

**Location** **60 Hervey Close London N3 2HJ**

**Reference:** **23/2274/FUL** Received: 22nd May 2023  
Accepted: 23rd May 2023

Ward: West Finchley Expiry 18th July 2023

**Case Officer:** **Natasha Campbell**

Applicant: C/o Agent

Proposal: Part retention and part proposal first floor side and part single, part two storey rear extensions with 1no skylight to flat roof of single storey rear extension. Associated alterations and extension to roofs, side, front and rear windows. Conversion of the existing dwelling into 3no. self-contained flats, associated amenity space, refuse and recycling/cycle storage (amended plans)

### **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:

2023/60HC/CONV/LB/08 Rev 7a, 2023/60HC/CONV/EE/07 Rev 7a,  
2023/60HC/CONV/EAS Rev 7a, 2023/60HC/CONV/EFP Rev 7a,  
2023/60HC/CONV/PFP/07 Rev 7a, 2023/60HC/CONV/PE/07 Rev 7b,  
2023/60HC/CONV/PSP/07 Rev 7B, 2023/60HC/CONV/PA/07D Rev 7D.

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, the sub-division of the amenity area(s) as shown on drawing no. 2023/60HC/CONV/PA/07B (Proposed Plans And Amenity) shall be provided as approved under this condition.

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

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

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 6 Prior to occupation of the development, parking layout plan showing the provision of 3 parking spaces and position and dimensions of all existing, redundant and proposed crossovers shall be submitted to and approved in writing by the Local Planning Authority.

The designated 3 parking spaces shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of

Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012

7 Prior to occupation of the development, 6 long-stay parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development. Reason In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

9 Before the permitted development is occupied, refuse storage enclosures shall be provided in accordance with the approved drawings. The proposed development thereafter shall only be operated in accordance with the approved plan.

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

10 The development hereby approved shall not be occupied until details of the proposed highway works have been submitted to and approved in writing by the local Highway authority. The applicant will be required to enter into a s278/184 agreement with the council for these works which will include implementing proposed/new access layout and a pedestrian refuge in the vicinity of the site.

Reason: To improve safety and access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and 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

11 The use of the outbuilding hereby permitted shall at all times be ancillary to, and occupied in conjunction with, flats 2 and 3, and shall not at any time be occupied as separate units or dwellings.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 12 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).

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

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012).

#### **Informative(s):**

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at

[www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

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

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

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

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

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

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

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

importantly delays in an emergency situation.

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

- 4 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](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto: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 stockpiling 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.
  
- 5 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a license. 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](mailto:highwayscorrespondence@barnet.gov.uk).
  
- 6 A s184 licence will need to be obtained by the applicant for all works on the public highway including the proposed upgrade of the existing access.

## **OFFICER'S ASSESSMENT**

The application was previously referred to Planning Committee A on the 6th November 2023, where the committee resolved to approve the application subject to the completion of a legal agreement. Following that committee meeting, the applicant has provided further information in order to remove the legal agreement to restrict parking permits. The application has been subject to re-consultation with members of the public and the Council's Highways Service. Further details of this are discussed within the committee report.

### **1. Site Description**

The application site is a two-storey end terrace dwellinghouse located at 60 Hervey Close. The property is located within the West Finchley ward of Barnet and benefits from off-street parking facilities to the front of the dwelling and amenity space to the rear.

The surrounding area is predominately residential and upon review, it is apparent that many of the properties within the street have benefitted from some form of extension over the years. There is adequate access to public transport, with several bus routes (125, 460, 82, 143, 382) that can be accessed from stops located within 6 minutes walking distance of the site. In addition, Finchley Central tube station is within 8 minutes walking distance from the site.

The application site is not located within a conservation area, nor is it a listed building.

### **2. Site History**

Reference: 20/5614/192

Address: 60 Hervey Close, London, N3 2HJ

Decision: Lawful

Decision Date: 18 December 2020

Description: Roof extension involving hip to gable, rear dormer window and 2no front facing rooflights. Erection of a rear outbuilding including garage with 1no car parking space. New front hardstanding

Reference: 20/5620/PNH

Address: 60 Hervey Close, London, N3 2HJ

Decision: Prior Approval Required and Refused

Decision Date: 23 December 2020

Description: Single storey rear extension measuring 6.00 metres in depth from the original rear wall with an eaves height of 3.00 metres and a maximum height of 3.00 metres

Reference: 21/0149/PNH

Address: 60 Hervey Close, London, N3 2HJ

Decision: Prior Approval Required and Approved

Decision Date: 12 February 2021

Description: Single storey rear extension with a proposed depth of 6.00 metres from original rear wall, eaves height of 3.00 metres and maximum height of 3.00 metres.

Reference: 21/0789/192

Address: 60 Hervey Close, London, N3 2HJ

Decision: Lawful  
Decision Date: 15 March 2021  
Description: Single storey rear extension

Reference: 21/0835/HSE  
Address: 60 Hervey Close, London, N3 2HJ  
Decision: Refused  
Decision Date: 16 April 2021  
Description: Two storey side and rear extension. Roof extension involving hip to gable, rear dormer window and 4no rear and 4no front facing rooflights. New front porch

Reference: 21/6321/HSE  
Address: 60 Hervey Close, London, N3 2HJ  
Decision: Refused  
Decision Date: 28 March 2022  
Description: First floor side and part single, part two storey rear extensions with 1no skylight to flat roof of single storey rear extension. Associated alterations and extension to roof including 1no. front facing and 1no. rear facing rooflights and side, front and rear windows. New front porch. Reduction of first floor rear extension. (Amended plans - dormer)

Appeal Reference: APP/N5090/D/22/3296341  
Appeal Decision: Allowed  
Appeal Decision Date: 21.09.2022

Reference: 23/0334/192  
Address: 60 Hervey Close, London, N3 2HJ  
Decision: Lawful  
Decision Date: 9 March 2023  
Description: Erection of a rear outbuilding

Enforcement  
Reference: ENF/0295/22  
Address: 60 Hervey Close, London, N3 2HJ  
Decision: No further action  
Decision Date: 9th March 2022  
Description: Dormer not Built in Accordance with Approved Plans

Reference: ENF/1546/22  
Address: 60 Hervey Close, London, N3 2HJ  
Decision: No further action  
Decision Date: 28th January 2023  
Description: Untidy Land

Reference: ENF/0074/23  
Address: 60 Hervey Close, London, N3 2HJ  
Decision: Pending Consideration  
Decision Date: N/A  
Description: Dormer not Built in Accordance with Approved Plans  
Officers notes: No further action required



### **3. Proposal**

This application proposes a part retention and part proposed first floor side and part single, part two storey rear extensions with 1no skylight to flat roof of single storey rear extension. Associated alterations and extension to roofs, side, front and rear windows. Conversion of the existing dwelling into 3no. self-contained flats, associated amenity space, refuse and recycling/cycle storage.

The proposal involves external works that were previously allowed at appeal under the reference 21/6321/HSE for a 'first floor side and part single, part two storey rear extensions with 1no skylight to flat roof of single storey rear extension. Associated alterations and extension to roof including 1no. front facing and 1no. rear facing rooflights and side, front and rear windows. New front porch. Reduction of first floor rear extension.' The outbuilding was allowed under the reference 23/0334/192, which will now be for use of flats 2 and 3.

This application involves the conversion of the existing dwellinghouse into 3no. self-contained flats, associated amenity space at the rear of the property, refuse and recycling storage at the front of the property, and cycle parking.

Since the committee resolution, the application has been amended to include 3 no. parking spaces, rather than initial 2 no. parking spaces in order to remove the need for a legal agreement to restrict future occupiers from obtaining residential parking permits.

### **4. Public Consultation**

Consultation letters were sent to 50 neighbouring properties.

A Schedule and signed letter objecting to the proposal was received with 12 signatures, many of which are considered within the separate objection comments below.

25 no objections were received as part of the original consultation period. These are summarised as:

- Subdivision into flats is out of keeping with the rest of this family residential area.
- The proposal to divide the main house thus renders the outbuilding at the back in its scope and size, illegal - there was no planning permission requested for it, as it was supposedly an addition to a family home. This is clearly no longer the case.
- Overdevelopment and out of character with the surrounding houses
- Setting a bad precedent for future development
- The submitted drawings do not represent the current aspect of the house and garden.
- The previous narrow side gate on Claimar Gardens has been widened and moved along for greater access and use.
- The application of three flats and increased occupancy is not in keeping with the area/infrastructure and parking available.
- To my knowledge no other property has used the service road and outhouse for another flat. If it is to be used as a library/gym then why is there need for another toilet. I'm concerned that this will be rented out for three occupiers in the future.
- The application cites 17 houses on Hervey Close that have supposedly been subdivided, but this is misleading. The approved subdivisions are for a maximum of two

flats. Barnet's policy DM01 specifies that 'conversions in roads characterized by houses in single family occupation will not be normally appropriate'.

- The bedroom of Flat 3 seems close to the legal minimum space requirement. Also, it appears that more than 25% (25% is the Council maximum) of the floor area has a reduced ceiling height, being under the roof eaves. So, this represents very poor-quality housing.

- Barnet's policy DM01 states that a flat should normally have its own 'private amenity space', and that shared gardens are usually for 'town centres or some high-density schemes'. Hervey Close is neither of these, but the plans show that Flats 2 and 3 will be sharing a small strip of garden, accessed by a gate opening onto Claimar Gardens. This represents a low standard of living for the future residents of the development.

- There is as severe shortage of family homes with associated amenity space in the area. This development does nothing to alleviate this issue with what would seem to be a high number of flats in the area already.

The details of the schedule signed by 12 neighbouring properties is summarised as follows:

- o The dormer which will contain flat 3 exceeds the PD size and the materials differ. An enforcement case was opened on the matter which appears to never have been resolved.

- o The outbuilding was brought as an enforcement case from deviating from the consented plans. No further action appears to have occurred.

- o An enforcement case was opened regarding untidy land at the site.

- o The existing dwellinghouse has not been built with the extensions approved at appeal.

Since the receipt of amended plans, an additional reconsultation period was undertaken with 2 further objections were received and can be summarised as:

- Vast majority of properties in the area are single family homes

- Development is completely out of character and nearby properties

- Current configuration of the property and driveway would not allow three cars to park and exit the space without the requirement of one of the other cars having to be moved onto the street.

- The need to back out of the spaces would be disruptive and result in potential accidents with pedestrians and cars.

- 

An objection from MP Mike Freer submitted regarding the initial plans was stated to remain under the amended plan.

There were 2 comments of support, which can be summarised as:

- The proposed design outlook is same as a single dwelling house, only impacting the internal layout

- Additional parking spaces in front of the property have been allocated.

- This proposal will decrease the number of occupants on site from 14 people occupancy to a maximum of 10 people.

- Many of the properties along the street have undergone conversions to flats we think this development proposal can add a range of housing choices to the community, in terms of the mix of housing sizes and type and meets the needs of its future occupiers.

- The principle of conversions to flats in Hervey Close is addressed within many granted conversion planning applications and is acceptable.

## Elected Representatives

### **Mike Freer MP**

I would like to add my own opposition to this sub-division proposal.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was updated in 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.

#### 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. 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, CS7
- 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.

### 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:

- The principle of flats in this location;
- 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;
- Whether the proposal provides satisfactory living accommodation for future occupiers; and
- Highways impacts: Parking, cycle storage and refuse and recycling storage.

## **5.3 Assessment of proposals**

### The principle of flats in this location

The proposal involves converting the dwelling into 3 self-contained flats, comprising of 1 x 3B5P, 1 x 3B4P and 1B1P units.

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

Hervey Close has a mixed character, comprising a mix of single-family dwellings and flats, many of which are the result of conversions from single dwellings. This mix of residential typology is evident along the whole street. As a result, it is considered that a proposal to convert the dwelling into flats would broadly follow the general pattern and typology of development within the street.

There are a number of approved properties along Hervey Close which benefit from planning permission for the conversion of a single dwellinghouse into flats. This includes the following properties, No. 54 (22/3299/FUL), No. 53 (19/0034/FUL), No. 23(18/7093/FUL), No. 65 (14/07747/FUL), 47(14/07747/FUL), 29 (C13106A/06), 51 (F/02770/09), 29 (C13106A/06) and 83 (C13766D/07). In regard to the council tax records, it shows that No. 29 (2 flats), No. 47 (2 flats), No. 51 (2 flats) have been converted into flats. The council tax records also show the following properties are in use as flats No. 1 Hervey Close (3 flats), No. 19 (2 flats) No. 37 (2 flats) which do not have a record of recent planning permission for the conversion to flats.

Regard also has to be given to the Emerging Barnet Local Plan which through Policies HOU2 and HOU03 identify that a key housing consideration is to achieve a better housing balance, including protecting family houses from conversions into smaller units, while delivering new converted homes in the right location. Following the Examination in Public (EIP) Hearing of the Local Plan(Regulation 19) (2021) and in response to the subsequent comments from the Planning Inspector, these policies have been further modified.

According to Policy HOU03 of the emerging Barnet Local Plan, the Council will permit the conversion of larger homes into smaller self-contained residential units (C3) only when the proposal provides at least one larger family sized home capable of providing 3 bedrooms with 4 bedspaces with direct access to a dedicated rear garden of the converted home. In this application, two family sized 3 bedroom units are provided (3B5P and 3B4P). The internal floor area of the dwelling with approved extensions is approximately 283m<sup>2</sup> which is far exceeds the emerging policy criteria that the gross internal floor area of the property (at time of application) should not be less than 135m<sup>2</sup>.

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

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

As noted above, the proposal would result in the provision of family sized accommodation. Furthermore, the site falls within an area of PTAL rating 4 and lies approx. 400m from the boundary of the Finchley Central Town Centre.

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

Barnet is in need of large family homes, therefore whenever possible larger units are encouraged. The proposal has provided 2 x 3 bed family homes in excess of 74sq m, each, on the ground floor and first floor. 1no. 1b1p unit is proposed at second floor. It is considered that the proposal has achieved a good mixture of family homes.

It is not considered that the conversion will have an impact on the character and appearance of the existing dwelling or the immediate area.

#### Impact on Character and Appearance of the host building, street scene or wider locality

The proposed external extensions are the same as approved under the Appeal for Barnet planning application ref:21/6321/HSE.

The previously approved elements of the proposal involve the first floor side and part single, part two storey rear extensions with 1no skylight to flat roof of single storey rear extension. Associated alterations and extension to roof including 1no. front facing and 1no. rear facing rooflights and side, front and rear windows. New front porch. Reduction of first floor rear extension.

#### *Ground floor rear extension*

The ground floor rear extension will have a depth of 3 metres, and extends the entire width of the rear. The Residential Design Guidance SPD states that for semi-detached properties, a depth of 3.5 metres is usually considered acceptable, therefore it complies with the guidance.

#### *New front porch*

At the front of the property there would be a pitched roof which would extend above an enlarged porch. These elements of the appeal scheme would be visible from the adjacent roads but would not detract from the spacious character and appearance of the streetscene and the surrounding residential area.

#### *First floor rear*

The first floor rear element will have a depth of 3 metres, and height of 8.42 metres (from ground level). It will be set in from each neighbouring boundary by 4.86 metres.

#### *Part single, part two storey side extension*

The ground floor side element involves replacing the existing garage to the side with a new single storey side extension that wraps around to the rear with the new built single storey rear extension. The ground floor side element will have a depth of 9.5 metres, a width of 3.6 metres to the common boundary, and a height of 3.7 metres.

The first floor side extension will have a depth of 9.15 metres, a width of 2.7 metres, and a height of 9.77 metres. It will have a set back 1 metre from the front elevation, set in 1m from the side and set down 0.5 metres from the main roof ridge.

The proposed extension would be sited away a minimum of 1 metre from the shared boundary with Cligmar Gardens, would be less than half the width of the host property, at first floor would be set back from the host property's front elevation and would possess a

lower ridge height than the property's main roof. This design approach echoes the guidance in the Council's Supplementary Planning Document Residential Design Guide (RDG)

Overall, it was concluded by the inspector that the proposed works and alterations to the property when assessed in combination they would represent a significant addition to the property. However, because the property is located at a road junction it would not represent an overdevelopment of this larger than average plot, even with consideration to the outbuilding within the rear garden. The character and appearance of the spacious streetscenes along Hervey Close and Claignmar Gardens would be preserved by the enlarged property.

The proposed conversion of the dwelling into 3 flats will not result in further external works than that approved at appeal and discussed above.

As such, the proposed development is considered to have an acceptable impact on the character of the existing dwelling, streetscene and wider area and thus compliant with the policies stated under Policy DM01.

#### Impact of the conversion on Amenities of future occupiers

The proposal involves converting the dwelling into 3 self-contained flats. The mix of dwellings is as follows;

Ground Floor :

Flat 1 (3b 5p) 111sq m

First Floor:

Flat 2 (3b 4p) 81sq m

Second Floor:

Flat 3 (1b 1p) 39sq m

The minimum space standard for a 3 bed 5 person is 86m<sup>2</sup>, a 3 bed 4 person is 74m<sup>2</sup> and a 1 bed 1 person is 39m<sup>2</sup>. The proposed complies with the minimum floor area and space standards required for each of the 3no. flats.

The London Plan states that the minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling in the unit with a floor-to-ceiling height of less than 1.5m is not calculated as habitable space. A section drawing was provided and showing each unit would meet the height requirements set out.

#### *Stacking*

The Residential Design Guidance SPD requires that the vertical stacking of rooms between flats should as far as practicable ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. The layout and stacking is considered acceptable.

#### *Outlook/Privacy*

There are no concerns with regard to the privacy of occupants of the flats.

Box hedges at a height of 1 metre are provided for flat 1 situated at the ground floor two bedroom windows facing the front driveway of the house to ensure privacy to the bedrooms of the ground floor flat.

Overall, the privacy of the flats are considered acceptable. The units have been provided with sufficient outlook.

### *Outdoor Amenity Space*

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible.

Sustainable Design and Construction SPD (adopted October 2016) states that, "Outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents as well as contribute to maintaining and enhancing the wider character of the borough". It further mentions that, "residential units with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers."

Section 8.4 of Barnet's Local Plan Residential Design Guidance SPD (2016) states: "in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy". Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5m<sup>2</sup> per habitable room for flats. The property benefits from a private rear garden, however details of boundary treatment used to subdivide this garden have not been provided.

It is considered that the sufficient outdoor amenity space has been provided for each flat, with 47.5 square metres for Flat 1 which has direct access. Flats 2 and 3 have access to 43.2 square metres outdoor amenity space which will be access from a side gate. Flats 2 and 3 will have access to the rear outbuilding with use as a game/gym room, bike storage and office/library room. The rear outbuilding does have a dummy door to the rear.

The outdoor amenity space will be subdivided by 1.7 metre high boundary fence.

### Impact on Residential Amenities of Neighbours

The proposed extensions approved under the application 21/6321/HSE were determined to not have a negative impact on the residential amenity as a result of the scale and distances from neighbouring properties.

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

### Highways

The road fronting the site is Hervey Close. The site is in a CPZ which operates Mon-Fri, 2pm-3pm and it lies in an area with a PTAL rating of 4 which suggests that there is good access to public transport. Several bus routes (125, 460, 82, 143, 382) can be accessed



from stops located within 6 minutes walking distance of the site. In addition, Finchley Central tube station is within 8 minutes walking distance from the site.

The Highways officer was consulted on the proposal originally and commented that the provision of 2no. off-street spaces resulted in a shortfall of 1no. parking space and recommended a legal agreement to restrict permits on this basis.

The applicant has now submitted an amended plan which illustrates that 3no. off-street parking spaces can be provided to the front of the property. The amended plan shows 3 car parking spaces with the 3 bays measuring 2.4 metres by 4.8 metres. The three spaces will require a larger crossover, with the proposed crossover measuring 4.22 metres. The front entrance will be increased in width to 5.4 metres by removing a proportion of the front boundary wall.

The Highway officer has reviewed the amended plan and following submission of swept path details for the entering and exiting of cars into the property is satisfied with the updated parking arrangements. Therefore, a legal agreement to restrict permits is no longer required as there is no shortfall. Therefore, the application is determined acceptable on highway grounds.

## **5.4 Response to Public Consultation**

Main objections are addressed within the report. In regard to the enforcement matters discussed in the schedule, the below responses are made:

- o The dormer which will contain flat 3 exceeds the PD size and the materials differ. An enforcement case was opened on the matter which appears to never have been resolved. The enforcement case regarding this was closed, and determined as no further action required as 'It is considered the minor alterations to the dormer/roof extension dimensions needed to bring the development under 50 cubic metres would not significantly alter the impact on street scene or neighboring properties.'
- o The outbuilding was brought as an enforcement case from deviating from the consented plans. No further action appears to have occurred. The enforcement case related to this remains open, however comments from the enforcement officer state that no further action is required as it does not appear to deviate from approved plans.
- o An enforcement case was opened regarding untidy land at the site. This enforcement case was closed on 28th January 2023 as works at the site had recommenced in December 2022 overcoming the issue of untidy land which was due to the 'fact that works had stopped for over a year and the building materials' as enforcement officers concluded.
- o The existing dwellinghouse has not been built with the extensions approved at appeal. The description of the proposal states 'part retention and part proposal....' to ensure the previously approved extensions allowed at appeal which had begun, and subsequently halted which further planning permission was sought, were included within the description.

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

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

## **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers or on highways grounds. This application is therefore recommended for APPROVAL subject to conditions.

