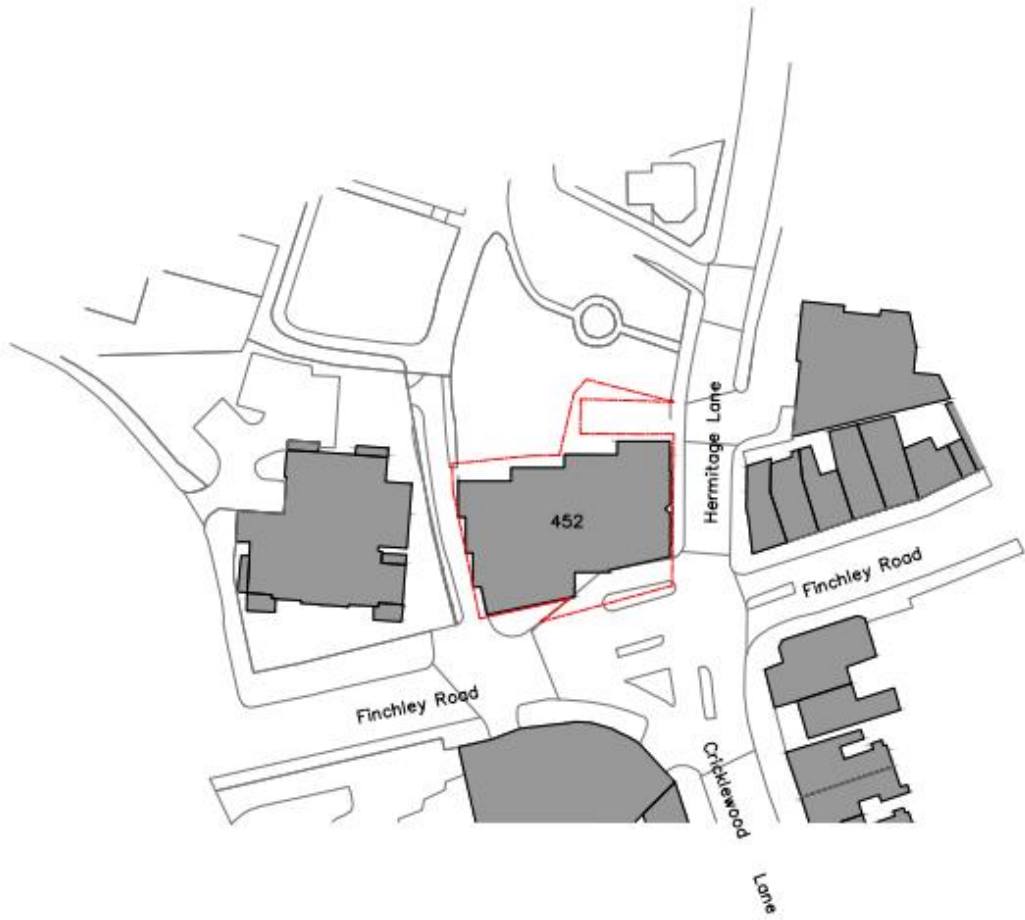
## **6. Equality and Diversity Issues**

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

## **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene

and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



**Location Plan**  
Scale 1:1250 @ A3

