

Location Raymond Court Pembroke Road London N10 2HS

Reference: 23/5050/FUL Received: 27th November 2023
Accepted: 27th November 2023

Ward: Friern Barnet Expiry 22nd January 2024

Case Officer: Douglas Payne

Applicant: Cowen

Proposal: Extension and conversion of existing roof space to provide 2no self-contained flats. Associated refuse/recycling, cycle store

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
18/3172/1
18/3172/2
18/3172/3 Rev B
18/3172/4
18/3172/5
18/3172/6
18/3172/107

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan

Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

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

- 4 a) 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.

- 5 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.

- 6 Prior to occupation of the development, parking spaces and the access to the car parking spaces from 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 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

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

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

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

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

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

9 a) A scheme of hard and soft landscaping shall be implemented including the provision of the replacement tree as shown on Drawing No. 18/3172/3 Rev B - Proposed Site Plan.

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

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

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

10 a) No site works 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.

- 11 The property shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 12 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 6% 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.

- 13 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).

- 14 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).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

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

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials, or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost

of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed, and left in a clean and tidy condition.

- 3 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 4 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.
- 5 The applicant is advised that if the development is carried out, only low-level planting or landscaping (Below 0.6m in height) shall be provided at the entrance to the development to ensure that the visibility splays on either side of the access for the vehicles emerging from the development are kept clear of any obstruction which is likely to have a detrimental impact on highway and pedestrian safety.
- 6 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licences please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk.
- 7 The applicant is advised that (the whole length) is Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Crossover Team in Development and Regulatory Services should be consulted in this respect.
- 8 The applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed vehicular access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.

To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section - Development and Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 9 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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

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

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

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

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

- 10 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 application site comprises a 3 storey building containing 12 no. flats within the building known as Raymond Court.

The existing building occupies a prominent corner plot at the junction of Pembroke Road and Hampden Road.

The surrounding area is predominantly residential in character and is typified by a mix of single family dwellinghouses and purpose built blocks of flats. Of up to 3 storeys in height. The immediate junction where the site is located is surrounded by 2 storey buildings with the exception of the application site although it should be noted that there are other purpose built flats within the surrounding area.

The application site does not form part of a listing, nor is it located within a Conservation Area.

2. Site History

Reference: 18/1266/FUL

Address: Raymond Court, Pembroke Road, London, N10 2HS

Decision: Refused (appeal allowed under appeal ref: APP/N5090/W/18/3203934)

Decision Date: 1 May 2018

Description: Extension and conversion of existing roof space to provide 2no self-contained flats. Associated refuse/recycling, cycle store

Reasons for refusal:

1. Character:

The proposed development by virtue of its height, size, scale, design, bulk and massing would constitute an incongruous addition to the existing building that would fail to relate to the immediate context of the site and would harm the character and appearance of the building, streetscene and the locality in general. As such, the proposed development would be contrary to policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (Adopted September 2012) and policies DM01 and DM02 of the Barnet Local Plan Development

Management Policies DPD (2012) and the advice contained in the Barnet Residential Design Guide Supplementary Planning Document (Adopted 2016).

2. Stacking

The proposed units would fail to provide adequate quality of internal accommodation in terms of their layout and stacking and as such the units would provide a substandard and poor quality of accommodation detrimental to the amenity of future residents of these units and the existing adjoining neighbouring occupiers in flats below contrary to policy 3.5 of the London Plan (2016), CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012), Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012), and the Adopted Residential Design Guidance SPD (2016) and the Sustainable Design and Construction SPD (2016).

The application was appealed and the Inspector decided to allow the applicant's appeal.

Reference: 21/6224/S73

Address: Raymond Court, Pembroke Road, London, N10 2HS

Decision: Refused

Decision Date: 31 May 2023

Description: Variation of condition 2 (Approved Plans) of planning permission 18/1266/FUL (APP/N5090/W/18/3203934), dated 09/04/2019 for `Extension and conversion of existing roof space to provide 2no self-contained flats. Associated refuse/recycling, cycle store.`. Variation to include increase in roof pitch height to improve the headroom in the proposed flats

Reason for refusal: parent approval out of time

Reference: 22/1826/CON

Address: Raymond Court, Pembroke Road, London, N10 2HS

Decision: Refused

Decision Date: 10 October 2023

Description: Submission of details of condition 4 (Refuse/recycling enclosures and screened facilities) 5 (Cycle parking/storage) 8 (Demolition and, Construction Management and Logistics Plan) has been submitted pursuant to planning appeal APP/N5090/W/18/3203934 dated 08/04/2019 (Planning ref 18/1266/FUL)

Reason for refusal: parent approval out of time

3. Proposal

The proposed development seeks planning permission for a roof extension to the existing block of flats to provide for two (2) additional self-contained flats within the roof space. The proposal almost exactly mirrors the allowed appeal (Council ref: 18/1266/FUL), although incorporates the changes sought under the recently refused s73 variation application (Council ref: 21/6224/S73). It is noted that the recently refused variation application was refused as the parent approval was found to be out of time. The only change included under the s73 application was an increase to the roof pitch, with no additional height proposed.

The proposed roof extension would include:

- A consolidated crowned roof, though it would match the footprint of the existing roof;
- A one metre increase in height and increase in roof pitch to main body of the roof;
- An increase in the height and pitch of the hipped roofs atop the existing three storey

bay windows to the front elevation;

- Four new front facing dormer windows;
- Increase in height and pitch to the hipped roofs of the existing three storey rear extensions;
- A rear dormer, which accommodates the area infilled over the existing flat roof; and
- Fenestration changes including several new front and rear facing windows.

The proposed materials are identified to be a match to the existing building.

The proposed new units would include two mirrored two bedroom, three person units within the resulting loft level. Each unit would have a gross internal area (GIA) of 62.7sqm and would be accessed via internal stairwell.

The proposal includes an additional two off street car parking spaces within part of the front garden, which would necessitate the removal of one Sycamore.

4. Public Consultation

Consultation letters were issued to one-hundred and eight (108) neighbouring and nearby properties. Thirty-one (31) letters were received, all objecting to the proposal. The comments in objection area summarised as:

- Work hasn't commenced onsite;
- Parking to be provided on area presently used as garden / open space;
- Applicant states three spare parking spaces when there's only two;
- Interference with chimneys and no solution for how gases will be managed in their absence;
- Many flats use water tanks for water supply which would be removed via proposal - no indication of how this would be managed;
- How would wastewater be managed;
- Parking plan would include removal of mature tree;
- Impact upon street parking, which is strained already;
- Question over how waste will be managed;
- Other legislation prevents extension of buildings constructed pre 1948, this block is some ten years older than that which should prevent approval;
- Impact to surrounding character;
- Asbestos risk to modifying water tanks;
- Impact upon sunlight to nearby and neighbouring properties;
- Overlooking to neighbouring properties;
- Completion date on forms looks overly ambitious;
- Changes to garden impact upon leases of other flats;
- Impact of construction to nearby and onsite residents;
- Stacking impact;
- Impact to nearby business

4.1 Internal Consultation

Transport: No objection subject to conditions

The applicant is proposing a further 3 car parking spaces for use by the proposed 2x2 bed properties. The proposed 3no. off-street car parking spaces are in accordance with requirements set out on Policy DM17 of the London Plan and is therefore acceptable on highways grounds.

The existing crossover shared with property no.44 will need to be extended by 2.4m -3m to create a 4.2m crossover. This is to facilitate the additional off-street parking bay and to have access for the bins/cycle manoeuvring movement.

Prior to occupation of the development the applicant must submit an application under Section 184/278 of the Highways Act (1980) for the proposed vehicular access and implement the highway works before the development is occupied. The proposed access design details, construction and location will be reviewed by the Highways Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.

An application must be made to the Highways Development Control Department to be assessed and works carried out under Highways supervision.

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).

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.

Trees - no objection, use same comments as on previous refusal (18/1266/FUL) (which noted no objection from trees)

4.2 External Consultation

Thames Water - no objection subject to an informative.

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 19 December 2023. 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, is indivisible from good planning, and should contribute positively to making places better for people'. 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.

Existing policies in Barnet's Local Plan (2012) and the London Plan (2021) should not be considered out-of-date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF.

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 2041. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, 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 (2012)

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 (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. 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 developments 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 it states that developments 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 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted 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 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

Officers consider that the main planning considerations are as follows:

- Principle of development
- Impact upon the character and context of the site and surrounds
- Whether the proposed development would have an acceptable impact upon the amenity of nearby and adjoining properties
- Whether the proposed development would provide acceptable living conditions for future occupiers
- Whether the proposed development would have an acceptable impact upon the health and longevity of onsite and neighbouring trees

5.3 Assessment of proposals

It is noted that due to the allowed appeal onsite (appeal ref: APP/N5090/W/18/3203934) being a near identical match to the proposed development under this application, with the exception of a small increase in roof pitch, that great weight MUST be allocated to the inspectors decision. This assessment has made reference to and incorporated the comments of the inspector where relevant.

- Whether harm would be caused to the character and context of the site and surrounds

The proposed development would have an acceptable impact upon the character and context of the site and surrounds.

The appeal decision rendered by the Inspector on 9 April 2019 found that the proposed development would have an acceptable impact upon the character and context of the site. More specifically, the following view was formed:

'The proposal would raise the height of the existing pitched roofs, and add a new, connecting section of pitched roof above the stairwell, giving the same roof height to all three parts of the building. This would potentially change the perception of the building as two interconnected blocks, to a more unified architectural form. However the building, viewed from the street, would not appear unattractive or poorly designed. It would make the building more dominant in the locality, but the upward extension would not have an overbearing visual effect, nor would it be out of scale and massing in comparison with existing buildings.'

The only change between this proposal and the allowed appeal is that this proposal incorporates a slightly increased roof pitch, which provides more roof space to the resulting two units. The change in roof pitch has a marginal change to the appearance of the proposed development to the surrounding area and is not considered to unacceptably impact the site or surrounds.

In this instance great weight is being allocated to the allowed appeal. The proposed change in roof pitch would have an acceptable impact upon the character and context of the site and surrounds. In consideration of this, the proposed development is found overall to comply with Local Plan Policy DM01 as it relates to character and context.

- Whether the proposed development would have an acceptable impact upon amenities of nearby and neighbouring properties

The proposed development would have an acceptable impact upon the amenities of nearby and adjoining occupiers. This is primarily due to the proposal being confined to the existing footprint of the building, there not being a drastic increase in height and that side setbacks are retained to either neighbour.

It is identified that 44 Pembroke Road does not have any side facing habitable windows that would be impacted upon by the proposed development. The opposite side neighbour at 48 Hampden Road includes one side facing window at ground and first floor level respectively which are already impacted upon by the application site, owing to the large difference in height. The additional roof level therefore would have a negligible impact upon 48 given the pre-existing arrangement.

Albeit additional windows are proposed at roof level in the front and rear elevations along with rooflights to the side elevations, the relationships to neighbouring properties in terms of overlooking would be very similar to the pre-existing arrangement. As such, an acceptable impact only would be incurred.

In consideration of the above, the proposed development would comply with the amenity related components of DM01.

- Whether the proposed development would provide suitable living conditions for future occupiers

The proposed flats are as follows:

Flat 1 (2b, 3p): 62.7sqm

Flat 2 (2b, 3p): 62.7sqm

Both flats exceed the minimum London Plan / National residential space standards which require 2 bed 3 person flats on a single storey to be of a minimum size of 61sqm and are therefore acceptable in this respect.

Stacking

Paragraph 9.6 of the residential design guidance advises that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. Albeit the kitchen / lounge areas of the proposed flats would be directly above the bedrooms of the lower third floor flats, in their decision, the Inspector dismissed stacking as a reason for refusal. The inspector provided the following in relation to stacking:

The Council agrees that the proposed flats would meet the requirements of the London Plan and the Residential Design Guidance² (the RDG) in all respects other than the matter of 'vertical stacking'. The proposed kitchen, dining and living areas in the proposed flats would be above bedroom accommodation in the flats on the second floor. The RDG states at

paragraph 9.6 that as far as practicable bedrooms and living rooms should not overlap. The appellant has explained that the proposal will involve the creation of an independent floor isolating the new flats from the existing. The Building Regulations for new build will apply and the standards for sound insulation will be met and tested. This matter can be controlled by condition.

In consideration of this, a condition is able to be applied, requiring details of sound insulation. This would mitigate any reason for refusal relating to stacking.

All habitable rooms within the proposal are shown to have a reasonable level of outlook provided by windows and enhanced by rooflights.

No additional private outdoor amenity space is proposed to serve the 2 no additional flats, however they would have access to the rear communal amenity space, measuring approximately 375sqm. Noting that 15sqm of amenity space should be provided for each flat based on the requirement for 5sqm per habitable room and that the proposal would result in a total of 14 units across the site, the 375sqm rear amenity space would result in 27sqm per unit. The provision of outdoor amenity space is therefore sufficiently sized to accommodate two additional flats.

- Whether the proposed development would have an acceptable impact upon the health and longevity of onsite and neighbouring trees

Council's Tree Officer has confirmed that the comments of the previous refusal would apply. It is noted that the impact to onsite trees was found to be appropriate, noting that one sycamore and one replacement tree were included in the proposal. The previous tree officer comments stated:

There are four mature trees at the front of Raymond Court x 3 sycamore and x 1 hornbeam, the sycamore trees have been managed regularly as pollards. The trees at the front of the building do provide considerable visual amenity at the road junction. However they are positioned in locations where they are likely to cause damage to the property's infrastructure in future and will always require regular maintenance. Due to this lower quality and likelihood of damage to structures the suitability of these trees being included within a tree preservation order is low, in spite of their obvious value as features in the street scene.

In consideration of the above, the proposal would have an acceptable impact upon the health and longevity of onsite trees, subject to conditions.

5.4 Response to Public Consultation

It is identified that the objections received largely mimic those received under the previously refused but allowed on appeal decision. As the Council must allocate great weight to the inspector's decision, his comments in response to the previous objections remain true.

It is noted that the comment in relation to not adding additional storeys to existing flat buildings relates to The Town and Country Planning (General Permitted Development) (England) Order 2015 which is not applicable in this instance as permitted development is not being sought. The proposal seeks Full Planning Permission whereas a Permitted Development request would be an application to circumvent applying for Full Planning Permission. This is not a reason to refuse the proposal.

It is additionally noted that internal changes to the infrastructure of the flat (heating, water

supply, waste water etc.) would be managed by the Building Regulations, being separate to planning legislation and cannot form a consideration of this assessment.

It is identified that changes to land ownership are not captured within the planning process. The applicant has submitted the correct forms required to submit this application. Any questions of land ownership, impact upon lease agreements etc would be a civil matter and cannot form a material assessment of this proposal.

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

The proposed development is found to have an acceptable impact upon the character and context of the surrounding area, to preserve the amenities of nearby and neighbouring residential properties, to preserve the health and longevity of nearby trees and to have an acceptable impact upon the formed highway impact. The proposed development is therefore recommended for APPROVAL.

