

115 Nether Street North Finchley N12 8AB

PLANNING STATEMENT

OUTLINING MATERIAL PLANNING CONSIDERATIONS



CONVERSION OF EXISTING PROPERTY INTO 3NO SELF-CONTAINED FLATS. INCREASE IN HEIGHT OF EXISTING REAR DORMER EXTENSION, INSERTION OF WINDOW AT REAR FIRST FLOOR LEVEL TO REPLACE EXISTING SIDE-FACING WINDOW, SUBDIVISION OF REAR GARDEN, WITH ASSOCIATED BIN AND CYCLE STORES.

REVISION TO SCHEME REFUSED UNDER 21/5167/FUL

PP-11241333

MAY 2022



APPLICATION SITE OUTLINED IN RED



APPLICATION SITE IN RELATION TO NORTH FINCHLEY TOWN CENTRE (CIRCLED)

Introduction and background

- 1.1 The application site contains a two-storey, end-of-terrace house built during the interwar period. A side passage connects the front driveway with the rear garden. An outbuilding is located at the rear of the site and used by the applicant for storage.
- 1.2 The site is located in a predominantly residential area. The walking distance to the nearest town centre (North Finchley, as identified in the Barnet Local Plan 2012) is less than 400 metres, whilst the distance to West Finchley tube station is approximately 600 metres.
- 1.3 The application site is not subject to any site-specific planning designations outlined in the Local Plan; in particular, it is not located within a conservation area or subject to heritage protection.
- 1.4 The application site has a PTAL (public transport accessibility level) rating of 3 (average). On-site parking is available for two cars within the front driveway; additional on-street parking is available subject to CPZ restrictions (controlled parking zone).
- 1.5 Works to enlarge the property were undertaken in 2016 by means of a single-storey rear extension (ref: 15/06564/192) and a loft conversion with rear dormer and front-facing rooflights (ref: 16/2898/HSE) in accordance with the relevant permissions.
- 1.6 Regrettably, following the completion of the aforementioned extensions, the property was converted internally into three self-contained flats without the benefit of planning permission. A retrospective planning application to regularize the unauthorized internal arrangements (with some additional alterations proposed) was submitted in September 2022 under (ref.) 21/5167/FUL but refused on 22 November 2022 under delegated powers.

1.7 Promisingly, the planning application determined under 21/5167/FUL was refused for a single planning reason only, namely because the ceiling height of the proposed top-floor studio flat did not meet the space standards of the 2021 London Plan. There were no other reasons for refusal and indeed the delegated report for 21/5167/FUL concluded that all other aspects of the development were acceptable in planning terms.

- 1.8 For reference, the precise reason for refusal as listed on the decision notice was as follows:

The proposed studio ceiling height would fail to meet the minimum standards, resulting in a substandard level of living accommodation detrimental to the residential amenity of future occupiers, contrary to Policy D6 of the London Plan (2021) and Policies DM01 and DM02 of Barnet's Local Plan (2012) and the Adopted Residential Design Guidance SPD (2016).

- 1.9 Furthermore, planning permission was recently granted under 21/5168/FUL for the conversion of the building into two flats with associated alterations; this consent has not yet been implemented but remains extant until 9 March 2025.

- 1.10 Following the single-reason refusal of planning permission under 21/5167/FUL, the applicant has been advised by building contractors that it is entirely feasible to increase the existing ceiling height (2.25m) by 250mm so that the London Plan standards can be met (2.5m across 75% of the GIA). This would be achieved by incorporating a cold deck roof construction (75mm ceiling height gain) and lifting the roof of the existing dormer extension by 175mm whilst ensuring that it does not project above the existing ridge.
- 1.11 The current planning application is therefore identical to that submitted under 21/5167/FUL albeit with the rear dormer extension reconstructed to achieved an additional 225mm ceiling height, therefore overcoming the sole reason the previous application was refused. In tandem with the proposed height increase, the appearance of the existing dormer extension has also been improved.

Principle of conversion (land use)

- 2.1 The principle of the conversion into three flats has already been established under 21/5167/FUL, which was refused solely on the basis of the top floor studio flat not meeting London Plan ceiling height requirements. The delegated report for 21/5167/FUL concluded the following regarding the principle of development:

DM08 states that, "Development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough." The application seeks to retain the unauthorised conversion of a single family dwellinghouse into 3xno self-contained flats. The proposed building would provide a ground floor 2 x bedroom flat, 1 x bedroom first floor flat and a studio second floor flat in place of a single family dwellinghouse. In assessing whether flats are appropriate in this location, policy DM01 of Barnet's Development Management Policies states that consideration should be given to the character of the road and where proposals involve the loss of houses in roads characterised by houses, this will not normally be appropriate. A number of single-family dwelling houses have been converted into flats including nos. 103, 109, 111 and 113 Nether Street. As such, there is precedent on Nether Street of flatted development and the Local Authority has no objection in principle to the conversion. It is therefore, considered that the area is sufficiently mixed and therefore the principle of flats on the application site would be acceptable.

- 2.2 Consequently, the proposed conversion and dwelling mix is considered acceptable in principle subject to overcoming the previous reason for refusal (ceiling heights).
- 2.3 Lastly, planning permission was recently granted for the conversion of the property into two flats under 21/5168/FUL (as ceiling heights met the relevant standards).

Design and appearance

- 3.1 The proposed development involves works that are largely internal with the exception of (i) the relocation of the rear first floor window from the side to the rear of rear addition and (ii) raising the existing rear roof extension by 175mm.

- 3.2 It is considered that the relocation of the rear first floor window improves the appearance of the rear elevation. In any case, no concerns were raised with regards to this change during the determination of 21/5167/FUL.
- 3.3 It is proposed to raise the existing rear roof extension by 175mm (less than the width of an A4 piece of paper). This is considered entirely modest in relation to the height of the building as a whole.
- 3.4 Crucially, the altered roof extension will not project above the highest point of the existing roof (i.e. the ridge). The proposed alteration will therefore not have a material impact on the streetscene.
- 3.5 The existing ridge is also not visible from the majority of private vantage points at the rear; therefore, the proposed height increase of 175mm will not be readily perceivable from afar. In absence of a heritage designation, the proposed alteration is considered insignificant.
- 3.6 As the roof of the exiting roof extension will need replacing (for it to be raised), it is proposed to utilize a less bulky eaves box to improve the overall appearance of the rear elevation.
- 3.7 On balance, the proposed building alterations are considered too modest in scale to have a detrimental or even material impact on the appearance of the building.
- 3.8 Whilst the rear garden has been subdivided into three fenced-off sections, no concerns were raised about the garden subdivision during the determination of planning application 21/5167/FUL as confirmed in the delegated report:

“Whilst the garden is being subdivided between the three flats, the introduction of a fence would not change the character significantly, there is also access to the rear garden for all proposed units.”

Note: the fences erected to subdivide the garden were constructed whilst the lawful use of the property was a single (C3) dwellinghouse; accordingly, the fences may constitute permitted development in accordance with Class A, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015.

- 3.9 Consequently, the impact of the proposed development on the appearance of the property and the wider streetscene is considered acceptable.

Living conditions of future occupants

Internal space standards

- 4.1 With the exception of the studio flat ceiling heights, the currently proposed scheme is identical to that refused under 21/5167/FUL and consists of a 2B3P unit at ground floor level (Flat 1), a 1B2P at first floor level (Flat 2) and a (single person) studio flat at loft level (Flat 3).

4.2 The internal floor areas continue to meet the Nationally Described Space Standard (NDSS) as follows:

	Type	GIA (sq.m.)	Bed 1 (sq.m.)	Bed 2 (sq.m.)	Storage (sq.m.)
Flat 1	2B3P	80.3 <i>(min: 61)</i>	14.6 (double) <i>(min: 11.5)</i>	9.1 (single) <i>(min: 7.5)</i>	2 <i>(min: 2)</i>
Flat 2	1B2P	56.9 sq.m. <i>(min: 50)</i>	13.2 (double) <i>(min: 11.5)</i>	n/a	1.8 <i>(min: 1.5)</i>
Flat 3	1P Studio	37.0 sq.m. <i>(min: 37) (*)</i>	n/a	n/a	3.6 <i>(min: 1.0)</i>

Notes: () minimum standard were a shower is provided instead of a bath*

N.B. Studio flat to benefit from exclusive use of rear outbuilding (for incidental use)

- 4.3 In accordance with the NDSS, every double bedroom is at least 2.75m wide whilst every single bedroom is at least 2.15m wide. Bedroom widths are annotated on the submitted drawings.
- 4.4 The second floor has been carefully remeasured and the overall GIA calculated strictly in accordance with the stipulations and allowances of the NDSS, in particular paragraphs 10(f) and 10(g) which state that areas with a ceiling height below 1.5m are to be discounted from the GIA unless used solely for storage (in which case 50% of the floor space with a ceiling height between 900mm and 1500mm can be counted towards the GIA, e.g. below the eaves). A dashed line is shown on the submitted floor plans to indicate at which point the ceiling height falls below 1.5m due to the pitch of the front roof slope.
- 4.5 No concerns were raised during the determination of 21/5167/FUL regarding the layout or floor areas of the proposed flat conversion (the only reason for refusal was with regards to the top floor studio flat ceiling heights, which were limited to around 2.25 metres).
- 4.6 By utilizing a more compact roof construction method (75mm ceiling height gain) and raising the height of the existing roof extension by 175mm, it will be possible to achieve a ceiling height of 2.5 metres in accordance with the London Plan. As the roof slope only affects one side of the property (mainly used for storage), there will be over 27 square metres of floor space built to full ceiling height (approx. 75% of GIA). In addition, only around 12% of the total GIA is taken up by storage or areas with a ceiling height below 1.5m. In addition, the studio flat will benefit from an open-plan arrangement and plenty of windows including a Juliet balcony, creating a sense of spaciousness.
- 4.7 The ceiling heights in all other flats is at least 2.5 metres over 75% of the GIA.
- 4.8 Every unit has been designed to be dual aspect and benefit from excellent levels of daylight. In addition, each unit incorporates two windows facing within 90 degrees of due south.

- 4.9 The side-facing windows at ground floor level will be obscured-glazed in the interest of preserving the privacy of the occupants of Flat 1. They will no longer serve as sole windows to habitable rooms.
- 4.10 As with the previous scheme, a new window is to be inserted at the rear of the building to offer improved outlook from the proposed first-floor bedroom.
- 4.11 Overall, the proposed scheme meets or exceeds the minimum internal space standards and has addressed the sole reason for refusal listed on the decision notice for 21/5167/FUL (namely in relation to the proposed studio flat ceiling heights). Consequently, the proposed development is considered acceptable with regards to the living standards of future occupants.

External space standards

- 4.12 The rear garden has been sectioned off into three private amenity areas for use by the occupants of each flat. Occupants of the largest flat (ground floor) will have direct access to their section of the garden (measuring 33.1 m²) whilst the occupants of the units on the upper level can access their private gardens (measuring 20 m² and 15.3 m²) via the communal side passage. Occupants of the ground floor and first floor flats also benefit from additional space internally in excess of the minimum internal space standards, whilst those living in the studio flat will have exclusive access to the rear outbuilding (for uses 'incidental' to the enjoyment of the flat, e.g. gym room, home office).
- 4.13 No concerns were raised during the determination of 21/5167/FUL with regards the subdivision of the rear garden to form three private amenity areas. The following extract is taken from the associated officer's report:

"In terms of outdoor amenity space, Barnet's Sustainable Design and Construction SPD sets out the minimum standards for outdoor amenity space provision in new residential developments. For flats 5m² of space per habitable room. All flats have access to garden space meeting requirements".

Transportation and highways

- 5.1 The application site has a PTAL rating of 3 and can currently accommodate up to two cars at the front of the property. North Finchley town centre is located less than 400m from the application site by foot, whilst West Finchley tube station is located approximately 600m away.
- 5.2 According to Table 10.3 ('Maximum residential parking standards') of the London Plan, the maximum amount of parking that can be provided on site is for 2.5 cars (based on the proposed dwelling mix). As these are maximum standards, every effort should be made to provide on-site parking spaces below the maxima.
- 5.3 The provision of two on-site car parking spaces is therefore considered acceptable. Crucially, no concerns were raised regarding the provision of two on-site parking spaces (as existing) during the determination of 21/5168/FUL (for the use of the property as three flats) and parking matters were not part of the reason for refusal

(only the studio flat ceiling height was of concern). Therefore, it would be entirely unreasonable to refuse planning permission on the grounds of highways and transportation. Further details regarding parking can be handled via planning condition if necessary.

- 5.4 Table 10.2 of the London Plan prescribes minimum cycle parking standards for new development. Applying the London Plan standards, the proposed dwelling mix would require cycle parking for 4.5 bicycles.
- 5.5 Up to two bicycles (each) can be stored within the existing garden sheds located in the gardens of Flat 1 and 2. Bicycles for the studio flat can be stored within the existing outbuilding at the rear. All garden gates (including the front entrance gate) will be fitted with mortice locks for added security. Compliance, additional details or alternative arrangements may be secured via planning condition.
- 5.6 Non concerns were raised with regards to cycle storage during the determination of 21/5168/FUL.

Impact on neighbouring amenity

- 6.1 The proposals do not involve works which would affect neighbouring amenity. No extensions or window openings are being created over those that already exist.
- 6.2 Whilst the height of the existing rear dormer is being increased by 150mm, this alteration (narrower than the width of an A4 sheet of paper) is too insignificant to have any harmful impact on neighbouring amenity to the point that it's considered immaterial.
- 6.3 The relocation of the existing side-facing window attached to the first floor of the rear return will reduce the likelihood overlooking between the application site and 113 Nether Street. The removal will also ensure that neighbouring development potential is not prejudiced.
- 6.4 No concerns were identified with regards to neighbouring amenity during the determination of planning applications 21/5167/FUL (refused three-flatted scheme) or 21/5168/FUL (approved two-flatted scheme).

Other material planning considerations

Waste and recycling

- 7.1 Currently, four 240l bins are located on the front driveway; however, they are not contained within a dedicated bin store.
- 7.2 The applicant proposes to install a dedicated timber bin store within the front driveway as shown on the submitted plans. This store will be able to accommodate four 240l wheelie bins and one 23l food bin in accordance with Council advice (*Provision of Household Recycling and Waste Service*, June 2021).

- 7.3 No concerns were raised with regards to waste and recycling during the determination of planning applications 21/5167/FUL (refused three-flatted scheme) or 21/5168/FUL (approved two-flatted scheme).

Flooding

- 7.4 The application site is located in Flood Zone 1 indicating the lowest possible risk of flooding from rivers.
- 7.5 According to the West London Strategic Flood Risk Assessment (SFRA), the application site is not at risk of surface water flooding. The risk of flooding from surface water is limited to the public highway only, whilst the host building and rear garden sit at least 1300mm above highway level.
- 7.6 The impact of the proposed development on flood risk is therefore inconsequential.
- 7.7 Similarly, no concerns were raised with regards to flooding during the determination of 21/5167/FUL (refused three-flatted scheme) or 21/5168/FUL (approved two-flatted scheme).

Community Infrastructure Levy (CIL)

- 7.8 The proposed development does not result in an increase in floor areas. Therefore, the proposals are exempt from the Community Infrastructure Levy.

Accessibility

- 7.9 The original dwellinghouse, by virtue of the front entrance steps, the lack of level threshold and the steep gradient of the front driveway, does not and cannot provide step free access. Due to these site constraints, the proposed flats cannot be made to conform with optional standard M4(2) of the Building Regulations. Instead, accessibility will remain as per (pre-existing) situation. In fact, the proposed scheme includes a bathroom and bedroom at entry level and thus constitutes an improvement over the pre-existing arrangement.
- 7.10 In line with the above considerations, no concerns were raised with regards to accessibility during the determination of 21/5167/FUL (refused three-flatted scheme) or 21/5168/FUL (approved two-flatted scheme).

Conclusion

- 8.1 Planning permission for the use of the application site as three self-contained flats was refused under 21/5168/FUL for a single reason pertaining only to the ceiling height of the proposed studio flat.
- 8.2 Consequently, it would be unreasonable to refuse planning permission for the presently proposed scheme for any reason other than that stated on the previous decision notice.

- 8.3 Matters pertaining to ceiling heights have now been addressed by raising the height of the rear roof extension by 175mm (with minimal to no material impact on overall appearance).
- 8.4 Therefore, the single reason for refusal attached to 21/5168/FUL has been overcome and planning permission for the current scheme should be approved, subject to conditions if necessary.

PHOTOGRAPHS (Overleaf)



REAR ELEVATION SHOWING EXISTING ROOF EXTENSION

EAVES BOX OF REAR ROOF EXTENSION TO BE RE-BUILT IN MORE MODEST FASHION



CLOSE-UP OF EXISTING RIDGE

ROOF CAN BE RAISED BY 175MM WHILST STILL REMAINING BELOW EAVES LEVEL AND RAISED PARTY WALL