

Location **96A And 96B Weirdale Avenue London N20 0AH**

Reference: **23/2239/FUL** Received: 19th May 2023
Accepted: 23rd May 2023

Ward: Brunswick Park Expiry 18th July 2023

Case Officer: **Will Collier**

Applicant: Mr Sean Kennedy

Proposal: Demolition of existing 2no. garages, removal of existing chimney and pitched roof and partial demolition of the front elevation. Conversion of existing 2no. flats into 5no. self-contained flats including the construction of 2 no. two storey side extensions; a two storey front and rear extensions (incorporating a new lower ground floor level to the rear); and a replacement roof and chimney to create a new second floor level. Provision of 5 no. off-street parking spaces, cycle parking, refuse storage and amenity spaces

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

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

Existing Ground Floor Plan, 020_100 Revision P1
Existing First Floor Plan, 020_101 Revision P1
Existing Roof Plan 020_102 Revision P1
Existing Site Plan 020_110 Revision P1
Existing Section A 020_120 Revision P1
Existing Section B 020_121 Revision P1
Existing West Elevation 020_150 Revision P1
Existing East Elevation, 020_151 Revision P1
Existing South Elevation 020_152 Revision P1
Existing North Elevation, 020_153 Revision P1

Site Location Plan, 020_001 Revision P1
Proposed Ground Floor Plan, 020_201 Revision P1
Proposed First Floor Plan, 020_202 Revision P1
Proposed Roof Plan 020_204 Revision P1
Proposed Site Plan 020_210 Revision P1
Proposed Section A 020_220 Revision P1
Proposed Section B 020_221 Revision P1
Proposed Section C 020_222 Revision P1
Proposed West Elevation 020_250 Revision P1
Proposed East Elevation, 020_251 Revision P1
Proposed South Elevation 020_252 Revision P1
Proposed North Elevation, 020_253 Revision P1
Proposed Second Floor Plan, 020_203 Revision P1

Dusk Bat Emergence Survey, by 4 Acre Ecology Ltd
Parking Summary Transport Note dated 23 October 2023 by Caneparo Associates

96A&B Weirdale Avenue Preliminary Ecological Appraisal & Roost Assessment (4 Acre Ecology Ltd)
Design and Access Statement
Planning Statement
Arboricultural Impact Assessment

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 be as specified in the approved plans and application form.

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

- 4 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

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

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

5 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

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

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

6 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.

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

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

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

8 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and G5 and G7 of the London Plan 2021.

- 9
- a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments around and within the site, have been submitted to and approved in writing by the Local Planning Authority.
 - b) The treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat
 - c) 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).

- 10
- Prior to occupancy of the development the details the specification, location, including height, orientation, of the recommended ecological enhancement features including 1 x purpose built integrated bat roost boxes (within the newly constructed dwelling), 1 x sparrow terrace, 1 x hedgehog home, and 1 x insect hotel shall be submitted and approved by the local planning authority.

All approved biodiversity enhancement features shall be installed on site prior to first occupancy in accordance with the thereafter approved enhancement plan.

Reason: To enhance the biodiversity value of the site beyond its current baseline. Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan.

- 11
- Prior to occupation details of the location of at least 3 x hedgehog highways (13cm x 13cm gaps) at the base of the boundary fencing are to be submitted and approved by the local planning authority.

The approved hedgehog links must be installed in the base of the boundary fencing to ensure continued access for commuting hedgehogs through the garden.

Reason: To ensure the continued habitat connectivity for hedgehogs, common toads, and wildlife in general through residential gardens. Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM01 & DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G5, G6 & G7 of the London Plan.

- 12 No removal of trees, shrubs or vegetation shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: Pursuant to Section 9 of the Wildlife and Countryside Act 1981 (as amended), and section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan.

- 13 Prior to the occupancy of the development details of a Low Impact Lighting shall be submitted and approved by the local planning authority. Any artificial lighting scheme designed for development including off street lighting, shall be in accordance with Bats Conservation Trust Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016), and the relevant statutory wildlife protection legislation.

- 14 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement 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 2013 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), Policy SI 2 of the London Plan 2021.

- 15 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the 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).

- 16 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).

- 17 Before the building hereby permitted is first occupied the proposed windows above ground floor level in the side elevations facing either No 96 or No 98 Weirdale Avenue 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).

- 18 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on approved plan Proposed Site Plan 020_210 Rev P1 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policy T6.1 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. 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 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>

3 During construction, any excavations including holes, pipes and boreholes that need to be left overnight should be covered over or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work-day to prevent animals entering/becoming trapped. Vegetation clearance should be undertaken in a sensitive manner to allow terrestrial mammals to disperse. Any trapped mammals found during the process should be carefully moved to the retained boundary habitats at the end site or adjacent habitats off site.

4 The LPA advises that the soft landscaping for the amenity lawn consist of species rich seed mix or turf. This mix should consist of a ratio of 70/30 native grass to flowering plants as such flowering plant species and grasses provide high value to pollinating insects including bees, butterflies. An example of a potential species rich meadow seeding mix includes Boston Seed Dual Purposed Wildflower Meadow Seed Mix BSXM 70/30 and for the amenity lawn Emorsate Seed Strong Lawn Grass Mixture EG22.

Any proposed tree and shrub planting should incorporate native species rich plantings and consist of native berry producing shrub species such as hawthorn, blackthorn, spindle, field maple, hazel, and hornbeam. A best practice approach would be to apply a '10-20-30' formula to develop a diverse tree/hedge population - no more than 10% of any species, 20% of any genus or 30% of any family. These species will provide ideal foraging and sheltering habitats for a variety of species including nesting birds, invertebrates, and foraging mammals.

Night scented plants should also be incorporated into a detailed planting schedule where feasible. An

extensive list of suitable plant species can be found on the RHS advice page <https://www.rhs.org.uk/advice/pdfs/plants-for-bats.pdf>. The provision of bat friendly planting is in Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan

- 5 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.

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

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 4500.

OFFICER'S ASSESSMENT

1. Site Description

The site consists of a 1960s red-brick two storey building containing two flats with two side garages which project beyond the front of the main building on either side. The building is sited within a diamond shaped corner plot at a bend in the road. The site is accessed by a narrow entrance point leading to the 40m long site that backs onto mature trees.

The site does not lie within a conservation area, nor does it contain any listed buildings.

The predominant surrounding context is that of 2 storey 1930s housing stock finished in white pebble dash with heavy clay tile roofs.

2. Site History

Reference: 22/5026/FUL

Address: 96A Weirdale Avenue, London, N20 0AH

Decision: Refused

Decision Date: 2 March 2021

Description: Demolition of existing 2no. garages, removal of existing chimney and pitched roof. Conversion of existing 2no. flats into 5no. self-contained flats including part single part two storey front, side and rear extensions incorporating a new lower ground floor level at rear, roof extension to create second floor level. Provision of off-street parking spaces, cycle parking, refuse storage and amenity spaces.

Reasons for refusal:

1. The proposed extensions and alterations, by reason of their height, scale, massing and design, would result in a disproportionate and incongruous cumulative overdevelopment, to the detriment of the character and appearance of the host property and surrounding area contrary to Policy D3 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet Core Strategy DPD (2012), Policy DM01 of the Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016).

2. The proposed development, by reason of insufficient internal ceiling heights, would result in a substandard form of development, to the detriment of the residential amenities of future occupiers, contrary to Policy D6 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet Core Strategy DPD (2012), Policy DM01 of the Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016).

3. No Preliminary Ecological Appraisal or Preliminary Roost Assessment has been undertaken and as such the Local Planning Authority is therefore unable to properly assess the likely presence/absence of protected species, including bats, and therefore any potential impact on protected species and their habitats. In the absence of detailed information it is considered that the proposed development could cause undue harm to protected species contrary to the duty conferred by Section 40 of the Natural Environment and Rural Communities Act 2006, policy CSNPPF of Barnet's Adopted Core Strategy (2018), as well as Policies DM01 and DM16 of the Adopted Development Management Policies DPD (2012), and Policy G6 of the London Plan (2021).

4. The development, by reason of the extent and siting of the proposed hard landscaping and ancillary buildings, would impact upon the root protection area and lead to pressure for future works to trees subject to Preservation Order, resulting in harm to long term health and vitality and potentially leading to the loss of trees considered by the Local Planning Authority to be of importance to amenity and biodiversity, to the detriment of the character and amenity of the surrounding area and contrary to Policy G7 of the London Plan (2021) and Policy DM01 of the LB Barnet Development Management Policies DPD (2012)

Reference: 20/4746/FUL

Address: 96A Weirdale Avenue, London, N20 0AH

Decision: Approved subject to conditions

Decision Date: 2 March 2021

Description: Demolition of existing 2no. garages. Conversion of existing 2no. flats into 3no. self-contained flats including part single part two storey side and rear extensions incorporating a new lower ground floor level. Provision of off-street parking spaces, cycle parking, refuse storage and amenity space.

3. Proposal

Demolition of existing 2no. garages, removal of existing chimney and pitched roof and partial demolition of the front elevation. Conversion of existing 2no. flats into 5no. self-contained flats including the construction of 2 no. two storey side extensions; a two storey front and rear extensions (incorporating a new lower ground floor level to the rear); and a replacement roof and chimney to create a new second floor level. Provision of 5 no. off-street parking spaces, cycle parking, refuse storage and amenity spaces.

The size/mix of flats is as follows:

Flat 1 on the ground floor, 2B3P

Flat 2 duplex at garden and ground floor levels, 3B4P

Flat 3 duplex at garden and ground floor levels, 3B4P

Flat 4 duplex at first and second floor levels, 2B3P

Flat 5 duplex at first and second floor levels, 2B3P

4. Public Consultation

Consultation letters were sent to 41 neighbouring properties and a site notice was displayed.

3 objections, 1 of which is a petition including 7 signatures. Issues raised are:

- o Out of character with area
- o Insufficient off-street parking.
- o Increase in bedrooms from previous refusal.
- o Vehicular access to the site is not wide enough and cannot be widened.
- o Poor access to the site during construction without damaging no. 96.
- o Inadequate access for emergency vehicles.
- o Loss of privacy at No. 98.
- o Properties are purpose built maisonettes, not flat conversion as described.
- o Restrictive covenant for 96A and 96B restricts building to two dwellings only.

4.1 Internal Consultees

Highways - requests further details on layout of 1 off street parking space.

Ecology and trees - no objections subject to conditions

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The revised National Planning Policy Framework (NPPF) was published in 2023. 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 New London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM08, DM16, 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 New Local Plan (Reg 24)

Barnet's Draft Local Plan - Reg 24: The Reg 22 version of the draft new Local Plan was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan underwent an Examination in Public (Reg 24). The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites.

As part of this stage (Reg 24), the Inspector in his Interim Findings and Next Steps letter of August 17th has set out how the Council can through making Main Modifications to the Local Plan address issues of legal compliance and deficiencies in soundness. These interim findings are a clear indication of what the Local Plan and the policies and site proposals within will look like at adoption, subject to making the Inspector's suggested Main Modifications. Whilst the Council moves forward to formal consultation on the Main Modifications (expected to commence in January 2024) the Interim Findings and Next Steps letter of August 17th shall be considered, in the interim, a relevant material consideration in the Council's decision making on planning applications.

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:

- Principle of development
- 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;
- Impact on living condition of future occupiers
- Impact on highway safety / parking
- Impact on trees and ecology

5.3 Assessment of proposals

- Principle of development.

In assessing whether flats are appropriate in this location, policy DM01 of Barnet's Development Management Policies states that consideration should be given to the character of the road and where proposals involve the loss of dwelling houses in roads characterised by dwelling houses, this will not normally be appropriate. Policy HOU03 of the emerging Local Plan also states conversions shall have existing or planned public transport access levels (PTALs) 3-6 or be located within 800m walking distance of a station or town centre boundary.

Section 2.8 of the Development Plan Policies document addresses the issue of flat conversions, with 2.8.1 stating that "the conversion of existing dwellings into flats can have a cumulative effect that is damaging to the quality of the environment and detracts from the character of established residential areas". Further supporting guidance is provided by the Residential Design Guidance SPD (RDG SPD) adopted Paragraph 2.8.2 continues: "Where conversions are acceptable any external alterations should seek to minimise their impact on the external appearance of the property and local character. Conversions must also be able to satisfactorily address all other relevant policies in the DPD including the need to consider the dwelling size priorities set out in Policy DM08 and the approach to parking management set out in Policy DM17. Further guidance on conversions will be set out in the Residential Design Issued in confidence by London Borough of Barnet Guidance SPD." Conversions should also not rely on large extensions to achieve the development.

Nonetheless, the existing site comprises 2 no self-contained flats, which are an established use of the property. Thus, despite Weirdale Avenue being generally characterised by houses, it is considered that the principle of flats is acceptable in this location - consistent with the position taken in the previous approved scheme for 3no flats. The principle of the use was not grounds for refusal in the most recent application.

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

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), D3-D6 of the London Plan 2021.

The previous refused application (22/5026/FUL) had three refusal reasons, including Reason 1 which concerned overdevelopment /adverse impact on the character of the area:

1. The proposed extensions and alterations, by reason of their height, scale, massing and design, would result in a disproportionate and incongruous cumulative overdevelopment, to the detriment of the character and appearance of the host property and surrounding area contrary to Policy D3 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet Core Strategy DPD (2012), Policy DM01of the Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016).

Compared to the previously refused scheme, the current proposal has been reduced in size, height and massing. The significant changes in this respect can be summarised as:

- o Reduction in roof heights of main volume of building and side extensions (the ridge height of the main volume is reduced by 0.53m; the front eaves by 0.47m, the side extensions reduced by 0.88m on the southern side and 0.65m on the northern side).
- o Reduction in width of both side extensions (both reduced by 0.5m).
- o Gross Internal Area (GIA) reduced from 431 sq m to 379 sq m (circa 10% reduction).

With regards to the roof heights, the officer's report for the previous refusal considered the rear eaves height of the main volume to be too high and thus bulky. The rear eaves height has not changed in this current application; however it is considered this impact has been mitigated by changes and reductions elsewhere in the proposal, in particular, taking into account the cumulative impact of the reduced height of the main ridge by 0.5m, the reduced height of the front eaves by 0.5m approx, and the reduced width of the side extensions.

The proposed side extensions retain their pitched roofs and are in similar positions as the previous refused scheme. However, in this current application, they are significantly lower in height, notably reduced by 0.88 metres on the south side and 0.65m on the north side; and furthermore, they are both reduced in width. Officers thus consider that the combined impact of their reduced height and width is sufficient to overcome the previous concerns in regards to the use of pitched roofs over their positions forward of the original garages.

The front extension is marginally reduced in depth from 2.3 metres (previously) to about 2 metres, also with lower eaves height. Given the reductions elsewhere in the proposal, this would be acceptable in the circumstances.

The proposed rear extensions are 4.5 metres in depth from the rear wall of the original building, less deep than at pre application stage. As stated previously at pre application stage and subsequent applications, although this is slightly in excess of the depth normally considered acceptable for extensions to detached properties, given the size of the plot and the distance from neighbouring properties, it is considered that, in this instance, this depth of extension can be accommodated without appearing as unduly disproportionate.

The additional first floor window on the front elevation is also supported and the materials appropriate to the street scene.

In summary, it is considered the reductions to the height of the building (both the main volume and side extensions) together with the reduced width of the side extensions are, cumulatively, considered sufficient to overcome previous refusal reason in relation to overdevelopment, massing and bulk. The proposal is thus considered to comply with Policy DM01.

- Whether harm would be caused to the living conditions of neighbouring residents.

Policy DM01 of the Local Plan states that any schemes must protect the amenity of neighbouring residents. It is necessary to assess the impact of all new development on neighbouring amenity, including impact on light, outlook, privacy and causing a feeling of overbearing.

Given the proposed extensions are only at ground floor and below and they are separated from all neighbouring boundaries by a considerable distance, it is not considered that the proposed development would result in a harmful loss of light, outlook, or increased sense of overbearing to any neighbouring occupiers.

The proposed development would result in an increase of 3 no self-contained units (total of 5) at the site and an increase in maximum potential occupancy from 8no persons to 17no persons. While this is a potentially significant increase in occupancy, given the extensive nature of the plot and the existing flatted use at the site, on balance, it is not considered that this increase would result in undue harm to neighbouring amenity through increased comings and goings or other associated activity.

Side windows in upper floors would be conditioned to be obscure glazed.

Taking all material considerations into account, it is found that the proposed development would protect the amenities of neighbouring occupiers, in accordance with Policy DM01 of Barnet's Local Plan.

- Impact on living conditions of 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 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.

The proposed mix of units is as follows:

Flat 1 on the ground floor, 2B3P, 65m² - COMPLIANT WITH LP2021

Flat 2 duplex at garden and ground floor levels, 3B4P, 84m² - COMPLIANT WITH LP2021

Flat 3 duplex at garden and ground floor levels, 3B4P, 88m² - COMPLIANT WITH LP2021

Flat 4 duplex at first and second floor levels, 2B3P, 72m² - COMPLIANT WITH LP2021

Flat 5 duplex at first and second floor levels, 2B3P, 71 m² - COMPLIANT WITH LP2021

The above GIA measurements have been verified by officer measurements and are considered accurate.

Policy D6 of the new London Plan states that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space. The minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling.

Ceiling heights are compliant with this requirement, thus overcoming the refusal reason 2 of the previous application.

The proposed single and double bedrooms would meet the recommended minimum space requirements for single and double bedrooms. Although some of the bedrooms are single aspect, the window sizes are sufficiently large to mitigate this.

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 space per habitable room. Amenity space provision is as follows:

1. Garden 01 (flat 01) - 56m²
2. Garden 02 (flat 02) - 51m²
3. Garden 03 (flat 03) - 87m²
4. Garden 04 (flat 04) - 73m²
5. Garden 05 (flat 05) - 92m²

The above amount well exceeds the minimum requirements as per the Sustainable Construction and Design SPD.

- Impact on parking and highway safety.

The recorded PTAL rating for the site sits as 1b.

The applicant has provided a transport assessment. The scheme is proposed to provide 5 off-street parking spaces with provision of storage for 12 bicycles. The report also provides a street parking survey of on street parking capacity, concluding there is sufficient on-street capacity. This has been accepted by Highways.

- Impact on trees and ecology.

Refusal reason 4 (Trees) of the previous application (22/5026/FUL) concerned the negative impact of the proposal on trees, due to the siting of hardstanding, parking spaces and ancillary buildings (bike shed and bin store) on the southern corner of the site within tree root protection areas. In this current application, the vehicular access, parking, bin and bicycle stores have been re-sited to the northern edge and rear of the site out of the tree protection areas.

Consultation feedback from the council tree officer on this current scheme is:

These concerns have been addressed within the new proposal - the parking/hardstanding has been relocated and the scheme incorporates a lower degree of hardstanding / paving in the RPA of boundary trees

A revised arboricultural impact assessment, method statement and tree protection plan has not been submitted.

The quantity of trees to be removed under this application is identical to that of the previous scheme; this aspect was not considered unacceptable subject to a scheme of replacement planting.

An updated arboricultural impact assessment, method statement and tree protection plan must be submitted in the event of approval, reflecting the new scheme

There are a number of trees which will be impacted by the proposal:

- o 11no trees are to be removed to facilitate development (mix of Cat B and C)
- o 5no trees are to be retained along the rear site boundary (incl protected oaks)
- o The new proposal incorporates a higher level of amenity garden space versus that of 22/5026/FUL (refused)
- o There would be ample space to accommodate replacement tree planting in the event of approval - species with high amenity potential are recommended
- o No level changes are proposed in the vicinity of retained trees, including protected trees situated at the rear site boundary.
- o Existing / proposed elevations must accord with protection measures detailed in a new tree protection plan to ensure protection is workable in practice.
- o In conclusion, the tree officer has no objections, subject to conditions.

Ecology:

In regards to ecology, a Preliminary Ecological Assessment along with a Preliminary Roost Assessment survey was carried out on the 13th April 2023. The preliminary Roost Assessment identified gaps in the soffits and brickwork of the house, where crevice dwelling bats could roost without any signs being found. No signs of bats were found within the roof space of the building. 96a and 96b Weirdale Avenue were thus assessed as having low potential for roosting bats. This finding necessitated a follow up emergence survey to confirm if bats were using the building as a roost.

The dusk emergence survey was carried out on the 23rd August 2023. No bats were observed emerging from the building. Therefore, roosting bats were assessed as likely absent from the building and not viewed as a constraint to the proposed redevelopment of the site.

There was foraging and commuting activity, mainly from Common Pipistrelle bats therefore, recommendations have been made regarding outdoor lighting to minimise impacts on commuting and foraging bats.

The bat surveys have been approved by the council's ecology officer, subject to conditions to ensure compliance.

Consultation feedback from the ecologist is:

No objections to the submitted Bat Emergence Survey report (4 Acre Ecology Limited, September 2023) as no roosting bats were confirmed to be present in the building. No further bat surveys will be required.

Due to confirmed presence of commuting and foraging common and soprano pipistrelle bats, brown long-ear bats, Noctule, within the rear garden and along the western side of the house a low impact lighting strategy will need to be secured by way of planning condition.

The proposed development is recommended for approval on ecological ground subject to planning conditions

5.4 Response to Public Consultation

Responses to the material considerations are provided in the main assessment 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, it is considered that subject to compliance with the attached conditions, the proposed development has overcome previous refusal reasons associated with the previous refused scheme. The proposal 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.

