

Location Norfolk Court 31 - 32 Manor Road Barnet EN5 2JT

Reference: 23/4187/FUL Received: 28th September 2023
Accepted: 29th September 2023

Ward: Underhill Expiry 24th November 2023

Case Officer: Zakera Matin

Applicant: Mr Florin Gafencu

Proposal: Third floor side extension and internal reconfiguration to create 2no. additional flats. Associated addition of 3no. parking spaces

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

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

Location Plan
Planning Statement
NC/PL/001 Rev B
NC/PL/002 Rev A
NC/PL/003 Rev A
NC/PL/004 Rev A
NC/PL/005 Rev A
NC/PL/006 Rev A
NC/PL/007 Rev C
NC/PL/008 Rev B
NC/PL/009 Rev B
NC/PL/010 Rev B
NC/PL/011 Rev A
NC/PL/012

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

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

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

- 3 a) Notwithstanding the approved plans, prior to first occupation of the development, details of the proposed parking spaces and the access to the car parking spaces from public highway shall be submitted to and approved in writing by the Local Planning Authority.

b) Thereafter, the parking spaces shall be provided in accordance with the details approved under this condition and 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 Policy T6.1 of the London Plan (2021), 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.

- 4 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.

- 5 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 (or evidence of the siting and cumulative capacity of the existing arrangements), 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.

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

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

- 7 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).

- 8 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).

- 9 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).

- 10 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policy SI 2 of the London Plan 2021.

- 11 Except for where specified on the hereby approved plans, flat roof areas 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).

12 a) Notwithstanding the approved plans, before the development hereby permitted is first occupied, details of balustrades and privacy screens (as appropriate) to be installed around the proposed terraces shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens shall be installed 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), the Residential Design Guidance SPD (adopted October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

Informative(s):

1 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.

- 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 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.
- 5 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 Licences or email highwayscorrespondence@barnet.gov.uk.
- 6 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.
- 7 Refuse collection points should be located within 10 metres of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

OFFICER'S ASSESSMENT

1. Site Description

The application site is a part 3, part 4 storey purpose-built development of self-contained residential flats at 31 - 32 Manor Road, Barnet EN5 2JT. There is area parking area and communal landscaping to the rear of the site.

No 33 Manor road is a 3 storey block of flats sited to the north. Vanburgh Court, a 2 storey block of flats sited to the south.

There are 3 storey residential block of flats on the east of the road. There are 2 storey residential dwellings on the west of the site at the rear of the parking area.

It is not within a conservation area and the building is not listed. There are no Tree Preservation Orders on site.

2. Site History

Reference: N00557M/03

Address: 11 Norfolk Court 31 -32 Manor Road Barnet Hertfordshire EN5 2JT

Decision: Approved subject to conditions

Decision Date: 09.07.2003

Description: Side extension at fourth floor level.

Reference: N00557N/05

Address: Norfolk Court Manor Road Barnet Hertfordshire EN5 2JT

Decision: Refused

Decision Date: 17.08.2005

Description: Construction of fourth level to provide 4no. additional self-contained flats plus new penthouse flat on fifth level (OUTLINE).

3. Proposal

The application proposes a third floor side extension and internal reconfiguration to create 2no. additional flats, with the associated addition of 3no. parking spaces.

The extension would be sited on the south side on top of existing 3 storey block. As a result of the extension the building would have a more symmetrical appearance from the front. The height of the extension would be same as the existing floor on the northern half of the building. It would feature a flat roof and fenestration would match the existing.

4. Public Consultation

Consultation letters were sent to 117 neighbouring properties. 11 responses have been received, comprising 9 letters of objection and 2 support.

Support as below;

- 9 Norfolk Court Manor Road Barnet supported
- 1 Norfolk Court Manor Road Barnet stated "We believe that more flats are needed in the local area, as many people are unable to buy or rent suitable places to live without financial support from their families. We would rather see increased density of housing in existing buildings than new homes being built on the Green Belt."

The objections received are summarised as follows:

- Currently there is not sufficient parking available
- Noise and disturbance from construction
- overbearing on the street and neighbouring properties
- overlooking and loss of privacy to both immediate neighbours
- Impact on the amenities and comfort of existing residents in-terms of increased noise, waste collection, loss of garden space for parking
- Overlooking for kitchen window of Flat 9 Meriden House 33 Manor Road Barnet and loss of natural light
- The proposed development makes insufficient provision for using renewable energy.

- There is a good chance that the proposed south-facing private terraces will offer views into the rear gardens of Vanburgh Court (30 Manor Road) and into rear gardens of houses in Manorside.
- There is a good chance that the proposed north-facing private terraces will offer views through the kitchen windows of second floor flats in Meriden House (33 Manor Road).
Objections received on the amended plans as below;
- The revised plans do not appear to comply with London wide standards
- Overlooking for kitchen window of Flat 9 Meriden House 33 Manor Road Barnet
- Overdevelopment of the site.
- Overlooking for garden of 6 Manorside
- No cycle parking provided

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. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan. 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. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan. The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Relevant Policy: D1, D3, D4, D6, D7, H1, H2, SI 2, SI 5, T5, T6.

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, CS3, CS4, CS5, CS9, CS10, CS15.
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM17.

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

Barnet's Local Plan (Reg 24)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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:

- 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 harm would be caused to the living conditions of future occupiers;
- Whether harm would be caused to highways;
- Sustainability and Accessibility

5.3 Assessment of proposals

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

The NPPF outlines that decisions should be taken with a presumption in favour of sustainable development. It states that Local Authorities should "give substantial weight to the value of using suitable brownfield land within settlements for homes". The paragraph goes on to state that Local Authorities should "promote and support the development of under-utilised land and buildings"

Policy D3- Optimise Site Capacity, of the London Plan 2021 recommends an incremental increase in density, while Policy H1 recommends optimising the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions. These includes 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. It further states that, "Development should be designed to respond to the special characteristics of these features which can include: predominant architectural styles and/or building materials; architectural rhythm; distribution of building forms and heights; and heritage, architectural or cultural value."

Policy CS5 of Barnet's Core Strategy (2012) states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The application site is occupied by a part 3 and part 4 storey purpose-built development of self-contained residential flats. Neighbouring No 33 Manor Road is a 3 storey block of flats sited to the north of the site, while Vanburgh Court, a 2 storey block of flats, is sited to the south of the site. There are 3 and 4 storey residential blocks of flats on the east side of the road. There are 2 storey residential dwellings to the west, at the rear of the existing parking area.

It is noted there are a mix of building heights in the immediate area and that the existing building itself has a staggered roof line. The proposed development would be sited on the south side of the existing 3 storey block, extending the existing fourth floor. As a result of the extension the building would develop a more symmetrical look from the front. The

height of the extension would be same as the existing fourth floor on the north. It would feature a flat roof and materials and fenestration would reflect the existing building.

The proposal would bring the top floor closer to the southern end of the building - and thus appear taller on approach from the south. However, it would remain set back from the edge and be comparable to the same perspective of Kingshill Court and baronsmere Court on the opposite side of the road (with their recessed fourth floors and balustrades) - though it is acknowledged that the contrast with neighbouring Vanburgh Court would be greater than in those examples.

Because of the height of the existing partial fourth floor, the additional height of the extension would have a limited impact on the street view on approach from the north and, because of setting back from the front building line, it would not appear unduly dominant and will integrate well with the existing built form and will give the existing building a symmetrical appearance.

The proposal would provide one 3 bed, one 2 bed and one 1 bed unit in place of one existing 3 bed unit at third floor. The unit mix is considered acceptable, and the proposal will optimise the density by utilizing the existing underutilized foot print.

Overall, it is considered that the proposal would be sympathetic to the existing building, street scene, local character including the surrounding built environment, while increasing density and optimising the potential of the site as supported by London Plan 2021 and NPPF.

Impact on amenity of neighbouring occupiers:

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

Table 2.4 also states that in new residential development there should be a minimum distance of 21m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5m to a neighbouring garden.

It is noted that neighbouring property (at No 33) features high level kitchen windows in the flank wall which are sited 8.5m away and level with the existing parapet of the application site. No extension is proposed on this side and there would not be any overshadowing or overbearing impact for that neighbour as a result.

Whilst the opposing flank windows are not understood to serve habitable rooms, the development proposes new terraces on the north side. As such, consideration of the treatment of the balustrades and any privacy screening as may be required, is to be reserved by way of condition.

The other neighbouring building at No. 30 (Vanborough Court) has its roof below the parapet of the subject property and in this context, there would be no overshadowing or overbearing impact for the occupiers. The proposed extension would be sited 4m away from the existing side wall facing that neighbouring property however, it would similarly introduce a new terrace. Given the recessed nature of the balustrade, no undue overlooking is anticipated however, further consideration of the treatment of the balustrade is proposed to be reserved by way of condition.

The next property along to the south side - the 3 storey Applegarth - is taller than the intervening Vanburgh Court and thus the side facing dormer windows are opposing. However, they are situated 25m away and so, with regard to the Sustainable Design and Construction SPD, this is considered to be sufficient distance to mitigate any undue overlooking, or overbearing impact for that neighbour.

The proposal would have a similar relationship as the existing with the rear gardens of properties on west and southwest which are sited 24 to 34m away from the proposal. Because of the sufficient separation gap the proposed roof terrace and the windows facing those properties are not considered to cause any undue additional impact on outlook or privacy for those properties.

Quality of accommodation for future occupiers:

Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings and outdoor amenity space.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new residential accommodation. The council also has adopted SPD's (entitled Sustainable Design and Construction and Residential Design Guidance) providing more detailed guidance on a range of matters related to creating new residential accommodation in addition to the Mayors adopted SPG's (entitled Housing).

The size of the proposed flats (bedroom/bedspaces) to gross internal area are as follows:

2 Bed 3 Person Flat- 61 Sqm GIA
1 Bed 1 Person Flat -46.2 Sqm GIA
3 bed 4 Person Flat -80 sqm GIA

The units would meet the floorspace standards set out in the London Plan and Table 2.1 of Barnet's SDC SPD (2016). Sufficient storage space has been provided.

The agent has demonstrated in section that all the flats would provide a minimum ceiling height of 2.5m for at least 75% of the gross internal area of the flat, as set out in London Plan 2021. Officers are satisfied the units would provide adequate ceiling heights. The bedroom sizes would meet the standards set out Table 2.2 of Barnet's SDC SPD (2016).

Table 2.1 of the SPD states that proposals should avoid single aspect dwellings that are north facing or exposed to noise exposure categories C & D or contain three or more bedrooms. The flats would be dual aspect and receive adequate daylight and sunlight. Table 2.4 of the SDC SPD (2016) states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room. The proposal glazing will meet the requirement and the rooms will receive adequate daylight.

Table 2.3 of Barnet's SDC SPD (2016) states that flats should be provided with 5 sqm of outdoor amenity space per habitable room. Each new flat would be provided with private outdoor amenity space in the form of private terraces which will meet the standard.

Table 2.4 also states that in new residential development there should be a minimum distance of 21m between properties with facing windows to habitable rooms to avoid

overlooking, and 10.5m to a neighbouring garden. As noted above, the neighbouring property at No 33 features kitchen windows in the flank wall. These are only 8.5m away however, are high level (relative to the corresponding internal floor level) and roughly equivalent to the existing parapet of the subject building. In this context there would not be any material overlooking however, a condition is proposed to consider the treatment of the balustrades to ensure mutual privacy.

The other neighbouring building (Vanbrough Court) is below the parapet of the subject property and in this context there would be no mutual overlooking, whilst again, dormer windows in the flank of Applegarth are 25m away - sufficient distance to mitigate any mutual overlooking.

The proposal is considered to provide suitable accommodation for the future occupiers.

Highways:

Officers from the Local Highway Authority were consulted on the proposal. Their comments are below;

The applicant is proposing to provide 3no. off-street parking spaces which is considered acceptable.

The proposed development will need to provide 3no. 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 existing bin collection method will continue which is acceptable.

Highway has no objection subject to conditions.

Conditions are proposed in respect of providing details of the parking spaces, refuse and cycle storage.

Sustainability and accessibility

In terms of accessibility, Barnet policy DM03 requires developments to meet the highest standards of accessible and inclusive design. Policy DM02 requires compliance with London Plan requires 90% of new housing to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' which will require the provision of level access. However, whilst there is a lift, there is no level access threshold or ramp at ground floor level. The proposal is not a redevelopment and only extension above the existing units. As such, there is limited scope to effect compliance and in this context, it is considered that the proposal does not need to achieve M4(2).

In respect of carbon dioxide emission reduction, The London Plan (2021) requires 10% reduction of CO2 emission for new residential buildings. A condition is attached to address this issue.

In terms of water consumption, a condition is attached to require the dwelling is constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy SI 5 of the London Plan (2021).

5.4 Response to Public Consultation

Addressed within the main body of this report.

6. Equality and Diversity Issues

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

7. Conclusion

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

