

**Location** 19 Heriot Road London NW4 2EG

**Reference:** 23/1099/FUL Received: 14th March 2023  
Accepted: 14th March 2023

Ward: Hendon Expiry 9th May 2023

**Case Officer:** Erica Mason

Applicant: Mrs Hosna Ara Salam

Proposal: Conversion of the existing dwelling into 2no. self-contained flats. Single storey rear extension. Associated storage shed, refuse/recycling and cycle storage. Changes to front entrance and associated internal alterations. Proposed addition of front window and bricking up of front garage door to facilitate conversion of garage into habitable room. Changes to fenestration (Partially Retrospective Application)

### **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:

- 19HERIOTLOCATIONPLANREV1 (Site Location and Block Plans) (Received 16 October 2023)
- 19HERIOTEXISTINGELEVATION&ROOFPLANDWG (Existing Elevations and Roof Plans) (Received 13 October 2023)
- 19HERIOTPREVIOUSLYEXISTINGDRAWING (Previously Existing Elevations, Floor and Roof Plans) (Received 13 October 2023)
- 19HERIOTPROPOSEDDWGREV1 (Proposed Elevations, Floor and Roof Plans) (Received 02 August 2023)
- Design and Access Statement (Dated 13 March 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 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

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

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

- 5 a) Before the development hereby permitted is first occupied, the sub-division of the amenity area(s) as shown on drawing no. 19HERIOTLOCATIONPLANREV1 (Site Location and Block Plans) shall be provided as approved under this condition.

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 October 2016).

- 6 a) Notwithstanding the hereby approved plans, 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 set out in Policy T5 of The London Plan (2021) and in the interests of promoting cycling as a mode of transport 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 Prior to occupation of the development, parking spaces and the associated access from the public highway shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, Policy DM17 of Development Management Policies (Adopted) September 2012 and Policy T6 of The London Plan (2021).

- 8 a) Notwithstanding the hereby 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.

- 9 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).

- 10 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).

- 11 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing no.17 Heriot Road 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.

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).

## 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 and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

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

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

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

the requirements of CIL Regulations.

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

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

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

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

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

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

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

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

- 4 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to

have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from:

<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 5 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, 2 Bristol Avenue, Colindale London NW9 4EW, or via [crossovers@barnet.gov.uk](mailto:crossovers@barnet.gov.uk).

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The proposal property is a two storey detached single family dwellinghouse located on the southern side of Heriot Road, within the Hendon ward of Barnet. The east of the road meets the junction with Brent Street, which consists of a mixture of commercial and residential uses. To the west, the road continues on to Sydney Grove, intercepted only by a pedestrian path known as West View.

The building was recently altered from its' original pitched form to facilitate a wrap around side/rear dormer and front rooflight, under permitted development; and an existing single storey rear extension which forms part of the retrospective element of the current application - requiring planning permission. The surrounding area is predominantly residential in character with this section of Heriot Road - being detached single family dwellinghouses. The northern side of the road consist mainly of semi-detached dwellings, some of which have been converted into flats. The site is not located in a conservation area and there are no statutory or locally listed buildings on site or immediately adjacent.

### **2. Relevant Site History**

Reference 22/3302/FUL

Address: 19 Heriot Road London NW4 2EG

Decision: Refused

Decision Date: 30 August 2022

Description: Change of use of the property from a single family dwelling (Class C3) to 8 bed House in Multiple Occupation (HMO) (use class sui generis) including single storey rear extension. Associated cycle storage, refuse and recycling and amenity space

Reason for Refusal 1: The proposed use of the property as an HMO results in the loss of a single family dwelling house which is considered to be out of character with the prevailing character of the locality, harmful to the amenity of the area and contrary to policies CSNPPF, CS5 of the Adopted Local Plan Core Strategy 2012, policies DM01, DM08 and DM09 of the Adopted Development Management Policies DPD 2012 and Adopted Supplementary Planning Document - Residential Design Guidance (2016).

Reason for Refusal 2: Inadequate off-street parking is proposed for the proposed development and the development fails to provide either a parking survey subject to the Lambeth methodology or a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Adopted Development Management Policies DPD (2012) and the Planning Obligations SPD (2013).

Reference W05460A

Address: 19 Heriot Road London NW4 2EG

Decision: Approved Subject to Conditions

Decision Date: 06 July 1977

Description: Single-storey rear extension.

Reference W05460



Address: 19 Heriot Road London NW4 2EG

Decision: Lawful

Decision Date: 03 May 1977

Description: The conversion of garage to study with front extension.

Enforcement:

Reference: ENF/0198/23

Address: 19 Heriot Road London NW4 2EG

Decision: Case closed.

Decision Date: 13 March 2023

Description of potential breach: Unauthorised building works relating to rear extension to ground floor and first floor with enlargement of roof space - No Further Action.

Reference: ENF/0332/23

Address: 19 Heriot Road London NW4 2EG

Decision: Pending

Decision Date: Pending

Description of potential breach: Residential Property Converted into 2 Self Contained Flats.

### **3. Proposal**

This application seeks full planning permission for the 'Conversion of the existing dwelling into 2no. self-contained flats. Single storey rear extension. Associated storage shed, refuse/recycling and cycle storage. Changes to front entrance and associated internal alterations. Proposed addition of front window and bricking up of front garage door to facilitate conversion of garage into habitable room. Changes to fenestration (Partially Retrospective Application)'.

The ground floor element measures 4m deep (from the original recessed elevation), 3m high from the adjacent natural ground level to the top of the flat roof - dipping down levels by a further 0.25m at the rearmost section.

Flat 1 is proposed on the ground floor and is a 3 bed, 5 persons unit with a GIA of 100sqm. Flat 2 is proposed on the first floor and is a 3 bed, 5 persons unit with a GIA of 99sqm.

2no. off street parking spaces are provided.

Private garden amenity space is provided to the rear for the proposed 2no. flats. Unit 1 (ground floor) would be provided with 66.5m<sup>2</sup>, and Unit 2 (first/second floor) would be provided with 99.5m<sup>2</sup>. An area of 3.24m<sup>2</sup> is to be removed from the totals to accommodate the proposed sheds in the rear gardens - allowing for garden amenity spaces of 63.3m<sup>2</sup> and 96.3m<sup>2</sup> respectively.

### **4. Public Consultation**

Consultation letters were sent to 71no. neighbouring properties. 7no. letters of objection were received. A site notice was erected near the site dated 23 March 2023. A neighbour re-consultation was actioned on amended corrected drawings and an amended proposal description on 23 August 2023, and the comments received are summarised below:

## Objections

- House is from a row of unique houses to Heriot Road. Changing the nature from a single place of dwelling will directly change the function and character of these homes and the street.

- Shortage of single-family dwellings.

(Planners Comments: Discussed in the main body of the report.)

- The proposal introduces a use that is incongruous to the established character of Queens Way.

(Planners Comments: The proposal relates to a property on Heriot Road and is not considered to adversely impact the established character on Queens Way.)

- Policy DM 01 and the Residential Design Guidance refer to the cumulative impact of conversions. Along with existing number of conversions would unacceptably affect the character of Heriot Road. The precedent set would put the remaining number of single-family dwellings under increasing pressure to be converted.

(Planners Comments: There is no evidence to insinuate other properties would be converted.

However, each application is decided on its' own merits.)

- Noise, disturbance and disruption to neighbouring residents through associated general activity and will result in an over-intensive use that will have an adverse effect on residential amenity.

- Proposal property was a 3 bedroom with an additional box bedroom. New proposals show the development as 2 X 3 bedroom units - one flat as an office in the loft space. Proposed two large units of this size would have a considerable impact on the amenity of adjoining residents - all bedrooms are doubles which could give a figure of up to 12 occupants.

(Planners Comments: Discussed in the main body of the report. However, it is noted that the

building could facilitate at least 9no. occupiers as a single family dwellinghouse - due to the

additional loft conversion. The increase in occupancy would be approximately 1 person when

compared to the current proposal. Therefore, it is not considered to lead to such a degree of noise

that would necessitate a Refusal of planning permission.)

- Existing and proposed plans are identical. Construction work - retrospective application. Proposal description incorrect.

(Planners Comments: Proposal description amended and neighbour re-consultation carried out.)

- HMO which was refused acknowledged the surrounding residential properties are single family dwellings in nature and the LPA wishes to preserve this single-family dwelling character.

- Potential unacceptable level of daylight, sunlight and outlook.

- Over-development of site.

(Planners Comments: Whilst the proposed HMO was rejected, the current application includes

family sized units - allowing for an acceptable amount of natural light - discussed further below. The

extensions are not considered to overdevelop the site - also discussed further below.)

- Substantial increase in vehicular movements to and from the site resulting in a direct adverse impact on the surrounding local amenity and in particular the neighbouring properties.

- The site is located within a PTAL rating of 3 - medium accessibility and not highly accessible. Application will add to parking pressure.

- Hazardous to pedestrian and highway safety.

(Planners Comments: The Highways officer was consulted during the application process. It was found that the proposed parking complies with Council policies and no further Highway issues were identified.)

- Proposed Cycle Shed in the plan this is situated almost directly beneath neighbouring bedroom window. On rainy days and, particularly, nights the constant drumming of raindrops beating down on the roof of this shed will disrupt neighbours ability to sleep.

(Planners Comments: The cycle and refuse storage are conditioned for details to be submitted via the condition to allow for an acceptable impact on the character and appearance of the site and neighbouring amenities.)

- Sub-division of the garden and access from the side gate, will increase in foot passage and noise.

(Planners Comments: Due to the proportionate increase in occupants, it is not considered that the division of the rear garden amenity would lead to extensive increase in noise and disturbance.)

- Water pipes to and from the properties are struggling to cope with the existing infrastructure.

(Planners Comments: A condition will be added in the decision to encourage the efficient use of water.)

#### **4.1 Internal Consultation**

##### Highways

The LPA's Highways department was consulted regarding this application. The following initial comments were made:

Vehicular and Pedestrian Access Arrangements:

-The existing vehicular access will be retained; Extension by additional 1.2m recommended to create a 4.2m crossover. This will enable safe entry and exit within the driveway without damaging the footway. The applicant will require to submit an application to Domestic Crossover Team.

-The Council's Domestic Vehicle Crossover Policy adopted in April 2019 allows crossovers of 2.4-metre minimum width and 4.2-metre maximum width with a minimum distance of 2.4 metres between adjacent crossovers.

Assessment of Vehicular Parking Provision:

-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 space per unit off-street parking spaces.

-Based on the PTAL rating for the site as 3 (average accessibility), 2no. off-street parking spaces would be required to meet the parking standards of DM17 policy. The applicant has proposed to provide 2no. off-street parking spaces which is acceptable on highways grounds.

Cycle Parking:

-The proposed development will need to provide 4no. 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).

#### Refuse Collection Arrangements:

-The proposed location of the bin store is 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.

#### Recommendation:

The application is recommended for approval on highway grounds subject to the following conditions and informatives.

## 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 Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

#### The Mayor's London Plan 2021

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

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

#### Relevant policies:

D1 - Form and Character

D3 - Amenities

D4 - Good Design

D6 - Housing Quality and Standards

H10 - Housing Size mix

SI 2 - Minimising Greenhouse Gas Emissions

T5 - Cycle Parking

T6.1 - Residential Car Parking

#### 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 and CS9.
- Relevant Development Management Policies: DM01, DM02, DM08 and DM17.

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

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

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

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

Relevant draft policy HU03: Residential conversions.

### 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 flats in this location
- ii. Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality
- iii. Whether the proposal provides satisfactory living accommodation for future occupiers
- iv. The impact on the amenities of neighbouring occupiers
- v. Highways: Parking, cycle storage and refuse and recycling storage.

## **5.3 Assessment of proposals**

### Background section

This application seeks full planning permission for the 'Conversion of the existing dwelling into 2no. self-contained flats. Single storey rear extension. Associated storage shed, refuse/recycling and cycle storage. Changes to front entrance and associated internal alterations. Proposed addition of front window and bricking up of front garage door to facilitate conversion of garage into habitable room. Changes to fenestration - and is partially retrospective.

The ground floor rear element forms part of the retrospective part of the application and is implemented. It measures 4m deep (from the original recessed elevation), 3m high from the adjacent natural ground level to the top of the flat roof - dipping down levels by a further 0.25m at the rearmost section.

The roof extension is also implemented and does not form part of the proposal. The north east left side portion of the dormer roof extension (as viewed from the front of the property) has a volume of 10 cubic metres; with the north west right side element of the dormer having a volume of 20 cubic metres. The rear section of the dormer is 7 cubic metres in volume. The total measurement of 37m<sup>3</sup> is considered to fall within the permitted development regulations.

It should be noted that whilst internal works have commenced, and now ceased subject to planning permission, to convert the property into 2no. self contained flats, the use as two flats has not commenced.

### Principle of conversion into flats in this location

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 facilities, that can have an unacceptable impact on the established character of an area.

Within Paragraph 2.8.1 of the Development Management Document which is a material consideration in the determination of this application, the Council state the following: "The conversion of existing dwellings into flats can have a cumulative effect that damages 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 - but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flatted accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate.

Policy DM01 of Barnet's Local Plan Development Management Policies DPD 2012 (LP) states that proposals should be based on an understanding of local characteristics. Criterion h of the same policy states that the conversion of dwellings into flats in roads "characterised by houses" will not normally be appropriate.

Following an assessment of planning records, it is noted that a number of properties on Heriot Road benefit from planning permission for the conversion into self-contained flats.

Planning permission has been granted for a period up to and including 2016 for conversion of houses to flats on Heriot Road, notably at nos. 28 (16/00049/FUL), 34 (14/07504/FUL), 18 (W09841A), 32 (W08741), 26 (W04952) and 40 & 42 (W02590B).

Furthermore, the Valuation Office Agency (VOA) for Council Tax listed other properties which consist of flats at no. 3, no. 36 and no. 38 Heriot Road.

Also, as advised under Policy H10 - Housing Size Mix of the London Plan (2021): 'Schemes should generally consist of a range of unit sizes. Paragraph 4.2.8 states that where existing houses are redeveloped or subdivided, boroughs may require the provision of family-sized units (3 bed + units).

The proposal would provide two 3no. bedroom 5 persons units both at ground floor and first floor. This would accommodate the provision of two family sized homes. This is also acceptable in principle and would re-accommodate family sized units, following the loss of the single family dwellinghouse.

Regard also has to be given to the Local Plan (Regulation 19) (2021) which through Policies HOU02 and HOU03 identifies that a key housing consideration is to achieve a better housing balance, including protecting family houses from conversions into smaller units, while delivering new converted homes in the right location. Following the Examination in Public (EIP) Hearing of the Local Plan(Regulation 19) (2021) and in

response to the subsequent comments from the Planning Inspector, these policies have been further modified.

London Plan policy HC1 states that *boroughs optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions, especially the following sources of capacity:*

*sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m distance of a station or town centre boundary*

As noted above, the proposal would result in the provision of family sized accommodation. Furthermore, whilst the site falls within an area of PTAL rating 3, it is within 400m from the boundary of the Brent Street Town Centre. The existing building has a gross internal floorspace of approximately 216sqm including the extensions and approximately 152sqm as original (based on application form).

Although the Local Plan (Regulation 22) (2021) has not been formally adopted it is a material consideration and it is considered that significant weight can be placed on the Plan, as the EIP Hearing has taken place and the Council has proposed modifications (and received further comments).

The proposal will provide 2no. flats, with one at ground floor and one at first/second floor level - with separate garden amenity spaces for each flat. The properties on Heriot Road vary in size and tenure - and thus does not predominantly consist of large houses. The proposed dwellings comply with the London Plan Standards and are discussed in more detail below.

Heriot Road is therefore considered an appropriate location in which housing has already undergone conversions and redevelopment into small-flatted development, in particular, conversion of single family dwellinghouses to 2no. self contained flats. Given the mixed residential character of Heriot Road, officers consider that the principle of the conversion of the single family dwelling in this location to be acceptable in principle, in compliance with Policy DM01.

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

Any proposal should respect the local character and either preserve or enhance it, compliant with policies DM01 and CS05 of the Local Plan DPD.

The application property benefits from a roof extension involving a wraparound rear / side dormer and front rooflight. The as-built drawings reveal that the roof extension falls within permitted development planning regulations by reason of its' size, having a volume of 37m<sup>3</sup>. This extension does not therefore form part of the proposal.

The property also features a single storey rear extension. Whilst this element of the scheme does not fall under permitted development due to the technical specifications of the General Permitted Development Order (GPDO), its' depth measures a maximum of 4m covering the full width of the dwellinghouse, and has a height to the top of the flat roof of 3m - which are considered acceptable. This element of the scheme is considered to be proportionate - having an acceptable impact on the character and appearance of the proposal property and general locality. It is noted that under the previous application, an extension of similar dimensions was considered acceptable.



The proposed conversion of the dwellinghouse into 2no. self-contained flats, is not considered to detract from the general character of the area to an unacceptable degree - and is not out of character with the general locale.

It is noted that objections were received regarding the houses on this southern section of Heriot Road in relation to the character of the detached dwellinghouses. In addition to the comments above in regards to the principle of development, it is noted that whilst the objections are noted, paragraph 15.6 of The Residential Design Guidance SPD (2016) states that where the conversion of a single family home proposes subdivision into flats, the following should all be considered:

- o The property should be large enough to be converted without the need for substantial additional extensions and
- o There should normally be access to the rear garden for all flats
- o There should be adequate space off street to meet parking standards set out in DM17 and
- o There should be adequate space to provide suitable refuse storage in line with council guidance for architects and
- o Unit sizes should conform with the London Plan's minimum space standards

The application is deemed to suffice with regards to the above elements. It should be noted that planning policies are not prescriptive regarding distinguishing the type of houses that can and cannot be converted - once the character implies conversions within the proposal street. Therefore, the conversion of the house into flats is not regarded to be out of character on Heriot Road.

Lastly, the proposal seeks to retain a single front entrance to the property. Paragraph 15.12 of the Residential Design Guidance SPD (2016) states that:

"A good conversion should result in the minimum alteration to the external appearance of the house... The insertion of an additional front door tends to unbalance the appearance of the house".

This aspect of the proposal is considered to have an acceptable impact on the immediate locale and current streetscene - visually manifesting as a single dwelling.

It is noted that a refusal under reference 22/3302/FUL dated 30 August 2022 was made in relation to 'Change of use of the property from a single family dwelling (Class C3) to 8 bed House in Multiple Occupation (HMO) (use class sui generis) including single storey rear extension. Associated cycle storage, refuse and recycling and amenity space'.

The first reason for Refusal stated that the proposed use of the property as a House in Multiple Occupation (HMO) results in the loss of a single family dwelling house which is considered to be out of character with the prevailing character of the locality, harmful to the amenity of the area. This reason was in conjunction with the proposed change of use to an 8no. person (HMO). The proposed use was considered unacceptable as it would result in such an intensification of use of the sight compared to the existing single family dwellinghouse. It is important to note the context of the reason for refusal. As each decision is decided on its' own merit, officers consider that as the proposed conversion of the dwellinghouse would provide one extra dwelling of a family sized unit, and that the building would manifest visually as a single dwelling, that in this case, the proposal would be acceptable on character and appearance grounds.

Whether the proposal provides a satisfactory living environment for future occupiers

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

#### Floorspace standards:

The London Plan (2021) sets a minimum Gross Internal Floor Area flats based on a standard set for the number of bedrooms (b) and persons-bedspaces (p). Table 3.3: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements:

- Single bedroom: minimum area should be 7.5 m<sup>2</sup> and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide. The bedrooms comply with this requirement.

The London Plan (2021) also advises the following:

- A 3 bed, 5 person unit over 1 storey requires 86sqm.
- A 3 bed, 5 person unit over 2 storeys requires 93sqm.
- At least 75% of the floor space of each flat should accommodate a minimal internal height of 2.5m.

The proposed units are as follows:

Flat 1 is proposed on the ground floor and is a 3 bed, 5 persons unit with a GIA of 100sqm.  
Flat 2 is proposed on the first floor and is a 3 bed, 5 persons unit with a GIA of 99sqm.

All flats are shown to meet the relevant minimum standards for internal floorspace and internal height of at least 2.5m for at least 75% of each proposed dwelling.

#### Outlook, light and privacy:

Policy DM01 states that 'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'.

Both flats 1 and 2 are dual aspect at all levels - with the second-floor living/kitchen area having rear glazing and a front rooflight. The proposed flats would receive adequate light and in general the outlook is considered acceptable.

#### Stacking:

Policy DM04 of the Development Management Document (2012) part d. states that proposals will be refused if they lead to an unacceptable level of noise and disturbance unless the scheme can demonstrate any mitigation measures.

It is noted that the first floor flat is stacked adequately above the ground floor residential unit. Also, a condition is proposed to be added in relation to a Pre-Completion Sound Insulation Test Certificates to be submitted to the Council. Therefore, subject to the above, the proposal is considered to have an acceptable impact on future occupiers in relation to adequate sound insulation, subject to the appropriate condition as specified above.

#### Outdoor amenity space:

Section 8.4 of Barnet's Local Plan SPD: Residential Design Guidance (2016) states: "in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy". Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5sqm per habitable room. Rooms over 20m<sup>2</sup> should be counted as two habitable rooms.

All proposed units would have access to usable private garden amenity space. Specifically, the occupiers of unit 1 would be provided with 66.5m<sup>2</sup> set directly beyond their ground floor flat - allowing for ease of access from the rear doors. Unit 2 would be provided with a private garden amenity area of 99.5m<sup>2</sup> set to the rearmost part of the existing garden. The access to the private outdoor amenity space for unit 2 will be facilitated down the side of the building within the curtilage of the site via a garden entrance door.

However, it should be noted that an area of 3.24m<sup>2</sup> is to be removed from the totals to accommodate the proposed sheds in the rear gardens - allowing for garden amenity spaces of 63.3m<sup>2</sup> and 96.3m<sup>2</sup> respectively. The size remains adequate and would provide quality private garden amenity space for future occupiers in accordance with the Residential Design Guidance (2016) SPD.

#### Impact on the amenities of neighbours

The external manifestations of the scheme relate to the rear extension. The implemented extension would have an acceptable impact on the amenities of neighbouring occupiers, due to its' size, siting and design. The existing dwelling seeks to retain the flat conversion - previously a 6no. bedroom single family dwellinghouse (increase due to roof extension) to 2no. family sized flats. Given the size of these bedrooms, it is likely that the occupancy as a single family dwellinghouse could be approximately 12 persons.

The proposal is for 2no. 3 bed, 5 persons flats. The conversion would result in a reduction of occupancy to potentially 10no. people. It should be noted that several properties in close proximity to the site have been converted into 2no. flats. Whilst it is accepted that the scheme would result in additional comings and goings compared to the existing single family dwelling, it is considered that 2no. households are acceptable and given the mixed character of a number of surrounding properties on Heriot Road. Officers consider that the similar occupancy level would not result in an additional unacceptable level of harm to the amenity of the neighbouring occupiers that would warrant a refusal - when compared to other properties in the vicinity being converted into 2no. flats.

Residential use is accepted on site and it is considered that there would be no significant additional harmful impact on the residential amenities of the neighbouring occupiers as a result of the sub-division. Thus, it is found that the proposed development will have an acceptable impact to the neighbouring properties. The flat conversion is not considered to result in an intensity of use that would be harmful to the neighbouring residential occupiers by way of noise and disturbance and comings and goings, to an unacceptable degree.

#### Parking and Highways

Barnet's Highways department were consulted regarding parking and highways for the proposed development. 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 space per unit off-street parking spaces. Based on the PTAL rating for the site as 3 (average accessibility), 2no. off-street parking spaces would be required to meet the parking standards of DM17 policy. The applicant has proposed to provide 2no. off-street parking spaces which is acceptable on highways grounds.

With regards to the cycle storage and parking provision for the proposal, 4no. long-stay cycle parking spaces are required 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). A condition has been added requiring further details to allow for a positive impact on the character and appearance of the proposal site.

With regards to the provision of Refuse and Recycling bins, a condition is attached requiring details of cycle parking, including providing a secure, covered and lockable storage in an appropriate location.

The Highways officer also advised on an extension to the existing vehicular access of an additional 1.2m, to create a 4.2m crossover. This will enable safe entry and exit within the driveway without damaging the footway. The applicant will require to submit an application to Domestic Crossover Team.

In general, the Highways department consider the proposal acceptable on highway grounds, subject to suggested conditions and informatives.

### Accessibility and Sustainability

Conditions would be attached to any permission to ensure the integration of water saving and efficiency measures insofar as a maximum of 105 litres of water consumption per person per day to comply with Policy S I 5 of the London Plan (2021) and a reduction of CO2 emissions over Part L of the 2013 Building Regulations in accordance with the requirements of Policy S I 8 of the London Plan (2021).

## **5.4 Response to Public Consultation**

The comments are discussed above within section 4: Public Consultation and the main body of the report.

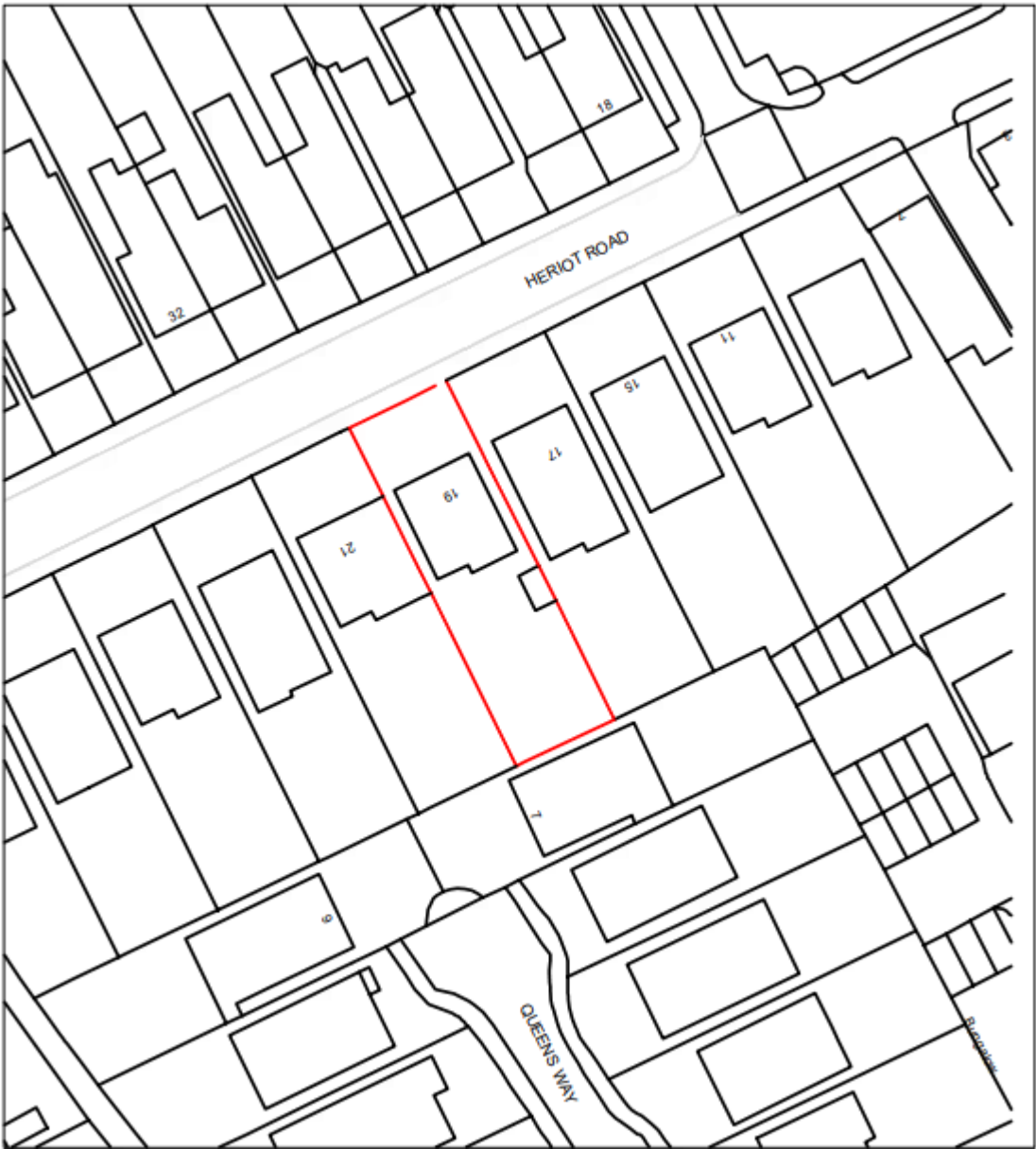
## **6. Equality and Diversity Issues**

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 result in a development of the site not detracting from the character of the proposal property and immediate vicinity and the wider locality. The application is also acceptable on amenity ground in relation to neighbours. Therefore, the application is compliant with

the planning policies in this regard and is recommended for APPROVAL, subject to conditions.



Site Location Plan (19 Heriot Road).