

EAST AREA PLANNING SUB - COMMITTEE

13 JUNE 2011

ITEM 5

REPORT OF THE ASSISTANT DIRECTOR OF PLANNING AND DEVELOPMENT MANAGEMENT

BACKGROUND PAPERS – GENERAL STATEMENT

The background papers to the reports contained in the agenda items which follow comprise the application and relevant planning history files, which may be identified by their reference numbers, and other documents where they are specified as a background paper in individual reports. These files and documents may be inspected at:

Building 4, North London Business Park
Oakleigh Road South
New Southgate
London N11 1NP

Contact Officer: Mrs V Bell, 020 8359 4672

EAST AREA PLANNING SUB - COMMITTEE

DATE: 13 June 2011

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Approve Subject to Conditions

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Approve Subject to Conditions

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Approve Subject to Conditions

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To seek authority for confirmation of Tree Preservation Order, without modification

Approve Subject to Conditions

LOCATION: 9 Albemarle Road, Barnet, Herts, EN4 8EQ

REFERENCE: B/01552/11

Received: 04 April 2011

Accepted: 04 April 2011

WARD(S): East Barnet

Expiry: 30 May 2011

Final Revisions:

APPLICANT: Mr Vadgama

PROPOSAL: Part single, part two storey front, side & rear extensions.
Alterations to roof including rear dormer window to facilitate a loft conversion

RECOMMENDATION: Approve Subject to Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans: AmR/V/P41, AmR/V/P42, AmR/V/P43 and AmR/V/P44 (received 04/04/2011).

Reason:

For the avoidance of doubt and in the interests of proper planning.

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) unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the visual amenities of the building and the surrounding area.

4. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the side elevation facing No.7 Albemarle without the prior specific permission of the Local Planning Authority.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

5. The roof of the 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, without the benefit of the grant of further specific permission in writing from the Local Planning Authority.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking.

INFORMATIVE(S):

1. The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The London Plan (Consolidated with Alterations since 2004) and the Adopted Barnet Unitary Development Plan (UDP) (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, D1, D2, D5 and H27.

Core Strategy (Publication Stage) 2010: Relevant policies: CS5

ii) The proposal is acceptable for the following reason(s): -

The proposed extensions are considered to have overcome the previous reasons for refusal and dismissal at appeal. The extensions have an acceptable impact on the character and appearance of the host property and the residential streetscene of Albermarle Road. The extensions will not harm neighbouring residential amenity to an unacceptable degree and represent an improved relationship to No.7 when compared to the approval in 2004. The extension accords with the aforementioned policies.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

PPS1 - Delivering Sustainable Development

The Mayor's London Plan (consolidated with alterations since 2004):

Various

Relevant Unitary Development Plan Policies:

GBEnv1, D1, D2, D5 and H27.

Supplementary Design Guidance Note 5: Extensions to Houses.

Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies:

CS5.

Relevant Planning History:

Application Site:

B/040704/10- Part single, part two storey front side and rear extensions. Alterations to roof including rear dormer window to facilitate a loft conversion, as granted under reference number N13591B/04 dated 7th September 2004. Unlawful. 11/03/2011.

B/04273/10- Single storey front extension and single storey side extension. Ground and lower ground floor rear extension forming a new basement level. New access stairs to rear garden. Recommended for approval at the December Sub-Committee. Subsequently Refused 10/12/2010.

B/00713/10- Part single, part two storey side and rear extension following demolition of existing garage. Single storey front extension. Refused 19/04/2010 and Dismissed at appeal 28/06/2010;

B/02513/10- Single storey front extension and single storey side extension. Part single, part two storey rear extension forming new basement level. Withdrawn 20/08/2010.

B/00738/10- Single storey front, part single, part two storey side and rear extension. Refused 19/04/2010.

B/03706/09- Part single, part two-storey side and rear extension following demolition of existing garage. Single storey front extension. Withdrawn 08/12/2009.

B/02160/09- Part single, part two-storey side and rear. Single storey front extension. Refused 14/08/2009.

N13591B/04- Part single, part two storey front side and rear extensions and alterations to roof including rear dormer window to accommodate a loft conversion. Approved 07/09/2004.

N13591A/04- Part single, part two storey front, side and rear extensions and alterations to roof including rear dormer window to facilitate a loft conversion. Refused 15/04/2004.

N13591/03- Part single, part two-storey front, side and rear extensions and alterations to roof including rear dormer window to facilitate a loft conversion. Refused 23/04/2003.

ENF/450/10/B An Enforcement complaint was received in 2010 in respect of unauthorised building works. Applications have been submitted in respect of these works (see planning history above). An Enforcement Notice was served on 12/04/2011 requiring the following:

- Demolition of side and rear extensions
- The permanent removal from the property of all constituent materials resulting from the works in the demolition of the side and rear extensions

The period of compliance is six months. To date, this notice has not been complied with.

Relevant sites in the vicinity:

8 Albemarle Road -N11716A/03- Part single, part two storey side extension, single storey rear extension, loft conversion with rear dormer window. Conditional approval 24/04/2003.

27 Albemarle Road- N10814A- Single storey side and front extension and first floor side extension. Conditional approval 17/10/1995.

51 Albemarle Road- N13953A/04- Part single, part two storey side and rear extension and single storey front extension including front porch. Conditional approval 23/04/2004.

55 Albemarle Road- N09540- Two storey and single storey side extension. Conditional approval 25/09/1989.

Consultations and Views Expressed:

Neighbours Consulted: 12

Replies: 4 objections
3 in support

Neighbours Wishing To 2
Speak

The objections raised may be summarised as follows:

- Building work is continuing even though an enforcement notice has been served
- Planning permission has not been granted
- Party wall letters have been ignored
- Extensions are overbearing
- Basement does not have permission
- Splayed side wall does not have permission
- Concern that planning regulations have not been adhered to
- Scale and design of the proposed development is unacceptable
- Proximity to neighbouring boundaries is unacceptable
- Out of keeping
- Change in levels exacerbates impact of extensions on neighbours
- Loss of light is considerable
- Loss of any view from the side of neighbouring properties
- Visual impact is unacceptable
- Overdevelopment of the site
- The appeal decision needs to be considered.
- Cramped and incongruous building works in this setting
- Harm to the streetscene and host dwelling
- Loss of privacy from the loft conversion
- Concern regarding the impact on traffic and highway safety
- Construction noise, disturbance and mess is ongoing and of concern
- Damage to neighbouring properties following building works
- Concern that existing drawings show unlawful extensions as this gives a biased view of what exists on site
- Rear extension is too deep
- Ground floor roofs look out of place
- Character and appearance of external staircase is a concern
- Drainage concerns
- House may be used for multi-occupancy
- Modest house has been turned into a four storey development with massive extensions
- Development will set a precedent
- Constructions need to be checked by Building Control and the Planning Department

2. PLANNING APPRAISAL

Site Description and Surroundings:

The property is a two-storey semi-detached family dwelling in an established residential area. The dwelling is situated in a road of similar semi-detached properties.

There have been a number of extensions which are visible from the street - many of which were constructed under old policy and guidance.

Most properties have single garages to the side - within the exception of No.7 as it was constructed on a narrower site due to the bend in the road.

The road has a significant slope resulting in a different finished floor level between each pair of semi-detached properties. The difference in floor levels ranges from 1-2m between each of the properties along the road.

The property previously had a single storey rear conservatory and a detached side garage but these have been demolished as an extension is currently under construction on the site.

The existing extension on site, which is not yet habitable, will be amended and reduced as a result of this proposal. The application property has previously been extended by a large rear dormer and hip to gable extension, this will also be amended and reduced as a result of this proposal.

Application History

Planning permission was approved in September 2004 for 'part single, part two storey front side and rear extensions and alterations to roof including rear dormer window to accommodate a loft conversion'.

The foundations for this extensions were constructed following this approval.

The property was then extended by way of a hip to gable and rear dormer window under permitted development.

Following this roof extension another application for a 'part single, part two storey side and rear extension following demolition of existing garage and a single storey front extension' was submitted and subsequently refused in April 2010. This application was dismissed at appeal in June 2010.

The roof extensions were considered to have changed the character, appearance and roof form of the property and this change was considered to materially alter the impact of the previously approved extension.

So whilst the main differences between the approval in September 2004 and the application dismissed in June 2010 application are relatively minor, due to the size, siting and design of the roof extensions, it was considered that the approved design can no longer be achieved on the site.

Various applications to overcome reasons for refusal have also since been considered, including the single storey extensions seen by the Chipping Barnet Area Sub-Committee in

December 2010.

Proposal:

The current application seeks planning permission for an almost identical scheme to that originally approved in 2004 for a 'part single, part two storey front side and rear extension and alterations to roof including rear dormer window to accommodate a loft conversion'.

In order to facilitate the proposed development the existing roof extensions will be removed and reduced and the existing ground floor extensions (currently under construction) will also be amended and reduced.

At ground floor level the extension projects forward from the front wall by 1.3m. Extending to a width of 4.3m it projects to the side boundary shared with No.7 and extends along this tapered site boundary, rearwards, for a depth of 10.7m. After this depth the extension cuts away from the boundary by 1.6m until it projects a further 2.1m. At this point the extension extends to an overall width of 8.9m to the boundary shared with No.11. The overall depth along the boundary with this neighbour will be 3.9m from the rear wall.

The ground floor extensions as viewed from the front will have a maximum height of 4.1m with a pitched roof. Given that there is a change in levels across the site as it falls to the rear, the height of the extension increases. From the rear, the maximum height of the extension will reach 4.6m from the original ground level. The ground floor extensions to the rear propose a flat roof.

At first floor level the extension is set back from the main front wall of the house 1m and set in from the side boundary with No.7 by 1m. This extension also follows the tapered side boundary but the depth is less than at ground floor, extending to 6.7m. At this point the extension cuts away from the side boundary by a further 1.5m and projects from the main rear wall of the house by a further 2m to form a first floor rear extension. This had a width of 4.2m overall, set 3.5m from the boundary with the attached neighbour, No.11.

The overall height of the two storey extension is proposed at 8.4m to the front, set down from the main ridge by 0.4m. From the rear the extension is proposed at a maximum height of 8.8m with a pitched roof set down from the ridgeline.

At roof level a dormer window is proposed with a height of 1.8m, a width of 2m and a depth from the main roofslope of 2.4m.

One of the main changes in this proposal to that approved in 2004 is the introduction of a basement level which utilises the change in levels across the site. The ground level has been reduced by 0.5m from the boundary with No.11 to facilitate this development.

Other changes are proposed include alterations to the ground and first floor rear extensions. These were previously proposed to angle toward the boundary with No.7, however they now project straight from the main rear wall of the house which involves a slight increase of 0.3m in depth but increases the distance retained to the boundary with No.7 by 0.5m.

The final change proposed is that the door to the rear garden will be repositioned so that it does not face onto the boundary with No.7.

Planning Considerations:

Character and Appearance

On dismissing the appeal for a two storey side extension in June 2010 the Inspector raised a concern with the impact of the proposal on the character and appearance of the streetscene.

The main concerns raised by the Inspector related to the *'the small set back to the front at first floor level; the depth of the first floor extension to the rear; the appearance of the splayed side wall; the proposed roof form and its relationship to the existing roof; the scale of the extension in relation to the size of the plot; and the relationship in terms of design and appearance between the proposal and the host dwelling'*.

It is considered these concerns have been overcome as the extensions now proposed are of a very different design to that considered appeal. The extensions now proposed are very similar to those proposed were approved in September 2004 and offer a more subordinate and sympathetic appearance with an improved, hipped roof design and small dormer window.

The first floor side extension has been set back from the main front wall of the house by 1m and set down from the main ridge slope of the property. The extension has also been set off the boundary with the non-attached neighbour, No.7, by 1m which means a distance of 2m is retained between the flank walls of these properties. These design features ensure the extension accords with Design Guidance Note 5 and as a result ensure that the extensions have an acceptable impact on the streetscene.

The alterations to the rear were approved in September 2004 and are still considered to have an acceptable impact on the appearance of the property. The proposed basement level is the only material change to the previously approved scheme. This alteration, by utilising the existing level change on site, is not considered to harm the character and appearance of the host property and will not be readily visible to adjacent occupiers.

Residential Amenity

The extensions as proposed are considered to have an acceptable impact on the residential amenities of adjacent occupiers given that this relationship was approved in September 2004.

The splayed side wall which has been built on site will be demolished following this application so that the extension is set off the boundary with No.7. This will greatly improve the situation as currently existing on the site.

When considering the appeal in June 2010 the Inspector raised a concern that the proposed two storey side extension would appear overbearing to No.7, however amendments have been made to the proposal in comparison to the extensions considered by the Inspector and they have now been improved in terms of their design which has reduced the overbearing appearance of the extensions when viewed from No.7.

Whilst it is acknowledged that the windows to the side of No.7 will be sited close to the wall of the proposed side extension, these windows are not serving habitable rooms. As per the Inspectors comments any loss of light or outlook to these windows cannot form a reason for refusal.

It is acknowledged that the ground floor rear extension, along the boundary with No.11, exceeds Council Design Guidance for single storey extensions. This is because it projects to

a depth of 3.9m, 0.4m deeper than advised. However, in this instance the extension is considered acceptable at this depth and this is because the extension replaces a previously existing conservatory which projected to the same depth as proposed.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Mainly addressed in the appraisal.

Party wall and drainage issues are not material planning considerations

Noise, disturbance and materials resulting from construction work are not material planning considerations.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

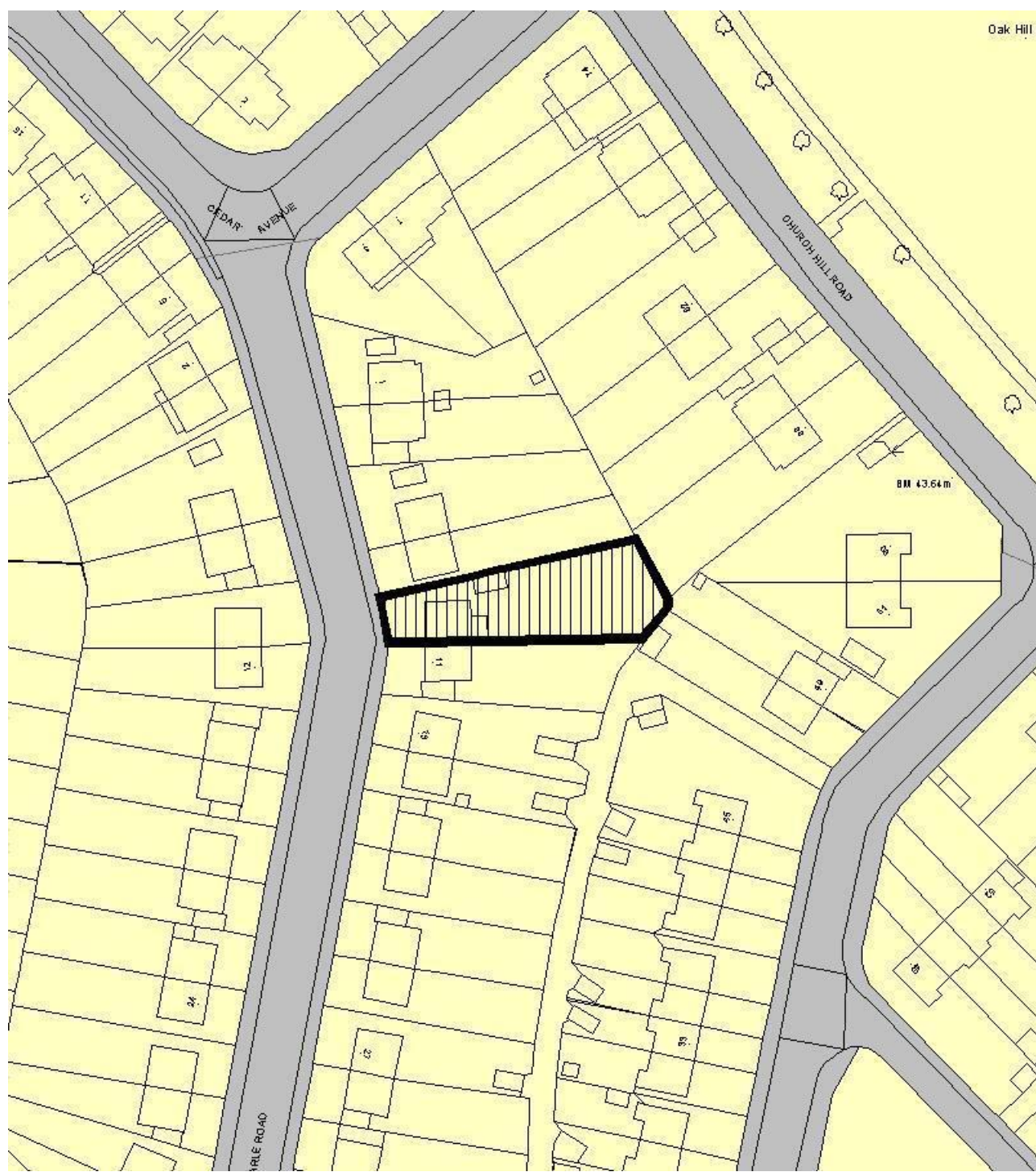
The extensions have a comparable relationship with neighbouring occupiers to the previously approved scheme and have overcome the Inspector's reasons for dismissing the previous appeal. It is considered the proposal has an acceptable impact on neighbouring residential amenity.

The extensions are considered to be in keeping the character of the property and the residential streetscene of Albermarle Road. Overcoming previous concerns with regard to the design and appearance of the extension.

Approval is recommended, subject to conditions.

SITE LOCATION PLAN: 9 Albemarle Road, Barnet, Herts, EN4 8EQ

REFERENCE: B/01552/11



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LOCATION: 26 Fortis Green, London, N2 9EL

REFERENCE: F/01194/11

Received: 15 March 2011

Accepted: 17 March 2011

WARD(S): East Finchley

Expiry: 12 May 2011

Final Revisions:

APPLICANT: Mr D Wade

PROPOSAL: Part single part two storey rear extension and internal alterations.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; FG-PP-01; FG-PP-02 Rev A.

Reason:

For the avoidance of doubt and in the interests of proper planning.

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) unless otherwise agreed in writing by the local planning authority.

Reason:

To safeguard the visual amenities of the building and the surrounding area.

4. The roofs of the extensions 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, without the benefit of the grant of further specific permission in writing from the Local Planning Authority.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking.

5. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the following operation(s) shall not be undertaken without the prior specific permission of the Local Planning Authority: The insertion of windows in any part of the approved development.

Reason:

To safeguard the amenities of neighbouring residents.

INFORMATIVE(S):

1. The reasons for this grant of planning permission or other planning related decision are as follows: -
 - i) The proposed development accords with strategic planning guidance and policies as set out in The London Plan (Consolidated with Alterations since 2004) and the Adopted Barnet Unitary Development Plan (UDP) (2006).
In particular the following policies are relevant:
Adopted Barnet Unitary Development Plan (2006): GBEnv1, D1, D2, D3, D5, H16, H27; & Barnet Core Strategy's relevant policy CS5:
 - ii) The proposal is acceptable for the following reason(s): -
Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet UDP policies and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is in keeping with Council Policies and Guidelines.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

This planning permission was determined mindful of Central Government advice and the Development Plan for the area. It is recognised that Local Planning Authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. Furthermore, it is acknowledged that the planning system does not exist to protect the private interests of one person against another and that the basic question is whether the proposal would unacceptably affect amenities.

Planning Policy Statement PPS 1 "Delivering Sustainable Development", states at paragraph 3 that "At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone now and for future generations". High quality inclusive design is identified as one of the key principles that should be applied to ensure that decisions taken on planning applications contribute to the delivery of sustainable development. Paragraph 13(iv) indicates that "Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted" and at para. 18 that "Planning should seek to maintain and improve the local environment.... through positive policies on issues such as design...." Further comment regarding "Design" is made at para's 33-39.

The Mayor's London Plan: Consultation Draft Replacement Plan 2009:

The Development Plan for the area comprises the London Plan is a planning document written by the Mayor of London, England in the United Kingdom and published by the Greater London Authority. The plan was first published in final form on 10 February 2004 and has since been amended. The current version was published in February 2008. The latest proposed amendments to the London Plan were published in April 2009 with consultation starting in October 2009 and the replacement plan expected to be published in 2011.

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 Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

In June 2005 the Council published its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the Borough. The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities. The second strand of the approach, "Enhancement", provides strong planning policy protection for preserving the character and openness of lower density suburbs and conservation areas. The Three Strands Approach will form the "spatial vision" that will underpin the Local Development Framework.

Relevant policies to this case: GBEnv1, D1, D2, D3, D5, H16, H27.

Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant policies: Policy CS5

Relevant Planning History:

24 Fortis Green, London, N2 9EL

Application:	Planning	Number:	C/1108
Validated:	24/01/1992	Type:	APF
Status:	DEC	Date:	31/03/1992
Summary:	APC	Case Officer:	
Description:	Conversion of house in multiple occupations into three self-contained flats. Rear extension. Car parking provision for three cars at front. New vehicular access		

24 Fortis Green, London, N2 9EL

Application:	Planning	Number:	C/1108A
Validated:	02/06/1992	Type:	APF
Status:	DEC	Date:	14/07/1992
Summary:	APC	Case Officer:	
Description:	Conversion of house in multiple-occupation into three self-contained flats. Lower ground & ground floor rear extension, car parking provision for 3 cars at front. New vehicular access.		

26 Fortis Green, London, N2 9EL

Application:	Planning	Number:	C/15523/B/04
Validated:	18/12/2003	Type:	APF
Status:	DEC	Date:	16/03/2004
Summary:	APC	Case Officer:	Laura Knight
Description:	Redevelopment of basement with lightwell at front and lower-ground floor rear extension to provide a granny flat.		

26 Fortis Green, London, N2 9EL

Application:	Planning	Number:	C/15523/C/06
Validated:	02/10/2006	Type:	192
Status:	DEC	Date:	28/11/2006
Summary:	LW	Case Officer:	Alissa Fawcett
Description:	Loft conversion with rear dormer.		

Consultations and Views Expressed:

Neighbours Consulted:	8	Replies:	4
Neighbours Wishing To Speak	1		

The objections raised may be summarised as follows:

1. Effect on traffic, access and parking: from several experiences of previous work carried out at this property, the associated contractors frequently park on the pavement across several neighbouring properties;
2. Scale and appearance of the proposal and the impact on the surrounding areas;
3. Loss of light;
4. Overlooking and loss of privacy;
5. Noise and disturbance resulting from a use;
6. Whether the use would be appropriate for the area: 26 Fortis Green which has continued to be extended and completely transformed, over and above the other properties in the area. The house and the subsequent cars constantly around the property belonging to various tenants and visitors from the extended property is becoming unbearable and limits access to my property. The house appears to be more of a block of flats, rather than a residential house;
7. Overdevelopment by building beyond the existing building line of main of the other properties on Fortis Green;
8. Number 24 Fortis Green together with numbers 36 & 40 which have extensions and been granted previous Planning Consent have all been built to the existing rear building line of all the terrace of houses. Therefore the objector sees no reason why number 26 should be granted permission to set a precedent different to the others which will be detrimental to the character of the area;
9. In addition the existing owners have previously sought planning permission for both basement and loft conversion to the property which has been granted and works carried

out thus substantially increasing the overall living space. As the property is for residential use by the owners of the property the objector can again see no justification to increase the overall footprint of the property or to build beyond the existing building line which would be to their detriment.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a two storey mid-terraced property with an 'L' shaped footprint resulting from its two storey rear projection. 26 Fortis Green appears to be used as a single family dwelling at ground, first and loft level.

However, in the past the redevelopment of the basement took place to provide a flat for use by an au pair (according to the approved planning application - C/15523/B/04), in conjunction with the use of the main house including the addition of a lower ground floor rear extension to create a conservatory and the addition of a light well to the front of the property.

24 Fortis Green has constructed a first floor rear extension on the 'L' shaped footprint without the benefit of planning permission, but it appears to have been built some time ago.

Proposal:

The proposal relates to a single storey side and rear extension which wraps around the property's L shaped footprint and a first floor rear extension with the addition of internal alterations

The single storey rear extension element on the proposal extends 1.5 metres from the rear wall of the L shaped footprint. The side extension element of this proposal would extend 0.8 metres off the side of the proposed rear extension and the original two storey rear extension.

The proposed extension maintains a gap of 4.5 metres from the rear wall of the main building and is set 2 metres off the common boundary with 24 Fortis Green.

The proposal also includes a first floor rear extension with a depth of 2.58 metres (matching that at 24 Fortis Green) and the addition of an enlarged window in the side elevation at ground floor serving a kitchen.

Planning Considerations:

Consideration has to be given to whether or not the proposed extensions result in a loss of outlook, sunlight and increased sense of enclosure as perceived from the ground and first floor rear windows of the neighbouring property at No. 28 Fortis Green and the ground floor side and rear windows to No. 24 Fortis Green.

In assessing the application, consideration has to be given to:

- The living conditions of neighbouring residents - with particular reference to outlook, dominance and loss of light;
- Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.

The living conditions of neighbouring residents

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours' amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Unitary Development Plan Policies D5 and H16 seek, amongst other things, to ensure adequate outlook for occupiers adjoining new development, and that new residential developments should provide and preserve adequate residential amenity, however the policies, and the preamble in the preceding paragraphs, do not offer any guidance for assessment. It is therefore necessary for a judgement to be made by the decision maker with regard to this issue in each case.

The wrap around ground floor rear/side extension would accord with the council's guidance. Being 2 metres off the mutual boundary with no. 24. It is considered that this element of the proposal would have a limited effect on light levels and outlook to both no's. 24 & 28. The proposal would result in a fairly modest depth and would, in itself, ensure that there was no unduly oppressive sense of enclosure that was overbearing, or unacceptable loss of daylight or sunlight. For these reasons, the living conditions of the neighbouring properties would not be harmed.

The proposed first floor rear extension is considered not to result in unacceptable loss of light to neighbouring windows on the north-west facing elevation due to window arrangement at first floor in the rear elevation to no. 28 (the window is 1.5 metres from the mutual boundary with the application site). It is considered not to impact detrimentally on the residential amenity of neighbouring occupiers to no. 28.

The Local Planning Authority was able to gauge the likely impact on views from these windows following a site visit by observing the view from within the application site's kitchen in a position equivalent to that viewed from the window in no. 28. In the LPA's judgment, this addition is not considered to result in a sense of enclosure nor give rise to a material increase in dominance.

The proposed enlargement of the window in the side elevation at ground floor serving a kitchen facing no. 24 is not considered to result in additional overlooking to and the loss of privacy from 24 Fortis Green compared to that of existing.

As a result, the proposal as a whole would have no conflict with the UDP policies in this respect. In the Council's Guidance (Note No.5 – Extensions to Houses) it is indicated that two storey rear extensions are not normally acceptable on terraced houses. However, the specific circumstances of this case means that this is an instance where such a proposal would not result in detrimental effects. The council's Design Guidance (Note No.5 – Extensions to Houses) seeks to prevent harm in relation to living conditions. This underlying aim of non statutory advice is not considered to be unduly compromised.

It is therefore concluded that the proposed development would not have an unacceptably harmful effect on the living conditions of the occupiers of the neighbouring property (no. 44) with particular reference to outlook, dominance and loss of light. In this respect it would not conflict with the Unitary Development Plan Policies D5 and H16 which seek to protect daylight, sunlight, outlook and residential amenity, amongst other things.

Character and appearance

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and

proportion of the houses.

The single storey element of the proposal is considered to be subordinate to the house and in character with the area.

It is considered that the first floor rear addition with a rearwards projection of 2.58 metres on the rear of the two storey projection would be relatively modest. The height of the extension from the roof of the proposed ground floor extension would be 2.5 metres. It is considered that this addition would therefore be a relatively small scale, subordinate feature and would not be unduly bulky. Despite being limited to one side of the overall projection, it would reasonably reflect the existing appearance of this part of the building having regard to matters such other extensions. There is a similar style rear addition at 24 Fortis Green and this has to be considered as a material planning consideration.

Due to these factors, it is concluded that the proposal would not harm the character or appearance of the area, or of the existing property. In this respect, there would, therefore, be no conflict with the Unitary Development Plan (UDP) policies, or with the main aims of the Council Guidance (Note No.5 – Extensions to Houses).

A site visit allowed the opportunity to consider the general locality in terms of existing extensions on neighbouring houses and other developments locally. It was noted that some were erected under permitted development provisions.

Taking into consideration the proposed developments when viewing properties on no. 28, it is not considered to cause an unacceptable harm to the character and appearance of the host dwelling and the surrounding area. It would comply with Policy H27 of the UDP which seeks to ensure that extensions to residential property harmonise with existing and neighbouring properties in terms of character.

The proposal overall is considered to comply with the relevant aspects of policies GBEnv1, GBEnv2, D1, D2 and H27 which seek to ensure that proposals are of high quality design, respect the scale of surrounding buildings, and harmonise with local townscape and character.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The points of objections are considered to have been covered in the main body of the committee report. It is considered that the planning related concerns raised on this application were not sufficient to constitute a reason for refusal.

4. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the

commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

The proposal complies with the requirements of PPS1, which states in part that, 'design which is inappropriate in its context, or which fails to take the opportunities available for improving character and quality of an area and the way it functions, should not be accepted'.

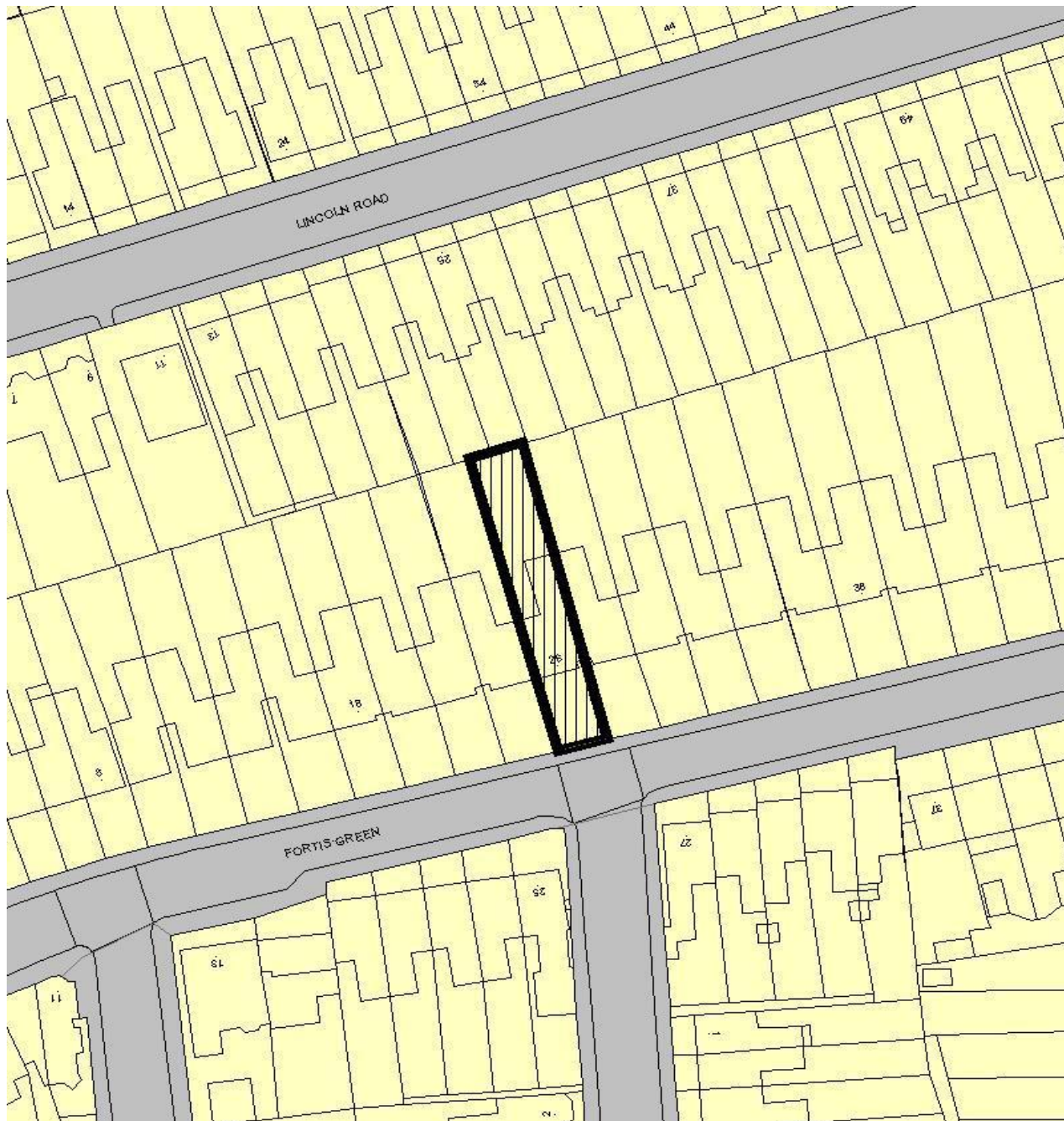
When the Local Planning Authority approve planning applications there may be cases where there is some element of a loss of light to neighbouring properties. It is for the Local Planning Authority to determine whether the loss of light that could occur would be sufficient a reason to refuse the application.

The Local Planning Authority consider that this application has an acceptable impact on the amenities of the neighbouring occupiers.

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet UDP policies and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is in keeping with Council Policies and Guidelines and is therefore recommended for **APPROVAL**.

SITE LOCATION PLAN: 26 Fortis Green, London, N2 9EL

REFERENCE: F/01194/11



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LOCATION: 238 High Road, London, N2 9AH

REFERENCE: F/01624/11

Received: 08 April 2011

Accepted: 26 April 2011

WARD(S): East Finchley

Expiry: 21 June 2011

Final Revisions:

APPLICANT: G & M Simpson & V Goldstein

PROPOSAL: Erection of a 3-storey building to accommodate 8no self-contained flats and a ground floor commercial unit following removal of existing portakabin structures. Provision of 8no car parking spaces, cycle storage and associated hard and soft landscape.

RECOMMENDATION: APPROVE SUBJECT TO S106

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (excl. libraries) £36,692.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £1,112.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £10,966.00**
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £2,438.50**
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Head of Planning and Development Management approve the planning application reference: F/01624/11 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and access statement, Lifetime homes checklist, Drawings AP187/P100, AP187/P101, AP187/P102, AP187/P103, AP187/P104.

Reason:

For the avoidance of doubt and in the interests of proper planning.

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. Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

4. Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

5. Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway.

6. No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

7. Part 1

Before development commences other than for investigative work:

- a. A desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical

representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.-

- b. If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:-
- a risk assessment to be undertaken,
 - refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

- c. If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety.

8. Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.

9. A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

12. Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

13. The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the Local Planning Authority.

Reason:

To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

14. The non-residential development is required to meet the following generic environmental standard (BREEAM) and at a level specified at Section 6.11 of the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007). Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason:

To ensure that the development is sustainable and complies with Strategic and Local Policies.

15. Before development commences, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development of the ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the amenities of neighbouring premises are protected from noise from the development.

16. The level of noise emitted from the any plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.
If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.

17. Before the ground floor units hereby permitted are occupied, details of a scheme to separate their rear terrace from the communal garden shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented before occupation and retained thereafter.

Reason:

To prevent inwards overlooking within the development.

18. Before the development hereby permitted is occupied, parking spaces shall be provided in accordance with the drawing No. AP187/P100 and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the 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 Policies M11, M13 and M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

19. A Construction Management Plan must be submitted to and approved by the Local Planning Authority. This document following approval must be complied with unless previously agreed in writing by the Local Planning Authority.

Reason:

In the interests of highway safety in accordance with Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

20. The ground floor premises shall be used as offices and no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

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

21. Before the building hereby permitted is occupied the proposed first floor windows in the side elevation facing the school shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the privacy and amenities of adjoining properties.

22. Before the building hereby permitted is occupied details of a screen on the second floor terrace facing the school shall be submitted to and approved by the Local Planning Authority and shall be permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the privacy and amenities of adjoining properties.

INFORMATIVE(S):

1. The reasons for this grant of planning permission or other planning related decision are as follows:

i) The proposed development accords with strategic planning guidance and policies as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GSD, GLand, GBEnv1, GBEnv2, GParking, D1, D2, D3, D4, D5, D11, D13, M14, H2, H16, H17, H18, CS1, CS8, CS13, IMP1, IMP2.

Core Strategy (Publication Stage) 2010: CS5

ii) The proposal is acceptable for the following reasons:

The proposal would ensure the protection and enhancement of the character and appearance of East Finchley in line with UDP policies. It represents an efficient justified use of the land. The number of units proposed is considered acceptable on site. Subject to a number of conditions to control the quality of materials and detailing the proposal would preserve the character of the Borough. The proposed development would provide sufficient standards of amenity for future residents of the site. As conditioned, the proposals would have an acceptable impact on the residential amenity of surrounding occupiers. The proposals are acceptable on highways grounds. As conditioned, the proposed building would meet the council's sustainable objectives.

The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

2. In complying with the contaminated land condition parts 1 and 2:
Reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
1) The Environment Agency CLR & SR Guidance documents;

- 2) Planning Policy Statement 23 (PPS 23) - England (2004);
- 3) BS10175:2001 Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

3. You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1) Department of Environment: PPG 24 (1994) Planning Policy Guidance - Planning and noise; 2) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and measurement of environmental noise; 3) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 4) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 5) Department of transport: Calculation of road traffic noise (1988); 6) Department of transport: Calculation of railway noise (1995); 7) Department of transport : Railway Noise and insulation of dwellings.

4. 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 Council of 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 email:
street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

5. Your attention is drawn to the fact that this decision is subject to a Section 106 Planning Obligation.

6. Highways informatives:

Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.

The applicant is advised that in case where any modifications are proposed to the existing access off the public highway or a new access is proposed then it will be subject to a detailed investigation by the Crossover Team in Environment and Operations Directorate. This may result in alterations to the existing on-street controlled parking bays. Any alterations to on-street parking bays will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process. Any modification works including relocation of any existing street furniture would need to be done by the Highway Authority at the applicant's expense. You may obtain advice and an estimate for this and any associated work on public highway from the Crossover Team in Environment and Operations Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

In case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team as part of the crossover application. The outcome of this assessment cannot be prejudged. Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team in Environment and Operations Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP

RECOMMENDATION III

That if an agreement has not been completed by 21/06/2011, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application F/01624/11 under delegated powers for the following reasons:

1. The proposed development does not include a formal undertaking to meet the costs of extra education places and community benefit arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet supplementary Planning Document - Contributions to Education from Development February 2008, Policy CS8 of the Adopted Unitary Development Plan (2006) and Government Planning Policy Statement PPS1.
2. The proposed development does not include a formal undertaking to meet the costs of extra libraries and related cultural/learning facilities arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet Supplementary Planning Document on Contributions to Library Services and Policy CS2, IMP1 and IMP2 of the Adopted Unitary Development Plan 2006.

3. The proposed development does not include a formal undertaking to meet the costs of extra health facilities arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet Supplementary Planning Document on Contributions to Health Services and Policy CS13, IMP1 and IMP2 of the Adopted Unitary Development Plan 2006.
4. The proposed development does not include a formal undertaking to meet the monitoring of planning obligations as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet Supplementary Planning Document on Planning Obligations (2006) and Policies IMP1 and IMP2 of the Adopted Unitary Development Plan 2006.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements: PPS1, PPS3, PPG24

The Mayor's London Plan: Consultation draft replacement plan 2009:
Strategic Planning Policies, in particular 3.4, 3A.13, 3A.18, 3C.17, 3C.23, 4A.3, 4B.1, 5B.2, 5B.3

The Community Infrastructure Levy Regulations 2010

Relevant Unitary Development Plan Policies: GSD, GLand, GBEnv1, GBEnv2, GParking, D1, D2, D3, D4, D5, D11, D13, M14, H2, H16, H17, H18, CS1, CS8, CS13, IMP1, IMP2.

Supplementary Planning Guidance/Documents:

Sustainable Design and Construction (2007)
Contributions to Education (2008)
Contributions to Libraries (2008)
Contributions towards Health (2009)
Planning Obligations for S106 Agreements (2007)

Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS5

Relevant Planning History: None

Consultations and Views Expressed:

Neighbours Consulted:	48	Replies:	6
Neighbours Wishing To Speak	2		

6 objections were received at the time of writing this report. They can be summarised as follows:

- overdevelopment / excessive density
- development out of character
- loss of amenity including loss of privacy, loss of light
- lack of access for disabled people
- insufficient car parking
- lack of clarity about the business use

Internal /Other Consultations:

- Transport for London, Road Network Development - no reply
- Traffic & Development - no objection
- Environmental Health - no reply

Date of Site Notice: 05 May 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site is currently used as a masonry and consists of a variety of small single storey buildings. The site is almost entirely covered by hardstanding and is sur-elevated on a plinth. The immediate surroundings are relatively open in character and this makes the site prominent in the streetscene.

The surrounding area has a mixture of different buildings including residential semi-detached houses on Chandos Road and purpose built blocks of flats of varying designs along High Road. Most buildings along high Road have significant landscaped areas separating them from the road.

There are a number of council-owned street trees around the site.

The site is located north of the Secondary Retail Frontage of East Finchley town centre as defined in the UDP.

Proposal:

The proposal relates to the construction of a 3 storey building to accommodate 8 self-contained flats and a ground floor B1 unit following removal of existing portakabin structures. It is also proposed to provide 8 car parking spaces, cycle storage and associated hard and soft landscaping.

The submission of the application follows formal pre-application discussions between the applicant and officers and several changes to the scheme.

Planning Considerations:

The principle of redevelopment for mixed-use purposes is considered acceptable in this location and would comply with housing and employment policies. The site currently generates a small level of employment and the retention of a commercial use (81.7m² of office accommodation) at ground floor would address employment policies. The applicant has submitted an economic statement that sets out background about the existing use. Employment levels are expected to increase from 3/4 people to 6.

It is considered that the site has the potential to accommodate the amount of development proposed. It is considered that the current proposals would result in an appropriate level of development for the site. Higher densities and the use of previously developed land have to be balanced against the impact of development on the character and appearance of the area, the amenity of neighbouring/future occupiers and the health of surrounding trees. As proposed, the development is considered to have struck the right balance and would result in an efficient use of previously developed land. The site specifics of the site are considered to be of such that it can facilitate the amount of development proposed.

PPS3 on Housing sets out the Government's strategic housing policy objectives of creating sustainable, inclusive, mixed communities. In terms of developing housing density policies Local Authorities should have regard to the level of housing demand and need in their area, current and future level and capacity of infrastructure, services and facilities, desirability of using land efficiently, current and future levels of accessibility particularly public transport accessibility, the characteristics of the area, and the desirability of achieving high quality, well-designed housing.

The density of existing development should not dictate that of new housing. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment. It states that good design is fundamental to using land efficiently and that good design is facilitated by identifying the distinctive features that define the character of a particular local area. High quality inclusive design is also a key objective of PPS1.

The Government is committed to maximising the re-use of previously developed land and empty properties to minimise the amount of green field land being taken for development. The chief objective of Planning Policy Statement 3: Housing (PPS3) is to provide sufficient housing for future needs, ensuring that as many of the new homes as possible are built on previously developed land. The site is a previously developed site and on this basis the redevelopment of the site for mixed uses including residential purposes is considered to accord with national, strategic and local planning policy.

PPS3 advocates that local planning authorities should avoid developments which make inefficient use of land. It is considered that the proposal would represent an efficient use of previously developed land in accordance with national legislation, the London Plan and policy H21 of the Adopted UDP.

The London Plan states that development should optimise housing output for different types of location within the relevant density range shown in Table 3.2.

Whilst it is acknowledged that the proposed density of 270 habitable rooms per hectare exceeds the 200 hr/ha in the table, it is not considered a reason to refuse the application. The London Plan states that a rigorous appreciation of housing density is only the start of planning housing development, not the end and that it is not appropriate to apply Table 3.2 mechanically. Its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential – local context, design and transport capacity are particularly important.

Character issues:

The immediate surroundings are characterised by different types of residential accommodation and the addition of further residential accommodation in the form of flats would not be out of character.

PPS1 states that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area should not be accepted. This is reinforced by Policies D1, D2, D3, D4 and H16 of the Adopted UDP (2006) which advocate that the design and layout of proposals should be of a high standard which complements the character of the existing development in the vicinity of the site and maintains a harmonious street scene.

The proposed building is modern in design and it is considered that, in view of the range of different building styles and design in this part of High Road, it would result in an interesting addition to the streetscene. The footprint of the building allows the introduction of landscaping areas around the building that would assist its setting in the street. The siting of the building would respect the front building line of surrounding development in this stretch of High Road which mainly consists of buildings separated from the road by buffer landscaped areas.

The scale and mass of the proposals has been greatly reduced since the start of pre-application discussions and are now considered to fit in appropriately within the street. The building is articulated effectively between High Road and the more domestic character of Chandos Road. Although the chosen design is modern, its side and rear elevations draw architectural inspiration from pairs of houses in Chandos Road and would respect the domestic scale of the road. It is not considered that the proposed development would appear out of context or harmful to the character of the area.

Amenity issues:

The provision of outdoor amenity space for future occupiers is generally acceptable and currently meets minimum standards of 5m² per habitable room (when taking into account private balconies).

To accord with Policy H18 of the UDP the Council require usable garden space for residential development comprising of 5m² per habitable room for flats. The scheme would provide some shared space to the rear of the building and private balconies facing High Road. The amenity space proposed would comply with the level outlined in policy H18 of the UDP. Private amenity areas should be provided to ground floor flats to prevent overlooking from communal areas into habitable rooms and this is conditioned.

All proposed flats would provide suitable standards of amenity for future occupiers.

As proposed, the development is not expected to result in significant harm to the amenity of neighbouring residents. Overlooking standards are of 21m between habitable rooms and 10.5m between habitable rooms and neighbouring gardens at ground and first floor level. A further 3 metres should be added for each floor above two storeys. This is complied with throughout the development.

Tree issues:

The Local Authority will refuse any application that has an adverse impact on trees of special amenity value and could result in damage or loss of trees and greenery around proposed building. Large mature street trees form an intrinsic part of the character of this part of East Finchley and their loss would be contrary to adopted tree and character policies.

The plane tree along High Road has been plotted on the submitted drawings and the building has been set back to ensure that it does not impact on the root system of the tree or its canopy. It is considered that the development would not have any significant impact on the health of trees surrounding the site (including street trees).

Sustainability

The Sustainable Design and Construction SPD states that proposals for such developments need to demonstrate compliance with both the broader sustainable design principles and the specified environmental minimum requirements. Where an applicant considers that certain minimum requirements are not viable or deliverable, they will be expected to demonstrate this through design and feasibility studies.

The Council expects that proposals for such developments show how they fully embrace the principles, guidance and minimum requirements set out in the SPD. Any aspect of a proposal which does not fully comply with what is set out in this SPD will need to be fully explained and justified through appropriate feasibility studies. A condition requiring the scheme to achieve Code 3 of the Sustainable Homes is required.

Highways issues:

The council's highways officers have advised as follows:

"The proposal is for the removal of existing portakabin structures and to construction of a 3 storey building to provide 8 no self-contained flats comprising 5 x 2bedrooms and 3 x 3bedroom flats. Approximately 82 sqms of B1 office use is being provided at ground floor level. 8 car parking spaces and 12 cycle parking spaces are being provided for the residential use.

The parking provision is in accordance with the Parking Standards set out in the London Borough of Barnet Adopted Unitary Development Plan 2006.

The proposal is acceptable on highways grounds subject to conditions and informatives".

3. COMMENTS ON GROUNDS OF OBJECTIONS

Planning matters are considered to have been addressed in the above appraisal.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. SECTION 106 ISSUES

The contributions are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

Required Planning Contributions

Government Circular 05/05 and the Council's adopted SPD for section 106 related planning obligations is applicable for this site in respect of the following areas:

Education

Under Policy CS8 of the Adopted UDP (2006) the council will seek to secure a financial contribution through a Section 106 Agreement for future education needs generated by the development in the Borough. The financial sum is dependant on the number and type of units proposed and is calculated in line with the council's Supplementary Planning Document on Contributions to Education available on the Council's website. As proposed, the figure is £36,692,573.

Library Services

Policy CS2 of the Adopted UDP (2006) states that the council will seek to enter into planning obligations, where appropriate, in conjunction with new developments, to secure the provision of community and religious facilities. A contribution will be sought for the provision of library services in the borough in line with the council's Supplementary Planning Document on Contributions to Library Services available on the Council's website. As proposed, the figure is £1,112 for the residential aspect of the development.

Health

Under Policy CS13 of the Adopted UDP (2006) the council will seek to secure a financial contribution through a Section 106 Agreement for future health needs generated by the development in the Borough. The financial sum is dependant on the number and type of units proposed and is calculated in line with the council's Supplementary Planning Document on Contributions to Health available on the Council's website. As proposed, the figure is £10,966.

Monitoring Contribution

The delivery of the planning obligation from the negotiations stage to implementation can take considerable time and resources. As the Council is party to a large number of planning obligations, significant resources to project manage and implement schemes funded by planning obligation agreements are required. The Council therefore seeks the payment of a financial obligation towards the costs of undertaking the work relating to securing the planning obligations. The amount of contribution being sought would depend upon the final scheme. In

February 2006 Cabinet approved a Supplementary Planning Document (SPD) for Planning Obligations details of which are available on the Council's website. As proposed (and without a libraries contributions for future employees of the commercial units), the figure is £2,438.50.

All of the above contributions would be sought under Policies IMP1 and IMP2 of the Adopted UDP (2006).

6. CONCLUSION

The proposal would ensure the protection and enhancement of the character and appearance of East Finchley in line with UDP policies. It represents an efficient justified use of the land. The number of units proposed is considered acceptable on site. Subject to a number of conditions to control the quality of materials and detailing the proposal would preserve the character of the Borough. The proposed development would provide sufficient standards of amenity for future residents of the site. As conditioned, the proposals would have an acceptable impact on the residential amenity of surrounding occupiers. The proposals are acceptable on highways grounds. As conditioned, the proposed building would meet the council's sustainable objectives.

APPROVAL is recommended.

SITE LOCATION PLAN: 238 High Road, London, N2 9AH

REFERENCE: F/01624/11



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LOCATION: 81-85 East End Road, London, N2 0SP

REFERENCE: F/01865/11

Received: 28 April 2011

Accepted: 04 May 2011

WARD(S): East Finchley

Expiry: 29 June 2011

Final Revisions:

APPLICANT: S.&M Myers Ltd.

PROPOSAL: Construction of first and second floors over existing single storey warehouse to provide a total of No. 4 self-contained flats and associated roof terraces. Provision of two car parking spaces accessed from Brackenbury Road.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and access statement, Sustainability checklist, Lifetime homes assessment, 300-2011-P-01, 300-2011-P-02, 300-2011-P-03, 300-2011-P-04, 300-2011-P-05, 300-2011-P-06, 300-2011-P-07, 300-2011-P-08, 300-2011-P-09, 300-2011-P-10, 300-2011-P-11, 300-2011-P-19, 300-2011-P-13, 300-2011-P-14, 300-2011-P-15, 300-2011-P-16, 300-2011-P-17, 300-2011-P-18.

Reason:

For the avoidance of doubt and in the interests of proper planning.

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 dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the Local Planning Authority.

Reason:

To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

4. Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

5. No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

6. No development shall take place until details of the arrangements to meet the obligation for education, health, greenspaces and library facilities and the associated monitoring costs have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the proper planning of the area and to comply with policies CS2, CS8, CS13, IMP1 and IMP2 of the adopted Unitary Development Plan and the adopted Supplementary Planning Documents "Contributions to Education", "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations".

7. The green roof 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, without the benefit of the grant of further specific permission in writing from the Local Planning Authority.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking.

8. Before the development hereby permitted is occupied, parking spaces shall be provided in accordance with Drawing 300-2011-P-11 and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the 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 Policies M11, M13 and M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

INFORMATIVE(S):

1. The reasons for this grant of planning permission or other planning related decision are as follows:

i) The proposed development accords with strategic planning guidance and policies as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GSD, GBEnv1, GBEnv2, GBEnv3, GBEnv4, GParking, GH3, Env13, D1, D2, D3, D4, D5, D11, D13, M4, M5, M11, M12, M13, M14, H2, H5, H16, H17, H18, H20, H21, CS2, CS8, IMP1, IMP2.

Core Strategy (Publication Stage) 2010: CS5, CS9, CS10

Planning Obligations SPD (2006)

Contributions to Libraries and lifelong learning SPD (2008)
Sustainable Design and Construction SPD (2007)
Contributions to Education SPD (2008)
Contributions to Health SPD (2009)

ii) The proposal is acceptable for the following reasons: The proposed building would result in a subordinate addition to the application site, in character with the surrounding area. The proposals would protect the character of this part of Finchley and respect the setting of nearby buildings. The proposed flats would provide acceptable standards of amenity for future occupiers and respect the amenity of existing neighbouring occupiers. The proposals are acceptable on highways grounds.

2. Any alteration to the existing crossover or new crossovers will be subject to detailed survey by the Crossover Team in Environment and Operations Directorate as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. An estimate for this work could be obtained from London Borough of Barnet, Environment and Operations Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

Planning Policy Statement 1: Delivering Sustainable communities (PPS1)

Planning Policy Statement 3: Housing (PPS3)

The Community Infrastructure Levy Regulations 2010

The Mayor's London Plan: Consultation draft replacement plan 2009

Relevant Unitary Development Plan Policies: GSD, GBEnv1, GBEnv2, GBEnv3, GBEnv4, GParking, GH3, Env13, D1, D2, D3, D4, D5, D11, D13, M4, M5, M11, M12, M13, M14, H2, H5, H16, H17, H18, H20, H21, CS2, CS8, IMP1, IMP2.

Supplementary Planning Guidance / Documents (SPG / SPD):

Planning Obligations SPD (2006)

Contributions to Libraries and lifelong learning SPD (2008)

Affordable Housing SPD (2007)

Sustainable Design and Construction SPD (2007)

Contributions to Education SPD (2008)

Contributions to Health SPD (2009)

Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS5, CS9, CS10

Relevant Planning History:

Application: Planning **Number:** C/09744/G/07
Validated: 05/02/2007 **Type:** APF
Status: DEC **Date:** 30/03/2007
Summary: REF **Case Officer:** Fabien Bernard-Gaudin
Description: Construction of first and second floors over existing warehouse to provide 4 No. self-contained flats. Provision of car parking spaces accessed from Brackenbury Road.

Application: Planning **Number:** C/09744/H/07
Validated: 10/08/2007 **Type:** APF
Status: DEC **Date:** 23/10/2007
Summary: REF (**Allowed at appeal**) **Case Officer:** Fabien Bernard-Gaudin
Description: Construction of first and second floors over existing warehouse to provide four self-contained flats. Provision of car parking spaces accessed from Brackenbury Road.

Application: Planning **Number:** F/04117/08
Validated: 04/11/2008 **Type:** APF
Status: WDN **Date:** 12/11/2008
Summary: WIT **Case Officer:** Fabien Bernard-Gaudin
Description: Construction of first and second floors over existing warehouse to provide four self-contained flats. Provision of car parking spaces accessed from Brackenbury Road.

Application Reference:	F/04338/08
Case Officer:	Fabien Gaudin
Proposal:	Construction of first and second floors over existing warehouse to provide a total of No. 4 self-contained flats with provision of car parking spaces accessed from Brackenbury Road.
Stat Start Date	24/11/2008
Application Type	APF
Decision	APC
Decision Date	13/01/2009

Consultations and Views Expressed:

Neighbours Consulted: 86 Replies: 1
 Neighbours Wishing To Speak 0

1 objection was received at the time of writing this committee report. The objection raised may be summarised as follows:

- effect on traffic and parking
- overcrowding

Internal /Other Consultations:

- Traffic & Development - no objection

Date of Site Notice: 12 May 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located on the northern side of East End Road, between its junction with Brackenbury Road and Hamilton Road in the East Finchley ward. Although there are no special controls over the site, it lies directly opposite the Hampstead Garden Suburb conservation area which is also subject to article 4 direction. The immediate surroundings are characterised by a mixture of commercial uses at ground floor and residential units on the upper floors on the north side of East End Road and solely residential opposite the site.

Proposals and Planning History:

The application relates to the construction of first and second floors over the existing single storey warehouse to provide a total of 4 self-contained flats (with associated roof terraces) it is also proposed to provide two car parking spaces accessed from Brackenbury Road.

Planning permission for a similar development was granted in 2009 under reference F/04338/08. The only difference to the 2009 permission is the introduction of a small rear yard to create natural ventilation to the ground floor commercial use. All other aspects of the application remain as previously approved.

Principal changes since 2009 permission:

The following issues must be addressed in view of circumstances or policies that have changed since the 2008 permission was granted. There have been no significant changes to neighbouring sites.

Policy Changes

- Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant policies include CS5, CS9 and CS10. The introduction of the Core Strategy is not considered to warrant a different recommendation.

- Changes to PPS3

It is not considered that the change in PPS3 since the previous decision to approve this application in 2008 changes the recommendation for approval. The application site is not considered to be classed as "garden land".

The Government's strategic housing and planning policy objectives in PPS3 have not changed. These include creating sustainable, inclusive, mixed communities, and delivering well designed housing developments in suitable locations, offering a good range of community facilities and with good access to jobs, key services and infrastructure.

Although private residential gardens are now excluded from the definition of previously developed land, if they are in relatively sustainable and accessible locations they are potentially suitable for housing development in policy terms, because they reduce the pressure for development on existing public and private open spaces, Green Belt land and the countryside. Using land efficiently is still a key consideration in planning for housing. Thus, it is considered that the thrust of national policy has not significantly changed by the recent changes to PPS3.

The proposed development is considered to be in a suitable location and not considered to be contrary to the amendments to PPS3.

- Adoption of and changes to SPDs

Since the 2009 permission was granted the council has approved a Contributions to Health SPD (2009) and updated contributions in other SPDs (Education and Libraries). Condition 5 of the 2009 permission should therefore be amended to include health contributions. The required contribution towards local parks remains unchanged from the 2008 appeal.

Introduction of a rear yard:

The yard would not be visible from neighbouring properties or public spaces as it would be screened by the existing retaining wall to the rear which is proposed to be kept. It is not considered that its introduction would result in any significant loss of amenity for neighbouring residents.

Other matters (no change since 2009)

PPS3 advocates that local planning authorities should avoid developments which make inefficient use of land, encourage housing development which makes more efficient use of land. The London Plan states that development proposals should achieve the highest possible intensity of use which is compatible with the local context, the design principles set out in the plan and public transport capacity.

The immediate surroundings are characterised by different types of residential accommodation and the addition of further residential accommodation would not be out of character.

It is considered that the site has the potential to accommodate more development than the current detached building and this has been recognised in the site's planning history including the recent appeal decision. It is considered that the current proposals for 4 units in the form proposed would be an appropriate level of development for the site and would ensure that the

site meets its full potential, in line with local and national policy, whilst respecting the character of the area. The principle of redevelopment is considered acceptable.

PPS1 states that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area should not be accepted. This is reinforced by Policies D1 and D2 and D3 of the Adopted UDP (2006) which advocate that the design and layout of proposals should be of a high standard which complements the character of the existing development in the vicinity of the site and maintains a harmonious street scene.

The bulk, design and mass of the building remains unchanged from the previous approval with the exception of the introduction of the rear year.

The amenity space would be screened and contained at the rear and would not lead to overlooking. The proposed alterations to the ground floor at street level would ensure that commercial and residential units have separate access and that the proposed refuse store can be accessed by collection lorries.

Overall, taking into account the planning history of the site and as conditioned, the proposed minimal amendments to the previously approved scheme are considered acceptable.

Highways:

The proposal is for the construction of 4 self contained flats (2 x 1-bedroom, 1 x bedroom and 1 x 3-bedroom) above existing warehouse. A total of 2 new parking spaces are being provided at the rear of the site for the flats. Access to the parking spaces is via existing crossover at Brackenbury Road. In view of several factors including the site's location the proposal with 2 parking spaces is acceptable on highways grounds the highways group have no objections on highways grounds.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Planning matters are considered to have been covered in the above appraisal.

4. EQUALITIES AND DIVERSITY ISSUES

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

The applicant has submitted a Lifetime Homes assessment.

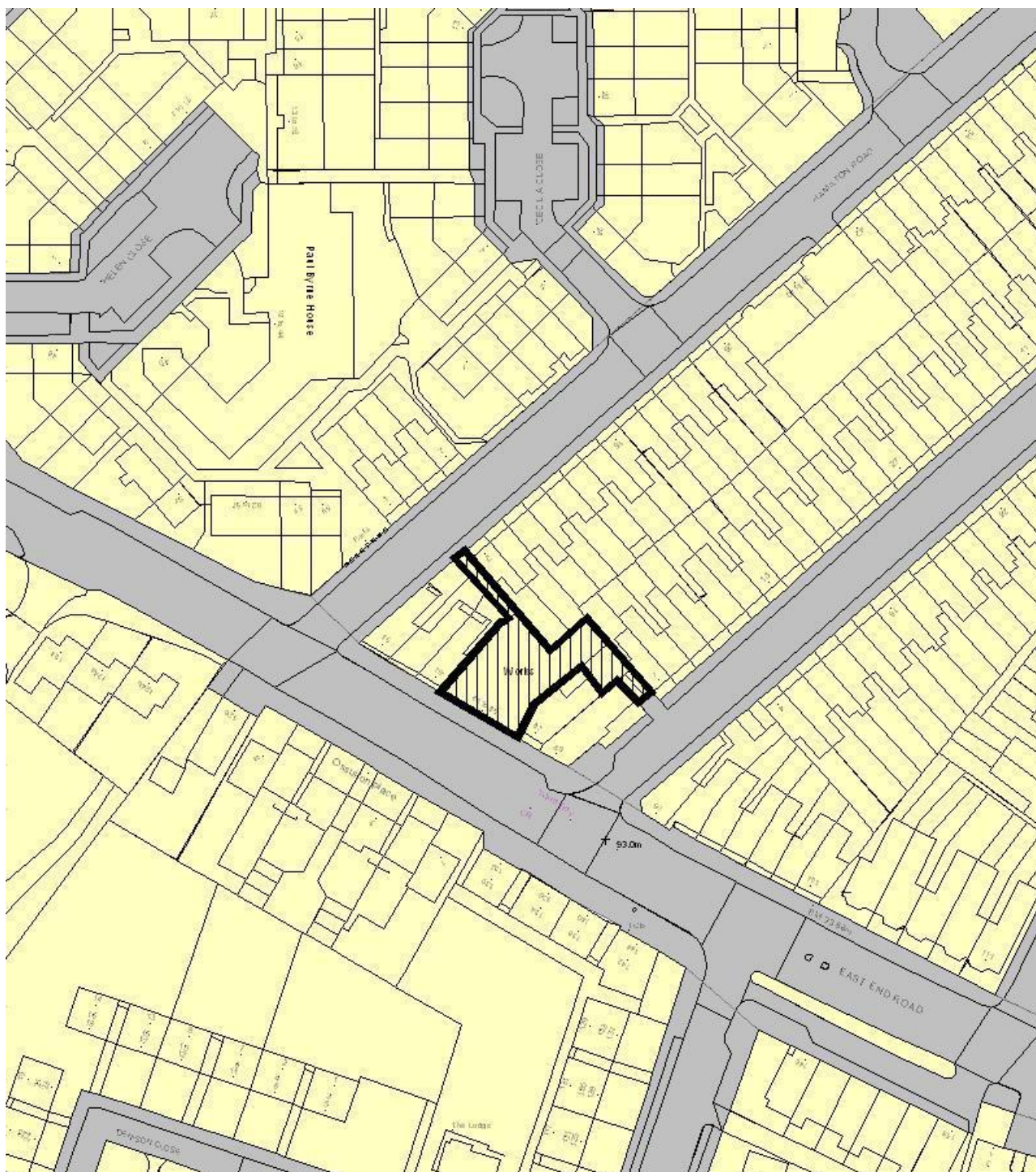
5. CONCLUSION

The proposal is in line with policies GBEEnv1, GBEEnv2, D1, D2, D3, D4, D5, D11, D13, H16, H17, H18, H20, H21, GParking, M11, M12, M14, IMP1, IMP2, CS2 and CS8 of the Adopted Barnet UDP (2006). The proposed building would result in a subordinate addition to the application site, in character with the surrounding area. The proposals would protect the character of this part of Finchley and respect the setting of nearby buildings. The proposed flats would provide acceptable standards of amenity for future occupiers and respect the amenity of existing neighbouring occupiers. The proposals are acceptable on highways grounds.

APPROVAL is recommended.

SITE LOCATION PLAN: 81-85 East End Road, London, N2 0SP

REFERENCE: F/01865/11



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LOCATION: 5 Hadley Grove, Barnet, Herts, EN5 4PH

REFERENCE: B/00878/11

Received: 28 February 2011

Accepted: 08 March 2011

WARD(S): High Barnet

Expiry: 03 May 2011

Final Revisions:

APPLICANT: Mr M Arthur

PROPOSAL: Retention of existing rear dormer window and alteration to lower existing rooflight.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 929 05 D, 929 06 D, 929 07 C, 929/10/A.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 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.

INFORMATIVE(S):

1. The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (UDP) (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, GBEnv4, D1, D2, D5, H27, HC1, and: Supplementary Planning Design Guidance Note No. 5 - Extensions to Houses

Monken Hadley Conservation Area Character Appraisal Statement

PPS5 - Planning for the Historic Environment

Core Strategy (Publication Stage) 2010:

Relevant policies: CS5

ii) The proposal is acceptable for the following reason(s): - The proposals are considered to result in a form of development that would overcome the previous objections to the proposals having an acceptable impact on the character and appearance of the application property, the street scene and character and appearance of the Monken Hadley Conservation Area. The development is not considered to detract from the amenities of neighbouring residents and would comply with the aforementioned policies.

2. The applicant is advised that the Enforcement Notice ENF/00210/08/N is still in force and in order to avoid further action by the Council it is strongly recommended that the works hereby approved are carried out within 3 months of the date of this decision.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:
PPS5 - Planning for the Historic Environment

The Mayor's London Plan: Consultation draft replacement plan 2009:
Policies 7.4 and 7.5

Relevant Unitary Development Plan Policies:
GBEnv1, GBEnv2, GBEnv4, D1, D2, D5, HC1 and H27.

Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies:
Policy CS5.

Relevant Planning History:

B/02914/09 - Refused 19/10/2009

Retention of existing rear dormer window and alteration to lower existing rooflight

ENF/00210/08/N

Enforcement Notice served under Section 171A(1)(a) of the Town and Country Planning Act 1990 (The construction of a lantern rooflight not in accordance with approved plans)

B/01033/08 - Refused 04/11/2008

Submission of details pursuant to condition 2 (rooflight and dormer window) of planning permission N02701C/07 dated 10.01.08.

Rear facing dormer and four velux rooflights to facilitate a loft conversion.

Consultations and Views Expressed:

Neighbours Consulted: 18

Replies: 5 objections; 1 letter of support

Neighbours Wishing To 2
Speak

The objections raised may be summarised as follows:

- The existing lantern was constructed without planning permission and is subject of an enforcement notice which has been ignored and a court case which has now been put on hold
- Even if it is reduced in height by 40cm it will be visually obtrusive due to the light pollution
- If this is approved there will be further applications for lantern lights and the road will become materially altered - the fact that it is a conservation area should protect against this
- The original design of the houses allows plenty of light through a sky light fitted in the plane of the flat roof, there is no need to alter this
- Already seen No. 1 erect a lantern light which was removed following the council's intervention and there is no structure visible above the roof line, why can't No. 5 do this?
- If this is permitted, why were No. 1 made to take theirs down? Apparently if you refuse to comply eventually you get rewarded for permission to keep the structure
- It is an eyesore, if it is lowered it will still be clearly visible from the neighbouring front bedrooms and at night will be particularly intrusive. Has the planning officer viewed it after dark?
- It was not on the original application and therefore it was not objected to by neighbours
- Subsequent applications for the lantern light were not granted (B/01033/08) because 'The lantern roof light by reason of its size, design and projection above the main ridge line would be visually obtrusive and detrimental to the character and appearance of the property, street scene and this part of the Monken Hadley Conservation Area'. This decision was made without consulting neighbours so presumably the planning department were firm in their opinion. Nothing has changed since then to undermine this decision.
- Others consulted at this time included the Conservation design team who were concerned consent would set a precedent
- Application B/02914/09 was refused on its projection above the main ridge and the impact this has on the street scene and Conservation Area
- Concerns over amount of council resource and costs involved, the original objection was over 3yrs ago and was the result of the lantern light not being annotated on the original plans as a new structure which allowed the contentious structure to be allowed by default
- If permission is granted we will see other people try to erect bigger and better which erodes the appearance of the properties valued as a whole because of their uniformed appearance
- No other property on the road has a structure breaking the ridge line; the reduction in height will not address the break in the ridge line
- The plans show an assumed line of sight for someone on the north side of the road; this is of no reassurance to residents on the north side of the road
- The application is arrogant stating it will have no impact on its neighbours

A letter from The Rt. Hon. Mrs Theresa Villiers MP has been received requesting that her constituent's views and objections are taken into consideration.

Internal /Other Consultations:

- Urban Design & Heritage -
No objection subject to the amended height which minimises views of the structure thereby having an acceptable impact on the character and appearance of the street and Conservation Area.
- Monken Hadley Conservation Area Advisory Committee -
Ok so long as it is out of sight of the general public.

Date of Site Notice: 17 March 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site relates to a two-storey semi-detached dwelling to the south side of Hadley Grove. The site lies within the Monken Hadley Conservation Area and is covered by an Article 4 directive restricting alterations to the dwellings without planning permission. The dwellings are imposing Edwardian buildings with the main roof having a small crown. As such there are existing roof lights on the flat roof elements of these roofs providing natural light to the roofspace. These roof lights are not visible from street level given their minimal height meaning they do not project above the surrounding ridge of the roof.

Proposal:

The application seeks planning consent for the retention with alterations to works carried out to the roof of the property following the grant of planning permission in 2007. The retention is for the rooflights on the flank roofslope and the rear dormer window for which details of their design were not formally discharged and alterations are proposed to the lantern rooflight to the main roof.

Planning Considerations:

Application N02701C/07 granted planning permission for a rear facing dormer window and four velux rooflights to facilitate a loft conversion. The plans also included the replacement of the existing rooflight on the flat roof element of the building to be replaced by a lantern rooflight. Consent was granted subject to a condition requiring details of the dormer window and rooflights to be formally agreed by the LPA.

Prior to the submission of these details in April 2008 the works were undertaken and a lantern rooflight constructed at the property. The lantern light was considerably larger than that shown on the approved sections under application N02701C/07. On 30th April 2008 an application for the discharge of condition relating to the dormer window and rooflight details was submitted to the LPA. This application (B/01033/08) showed the lantern light as constructed and included details of the rear dormer window and rooflights. No objections were raised to the details of the dormer windows or the rooflights in the flank roofslope as the details were considered acceptable. However the Council considered that the lantern light as built and as shown on the submitted plans to be detrimental to the Conservation Area and the application was refused on the following grounds:

"The lantern roof light by reason of its size, design and projection above the main ridge line would be visually obtrusive detrimental to the character and appearance of the property, street scene and this part of the Monken Hadley Conservation Area"

The lantern light as built is materially different to that which was granted consent. Application N02701C/07 granted planning permission for a lantern light between 40-50cm above roof level (the range being the result of slight variations between the two sections which show the rooflight). The as built lantern shown in the drawings submitted with application B/01033/08 projects 94cm above roof level thereby resulting in a more prominent feature in the street scene detracting from its character and appearance.

Following the refusal of the application referenced above in November 2008, an enforcement notice was served coming into effect on 26th January 2009 with a compliance period of 3 months (26th April 2009). The notice (which is still in force due to non-compliance) required either the dismantling and permanent removal from the site of the lantern light and making good of the roof or the modifications to the dimensions, design and specifications of the lantern rooflight shown in the approved application N02701C/07. The second of the compliance options was included to allow for the retention of a lantern rooflight in a reduced and therefore more innocuous form, albeit such a scheme would require formal consent from the LPA.

No actions were taken to comply with the notice until August 2009 when an application was submitted to the LPA for alterations to the lantern light involving a reduction in its height from the as built height of 94cm to 68cm above roof level. This application was refused in October 2009 as it was not considered that the reduction proposed would overcome the impact on the property or street scene as it would still be unduly prominent and obtrusive from street level detrimental to the character and appearance of the Conservation Area.

Since this time court proceedings were initiated by the Council due to failure to comply with the outstanding Enforcement Notice. These have now been put on hold awaiting the outcome of the current application and to allow negotiations between the Council's planning department and the agent in order to reach a resolution. The current proposal seeks to lower the lantern roof light to 63cm above roof level. The combination of the reduction in height, the position of the lantern light on the roof behind the upstand kerb of the main roof (the pitched roof element of the lantern would, at its apex, project some 48cm above the upstand kerb) will result in a significant reduction in the visual impact of the lantern. It has been demonstrated by the agent that the resultant view of the structure from the public realm would be significantly reduced from the existing situation thereby having a minimal impact on the street scene and character and appearance of the Conservation Area. Whilst it may still be visible from neighbouring properties opposite the application site some 21m away it would no longer be overly prominent or obtrusive and is not considered to detract from the visual amenities of neighbouring residents.

The proposed reduction is therefore considered to result in a development that would have an acceptable impact on the character and appearance of the property, street scene and character and appearance of the Conservation Area. In addition it is not considered to detract from the amenities of neighbouring residents. Approval is recommended subject to the standard 3 year time limit for implementation of the development. However, the requirements of the notice will remain until the proposed reduction is undertaken and an informative has been placed on the application to advise the applicant's of their obligation in this regard.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Generally addressed above, additional comments are as follows:

- Planning permission cannot be withheld on the basis that someone else may do/ propose something in the future; each case has to be considered on its own merits
- The light emitted from the rooflight is not considered to be significantly detrimental to the amenities of neighbouring residents
- The alterations proposed are designed to minimise the impact of the roof light and its visibility in the street scene

4. EQUALITIES AND DIVERSITY ISSUES

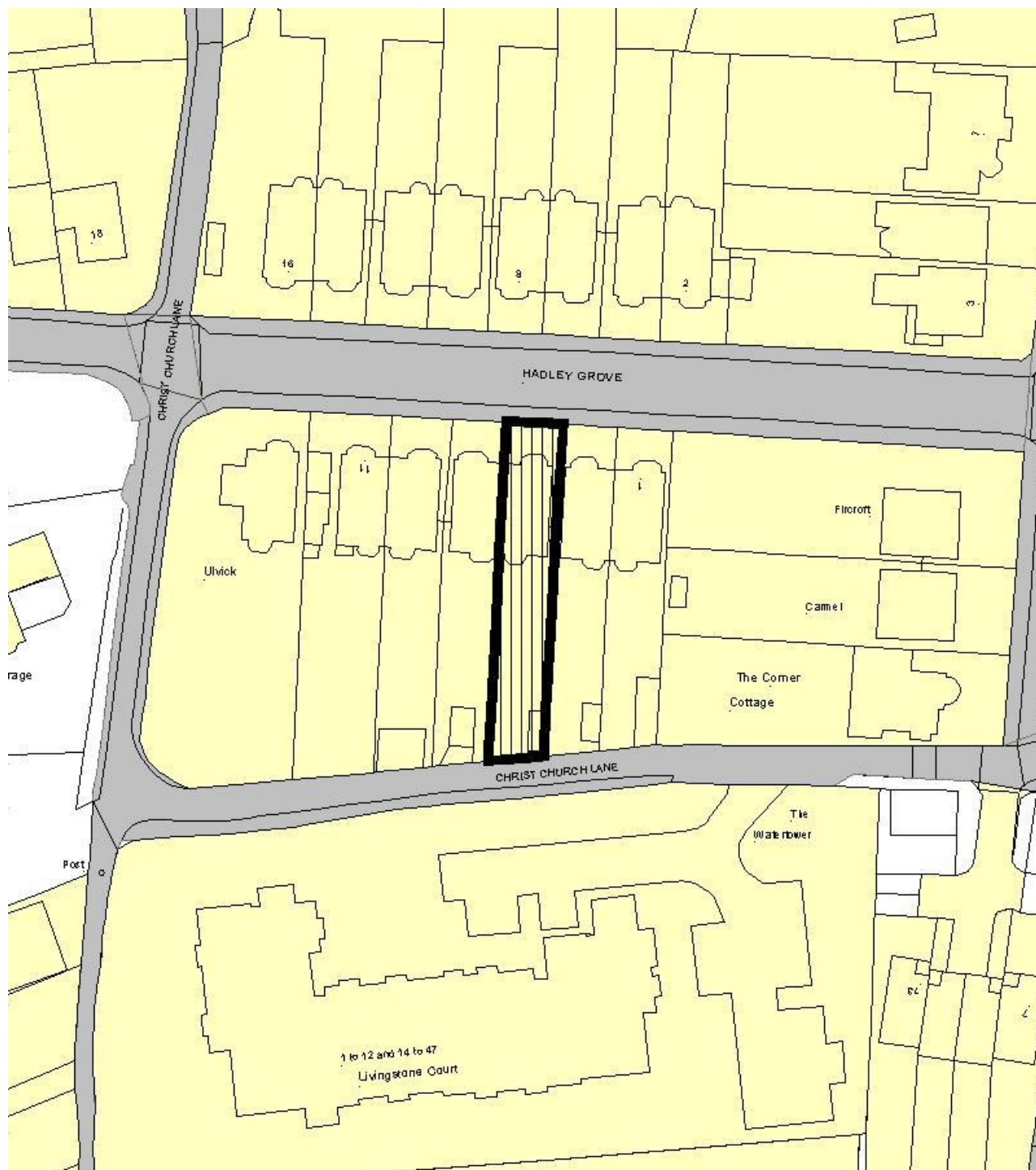
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

For the reasons outlined above the proposal is considered to comply with planning policy and guidance and approval is therefore recommended.

SITE LOCATION PLAN: 5 Hadley Grove, Barnet, Herts, EN5 4PH

REFERENCE: B/00878/11



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LOCATION: Hadleyvale Court, 114-116 Hadley Road, Barnet, Herts, EN5
5QY
REFERENCE: B/01786/11 **Received:** 20 April 2011
Accepted: 03 May 2011
WARD(S): High Barnet **Expiry:** 28 June 2011

Final Revisions:

APPLICANT: Mr Hartnell

PROPOSAL: Creation of a new third floor level to provide two self-contained units within a pitched and crown roof.

RECOMMENDATION: APPROVE FOLLOWING COMPLETION OF S106

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (excl. libraries) £5,318.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £278.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £2,368.00**
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £500.00**
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: B/01786/11 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
Design & Access Statement (Received 03.05.2011); C085-01 (Received 20.04.2011); C085-00 (Received 20.04.2011); C085-03 (Received 20.04.2011); C085-02 (Received 20.04.2011); C085-05 (Received 20.04.2011); C085-04 (Received 20.04.2011); C085-08 (Received 20.04.2011); C085-07 (Received 20.04.2011);

C085-06 (Received 20.04.2011); C085-12 (Received 20.04.2011); C085-11 (Received 20.04.2011); C085-10 (Received 20.04.2011); E-mail sent from agent on 03 May 2011 (Received 03.05.2011); Letter from agent (Received 20.04.2011).

Reason:

For the avoidance of doubt and in the interests of proper planning.

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. Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

4. No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

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

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

RECOMMENDATION III:

That if an agreement has not been completed by 27/06/2011, the Assistant Director of Planning Housing and Regeneration should **REFUSE** the application B/01786/11 under delegated powers for the following reason:

- The development does not include a formal undertaking to meet the extra education, health and libraries services costs together with associated monitoring costs arising as a result of the development, contrary to policies CS2, CS8, CS13, IMP1 and IMP2 of the Adopted Barnet Unitary Development Plan 2006, and Supplementary Planning Document- Planning Obligations, Supplementary Planning Document- Contributions to Education, Supplementary Planning Document- Contributions to Health Facilities, Supplementary Planning Document - Contributions to Libraries.

INFORMATIVE(S):

1. The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Policies GSD, GBEnv1, GBEnv2, GParking, GCS1, D1, D2, D5, D11, M11, M12, M13, M14, H2, H5, H16, H17, H18, H21, CS5, CS8, CS13, IMP1 and IMP2 of the London Borough of Barnet Adopted Unitary Development Plan 2006; Planning Policy Statement 1 (PPS1) - Delivering sustainable development; Planning Policy Statement 3 (PPS3) - Housing; and The Mayor's London Plan.

Core Strategy (Publication Stage) 2010:

CS1 - Barnet's Place Shaping Strategy - The Three Strands Approach.

CS5 - Protecting and Enhancing Barnet's Character to create high quality places.

ii) The proposal is acceptable for the following reason(s): -

The proposed development is considered to have an acceptable impact on the character and appearance of the host property and general locality. It is not considered to have a harmful impact on the amenities of neighbouring occupiers and is in accordance with aforementioned policies.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

- Planning Policy Statement 1 (PPS1) - Delivering Sustainable Development;
- Planning Policy Statement 3 (PPS3) - Housing.

The Mayor's London Plan (consolidated with alterations since 2004):

Various.

Relevant Unitary Development Plan Policies: GSD, GBEnv1, GBEnv2, GParking, GCS1, D1, D2, D5, D11, M11, M12, M13, M14, H2, H5, H16, H17, H18, H21, CS5, CS8, CS13, IMP1 and IMP2.

Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in

general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies:

CS1 - Barnet's Place Shaping Strategy - The Three Strands Approach.

CS5 - Protecting and Enhancing Barnet's Character to create high quality places.

Relevant Planning History:

- B/00919/10 - Refused (04/05/2010) & Dismissed at Appeal (06/12/2010)

Creation of a new third floor level to provide two self-contained units within a pitched and crown roof.

- B/02120/08 – Refused (19/08/2008) & Dismissed at Appeal (26/05/2009)

Construction of new third floor to provide 2no. self-contained flats within a pitched and crown roof.

- N02395J/07 – Refused (15/05/2007) & Dismissed at Appeal (23/11/2007)

Construction of a new third floor to provide 4 no. self-contained flats within a pitched and crown roof.

- N02395H/06 – Refused (06/09/2006)

Construction of a new third floor to provide 2no. self-contained flats.

- N02395C - Approved Subject to Conditions (20/01/1971)

10 flats and 10 garages.

Consultations and Views Expressed:

Neighbours Consulted: 57
Neighbours Wishing To
Speak

Replies: 10

The objections raised may be summarised as follows:

- Concern regarding the scale and appearance of the proposal;
- Impact on neighbours;
- Overlooking and loss of privacy;
- Out of keeping;
- Loss of light;
- Concern that the rear of the site is overgrown and that it will remain as such;
- Similar applications have previously been refused;
- The scheme is for financial benefit only and of no benefit to the residents;
- Concern regarding proximity of Hadleyvale Court and proposed extension to the properties on Clifford Road;
- Impact on traffic;
- Impact on parking;
- Insufficient parking provision;
- Concern that some of the existing residents of Hadleyvale Court are running businesses from their flats;
- Concern regarding inaccurate information on the submitted plans regarding tenancy;
- Concern regarding covenant restricting the construction of blocks of flats on Hadley Road;
- Loss of outlook;
- Spacing;
- Concern regarding refuse management;
- Noise and disturbance;
- Pollution;
- Impact on character and appearance of the area;

- Increase pressure on local infrastructure particularly schools;
- Visually obtrusive.

Internal /Other Consultations:

- Traffic & Development -
I have the following observations:

The proposal is for 2 additional 2 bed flats in the roof space at Hadleyvale Court to increase the total number of units to 12. The existing parking consists of 9 garages which are not currently used by the flats. Two of the existing garages will be allocated for use by the proposed flats with the remaining 7 garages allocated to the existing flats.

No changes are proposed to the existing vehicle access.

A previous application B/00919/10 has been submitted and refused on appeal however the decision did not include any highway reasons for refusal.

The parking provision for the proposed units is in accordance with the parking standards in the London Borough of Barnet Adopted Unitary Development Plan 2006.

The application is recommended for approval on highways grounds.

Date of Site Notice: 12 May 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application relates to a flat roofed, 3-storey block of flats located on the eastern side of Hadley Road, approximately 80m north of the junction with Tudor Road.

The land slopes downwards from north to south along Hadley Road and also from west to east. As a result, the application property is split at its centre and sits lower than the ridge of No.118 and at a similar height to the ridge at No.112.

Levels also fall towards the rear of the site and steeply towards Clifford Road to the rear (east) of the site, the properties in which have eaves levels roughly equivalent to the ground floor level in the building.

The fall in levels across the site allows for a series of garages to be provided at semi-basement level. There is also a car parking area at the rear and an amenity area that slopes down to the boundaries with the Clifford Road properties.

The area is predominantly residential in character comprising detached and semi-detached dwellings together with two and three storey blocks of flats.

Proposal:

The application involves the construction of an additional storey to the existing block of flats. This would be a pitched, crown roof structure, 2.55m high (beyond the existing parapet), with three 1.2m high / 1.65m wide dormer windows and two inset windows in the rear roof slope; and rooflights to the front and side roof slopes (3 in the front and 3 in either side - those in the

side roofslopes are shown to be obscure glazed and fixed shut). The extension also incorporates 4 projecting gabled features to the front elevation, providing balconies at four storeys.

The proposal would create two 2-bedroom flats.

The proposal also includes a refuse storage enclosure at the front of the site (bins are currently placed in the front garden of the flats). Two car parking spaces, within the existing garage block, would be brought back into use to provide parking for the 2 proposed flats, with the remaining seven made available to the remaining tenants.

Planning Considerations:

Planning History

A number of similar applications for this site have been refused and subsequently dismissed at appeal.

Planning Application Ref. N02395J/07:

On 15/05/2007, planning application ref. N02395J/07, in respect of providing 4 additional flats, was refused for the following reason:

- *The proposed development, by reason of its size, bulk, height and design would be a visually obtrusive form of development that would have a harmful impact upon the character and appearance of the building, the street scene and the locality, and would be detrimental to the visual and residential amenities of adjoining occupiers, contrary to Policies GBEnv1, GBEnv2, D1, D2, D5, D7 and H16 of the London Borough of Barnet Adopted Unitary Development Plan 2006.*

Planning Application Ref. B/02120/08:

A revised application for an additional floor, but for 2 self-contained flats, (ref. B/02120/08) was subsequently submitted and refused on 19/08/2008 for the following reason:

- *The proposed development, by reason of its size, bulk, height and design would be a visually obtrusive form of development that would have a harmful impact upon the character and appearance of the building, the street scene and the locality, and would be detrimental to the visual and residential amenities of adjoining occupiers, contrary to Policies GBEnv1, GBEnv2, D1, D2, D5, D7 and H16 of the London Borough of Barnet Adopted Unitary Development Plan 2006.*

This application was subsequently dismissed at appeal on 26/05/2009. In considering this appeal the Inspector made the following comments:

- *The ridge heights of the new roofs would be considerably higher than the property to the south and just below the peak to the gable of the house to the north.*
- *Although the pitched roofs would reflect the predominant roof form in Hadley Road , their height and mass would give emphasis to the unsympathetic scale of the building and significantly increase its prominence and impact on the street scene.*
- *The design of the appeal proposal has addressed some of the concerns highlighted by the Inspector in an earlier appeal on the site in 2007. However, the scheme before me does not resolve the overbearing nature of the roof and the increased prominence it*

would give to this unremarkable building.

- *Therefore, I conclude that on this issue that the proposal would be detrimental to the character and appearance of the street scene and would be contrary to Policies GBEEnv1, GBEEnv2, D1, D2, D7 and H16 of the London Borough of Barnet Adopted Unitary Development Plan 2006.*
- *From the perspective of the neighbouring rear gardens, I am satisfied that the recessed pitch of the roofs and the set back dormers would significantly reduce the overbearing impact on 118 and 112 Hadley Road, which was attributed to the previous scheme. I also consider that the separation distance between the proposed new flats and the properties to the east on Clifford Road, would satisfy the requirement of Policy H17 of the BUDP and that any loss of privacy for the occupants of those dwellings would be minimal. There are a number of mature trees on the boundary between Hadleyvale Court and the Clifford Road properties, which provide substantial screening during the summer months when the rear gardens are most likely to be used. therefore, on this issue I conclude that the proposal would not significantly harm the living conditions of neighbours, and that policies D5 and H17 of the BUDP would be satisfied.*

From the above, it can be seen that the Inspector was principally concerned with the increase in height, mass and bulk and consequent impact upon the character and appearance of the building and the street scene and the impact upon the amenities of the adjoining occupiers.

Planning Application Ref. B/00919/10:

Following the above dismissal, the proposed scheme was subsequently amended in the following ways, and submitted to the Council in March 2010 (planning application ref. B/00919/10).

- The incorporation of an amended crown roof which partially extends across the centre of the building;
- Amendments to the design including the incorporation of gabled additions (including Juliet balconies) to the front elevation of the property;
- The provision of two of the existing garages to the two new units.

This proposal therefore involved the addition of a 2.55m tall pitched, crown roof structure on top of the existing flat roof, with three 1.2m high / 1.65m wide dormer windows and two inset windows in the rear roofslope; and rooflights to the front and side roofslopes (3 on the front and 3 on either side - those in the side roofslopes are shown to be obscure glazed and fixed shut). This extension also incorporated 4 projecting gabled features to the front elevation, providing balconies at four storeys, in order to make the application property more in keeping with the street scene. The purpose of the proposed roof extension was to create two additional 2-bedroom flats.

On 04/05/2010, this application was refused for the following reasons:

- *The proposed development, by reason of its size, bulk, height and design would be a visually obtrusive form of development that would have a harmful impact upon the character and appearance of the building, the street scene and the locality, and would be detrimental to the visual and residential amenities of adjoining occupiers, contrary to Policies GBEEnv1, GBEEnv2, D1, D2, D5, and H16 of the London Borough of Barnet Adopted Unitary Development Plan 2006.*
- *The development does not include formal undertakings to provide appropriate library services and education contributions to meet the demand for library services need s and educational needs in the area generated by the development contrary to Policies*

This application was subsequently dismissed at appeal on 06/12/2010 (Appeal Ref. APP/N5090/A/10/2135964).

In considering the appeal, the Planning Inspector referred to the previous dismissal and the subsequent amendments which had been made, and stated that "*...the design improvements that have been incorporated in the scheme before me outweigh concerns about the scale of the roof and the prominence of the building. Overall the proposal would result in a building of improved appearance in the streetscene*". He then concluded that "*... the proposal would have an acceptable impact on the character and appearance of the area*".

With regards to the amenities of the neighbouring occupiers, the Inspector concluded that "*...the proposal would not significantly harm the living conditions of neighbouring residents and would satisfy Policies D5, H16 and H17 of the UDP as light and outlook would be maintained and privacy standards would be achieved. My conclusion would be consistent with the previous Inspector*".

In referring to other matters, the Inspector stated that "*there is adequate parking and turning space within the site*", and that "*disruption during construction, whilst inconvenient, would be temporary and is not a reason to withhold planning permission*".

The Inspector's only concern regarding the application was that there were no means of meeting the financial contributions (for education, health and libraries), in the form of an obligation under Section 106 of the Town and Country Planning Act. He therefore concluded that: "*The proposal would be acceptable in terms of its impact on character and appearance and living conditions. It would make more efficient use of a previously developed site in a reasonably sustainable location. Refuse provision would be improved. However, in the absence of a means of making necessary contributions to education, library and health services, the proposal is unacceptable*".

It was therefore solely due to the absence of any arrangements to make the necessary financial contributions, that the Inspector dismissed the appeal

Current Proposal

The proposed development would be identical to that previously submitted (Application Ref. B/00919/10) and as described earlier in this report under B/00919/10.

The most recent appeal decision (Appeal Ref. APP/N5090/A/10/2135964) is a material consideration to which considerable weight should be attached. In terms of the impact of the proposal on the amenities of neighbouring residents, and the character and appearance of the building and the street scene, there has been no material change in circumstances since the appeal decision. In these circumstances the proposal is considered to be acceptable on these grounds.

With regard to the contributions in respect of education, libraries and health, the appellants have indicated that they are willing to make the appropriate contribution which will be achieved through a legal agreement.

The proposed development successfully addresses the outstanding concerns raised by the Inspector in the most recent appeal decision and accordingly approval is recommended.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Mainly dealt with in the above report.

- The management of the existing rear garden is not a material planning consideration in the determination of this application.
- The possible reason for the application / the motivation of the developers is not a material planning consideration,
- The Council's Traffic and Development Team and the Planning Inspector have raised no objection regarding impact on parking provision or traffic.
- The use of the existing flats (in terms of breaches of planning consent) is not a material planning consideration in the determination of this application.
- Details in terms of tenancy of the existing flats are not material planning considerations in the determination of this application.
- Hadleyvale Court is an existing block of flats. The covenant restricting the construction of blocks of flats is not a material planning consideration.
- The refuse storage is located within 10m of the highway and therefore the Council's Traffic and Development Team has raised no objection regarding refuse management.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

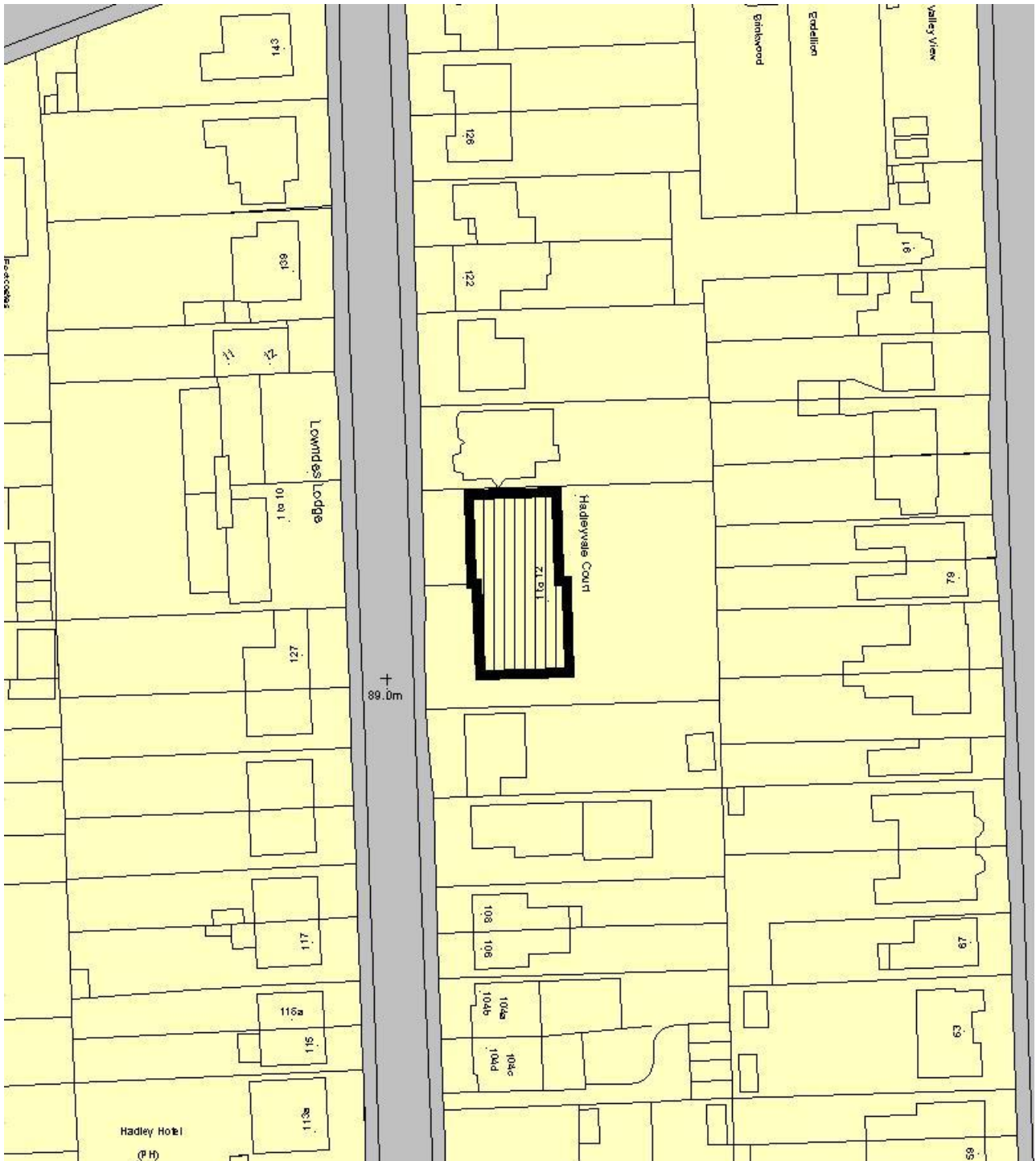
The proposal is considered to have overcome the Planning Inspector's most recent reason for refusal. The proposal therefore accords with council policy and guidance and the application is subsequently recommended for **approval** subject to conditions.

SITE LOCATION PLAN:
EN5 5QY

Hadleyvale Court, 114-116 Hadley Road, Barnet, Herts,

REFERENCE:

B/01786/11



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LOCATION: Oakleigh Special School, Oakleigh Road North, London, N20
ODH
REFERENCE: B/01666/11 **Received:** 15 April 2011
Accepted: 15 April 2011
WARD(S): Oakleigh **Expiry:** 10 June 2011

Final Revisions:

APPLICANT: London Borough Barnet

PROPOSAL: Erection of new modular single storey classroom building.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawing No. 10-5014-04 (Received 15.04.2011); Design & Access Statement (Received 15.04.2011); Drawing No. 10-5014-05 (Received 15.04.2011); Drawing No. 10-5014-01 Rev. B (Received 15.04.2011); Drawing No. 10-5014-02 Rev. A (Received 15.04.2011); Sylva Consultancy - Arboricultural Survey dated January 2011 (Received 15.04.2011); Sylva Consultancy - Arboricultural Implications Assessment dated April 2011 (Received 15.04.2011); E-mail sent from applicant on 26 May 2011 (Received 26.05.2011); Dobel 200 XT - External Colour of Unit (Received 26.05.2011).

Reason:
For the avoidance of doubt and in the interests of proper planning.
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 scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:
To ensure a satisfactory appearance to the development.
4. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

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

Reason:

To ensure a satisfactory appearance to the development.

6. No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
 - i) The proposed development accords with strategic planning guidance and policies as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (2006).
In particular the following policies are relevant:
Policies GBEnv1, GBEnv2, D1, D2, D5 and CS9 of the London Borough of Barnet Adopted Unitary Development Plan 2006; Planning Policy Statement 1 (PPS1) - Delivering sustainable development; and Policy 4B.8 of The Mayor's London Plan. Core Strategy (Publication Stage) 2010:
Relevant policies: CS5 and DM01.
 - ii) The proposal is acceptable for the following reason(s): -
The proposed development is considered to have an acceptable impact on the character and appearance of the application site and general locality. It is not considered to have a harmful impact on the amenities of neighbouring occupiers and is in accordance with aforementioned policies.
2. School Travel Plan annual reviews should incorporate the increased number of pupils and staff. The documents shall set out the school's transport policy to incorporate measures to reduce trips to school by single occupancy car and to encourage sustainable means of travelling such as walking, cycling, car sharing and public transport.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

Planning Policy Statement 1 (PPS1) - Delivering sustainable development.

The Mayor's London Plan (consolidated with alterations since 2004):

Policy 4B.8 - Respect Local Context and Communities.

Relevant Unitary Development Plan Policies: GBEnv1, GBEnv2, D1, D2, D5, D11 and CS9.

Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and

Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies:

CS5 and DM01.

Relevant Planning History:

Application:	Planning	Number:	N/02837/N/07
Validated:	21/06/2007	Type:	APF
Status:	DEC	Date:	30/08/2007
Summary:	APC	Case Officer:	Louise Slee
Description:	Single storey extensions to front and side and infill extension to court yard.		

Application:	Planning	Number:	N/02837/M/04
Validated:	17/12/2004	Type:	APF
Status:	DEC	Date:	21/04/2005
Summary:	APC	Case Officer:	
Description:	New 2.75m high fencing to form new activity area.		

Application:	Planning	Number:	N/02837/L/02
Validated:	30/05/2002	Type:	APD
Status:	DEC	Date:	23/07/2002
Summary:	AP	Case Officer:	
Description:	Approval of disabled access details pursuant to condition 3 of planning permission for the erection of two additional single storey classrooms with associated toilet and storage facilities and three additional single storey storage room extensions to existing classrooms, granted on 24 January 2002, reference N02837J.		

Application:	Planning	Number:	N/02837/K/02
Validated:	30/05/2002	Type:	APD
Status:	DEC	Date:	25/07/2002
Summary:	AP	Case Officer:	
Description:	Approval of extraction and ventilation equipment details pursuant to condition 5 of planning permission for the erection of the additional classrooms granted on 24 January 2002, reference N02837J.		

Application:	Planning	Number:	N/02837/J/01
Validated:	08/11/2001	Type:	APF
Status:	DEC	Date:	24/01/2002
Summary:	APC	Case Officer:	
Description:	Erection of two additional single storey classrooms with associated toilet and storage facilities and three additional single storey storage room extensions to existing classrooms.		

Consultations and Views Expressed:

Neighbours Consulted: 96
Neighbours Wishing To 1
Speak

Replies: 4

The objections raised may be summarised as follows:

- Objection to previous removal of trees;
- Concern regarding impact of loss of trees on visual amenities;
- Concern regarding increase in wind due to loss of trees;
- Concern regarding increase in noise pollution due to loss of trees;
- Loss of privacy due to removal of trees;
- Concern regarding increase in traffic and subsequent increase in noise and air pollution;
- Disturbance during construction;
- Impact on traffic; Overlooking and loss of privacy;

- Loss of outlook;
- Impact on parking;
- Increase in noise due to additional classroom block and increase in the number of children attending the school.

Internal /Other Consultations:

Traffic & Development -

The proposal is for erection of a new modular classroom building of approximately 163 sqm. The proposal will result in an additional 12-16 pupils and the number of staff will increase from 40 full time and 30 part time to 46 full time and 32 part time. There will be no changes to the existing parking provision or vehicle access.

The proposed new building will be used solely as school accommodation during normal school opening hours.

Oakleigh Special School currently has a valid School Travel Plan which is revised annually. However, please include an informative that the School's Travel Plan review incorporating measures to reduce trips to the school by the private car and encourage non car modes such as walking cycling and public transport, takes into consideration the increased number of pupils.

It is considered that the proposed increase in number of pupils and staff at this location, in conjunction with the School Travel Plan, would have minimal impact on the public highway and no objections are raised on highways grounds.

The application is recommended for approval on highways grounds.

Informative: School Travel Plan annual reviews should incorporate the increased number of pupils and staff. The documents shall set out the school's transport policy to incorporate measures to reduce trips to school by single occupancy car and to encourage sustainable means of travelling such as walking, cycling, car sharing and public transport.

Early Years -

No comments received.

Date of Site Notice: 05 May 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

This application relates to Oakleigh Special School, which is located on the southern side of Oakleigh Road North, to the rear of the Oakleigh Health Centre.

The rear boundaries of the properties at Nos 23 - 45 Manor Drive define the south-western boundary of the site; the properties at Nos 45 - 65 York Way define the south-eastern boundary of the site; and the properties at Nos 11 - 13 Deodora Close define the western boundary of the site.

There are numerous mature trees adjacent to the sites rear boundary with the properties along Manor Drive. These however are not protected under a Tree Preservation Order.

Proposal:

This application involves the erection of a new modular single-storey modular classroom building to the rear of the school. This building is proposed to facilitate additional classrooms and ancillary storage and facilities.

Planning Considerations:

The proposed single-storey, detached classroom building would be located to the rear of the main school building and at a distance of between 2.6m - 7.2m from the rear boundary with the properties at Manor Drive. It would measure 21.6m wide; 4.4m in height to the eaves / 4.7m to the ridge; and 6m deep for a width of 9.6m, at which point it would step out to a depth of 9.6m deep. The main entrance to this new classroom building would be on the northern flank elevation, opposite the main existing school building.

The proposed building would be finished with 'Moorland Green' Plastisol Steel Cladding.

Three windows are proposed along the rear elevation of the building, at a height of 1m above ground level, however due to the existing close-boarded boundary fence along the rear boundary, this proposal is not considered to have a detrimental impact on the amenities of the neighbouring occupiers in terms of overlooking or loss of privacy.

Due to the height of the proposed building and considering the existing close-boarded fence along the rear boundary; and the fact that the ground level of the application site is slightly lower than that of the neighbouring properties along Manor Drive, this proposal is not considered to have a detrimental impact on the amenities of the neighbouring occupiers along Manor Drive in terms of overbearing, loss of light or loss of outlook.

Due to the size of the proposed building and its distance from the side boundaries, this proposal is not considered to have a detrimental impact on the amenities of the neighbouring occupiers at York Way and 11 - 13 Deodora Close.

There are a number of trees along the rear boundary with Manor Drive, none of which are protected under a Tree Preservation Order. These include the following mature trees:

- 3 x Hornbeam (identified as T1, T2 and T3 on the submitted Arboricultural Survey);
- 2 x Hawthorn (identified as T4 and T5 on the submitted Arboricultural Survey);

- 2 x Oak (identified as T6 and T7 on the submitted Arboricultural Survey).

According to the submitted documentation, most of these trees are to be removed. The two Hawthorn trees are proposed for retention. As none of the trees on this site are protected under a Tree Preservation Order, the Council is unable to object to their removal. A condition has however been imposed requiring the submission of landscaping details, to ensure that the proposed building is adequately screened and therefore does not harm the visual amenities of the neighbouring occupiers.

Due to the size, siting and design of the proposed classroom building, this proposal is not considered to have a detrimental impact on the character or appearance of the application site or the general locality.

The Traffic and Development Team consider that the proposed increase in the number of pupils and staff at this location, in conjunction with the School Travel Plan, would have a minimal impact on the public highway. They have therefore not raised any objection to the proposed development.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Mainly dealt with in the above report.

- The previous removal of trees is not a material planning consideration in the determination of this application.
- It is not considered that the proposal would result in changes in environmental conditions such as to warrant refusal.
- Due to the nature of the proposal and considering the current use of the site, this proposal is not considered to result in a significant increase in noise and disturbance.
- Possible disturbance during construction is not a material planning consideration. A condition has however been imposed restricting the hours of working.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

The proposal is considered to be acceptable in terms of its impact on the application site, the general locality and the amenities of neighbouring residents. The proposal accords with council policy and guidance and the application is subsequently recommended for **approval** subject to conditions.

LOCATION: 13 Oaklands Road, London, N20 8BA

REFERENCE: B/01007/11

Received: 01 March 2011

Accepted: 17 March 2011

WARD(S): Totteridge

Expiry: 12 May 2011

Final Revisions:

APPLICANT: Mrs Liotka

PROPOSAL: New roof structure involving increase in ridge height to facilitate provision of rooms in roof. Rooflights to main roof and rooflights to flank elevations. 3no. dormer windows to rear elevation. New chimney stack to west elevation and retention of two-storey rear extension roof and window opening on flank elevation.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: OkR/T/RP1A, OkR/T/RP2, OkR/T/RP3, OkR/T/RP4, OkR/T/RP5B, OkR/T/RP6B.

Reason:

For the avoidance of doubt and in the interests of proper planning.

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) unless otherwise agreed in writing by the local planning authority.

Reason:

To safeguard the visual amenities of the building and the surrounding area.

4. No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature.

5. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the following operation shall not be undertaken without the prior specific permission of the Local Planning Authority:
The insertion of any additional roof lights.

Reason:

To safeguard the character and appearance of the property and this part of the Conservation Area.

6. Notwithstanding the details shown on the drawings hereby approved, the rooflights on the side roofslopes shall be of a "conservation" type, set flush in the roof.

Reason:

To safeguard the character and appearance of the Conservation Area.

7. The window in the first floor east flank elevation of the rear extension facing No.12 Oaklands Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

8. Notwithstanding the details shown on the hereby approved drawings, the rooflights on the main roof hereby approved shall not project any higher than the highest part of the roof within which they are provided.

Reason:

To safeguard the character and appearance of the Conservation Area.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -

- i) The proposed development accords with strategic planning guidance and policies as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (UDP) (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, GBEnv4, D1, D2, D5, HC1, and H27, and: Supplementary Planning Design Guidance Note No. 5 - Extensions to Houses

Totteridge Conservation Area Character Appraisal Statement

PPS5 - Planning for the Historic Environment

Core Strategy (Publication Stage) 2010:

Relevant policies: CS5

- ii) The proposal is acceptable for the following reason(s): -The proposed alterations and extensions are considered to have an acceptable impact on the character and appearance of the Totteridge Conservation Area and general street scene. There would be no adverse impacts on the amenities of neighbouring residents and the proposals accord with the aforementioned policies.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

PPS1 - Delivering Sustainable Development

The Mayor's London Plan: Consultation draft replacement plan 2009:
7.4 and 7.8.

Relevant Unitary Development Plan Policies:

GBEnv1, GBEnv2, GBEnv4, D1, D2, D5, H27, HC1, HC5 (2006)

Supplementary Planning Design Guidance Note No. 5 - Extensions to Houses (2010)

Totteridge Conservation Area Character Appraisal (2008)

Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies:

CS5

Relevant Planning History:

B/03554/08 - Approved 15/12/2008

Two-storey rear extension. New roof structure involving increase in ridge height to facilitate provision of rooms in roof.

N12053G/06 - Approved 13/11/2006

Retention of single storey rear conservatory

N12053C/04 - Refused 18/03/2004

Two-storey side and rear extensions (variation of planning permission N12053B/03 dated 22/03/2003)

N12053B/03 - Approved 22/10/2003

Two-storey side and rear extensions

Consultations and Views Expressed:

Neighbours Consulted: 9

Replies: 3

Neighbours Wishing To 0

Speak

The objections raised may be summarised as follows:

- The proposed development is in a conservation and green belt area. The application

proposes the change from what was a 2 bedroom house in 2005 into a 6 bedroom house with the potential to create additional demand on local services and increase parking congestion in Oaklands Road.

- The recent consent in 2008 permitted an increase in height for the building to enable the then existing roofspace to be used for a non-specified open plan habitable use. The current application subdivides the space and designates it as two bedrooms and bathrooms. This will create a three-storey house.
- Dormer windows are proposed in the northern and southern elevations at second floor level giving an opportunity for overlooking
- The Design and Access Statement states that the existing building has an integral garage. The current occupiers do not use it to park vehicles or the front drive resulting in vehicles associated with the property standing in the road causing congestion.
- There are a number of other structures in the rear garden that have been constructed after B/03554/08 was granted. Whilst they may not have required permission for these structures they have changed the nature of the open garden. Therefore the plot is already over developed and any further increases in size or mass should not be allowed
- Since July 2001 on-going applications to increase the size of the property have been approved; further increases in the size or height should not be approved
- The original 2 bed chalet style dwelling has been visually obliterated and further increases result in a dwelling no longer sympathetic to the neighbouring properties
- Visually obtrusive form of development
- It will overly dominate the general street scene and part of the Barnet Greenwalk footpath

Internal /Other Consultations:

- **Totteridge Conservation Area Advisory Committee:**

The committee believes the unauthorized pitch roof is out of keeping with the rest of the building and should be constructed in accordance with the existing planning permission. It is also concerned that the lantern rooflight could be visible and impact on the Green Belt and the footpath which borders the site.

- **Totteridge Residents Association:**

The unauthorized roof extension is out of keeping with the building and should be constructed in accordance with the approved plans. There is concern that the proposed lantern roof light could be visible from the public footpath and Green Belt land adjacent to the property which would be out of keeping with the Conservation Area and Green Belt. An increase in ridge height was approved on application B/03554/10 and it is thought that any further height increase is inappropriate.

Date of Site Notice: 31 March 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site relates to a detached dwelling on the south side of Oaklands Road, a residential street containing a variety of different sizes, heights and designs of houses, including replacement dwellings. It has previously undergone refurbishment and extension and has been extended at the side and rear.

The site lies within the Totteridge Conservation Area and an Area of Special Character. To the west of the site lies a footpath which leads to Lime Grove. The land to the west of the site lies within Green Belt land.

There are trees in the rear of the site that are covered by TPO's.

Proposal:

The application seeks planning consent for alterations and extensions to the roof of the dwelling. Some of these works (mainly the increase in the height of the roof and the construction of a rear extension) were approved in 2008 and this consent remains extant (planning reference B/03554/08).

The current proposals seek to raise the ridge of the roof in line with the extant consent. 3no. rear dormer windows are proposed each measuring 1.1m wide, 1m deep and 1.4m high to the top of the curved roof. Rooflights are proposed to the side facing roofslopes and to the flat part of the main roof. The extant consent approved 3no. rooflights on the rear elevation only.

In addition to the alterations to the roof the extant consent granted approval for a two-storey rear extension to the property. This rear extension has been constructed but the roof form of the extension does not accord with the approved plans. As such the current application seeks to regularize the situation and seeks retention of the rear extension roof as built.

In addition, a chimney stack is proposed to the west elevation of the building.

Planning Considerations:

The increase in the ridge height of the building has previously been approved under application B/03554/08. It was considered under this application that the increase in the height of the roof and consequent mass and bulk would not have a significant impact upon the character and appearance of the building, the street scene or this part of the Conservation Area. It was also considered that the proposals would have an acceptable impact on the amenities of the neighbouring residents. This permission remains extant.

Given that the increase in the ridge height (1.1m) has been granted consent the changes to the windows in the roof, the rear extension roof and the new chimney stack on the west elevation are the main considerations in this application.

The proposed dormer windows to the rear roofslope are considered to have an acceptable impact on the character and appearance of the property and general locality. They would not appear overly dominant on the rear roofslope and would have an acceptable impact on the visual amenity of the locality.

1no. rooflight is proposed to the east facing roofslope and 1no. rooflight is proposed to the west facing roofslope. These are considered to be acceptable additions to the roof that would not compromise the appearance of the property or be out of keeping with the character or appearance of the locality.

3no. rooflights are proposed to the flat part of the roof to provide light to the 2nd floor in order to avoid rooflights on the front elevation of the building. These are shown to be set on the flat roof element of the extended roof and would not project above the surrounding ridge of the roof thereby minimising the impact on the property and visibility in the street. As such no objection is raised to the insertion of these rooflights.

The two-storey extension to the rear of the property was approved under the last application but the roof of the extension was proposed to be hipped into the main roof. The extension has been constructed with a pitched roof that is set apart from the main roof creating a separate roof form. Although this does not accord with the approved plans the design of the

roof is not considered to detract from the character or appearance of the property or general locality. Views of the extension roof are possible from the Lime Grove footpath which runs along the western boundary of the site. Whilst the alterations do result in an increase to the bulk of the extension it is not considered to appear overly obtrusive or dominant from the adjoining footpath or the adjoining property or garden at No. 12 Oaklands Road.

The previously approved extension had no windows on the first floor flank elevation facing towards No. 12. The extension as built has a large clear glass window on this elevation facing towards the adjoining garden which allows overlooking. As such, a condition has been imposed to ensure that the window is fitted with obscure glazing so as to preserve the privacy of the adjoining occupiers.

There are protected trees in the rear garden, which is at a higher level than the property (with retaining walls separating a lower patio area adjoining the rear of the dwelling) and as such the works to the main house are separated from the trees and do not involve changes to the garden or retaining walls. As such the trees would not be materially affected by the proposals but a protective fencing would be appropriate for protection during construction.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Generally addressed above, additional comments are as follows:

- The increase in the height of the roof has already been granted planning consent and this does not change in the current proposals
- The proposed new dormer windows on the rear elevation are not considered to result in a significant loss of privacy to adjoining residents as views would concentrate down the garden rather than obliquely
- The application cannot be turned down just because there have been several other applications on the site; it must be considered on its planning merits and should not be pre-judged due to past applications

4. EQUALITIES AND DIVERSITY ISSUES

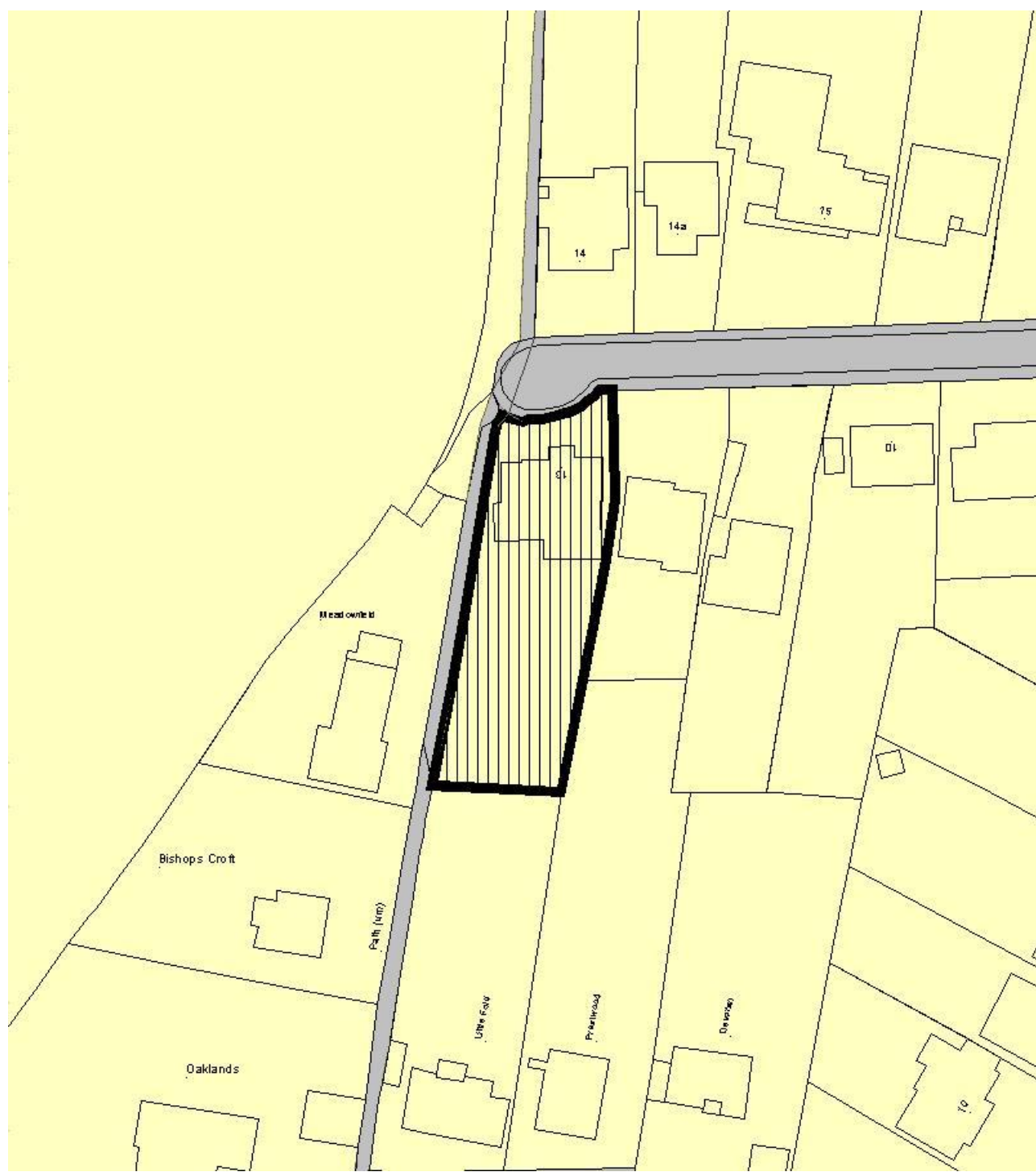
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

The proposals are considered to have an acceptable impact on the character and appearance of the street scene and this part of the Totteridge Conservation Area and Area of Special Character. There would be no adverse impacts on the amenities of neighbouring residents and the proposals are in accordance with planning policy and guidance and approval is recommended subject to conditions.

SITE LOCATION PLAN: 13 Oaklands Road, London, N20 8BA

REFERENCE: B/01007/11



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LOCATION: Lavendale Montessori Nursery, Southover, London, N12 7JG
REFERENCE: B/01221/11 **Received:** 16 March 2011
WARD(S): Totteridge **Accepted:** 12 April 2011
Expiry: 07 June 2011

Final Revisions:

APPLICANT: Mr Todd

PROPOSAL: Formation of external play area at rear (north side) of existing nursery building enclosed by 900mm high fence, erection of sun and rain-proof canopy.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement, existing and proposed elevations, site plan and block plan and proposed elevation, site plan (received 30th March 2011)

Reason:

For the avoidance of doubt and in the interests of proper planning.

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 canopy shall only be used ancillary to the day nursery/playgroup and for no other purposes and shall not be used other than between the hours of 08.00 to 18.00 Mondays to Saturday (excluding public holidays).

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

National Planning Policy Guidance/ Statements: Planning Policy Statement 1 (PPS1) - Delivering sustainable development. The Mayor's London Plan (consolidated with alterations since 2004): Policy 4B.8 - Respect Local Context and Communities. Relevant Unitary Development Plan Policies: GBEnv1, D1, D2, D5, CS4, CS5, CS9, 01, 02, 03.

Core Strategy (Publication Stage) 2010: CS5

ii) The proposal is acceptable for the following reason(s): -

The proposal is considered to have an acceptable impact on the character and appearance of the application site, on the residential amenities of neighbouring occupiers, and on the visual amenity of the locality. The proposal would not detract from the character and appearance of the Metropolitan Open Land. It is also in accordance with the aforementioned policies.

2. The applicant is reminded to ensure compliance with conditions 4, 6 and 7 of planning permission reference N03211Q/03 dated 19/11/2003.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

Planning Policy Statement 1 (PPS1) - Delivering sustainable development.

The Mayor's London Plan (consolidated with alterations since 2004):

Policy 4B.8 - Respect Local Context and Communities.

Relevant Unitary Development Plan Policies:

GBEnv1, D1, D2, D5, CS4, CS5, CS9, 01, 02, 03.

Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies:

CS5

Relevant Planning History:

N03211H, Use of main hall, kitchen and cloakrooms for play group for 24 children, Approved with Conditions, 06.06.90

N03211J, Use for Montessori sessional play group between 09.00 and 12.00 Monday to Friday for 24 children aged 3-5 years, Approved with Conditions, 27.09.95

N03211M/00, Erection of detached building for day nursery and playgroup activities, Refused, 27.03.00

N03211N/00, Variation of planning permission N03211J to increase number of children attending the play group from 24 to 34 operating 09.00 to 12.00 Monday to Friday, Approved with Conditions, 13.06.00

N03211Q/03, Retention of day nursery and play group building as built and completion in association with submitted plans, Approved with Conditions, 19.11.03

N03211P/03. Submission of details of hard and soft landscaping and means of enclosure pursuant to condition 3 of planning permission N03211Q/03 relating to retention of a detached building for day nursery and play group activities, Approved, 27.04.05

Application:	Planning	Number:	B/04935/10
Validated:	21/12/2010	Type:	APF
Status:	WDN	Date:	17/03/2011
Summary:	WIT	Case Officer:	Rachel Caplin
Description:	Erection of sun protection canopy to nursery play area, adjacent to building.		

Consultations and Views Expressed:

Neighbours Consulted: 11
Neighbours Wishing To 4
Speak

Replies: 5

The objections raised may be summarised as follows:

- access doors installed to the north side of the building and use of the east side of the building as a play area violate planning permission N03211Q/03
- undermine privacy and associated amenities
- proposed canopy will be in constant view
- unacceptable noise levels from outdoor play area
- loss of outlook
- rooflights facing neighbouring properties should be fixed shut (N03211Q/03)
- no need for such a high structure
- easily visible from neighbouring gardens
- should be located on the other side of the building, adjacent to the car park
- are unused buildings on site
- proposed fence will be highly visible from neighbouring gardens
- fence will not reduce the noise levels
- proposed canopy may be used as an additional classroom
- there is no existing play area to the east of the building as stated
- canopy may be used for drinking by neighbouring clubhouse

Date of Site Notice: 21 April 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

Detached single storey building with a depth of 22m, a width of 9m, and a height of 2.5m to the eaves of the pitched roof and a total height of 4.2m. The application site is located in the

grounds of Woodside Park Club which is a sports and social club set in playing fields with associated tennis court, bowling green and football pitches situated at the rear of Southover. There is a significant number of parking spaces located in front of the application site, and the site features an access path in between the application site and Woodside Park Club and between the application site and the rear gardens of 11, 15 and 17 Southover. The rear of the application site leads on to a small paved area, with the Woodside Park Club football pitches located beyond. The existing nursery building is located to the east side of the site, in between the Club House and the rear of 11, 15 and 17 Southover. These residential properties are marked by a boundary fence which has a height of 2.1m with a 0.6m high trellis situated on top with tree screening and outbuildings. The site is located in Metropolitan Open Land.

Proposal:

This application seeks permission for the formation of a free-standing sun and rain proof canopy located to the north side of the nursery building, with a depth of 4m, a width of 6m, and height of 3m to the apex of the 'domed roof'. The proposal is located at 2m off the boundary with the rear of 11, 15 and 17 Southover and is set in from the west flank wall of the application site by 1.85m. The proposed fence has a height of 0.9m projects a distance of 4.2m from the rear wall of the nursery building and extends the full width of the existing nursery. The proposed canopy is free standing, but will be located as close as possible to the rear of the nursery building. It will be constructed of anodised aluminium frames and a green fabric roof. The structure is fabricated and extruded at the factory, requiring basic installation on site.

Planning Considerations:

The application site is located within a larger complex of Woodside Park Club which has unrestricted use rights of the sports club. The authorised hours of use of the nursery are between 8am to 6pm Mondays to Saturdays (excluding public holidays).

The boundary between the application site and neighbouring properties in Southover is well screened by fences and landscaping. This, combined with rear gardens of some 20m means that the proposed canopy would have little visual impact on the amenities of neighbouring residents. Whilst it is acknowledged that the site is within MOL it is not considered that this small scale proposal could affect the open character and appearance of this of MOL.

The concerns raised in respect of noise and distribution are acknowledged but given the small scale nature of the proposal and the fact that the use of the existing club and sports field have unrestricted use it is not considered that the proposal would result in levels of noise and disturbance such as to warrant refusal. It is nevertheless recommended that the canopy should operate ancillary to the day nursery with the same hours of operation.

The proposed 0.9m high fence would not be visible from neighbouring residential properties and is considered to be acceptable.

Subject to conditions the proposal is considered to be acceptable.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Mainly dealt with in the appraisal.

The previous permission, ref N03211Q/03 was subject to conditions which required that the rooflights and windows facing Southover should be obscure glazed and permanently fixed shut as well as requiring that fire doors should only be used as such with the only means of

access being from the main entrance on the front (southern) elevation. Whilst not affecting the consideration of this application it is nevertheless suggested that an informative be added to the recommendation reminding the applicant of these particular conditions.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

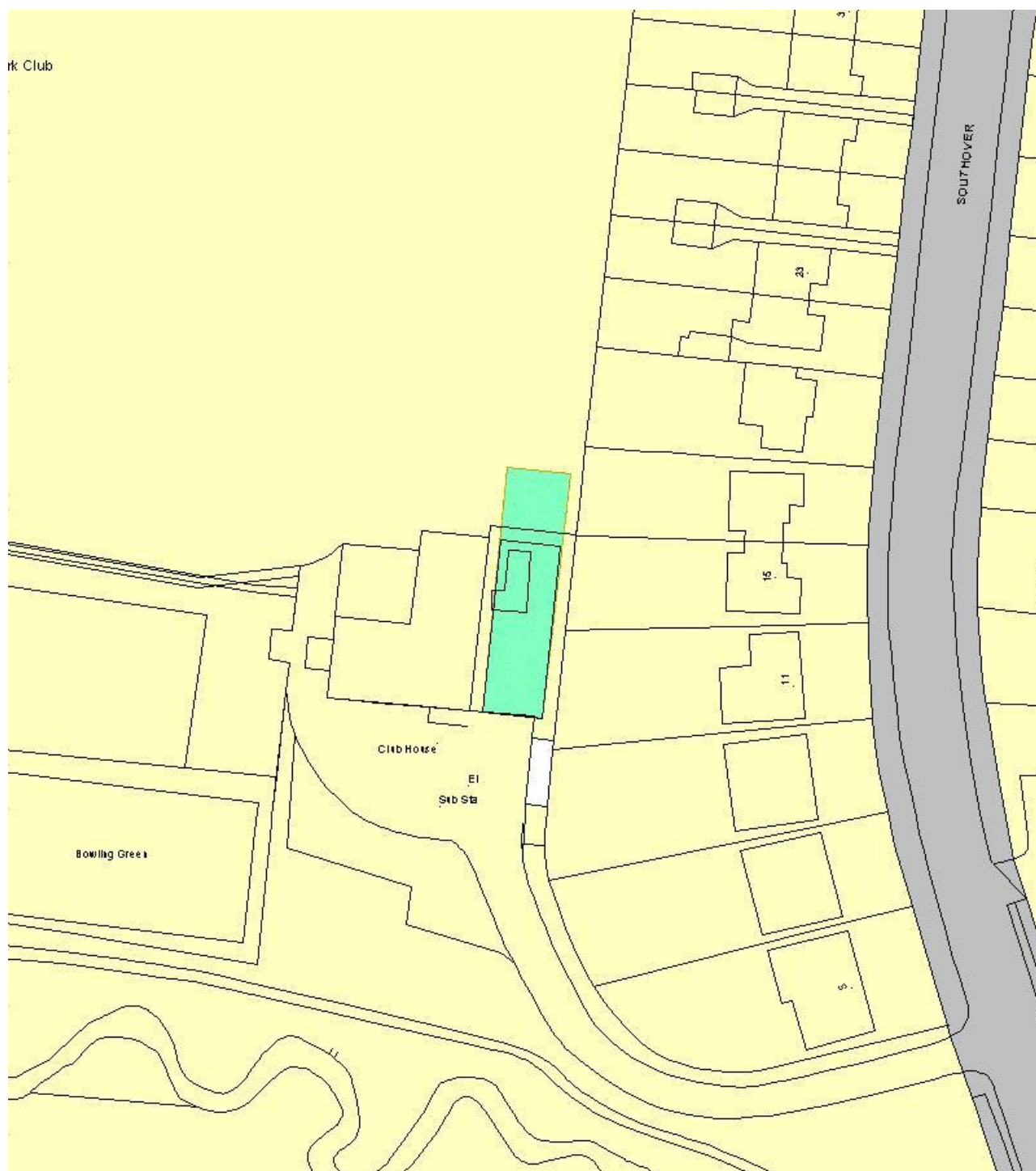
This application is recommended for approval, subject to conditions

**SITE LOCATION PLAN:
7JG**

Lavendale Montessori Nursery, Southover, London, N12

REFERENCE:

B/01221/11



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LOCATION: 37 Endersby Road, Barnet, Herts, EN5 3AJ

REFERENCE: B/01703/11

Received: 19 April 2011

Accepted: 05 May 2011

WARD(S): Underhill

Expiry: 30 June 2011

Final Revisions:

APPLICANT: Dr A Atebeh

PROPOSAL: Retention of two storey side extension as built following removal of additional front door and internal alterations.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
ER/06/1, ER/09AS BUILT/4/A, site location plan (date received 19-Apr-2011).

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. 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, without the benefit of the grant of further specific permission in writing from the Local Planning Authority.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking.

3. The use of the extension hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit.

Reason:

To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties.

INFORMATIVE(S):

1. The reasons for this grant of planning permission or other planning related decision are as follows: -
 - i) The proposed development accords with strategic planning guidance and policies as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (UDP) (2006).
In particular the following policies are relevant:
Adopted Barnet Unitary Development Plan (2006): GBEnv1, D2, D5, M14, H27.
Supplementary Design Guidance Note 5: Extensions to Houses

Core Strategy (Publication Stage) 2010:
Relevant policies: CS5

ii) The proposal is acceptable for the following reason(s): - The retention of the two storey side extension in conjunction with the proposed alterations is considered to be an acceptable form of development and would not be detrimental to the character and appearance of the application site or general locality. The proposal is not considered to have an adverse impact on the residential or visual amenities of the neighbouring occupiers and would be in accordance with the aforementioned policies.

2. The internal alterations and removal of front door as indicated on Drawing No. ER/09AS BUILT/4/A shall be fully implemented within 2 months of the date of this decision notice to ensure that the existing unlawful works are removed in order to address the outstanding enforcement notice.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

PPS1 - Delivering Sustainable Development

The Mayor's London Plan: Consultation draft replacement plan 2009:

Various including 4B.8 - Respect Local Context and Communities

Relevant Unitary Development Plan Policies:

GBEnv1, D2, D5, M14, H27.

Supplementary Design Guidance Note 5: Extensions to Houses

Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies:

CS5

Relevant Planning History:

B/00582/11 Retention of two storey side extension as built to be used as an annexe ancillary to the main dwellinghouse. Withdrawn 10/03/2011

B/00047/10 Retention of a two storey side extension to accommodate a new dwelling. Refuse 24/02/2010. Appeal Dismissed 11/11/2010. The appeal was dismissed on the following grounds -

- The use of the extension as a separate dwelling would be contrary to the character and appearance of the locality because of its small size, lack of separate front and rear gardens and design of the ground floor front elevation. A separate dwelling of this size and design would not preserve or enhance the local character of the area or respect its appearance
- Proposed new dwelling would have a harmful effect on the living conditions of its occupiers and of the occupiers of No.37 in respect of amenity space, privacy and outlook.
- Lack of contributions towards community facilities

N14923B/07 First floor side and rear extension. Conditional Approval 20/08/2007

N14923/A/07 First floor side and rear extension. Refuse 29/03/2007

N14923/05 Erection of a single storey rear conservatory. Conditional Approval 27/01/2006

ENF/00754/09/B Enforcement complaint received in 2009 in respect of the extension not being built to plan and also the use of the extension as a separate dwelling. An Enforcement Notice was served on 25th January 2011 requiring the following:

- The cessation of the use of the building as a self-contained residence
- Permanently remove the kitchen
- Removal of the front door and brick as to existing bricks
- Insert an opening at ground level allowing access to the main dwelling

The time for compliance was 4 months. To date, this notice has not been complied with.

Consultations and Views Expressed:

Neighbours Consulted: 26

Replies: 0 at the time of writing the report. Any replies will be reported at the meeting

Neighbours Wishing To 0
Speak

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site contains an existing two storey detached dwelling located on the western side of Endersby Road, which has been extended by way of a single storey rear conservatory and two storey side and rear extension. The latter development is the subject of this application. The property is residential in style as are other properties in the locality. There is a vacant grassed area to the north.

Proposal:

1. Planning permission was granted under planning reference N14923B/07 for a two storey side and rear extension.

The extension as built at ground floor measures 3.7m wide and 9.8m deep. It extends beyond the rear wall of No.37 by 1.75m. The first floor is set down from the main ridge of the roof by 0.45m, is 3.7m wide and 7.6m deep. The extension as built on site does not accord with the approved plans as follows:

2. The ground floor element of the extension was originally approved with a gap between the flank wall of the dwelling and the extension thus providing access through to the rear garden. This gap has not been provided and therefore the ground floor element of the extension is 3.7m wide.
 - The width of the ground floor extension as it extends beyond the rear wall of the main house was approved at a width of 2.75m however because the underpass has not been incorporated, the width as built is 3.95m.
 - The width of the first floor extension as it extends beyond the rear wall of the main house was approved at a width of 2.75 however has been built with a width of 3.95m.
 - A garage door has been replaced by a window in the front elevation
 - Changes to the internal layout

This application seeks to obtain permission for the retention of this extension as built following removal of additional front door and internal alterations including providing a link between the extension and the main dwelling at ground floor and removal of kitchen.

It follows the submission of previous applications as indicated in the relevant planning history.

Planning Considerations:

The main issues in this case are whether:

- The extension as built is in keeping with the character and appearance of the surrounding locality
- The proposed alterations are acceptable and would allow for the extension to be used in conjunction with the use of the main dwelling rather than lending itself to be used separately.

The principle of a two storey side extension to this dwelling has been agreed by way of the previous approval reference N14923B/07. The design, size and siting of the extension as built even with the changes from the approved plans is still considered to reflect the subsidiary function it is supposed to have as an extension ancillary to the main dwelling. The Inspector raised objections to the size and design of the extension in respect of it being used as a separate dwelling only in that given that it would be smaller and different in appearance to other dwellings in the locality, it would be harmful to the character and appearance of the locality. The Inspector in determining the appeal made reference to the fact that the extension had been built to be subservient to the main dwelling. No objection was raised to the changes to the size and design of the extension (aside from the insertion of a front door) within application reference B/00047/10. Therefore the extension as built is considered to be in keeping with the character and appearance of the locality as long as it is an extension to this dwelling.

The internal alterations include removing the additional kitchen within the ground floor part of the extension. A partition wall will be removed and the living room made larger. An opening

will also be provided at ground floor to allow access between the main dwelling and its extension. The front door in the front elevation is also to be removed and infilled with brick.

These alterations will allow the extension to be used as an extension rather than a separate dwelling. The extension as built with its existing layout lends itself to be used independently from the main dwelling especially given that there is no link between the two parts and a front door was provided. The use of the extension as an extension would be in keeping with the character of the locality and is considered to address the reasons for refusal as outlined in the previous application which was dismissed at appeal as well as meeting the requirements of this notice.

3. COMMENTS ON GROUNDS OF OBJECTIONS

None

4. EQUALITIES AND DIVERSITY ISSUES

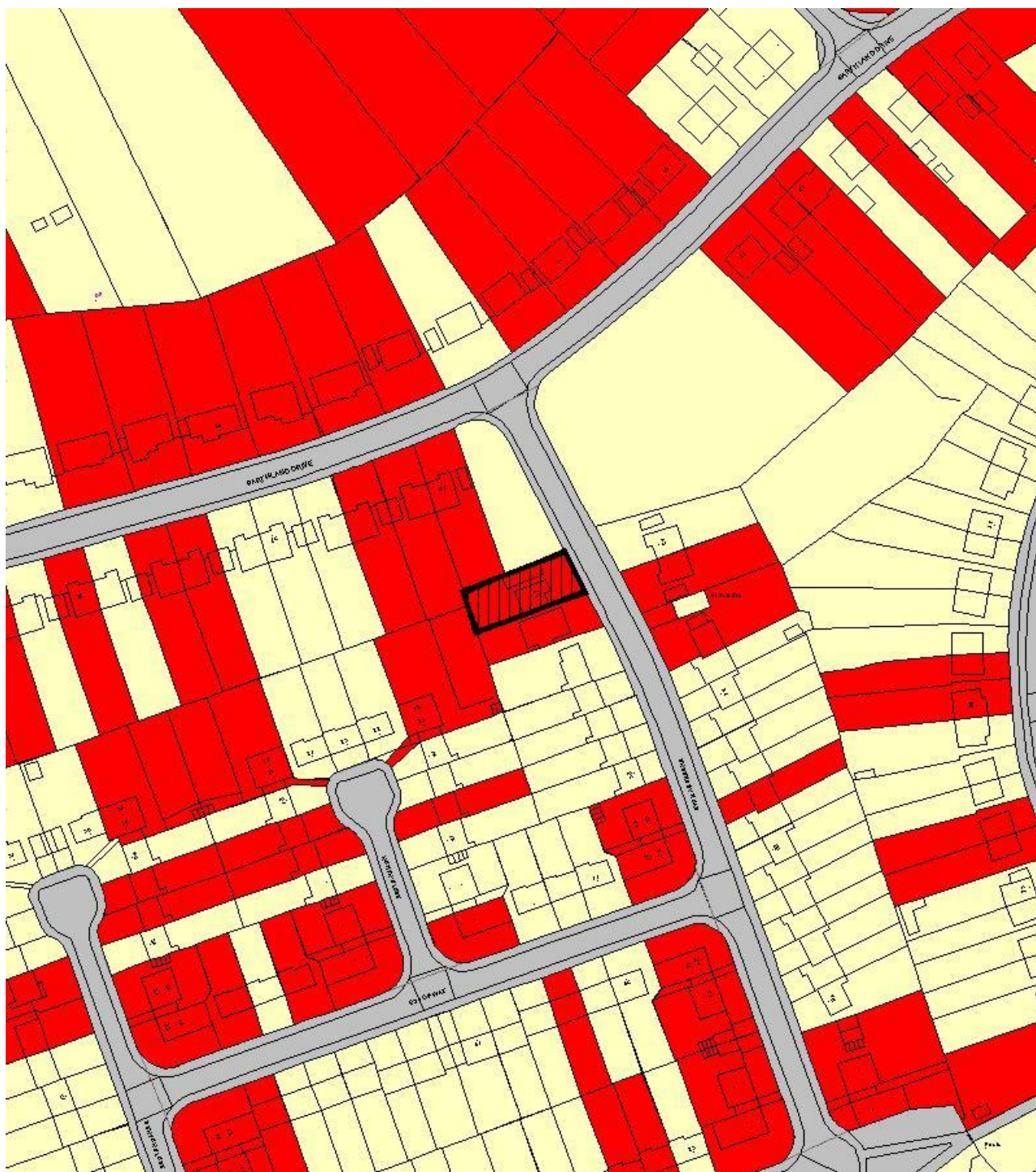
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

This application has been recommended for approval, subject to conditions in respect of the use of the extension and restrictions on the use of the flat roof of the existing single storey rear extension.

SITE LOCATION PLAN: 37 Endersby Road, Barnet, Herts, EN5 3AJ

REFERENCE: B/01703/11



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LOCATION: 7 Brownlow Road, London, N3 1NA

REFERENCE: F/00656/11

Received: 15 February 2011

Accepted: 28 February 2011

WARD(S): West Finchley

Expiry: 25 April 2011

Final Revisions:

APPLICANT: Mr A Hussain

PROPOSAL: Conversion of house into 3 self contained flats.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Design & Access Statement - DA 7BR/04; 7BR/24; 7BR/25; 7BR/27; 7BR/28 Rev A; 7BR/30; 7BR/31; 7BR10/01Sk; 7BR10/02Sk; 7BR10/03Sk.

Reason:

For the avoidance of doubt and in the interests of proper planning.

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

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

4. Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

5. Prior to the occupation of the units a copy of the Pre-completion Sound Insulation Test Certificate of Part E of the Building Regulations 2000 (or any subsequent amendment in force at the time of implementation of the permission) shall be submitted to the Local Planning Authority and shall indicate at least 3 decibels above the Performance Standard.

Reason:

To protect the amenities of future and neighbouring residential occupiers.

6. No development shall take place until details of the arrangements to meet the obligation for health and library facilities and the associated monitoring costs have been submitted to and approved in writing by the local planning authority.

Reason:

To ensure the proper planning of the area and to comply with policies CS2, CS13, IMP1 and IMP2 of the adopted Unitary Development Plan and the adopted Supplementary Planning Documents "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations".

INFORMATIVE(S):

1. The reasons for this grant of planning permission or other planning related decision are as follows: -
 - i) The proposed development accords with strategic planning guidance and policies as set out in The London Plan (Consolidated with Alterations since 2004) and the Adopted Barnet Unitary Development Plan (2006).
In particular the following policies are relevant:
Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D3, D6, M14, H2, H16, H17, H18, H20, H21, H23, H26, CS2, CS13, IMP1 and IMP2; & Barnet Core Strategy's relevant policy CS5:
 - ii) The proposal is acceptable for the following reason(s): -
Having taken all material considerations into account, the proposed development would be in keeping with the character and appearance of the surrounding area and in a design which is considered to be in keeping with neighbouring dwellings and is not considered to have a detrimental impact on the residential amenities of neighbouring developments.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

The determination of planning applications are made mindful of Central Government advice and the Development 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 basic question is whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

Planning Policy Statement PPS 1 "Delivering Sustainable Development", states at paragraph 3 that "At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone now and for future generations". High quality inclusive design is identified as one of the key principles that should be applied to ensure that decisions taken on planning applications contribute to the delivery of sustainable development. Paragraph 13(iv) indicates that "Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted" and at para. 18 that "Planning should seek to

maintain and improve the local environment.... through positive policies on issues such as design....” Further comment regarding “Design” is made at para’s 33-39.

Planning Policy Statement PPS3 “Housing” (2006), along with other Government housing policy and planning policy statements, provides the context for plan preparation in relation to housing development. Paragraphs 12-19 relate to the achievement of high quality housing. In para. 16 the matters to consider when addressing design quality include the extent to which the proposed development is well integrated with, and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access. PPS3 advises at para. 49 that more intensive development is not always appropriate.

The implications of new development on transport are included within PPG13 “Transport” (2001). Paragraph 49 relates to car parking and in para. 52 it is stated that maximum parking standards should be designed to be used as part of a package of measures to promote sustainable transport choices.

The Mayor’s London Plan: Consultation Draft Replacement Plan 2009:

The Development Plan for the area comprises the London Plan is a planning document written by the Mayor of London, England in the United Kingdom and published by the Greater London Authority. The plan was first published in final form on 10 February 2004 and has since been amended. The current version was published in February 2008. The latest proposed amendments to the London Plan were published in April 2009 with consultation starting in October 2009 and the replacement plan expected to be published in 2011.

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 Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction “saving” 183 of the 234 policies within the UDP.

One overall theme that runs through the plan is ‘sustainable development’. Policy GSD states that the Council will seek to ensure that development and growth within the borough is sustainable.

In June 2005 the Council published its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the Borough. The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities. The second strand of the approach, "Enhancement", provides strong planning policy protection for preserving the character and openness of lower density suburbs and conservation areas. The Three Strands Approach will form the “spatial vision” that will underpin the Local Development Framework.

As part of its emerging Local Development Framework the Council has adopted (October 2006), following consultation, a Supplementary Planning Document relating to Planning Obligations. This highlights the legislation and Barnet’s approach in requiring contributions from new development.

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document “Sustainable Design and Construction”. The SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

On 21 February 2008, following public consultation, a Supplementary Planning Document “Contributions to Education” was adopted by the Council. The SPD, which provides guidance and advice in relation to adopted planning policy to secure contributions towards education needs generated by new residential development, superseded an SPG approved in August 2000.

On 21 February 2008 the Council also adopted following public consultation, a Supplementary Planning Document “Contributions to Library Services”. The SPD covers the issues relating to the provision by the London Borough of Barnet of library and related cultural/learning facilities and the role of S106 planning obligations in achieving this. The SPD sets out the contributions that will have to be provided by developers for each proposed new unit of residential accommodation.

On 6 July 2009, following public consultation, the Council adopted a Supplementary Planning Document “Contributions to Health Facilities from Development”. The SPD provides detailed guidance that supplements policies in the Unitary Development Plan and sets out the Council’s approach to securing contributions for health facilities in order to address additional needs from new development.

Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant policies: Policy CS5

Relevant Planning History:

7 Brownlow Road, London, N3 1NA

Application: Planning

Number:

F/02531/10

Validated: 25/06/2010 **Type:** 192
Status: DEC **Date:** 02/08/2010
Summary: ULW **Case Officer:** Junior C. Moka
Description: Roof extension including hip to gable and rear dormer window to facilitate a loft conversion.

7 Brownlow Road, London, N3 1NA

Application: Planning **Number:** F/03240/10
Validated: 06/08/2010 **Type:** 192
Status: DEC **Date:** 13/09/2010
Summary: LW **Case Officer:** Junior C. Moka
Description: Extensions to roof including hip to gable and rear dormer window to facilitate a loft conversion.

7 Brownlow Road, London, N3 1NA

Application: Planning **Number:** F/03969/10
Validated: 29/09/2010 **Type:** APF
Status: DEC **Date:** 24/11/2010
Summary: APC **Case Officer:** Junior C. Moka
Description: Two storey rear extension.

11 Brownlow Road, London, N3 1NA

Application: Planning **Number:** C03077H/05
Validated: 02/12/2005 **Type:** APF
Status: DEC **Date:** 20/01/2006
Summary: APC **Case Officer:**
Description: Conversion into two self contained flats and erection of three storey rear/side extension

15 Brownlow Road, London, N3 1NA

Application: Planning **Number:** C03077F
Validated: 23/08/1999 **Type:** APF
Status: DEC **Date:** 18/10/1999
Summary: APC **Case Officer:**
Description: Three storey rear extension including conservatory at second floor level. Two dormer window extensions at rear.

15 Brownlow Road, London, N3 1NA

Application: Planning **Number:** C11903A
Validated: 15/03/1995 **Type:** APF
Status: DEC **Date:** 19/05/1995
Summary: APC **Case Officer:**
Description: Conversion into two self contained flats and erection of three storey rear/side extension. (Amendment to planning permission reference No. C11903 dated 24.1.95).

Consultations and Views Expressed:

Neighbours Consulted: 113 Replies: 4
Neighbours Wishing To Speak 1

It must be advised that out of the four replies, three were objections and one was a comment. However, one of the objections was submitted on 14 April 2011 (8 days after the end of the

consultation process - ending on the 6 April 2011). It must also be noted that the comment received stated that they wished to speak in the event that the application went to a planning committee.

As such the Local Planning Authority considered that this application has received three objections within the stated 28 day public consultation period.

The objections raised may be summarised as follows:

- Would not comply with National Government's Planning Policy Statement 1 in Paragraph 34;
- Would not comply with residential space standards outlined with the Supplementary Planning Document "Sustainable Design and Construction";
- Highway and on street parking concerns;
- Overdevelopment;
- Refuse concerns;
- Pedestrian access and safety concerns;
- Pressure on sewage disposal system on Brownlow Road;
- Unhappy with the professionalism of the builders involved with this project.

Internal /Other Consultations:

Traffic & Development

The proposal is acceptable on highways grounds subject.

Date of Site Notice: 17 March 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site is a terrace property located on Brownlow Road in the West Finchley ward. Brownlow Road is a cul-de-sac with a 1 hour restriction Controlled Parking Zone. The area is predominantly residential in character and mainly characterised by terrace properties. There are some examples in the street of these types of dwellings which have been converted into flats.

The host property has recently constructed a rear dormer window which appears to be in accordance with the permitted development criteria. The works follow a lawful development certificate application issued under planning reference number F/03240/10.

In addition to this the property has also recently constructed a two storey rear extension as part of the planning application F/03969/10.

Proposal:

The proposal relates to the conversion of the property into 3 self contained flats. The first flat will occupy the lower ground floor; the second flat occupies the ground floor, and the third flat occupies the first floor and roof space. The lower ground floor and ground floor flats proposed will consist of one bedroom units and the third flat will consist of a two bedroom unit. The lower ground floor flat will have access to the rear garden.

The proposed flats have the following measurements:

1. The lower ground floor flat will be 42 msq;

2. The ground floor flat will be 32.62 msq;
3. The maisonette unit occupying the first floor and roof space will be 48.2 msq.

Planning Considerations:

The immediate surroundings are characterised by houses converted into residential units as well as properties in single family occupancy. The proposal would result in the re-use of a brownfield site and as such a flatted development is considered acceptable in this location. The proposed density is in line with policy H21. The current application is for a mix of one and two bed flats.

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land. Other such flat developments within Brownlow Road include no's 1, 4, 8, 10, 11, 12, 13, 14, 15, 18, 20, 22, 23, 25, 26 & 27.

The proposed redevelopment of the site to provide additional residential units is considered to comply with the requirements of Policy H2 of the Adopted UDP. It is considered that the conversion to 2 one bedroom flats and a two-bedroom flat would not detrimentally impact on the character of the area or the amenity of neighbouring occupiers.

The proposal in the main ensures that rooms are stacked appropriately so that the living accommodation is located above living rooms to upper/lower flats and bedrooms are located above or below other bedrooms, to minimise noise and disturbance between the units. Apart from one of the proposed bedrooms being located over part of the kitchen on the ground floor. However, it is possible to solve this problem as there is a condition that will be attached to this approved decision.

Barnet's SPD for Sustainable Design and Construction requires the addition of sound insulation systems in relation to impact and airborne noise to achieve a sound attenuation of 3dB above Building Regulation requirements for airborne sound and 3dB above Building Regulation requirements for impact sound. It should be noted that this standard is similar to the Eco Homes requirements. To ensure the sustainability of each unit an insulation of acoustic separation for the proposed new units would be required for the floors and party walls.

The proposed units would provide adequate internal space and therefore comply with policies H16 and H26 of the Adopted UDP (2006) as well as the SPD on Sustainable Design and Construction (2007).

The application doesn't show where the proposed refuse facilities will be located or how the refuse is to be kept; a condition for refuse is therefore to be attached to the permission.

Given that the site is situated within a cul-de-sac it is considered appropriate to place a condition on the approval regarding wheel washing in order to protect the amenities of the neighbouring occupiers.

Amenity of existing/future occupiers:

The lower ground floor flat will have access to the rear garden.

Policy H16 of the Barnet Unitary Development Plan (May 2006) [UDP] states that new residential developments should harmonise with and respect the character of the area within which they are situated and should, among other matters, provide adequate levels of private garden or amenity space. UDP policy H18 sets out minimum amenity space standards. The following standard, with the emphasis being on 'usable amenity space' for flats:

1. 5 square metres of space per habitable room.
2. Rooms exceeding 20 square metres will be counted as two habitable rooms.

Whilst it is only the lower ground floor flat that is provided with direct access to amenity space, the property is located close to a public open space in the form of Victoria Park. Each flat would be accessed separately and there are to be no external changes to the existing building.

Parking, Access and Vehicle Movements:

The proposal is for the conversion of the existing 4 plus bedroom property into 1 x 2 bedroom and 2 x 1 bedroom flats. No parking is available for the existing use and no parking is being provided for the proposed conversion

Considering that:

- The proposal is for a conversion;
- The site is close to Town Centre amenities and public transport;
- The site is within a 1 hour restriction CPZ.

There are no objections on highways grounds because the proposed conversion is unlikely to have any additional detrimental impact on public highway.

It must be noted that in the future residents of 7 Brownlow Road would be entitled to 3 permits per flat.

Education needs generated by the development:

The scheme would provide residential units that are considered would generate an increased demand for educational facilities in the area. The method of calculating the likely demand resulting from new development is provided in the Council's Supplementary Planning Document "Contributions to Education" adopted in February 2008.

Circular 05/2005 supports the use of planning obligations to secure contributions towards the provision of educational facilities, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind. It is considered that a financial contribution towards future education facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this.

However, although it seems that a blanket requirement on all new residential development is usually imposed, in this case, because of the dwelling mix proposed, there would be the same potential number of children as at present. It is therefore concluded that the requirement for education contributions in this case would not accord with the advice given in Circular 5/2005: Planning Obligations as there is no identified need related to the development.

Contributions to library services:

The increase in population resulting from development is expected to place serious pressures on libraries, which are already required to meet all the needs of Barnet's diverse community. Developer's contributions are therefore necessary to ensure service provision mitigates the impact of their development activity. The Council's adopted Supplementary Planning Document "Contributions to Library Services" sets out the Council's expectations of how developers will be able to contribute to the provision and delivery of a comprehensive and efficient library service, with the aim of opening up the world of learning to the whole community using all media to support peoples educational, cultural and information needs.

Circular 5/2005 "Planning Obligations" supports the use of developer's contributions to mitigate the impacts of new development, where it would give rise to a need for additional or expanded community infrastructure. It is considered that a financial contribution towards library services is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this.

To accord with UDP Policy CS2 and the SPD for the proposed scheme of 3 residential units (2x1 bedroom and 1x2 bedroom units) would require a contribution of £173 and a monitoring fee of 5%.

Contributions to Health facilities:

The scheme would provide residential units that it is considered would generate an increased demand for health care facilities in the area. The Council's SPD "Contributions to Health Facilities from Development" adopted in July 2009 sets out capital contributions per residential unit.

Circular 05/2005 supports the use of planning obligations to secure contributions towards the provision of community infrastructure provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

No information has been provided to demonstrate how the health care needs of the future occupiers of the development would be met by the submitted scheme, or how the proposal fits within NHS Barnet's long term plans to deliver primary care services on a "hub and spoke model" (para. 5.16 of the SPD).

It is considered that a financial contribution towards health care facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this.

To accord with UDP Policy CS13 and the SPD the proposed scheme would require a contribution of £772 and a monitoring fee of 5%.

The library services and health facilities contributions will be secured by condition.

3. COMMENTS ON GROUNDS OF OBJECTIONS

It is considered that the planning related concerns raised on this application were not considered to constitute a reason for refusal considering the recent planning history in the Brownload Road noted in the planning history section of this report.

It must be advised that drainage connections are not material planning concerns and are generally covered by the Building Regulations.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

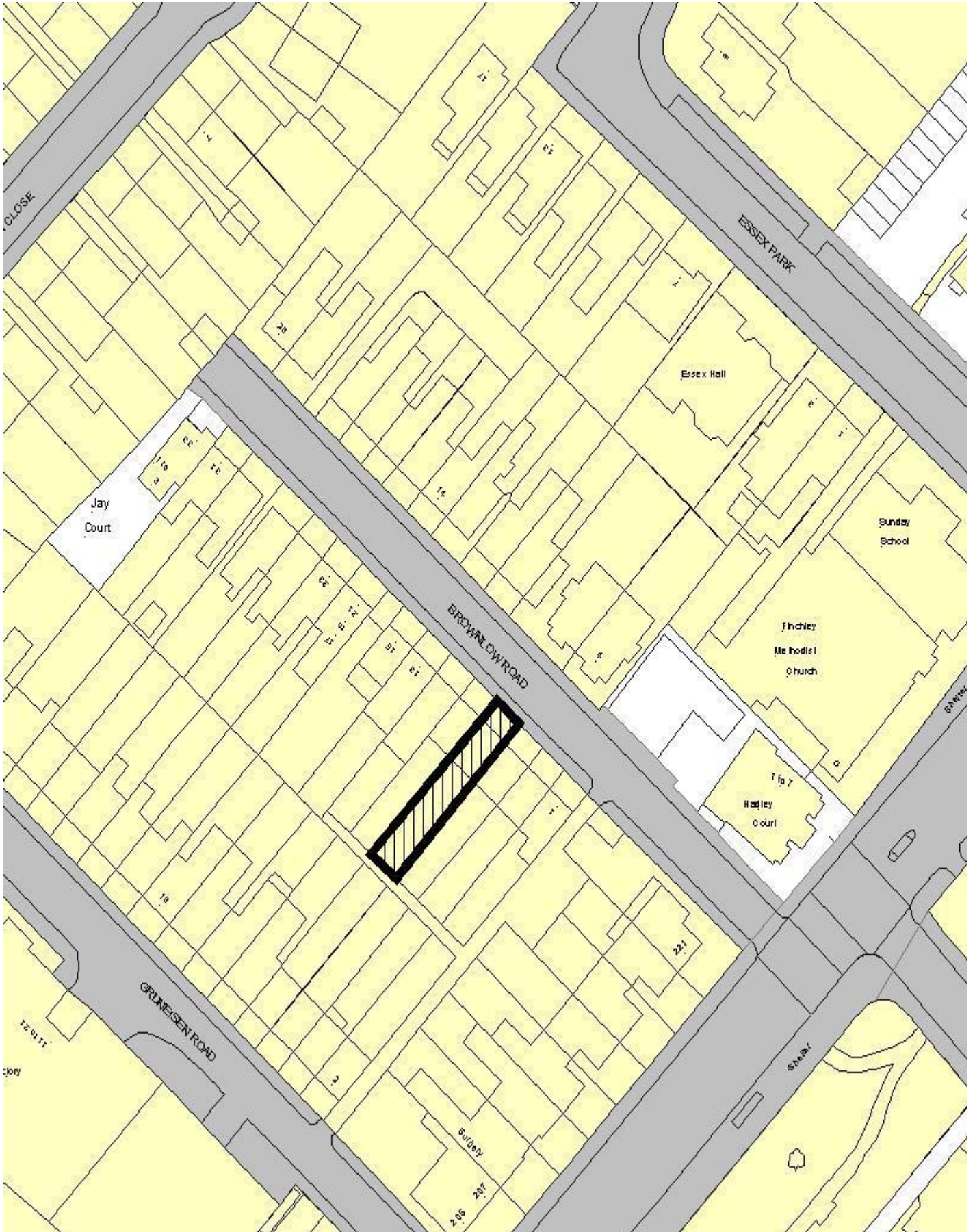
The proposal does comply with the requirements of PPS1, which states in part that, 'design which is inappropriate in its context, or which fails to take the opportunities available for improving character and quality of an area and the way it functions, should not be accepted'.

Having taken all material considerations into account, the proposed development would be in keeping with the character and appearance of the surrounding area and in a design which is considered to be in keeping with neighbouring dwellings. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring developments.

It is recommended that the application be **APPROVED** subject to the attached conditions.

SITE LOCATION PLAN: 7 Brownlow Road, London, N3 1NA

REFERENCE: F/00656/11



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LOCATION: GALLEY LANE ROADSIDE VERGE – THE ARKLEY PH TO MORNINGSIDE LODGE, ARKLEY, BARNET, HERTS, EN5

REFERENCE: TPO/CA/403

WARD: High Barnet

PROPOSAL: To seek authority for confirmation of Tree Preservation Order, without modification.

Approve Subject to Conditions

RECOMMENDATION:

1. That the Council, under Regulation 5 of the Town and Country Planning (Trees) Regulations 1999 (as amended) confirm the Tree Preservation Order on Galley Lane roadside verge – The Arkley PH to Morningside Lodge, Arkley, Barnet, Herts, EN5 without modification
2. That the objectors be advised of the reasons.

1. MATERIAL CONSIDERATIONS

Relevant Planning Policies and Guidance Adopted

- Development Plan – Barnet Unitary Development Plan (2006) – Policy D12

Relevant Planning History

- Report of Assistant Director of Planning & Development Management dated 11th April 2011
- B/00542/11 – Ashley Lodge, 8 Barnet Road, Barnet, Herts, EN5 3EP - Erection of a detached house fronting Galley Lane comprising of basement, ground and first floors. Formation of vehicular access. (AMENDED DESCRIPTION).

Background Information/Officers Comments

A Tree Preservation Order was made on 14th April 2011 on the basis that it was expedient to do so in the interests of amenity in the light of a planning application (B/00542/11) at Ashley Lodge, 8 Barnet Road, Barnet, Herts, EN5 3EP for “Erection of a detached house fronting Galley Lane comprising of basement, ground and first floors. Formation of vehicular access. (AMENDED DESCRIPTION)”. Section 197 of the Town and Country Planning Act 1990 (as amended) imposes a duty on the local planning authority to make such Tree Preservation Orders as appear to be necessary in the grant of planning permission. The inclusion of tree(s) in an Order renders them a material consideration in determining planning applications and allows the Council to impose conditions to afford the tree(s) protection if considered appropriate.

The trees to the rear of Ashley Lodge are part of a row of trees growing along the Galley Lane roadside verge from the junction with the Oaklands Lane public right of way (former Road Used as Public Path, now restricted by-way) to the corner by The Arkley PH of Barnet Road. The trees grow alongside the ditch to the rear boundaries of The Arkley PH, Littleover, Ashley Lodge, (Barnet Road) and front of Morningside Lodge, Galley Lane. The trees are on Council maintained Highways land and mark the roadside boundaries unchanged from prior to 1873

(the earliest Ordnance Survey map of the area in the digitised Historical Maps selection). At that time, the public house was trading as Three Elms, the lanes were clearly marked, but there were few houses.

The row of generally mature trees comprises mainly Ash, Hornbeam and Hawthorn. The trees are up to 16m in height and appear in varying, but generally reasonable, condition but there is considerable ivy. Several of the trees have been previously lifted above the roadway. The row of trees is very clearly visible from Galley Lane and Oaklands Lane and contributes significantly to maintaining the rural character and appearance of this part of Galley Lane – which is markedly different from the suburban residential development of the other side of the road.

The planning application B/00542/11 would involve the removal of the 10 trees on the rear boundary of Ashley Lodge, a significant portion of the row, and it is considered that this would be very detrimental. The Greenspaces Arboricultural Officer (with responsibility for Highways maintained trees), having inspected the plans and site, objected to removal of the relevant trees situated in Galley Lane, considering them part of an established row of native trees and forming an area of cover to properties looking on: 'As such they are seen as a group of high amenity trees.' Subsequently, the Greenspaces Principal Arboricultural Officer requested that the trees be considered for inclusion in a Tree Preservation Order.

The row of trees in the roadside verge between the public house and Oaklands Lane are considered to have very high public amenity value. The trees to the rear of Ashley Lodge form an integral part of the row and the collective public amenity value of the row is much greater than the individual trees. In the circumstances, it is considered appropriate to include the whole row in a Tree Preservation Order as a single area designation. Inclusion of the trees in an Order renders them a material consideration in any planning application and allows the Council to impose conditions, if appropriate, to protect the trees.

Notices were served on the persons affected by the Order in accordance with paragraph 1(a) of Regulation 3 of the Town and Country Planning (Trees) Regulations 1999 (as amended).

Representations in support of the Tree Preservation Order have been received from:

- Owner/Occupier, Manor Park, 5 Galley Lane, Arkley, Herts EN5 4AR
- Owner/Occupier, 7 Galley Lane, Arkley, Herts EN5 4AR

An objection has been received from:-

- Arboricultural Consultant on behalf of Owner/Occupier, Ashley Lodge, 8 Barnet Road, Arkley, Barnet, Herts EN5 3EP (applicant B/00542/11)

The Tree Preservation Order secures the protection of the trees on a provisional basis for up to six months from the date of making, but an Order needs to be formally confirmed for it to have long-term effect. The Council is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.

The representations in support from the owners / occupiers of 5 and 7 Galley Lane can be summarised as:

- Retaining and protecting these trees is essential in order to safeguard the character of this area in perpetuity
 - Retaining these trees is important to maintain the character of our local environment
- In response the Council's Tree and Landscaping Officer comments as follows:
- (i) Local support for the Tree Preservation Order underlines the public amenity value of the trees to local residents

The objections of the Arboricultural Consultant on behalf of Owner/Occupier, Ashley Lodge, 8 Barnet Road can be summarised as:

- “The trees are owned by the Council who already control what happens to them; there is no need for the additional protection of a Tree Preservation Order.”
- Concern about the condition of some of the trees
- “The text indicates that the trees individually are important, being of ‘outstanding or special amenity value’. Whilst collectively, they do form an attractive landscape feature, I found many individual trees to be with suppressed crowns; not an outstanding feature!”
- Suggestion that on the plan drawing the area is incomplete as there is a single line extending along part of The Arkley PH.
- The use of an ‘area’ designation is inappropriate “Such designations should only be used for sites where access is restricted so it is not possible to survey the trees, or there may be an imminent threat to the trees, with insufficient time to survey.....The Order as it stands can only be temporary as ‘area’ designations need to be surveyed.”
- “The retention of trees within developments is important, and Tree Preservation Orders are a key tool for this. However, trees selected for retention, and protection should be in sufficiently good condition to merit this. I do not consider these trees, and especially those to the rear of Ashley Lodge to be of such condition. BS5837: 2005 ‘Trees in relation to construction’, recommends that trees should only be selected for retention (and, as such, for inclusion in a Tree Preservation Order) if they are expected to contribute to the setting for at least ten years. Having inspected the trees in this section, my professional opinion is that the majority will require significant pruning or removal within this period.”
- “The trees along this part of Galley Lane are evidently a local feature. However, my observation was that significant management will be required over the next few years to remove dead wood and unsafe branches. Some trees will require removal and replacement, and others severe pruning. This work is likely to detract from the maturity of the feature, a key reason cited for making the Tree Preservation Order. If the Tree Preservation Order is confirmed as an ‘area’ designation, this will not cover any trees planted as replacements.”
- “I believe that the Tree Preservation Order has been made in response to the planning application for Ashley Lodge. The planning authority can require the planting of replacement trees as part of landscaping. This option would allow for regeneration and the planting of specimens which will contribute to the setting.”

In response the Council's Tree and Landscaping Officer comments as follows:

- (ii) As noted above, s.197 of the Act imposes a duty on the Council as local planning authority to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and to make such tree preservation orders as appear necessary. If it is considered that, because of implications for trees, a planning permission should be refused or

granted subject to conditions to protect the trees, a Tree Preservation Order should be in place in accordance with the planning legislation - notwithstanding Council maintenance responsibilities for Highways trees.

- (iii) It appears that the Arboricultural Consultant is conflating BS5837: 2005 and Tree Preservation Orders. There is no statutory requirement that, to be eligible for inclusion in a Tree Preservation Order, a tree should be expected to contribute to a setting for a minimum of ten years. Section 198 of the Act empowers a local planning authority to make a Tree Preservation Order if it appears to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area' - it is to be noted that the Act does not define 'amenity'; nor does it prescribe the circumstances in which it is in the interests of amenity to make an Order; nor does it define 'tree' or 'woodland'; nor does it place a minimum size limit on tree(s). In accordance with Government Guidance: "In the Secretary of State's view, Tree Preservation Orders should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.....and the value of a group of trees or woodland may be collective only.....In the Secretary of State's view, it would be inappropriate to make a Tree Preservation Order in respect of a tree which is dead, dying or dangerous."
- (iv) The Arboricultural Consultant acknowledges that the trees "collectively, they do form an attractive landscape feature" and that "The trees along this part of Galley Lane are evidently a local feature". Whilst it is accepted that there is some variation in the conditions of the trees, the Tree Preservation Order was specifically made as an 'area' designation as it is considered that the collective public amenity value of the row is much greater than the individual trees. It is also considered that the integrity of the landscape feature, i.e. a row of native trees that contributes significantly to maintaining the rural character and appearance of this part of Galley Lane, would be substantially diminished by the removal of a line of 10 trees from within the row to create a crossover onto Galley Lane to serve a new dwelling in the rear garden of an existing property.
- (v) There is no statutory requirement that 'area' designations must be surveyed, nor any legal basis for the assertion that "The Order as it stands can only be temporary".
- (vi) The dotted boundary of the area on the drawing is not incomplete but, because the verge adjacent to The Arkley PH building is so narrow, there are cartographical constraints in showing a dotted boundary without overprinting.
- (vii) Removal of deadwood and unsafe branches may become necessary as part of routine maintenance works into the future. Confirmation of the Order would not preclude an application, where necessary, for consent to prune / fell a tree included in a Tree Preservation Order being submitted to the Council, in accordance with the planning legislation. Such application would be considered on its merits on the basis of the information submitted at the time.
- (viii) The replacement planting provisions would be the same if the trees were designated as individual trees; a group of trees; or an area. In the event of tree removal, ongoing Tree Preservation Order protection would only apply to replacement trees planted to replace trees removed pursuant to exemptions (e.g. dead or dangerous); or without authorisation; (or in woodlands).

- (ix) The suggestion that replacement planting could take place as part of landscaping seems to disregard that the trees are Highways trees outside the 'red line' of the planning application site, and that replacement planting would be precluded by the proposed vehicle access.

2. CONCLUSION

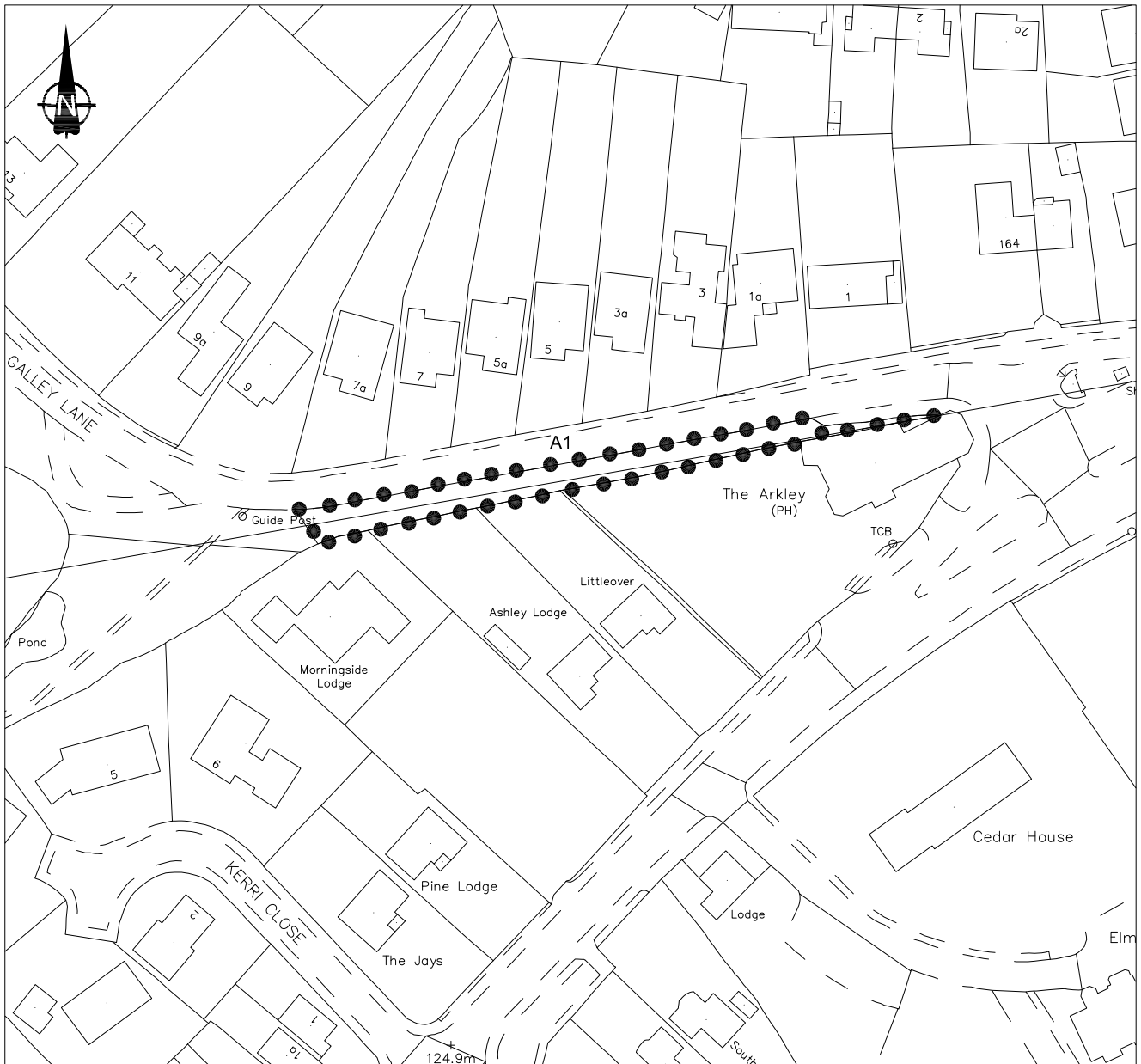
The confirmation of the Tree Preservation Order is considered appropriate in the light of development proposals for Ashley Lodge. It is considered the row of trees should be confirmed as a designated 'area' given the integrity of the landscape feature, i.e. a row of native trees that contributes significantly to maintaining the rural character and appearance of this part of Galley Lane and the collective public amenity value of the row is much greater than the individual trees. It is therefore recommended that the Order be confirmed without modification.

TOWN & COUNTRY PLANNING ACT 1990, SECTION 198
 TREE PRESERVATION ORDER No. TPO/CA/403

LONDON BOROUGH OF BARNET

This is the map referred to in the Tree
 Preservation Order made by the Council of the
 LONDON BOROUGH OF BARNET on _____

For Assistant Director Planning & Development Management



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Initiated by AC	SCHEME: GALLEY LANE VERGE, REAR OF 2-8 BARNET ROAD, GALLEY LANE, BARNET, EN5	Assistant Director of Planning and Development Management	
Drawn by JC			
Checked by AC	TITLE: TREE PRESERVATION ORDER	London Borough of Barnet, Building 2, North London Business Park, Oakleigh Road South, New Southgate, London, N11 1NP. Tel. (020) 8359 2000	DRAWING No.
Date 11/04/11	Scales 1:1250		24255