

<u>MEETING</u> WEST AREA PLANNING SUB-COMMITTEE
<u>DATE AND TIME</u> WEDNESDAY 11 JANUARY 2012 AT 6.30PM
<u>VENUE</u> HENDON TOWN HALL, THE BURROUGHS, HENDON NW4 4BG

TO: MEMBERS OF THE COMMITTEE (Quorum 3)

Chairman: Councillor Maureen Braun
Vice Chairman: Councillor Eva Greenspan

Councillors:

Jack Cohen	Melvin Cohen	Claire Farrier	Sury Khatri
John Marshall	Hugh Rayner	Gill Sergeant	Agnes Slocombe
Darrel Yawitch			

Ward Substitute Members:

Alex Brodkin	Tom Davey	Andrew Harper	Helena Hart
Geoffrey Johnson	Julie Johnson	Graham Old	Lord Palmer
Brian Schama	Mark Shooter	Reuben Thompstone	

You are requested to attend the above meeting for which an agenda is attached.
Aysen Giritli – Head of Governance

Governance Services contact: Paul Frost 020 8359 2205
Media Relations contact: Sue Cocker 020 8359 7039

To view agenda papers on the website: <http://committeepapers.barnet.gov.uk/democracy>

CORPORATE GOVERNANCE DIRECTORATE

ORDER OF BUSINESS

Item No.	Title of Report	Pages
1.	MINUTES	-
2.	ABSENCE OF MEMBERS	-
3.	DECLARATION OF MEMBERS' PERSONAL AND PREJUDICIAL INTERESTS	-
4.	PUBLIC QUESTION TIME (If any)	-
5.	MEMBERS' ITEMS (If any)	-
6.	Applications for Planning Permission and Consent under the Advertisements Regulations	1 – 167
7.	ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT	

FACILITIES FOR PEOPLE WITH DISABILITIES

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WEST AREA PLANNING SUB - COMMITTEE

11 JANUARY 2012

ITEM 6

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

WEST AREA PLANNING SUB - COMMITTEE

DATE: 11 January 2012

INDEX TO THE REPORT OF THE ASSISTANT DIRECTOR OF PLANNING AND DEVELOPMENT MANAGEMENT

F/03990/11

Childs Hill

Pages 1 - 9

201 The Vale, London, NW11 8TN

Part single, part two storey side and rear extension. New ground floor front porch.

Approve Subject to Conditions

F/04332/11

Childs Hill

Pages 10 - 29

58 West Heath Drive, London, NW11 7QH

Erection of a four-storey building comprising seven residential units and associated basement parking, following demolition of the existing building.

Approve Subject to S106

F/04254/11

Finchley Church End

Pages 30 - 40

Rylstone, Holders Hill Crescent, London, NW4 1ND

Demolition of existing house and garage and erection of a three storey detached dwellinghouse with new detached garage and refuse and cycle storage.

Approve Subject to Conditions

F/04269/11

Golders Green

Pages 41 - 51

44 Cotswold Gardens, London, NW2 1QU

Conversion of garage into habitable room with insertion of a window. Single storey rear extension. First floor side extension. Loft conversion with rear dormer window and rooflights to front. Conversion of property into two self-contained flats.

Approve Subject to Conditions

15 Brunner Close, London, NW11 6NP

Alterations to entrance and new first floor front extension with pitched roof to match existing. Conversion of garage into habitable room including new doors and windows to front and rear elevations and new parapet. Extension to existing sunroom. Two-storey side extension. Alterations to roof including new dormer windows to rear and side elevations and roof lights to side elevation to facilitate a loft conversion. New windows to match existing. New basement level.

Approve Subject to Conditions

Gaywoods, 29 Winnington Road, London, N2 0TP

Erection of a single family dwelling house comprising of basement, ground, first, second and third floor including rooms in roofspace. Associated parking.

Approve Subject to Conditions

Gaywoods, 29 Winnington Road, London, N2 0TP

Demolition of existing dwelling house.
CONSERVATION AREA CONSENT

Approve Subject to Conditions

13 Hampstead Way, London, NW11 7JE

Alterations to landscaping including formation of pergola seat to west boundary and garden sheds in rear garden.

Approve Subject to Conditions

5-7 Middleton Road, London, NW11 7NR

Conversion of both properties to create 8no self-contained residential units following 3 storey rear infill extension; and roof extensions including increase in ridge height, 2no side dormers to both sides (totalling 4no side dormers), 2no rear dormers and 2no front dormers, to facilitate loft conversions. Alterations to fenestration at both sides and rear elevations. Provision of 6no off-street parking spaces and associated amenity space.

Approve Subject to S106

17 Downage, London, NW4 1AS

Part single part two storey rear extension. Roof extension including rooflights to the front, sides and rear elevations.

Approve Subject to Conditions

7 Barford Close, London, NW4 4XG

Conversion of property into two-self contained units. First floor rear extension with pitched roof to match existing. New front porch. Alteration to roof including rear dormer window to facilitate a loft conversion.

Approve Subject to Conditions

15 Tenterden Drive, London, NW4 1EA

Demolition of the garage and construction of a ground floor side and rear extension, a first floor side and rear extension and a rear dormer window.

Approve Subject to Conditions

Frith Manor Primary School, Lullington Garth, London, N12 7BN (Land at Rear)

Installation of single storey building to house new swimming pool to land rear of Frith Manor School with adjacent access and associated parking.

Approve Subject to Conditions

587 Watford Way, London, NW7 3JG

Extension to the time limit for implementing appeal decision APP/N5090/A/08/2080621 dated 04/12/08 (planning reference W/03678/J/08) for 'Extension to roof including side and rear dormer windows to facilitate 1 no. additional self-contained unit (Variation of planning permission W03678H/07 to convert the existing property into 5 no. self-contained flats - approved 22.08.07).'

Approve Subject to Conditions

LOCATION: 21 Winnington Road, London, N2 0TP

REFERENCE: TPO/00639/11/F

Received: 07 November 2011

WARD: GS

Expiry: 02 January 2012

CONSERVATION AREA HG

APPLICANT: Tree Care

PROPOSAL: 5 x Oak (App Ref T2, T4 and T5) – Fell. Standing in group G15 and Area A1 of Tree Preservation Order.

RECOMMENDATION:

SPLIT DECISION

LOCATION: Former Neurological Hospital, Broomfield Court and Unwin Court,
Beaumont Close, London, N2 0GA

REFERENCE: TPO/00616/11/F

Received: 10 October 2011

WARD: GS

Expiry: 05 December 2011

CONSERVATION AREA HG

APPLICANT: Modern Arboricultural Services

PROPOSAL: 1 x Cedar (Applicant's ref T8) – Prune to clear building to give 3m clearance, T8 of Tree Preservation Order; 1 x Poplar (applicant's ref T9) – Fell, 3 x Poplar (applicant's ref G1) – Crown reduce 30%, standing in group G10 of Tree Preservation Order.

RECOMMENDATION:

SPLIT DECISION

LOCATION: 201 The Vale, London, NW11 8TN

REFERENCE: F/03990/11

Received: 26 September 2011

Accepted: 26 September 2011

WARD(S): Childs Hill

Expiry: 21 November 2011

Final Revisions:

APPLICANT: Mrs F Zanganeh

PROPOSAL: Part single, part two storey side and rear extension. New ground floor front porch.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan; 1117 01A; 1117 02A.

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 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.

- 5 Before the building hereby permitted is occupied the proposed window(s) in both side elevations facing 199 and 203 The Vale 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.

- 6 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 first floor side elevation facing no.199 and 203 The Vale without the prior specific permission of the Local Planning Authority.

Reason:

To safeguard the privacy and 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 Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (UDP) (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEEnv1, D1, D2, D5, and H27

Design Guidance Note 5 - Extensions to houses

Core Strategy (Publication Stage) 2010:

Relevant policies: DM01, DM02, 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.

- 2 Recent legal changes under The Water Industry (Scheme for Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Waters ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over/near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:
PPS1

The Mayor's London Plan: July 2011

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

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:

GBEnv1, D1, D2, D5, and H27

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:
DM01, DM02, CS5.

Relevant Planning History:

Application:	Planning	Number:	F/00876/11
Validated:	01/03/2011	Type:	192
Status:	DEC	Date:	15/06/2011
Summary:	LW	Case Officer:	Elizabeth Thomas
Description:	Extensions to roof including hip to gable and rear dormer window and rooflight windows to the front elevation to facilitate a loft conversion. Single storey rear extension. Single storey side extension. New front porch. New outbuilding in rear garden.		

Application:	Planning	Number:	F/01171/11
Validated:	01/04/2011	Type:	APF
Status:	WDN	Date:	02/06/2011
Summary:	WIT	Case Officer:	Elizabeth Thomas
Description:	Conversion of property into 3no self-contained residential units following extension to roof including hip to gable and rear dormer window to facilitate a loft conversion. Part single, part two storey rear extension. Single storey side extension. New front porch. Provision of off-street parking and hardstanding.		

Consultations and Views Expressed:

Neighbours Consulted: 8
Neighbours Wishing To 0
Speak

Replies: 3

The objections raised may be summarised as follows:

- Noise and disruption would be considerable.
- Overlooking and loss of privacy.
- Not in keeping with the neighbourhood which is made up primarily of three bedroom semi detached houses.
- Development is designed to create a home of multiple occupation which is not in character.
- Front extension will be out of sync with the geometrically lined houses in the road.
- Increase difficult car parking situation and put further pressure on council services.
- Change the whole character and residential nature of this estate.

- A very large building has already been built in the garden and appears to be a house for living in.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application property is a semi detached dwelling located in the Childs Hill ward. The property is in a predominately residential location and does not fall within a conservation area.

Proposal:

The application relates to a part single, part two storey side and rear extension. Ground floor front porch.

Planning Considerations:

The council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene. Extensions to houses, both individually and cumulatively can have a profound effect on the appearance of neighbourhoods and of the street scene and on the amenities enjoyed by the occupiers of adjoining properties. Extensions to properties should reflect the design of the original building, have regard to the character of the area and amenity enjoyed by your neighbours. This means making sure the extension does not disrupt the neighbour's enjoyment of their own home, garden or neighbourhood.

The main considerations in this case are whether or not the proposed part single, part two storey rear extension, two storey side extension and new front porch would:

- Form a visually obtrusive feature detrimental to the character and appearance of the host property and general locality.
- Result in an overbearing building and increase the sense of enclosure as perceived from the rear of neighbouring properties.
- Result in a significant loss of outlook from and light to windows of neighbouring properties.

The application has been amended since the original submission, these all result in a reduction in the overall size and bulk of the proposal. The proposed two storey side and rear extensions as amended would comply with Council Policies that seek to preserve the character of areas and individual properties. The design, size, height and siting of the extension is such that it would not have a detrimental impact on the character of either the host property or the surrounding area. The site is considered large enough to accommodate the extension without resulting in overdevelopment.

The proposed extensions are considered to be an appropriate and acceptable addition to the application site and would not result in overdevelopment. There are a number of other examples of side and rear extensions within the surrounding area and therefore the proposal would not appear out of context within its surroundings. The new additions to the property appear as subordinate additions to the host property.

The design of the two storey side and rear extensions are such that they would not look out of scale or unduly bulky and would appear as a subordinate feature. The roof of the extension will be pitched and set lower than the main roof, therefore being appreciably below the ridge of the main roof of the property.

Extensions will not be permitted if they do not have regard for the amenities of the neighbours.

The proposed ground floor element of the proposal will project 3.5m along the boundary with no.203 The Vale this is in compliance with council guidance that indicates that the depth of a single storey rear extension, normally considered acceptable for semi-detached properties is 3.5 metres.

The proposed first floor element of the proposal will incorporate with the proposed side extension. The proposal will project 2.5m from the rear wall at a distance of approximately 3.3m from the common boundary with no.203 this distance is considered sufficient that the proposal will not result in any loss of amenity to the neighbouring residential occupiers. The first floor extension will be set off 1.2m from the boundary with no.199 again ensuring there is no appreciable loss of amenity to the neighbouring occupiers. It is acknowledged that the first floor element of the side extension is flush with the main building line of the property, whilst this is not fully in compliance with design guidance considering the other similar developments in the area, it is not considered to be out of context and would not warrant a reason for refusal considering all other precedents in the surrounding area.

The neighbouring property no.199 has previously benefitted from a single storey side and rear extension with no side windows facing the application site. Given the presence of this extension it is not considered that the ground floor element of the proposal will result in any harm to the neighbouring occupiers.

The first floor element of the side extension will be set in from the side boundary line of the property by 1.2m to prevent a terracing effect between the two properties. The roof being set down from the main ridge line to ensure the proposal appears as a subordinate addition to the property. There are other examples of side extensions within the surrounding area and therefore the proposal is not considered to be out of context.

The proposed front porch would measure 0.5m deep , 2.1m wide (the width of the existing entrance) and have a maximum height of 3.2m. Due to the size, design and siting of the proposed front porch, this proposal is not considered to have a detrimental impact on the character or appearance of the application site or the general streetscene. Due to the size and siting of the proposed front porch, this proposal is not considered to have a detrimental impact on the amenities of the neighbouring occupiers.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Objections have been raised relating the outbuilding in the rear garden of the property. The outbuilding has been made lawful under a certificate of lawfulness

application F/00876/11. The current application does not relate to the outbuilding and no outbuilding is shown on the plans, therefore this element is not under consideration. Most of the objections raised are in relation to this outbuilding which is not part of the application or under consideration.

All other objections are considered to be 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.

5. CONCLUSION

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: 201 The Vale, London, NW11 8TN

REFERENCE: F/03990/11



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LOCATION: 58 West Heath Drive, London, NW11 7QH
REFERENCE: F/04332/11 **Received:** 20 October 2011
WARD(S): Childs Hill **Accepted:** 24 October 2011
Expiry: 19 December 2011

Final Revisions:

APPLICANT: W E Black Ltd
PROPOSAL: Erection of a four-storey building comprising seven residential units and associated basement parking, following demolition of the existing building.

RECOMMENDATION: Approve Subject to S106

Approve Subject to S106

Subject to a Section 106 Agreement

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 (inc. libraries) £59,593.00**
A contribution towards Education Facilities and Library Facilities in the borough.
- 4 **Libraries (financial) £973.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £11,774.00**
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £3,367.00**
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: F/04332/11 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Design & Access Statement; Planning Statement; Plan No's: 11/3258/1; 11/3258/2; 11/3258/3; 11/3258/4A; 11/3258/5.

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 commenced, details of the proposed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be constructed in accordance with the approved details before any part of the development is first occupied.

Reason:

To safeguard the visual amenities of the locality.

- 6 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.

- 7 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).

- 8 Notwithstanding the details submitted and otherwise hereby approved, the residential dwellings shall be constructed to meet the 'Lifetime Homes' standard (July 2010 version), unless previously agreed in writing by the Local Planning Authority.

- 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 Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval.

Reason:

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

- 13 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.

- 14 No siteworks or works on this development shall be commenced before a method statement detailing precautions to minimise damage to the London Plane tree to the rear of the site [subject to a Tree Preservation Order reference T5 of TREHE-26] and the mature Horse Chestnut in the pavement in accordance with Section 7 of British Standard BS5837: 2005 *Trees in relation to construction - Recommendations* is submitted to and approved in writing by the Local Planning Authority, and the development

shall be carried out in accordance with such approval.

Reason: To safeguard the health of existing trees which represent an important amenity feature.

- 15 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.

- 16 Before the development hereby permitted is occupied, 10 parking spaces within the basement and one visitor's car parking space at the ground level shall be provided in accordance with drawing No. 11/3258/1 and 11/3258/11 submitted with the above planning application 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.

- 17 No site works or works on this development including demolition or construction work, shall commence until a Demolition, Construction and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. All works must be carried out in full accordance with the approved details 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.

- 18 Notwithstanding the details shown in drawing no. 11/3258/1, no pedestrian access shall be permitted onto the vehicular ramp from the refuse storage point.

Reason:

In the interests of highway safety in accordance with Policy M11 of the

- 19 In the event that any ventilation, extraction or similar plant is to be installed in the storage or meter rooms, a report to determine any noise impacts shall be submitted to the Local Planning Authority. If subsequently required, a mitigation scheme shall then be submitted to the Authority for their written approval and thereafter implemented in its entirety before any of the residential units are first occupied.

Reason:

To protect the amenities of the 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 Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (UDP) (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, H2, H16, H17, H18, H21, M8, M10, M11, M12, M13, M14, CS2, CS8, CS13, IMP1 and IMP2.

Core Strategy (Publication Stage) 2010: CS01, CS4, CS5, DM01, DM02, DM03, DM06, DM14, DM17.

The Community Infrastructure Levy Regulations 2010

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 commercial buildings. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring developments or be out of context. Given its street context, the bulk and mass of the proposed development is considered acceptable. The planning 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.

- 2 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.

- 3 Any highway approval as part of the planning process for the alteration to the existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in Highways Group as part of the application for crossover under Highways Act 1980. Removal or relocation of any existing street furniture or alteration to road markings would be done at the applicant's expense, under a rechargeable works agreement, by the Council's term contractor for Highway Works.

In the 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, Highways Group, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.

- 4 Any details submitted in respect of the Demolition, Construction and Traffic 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 and precautions to minimise damage to trees on or adjacent to the site.

RECOMMENDATION III

That if an agreement has not been completed by 11/03/2012, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application F/04332/11 under delegated powers for the following reasons:

1. The development would require a Section 106 agreement and no formal undertaking is given to the Council, as a result the proposed development would, by reason of the developer not meeting identified additional education, health and library facilities, and the associated monitoring costs which would be incurred by the community as a result of the development, contrary to Policy 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".

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 Community Infrastructure Levy Regulations 2010

British Standard BS5837: 2005 Trees in relation to construction

BS5837: 2005 gives recommendations and guidance on the principles to be applied to achieve a satisfactory juxtaposition of trees, including shrubs, hedges and hedgerows, with structures. It follows, in sequence, the stages of planning and implementing the provisions which are essential to allow development to be integrated with trees. This Standard recognizes that there can be problems of development close to existing trees which are to be retained, and of planting trees close to existing structures.

British Standard 3998: 1989 - Recommendations for Tree Work

BS3998:1989 is a guide produced and published by the British Standards Institute. It is intended for use by arboriculturists, tree surgeons and all others involved with the maintenance of trees.

The Mayor's London Plan: July 2011

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

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.

Relevant policies: GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, H2, H16, H17, H18, H21, M8, M10, M11, M12, M13, M14, CS2, CS8, CS13, IMP1 and IMP2.

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: CS01, CS4, CS5, DM01, DM02, DM03, DM06, DM14.

Relevant Planning History:

Site Address: 58 West Heath Drive, London, NW11 7QH
Application Number: F/03840/09
Application Type: Full Application
Decision: Approved subject to conditions
Decision Date: 16/12/2009
Appeal Decision: Nil
Appeal Decision Date: Nil
Proposal: **Change of use from D1 to residential dwelling house.**
Case Officer: Fabien Gaudin

Site Address: 56 West Heath Drive, London, NW11 7QH
Application Number: F/03952/10
Application Type: Full Application
Decision: Approved subject to conditions
Decision Date: 26/11/2010
Appeal Decision: Nil
Appeal Decision Date: Nil
Proposal: **Excavation of basement with associated lightwells to front and rear. Part single, part two storey side and rear extension.**
Case Officer: Junior C. Moka

Site Address: 58 West Heath Drive, London, NW11 7QH
Application Number: F/02659/10
Application Type: Full Application
Decision: Refuse
Decision Date: 08/09/2010
Appeal Decision: Allowed
Appeal Decision Date: 10/03/2011
Proposal: **Erection of a 4 storey building comprising 9 residential units and associated basement parking following demolition of existing buildings.**
Case Officer: Junior C. Moka

Consultations and Views Expressed:

Neighbours Consulted: 82 Replies: 6
Neighbours Wishing To Speak 0

** Please note that one of the replies was confirming that they have no objections.*

The objections raised may be summarised as follows:

1. Concerns about parking and access;
2. Loss of light;
3. Concerns about the appearance of the building;
4. Concerns around the venting/shafts in relation to the underground car park and their locations and also how the entrance ramp to the car park will impinge on the car park to the rear of building at Heathside;
5. Concerns about the impact of the development on the Plane tree at the rear of the property;
6. The impact of building works to the area - Lorries removing materials/ballast in relation to the digging out of the underground car park and related building works and the noise nuisance that this may entail;
7. Party wall concerns;
8. Privacy issues have been raised in regard to the balconies proposed on the development;
9. The inevitable increase in traffic and heavy plant/machinery coupled with residents with restricted eyesight and failing mobility is a very real concern;
10. The proposed development is totally out of the unique nature and character of the current period dwellings existing in West Heath Drive;
11. The change in use to a multi-occupancy building will result in an increased volume of traffic in the area, with subsequent environmental and pollution implications;
12. The proximity to the rear garden boundary wall to 'Heathside' raises serious concerns in relation to health and safety issues;
13. The height and size of the proposed development will be intrusive to the surrounding dwellings and will exclude natural daylight to surrounding existing properties, which they have enjoyed over very many years;
14. Strongly believe that any planned building should be restricted to three stories, which is the maximum height of buildings in the street;
15. Concerns about overlooking;
16. Noise and environmental pollution during construction works;
17. Lack of visitors car parking spaces;
18. Strongly believe that any planned building should be restricted to three stories, which is the maximum height of buildings in the street;
19. The building should be a single family dwelling.

Internal /Other Consultations:

Traffic & Development -

No objections on highways grounds subject to the highways' conditions and informatives.

Date of Site Notice: 03 November 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site occupies a substantial and prominent corner plot in an established residential area. For the most part, the western side of West Heath Drive consists of imposing semi-detached houses with characterful, steep-sided gables, generally containing accommodation in the roof-space. The pair of dwellings immediately adjacent to the application site, however (nos 54 and 56) is noticeably lower than its neighbours and thus appears as something of an anomaly. The buildings currently occupying the site itself (effectively a double width plot) rise to a greater height than many of their neighbours, albeit they are of different mass and styles. This is mirrored to some extent by the scale of the pair of houses on the opposite corner with West Heath Avenue.

Proposal:

This application relates to the erection of a four-storey building comprising of seven residential units and associated basement parking, following demolition of the existing building (currently used as a school).

This application follows the appeal made under section 78 of the Town and Country Planning Act 1990 against the refusal to grant planning permission (application Ref F/02659/10, refused by notice dated 8 September 2010). This appeal was allowed for the development to the erection of a four-storey building comprising nine residential units and associated basement parking, following demolition of existing buildings.

This current application differs from the previous approval as follows:

1. Changes to the number of units - reduced from 9 smaller units to 7 larger units;
2. Proposed materials change, i.e. stock bricks, render together with bronzed powder coated aluminium windows and steel balconies;
3. A small alteration to the position of the rear access ramp;
4. Reworking of elevations to reflect the internal changes.

Planning Considerations:

High quality inclusive design is a key objective of PPS 1. Other guidance on delivering high quality design includes the 2000 DETR/CABE publication 'By Design: Urban Design in the Planning System: Towards Better Practice'.

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 partially previously developed site and on this basis the redevelopment of the site for residential purposes is considered to accord with national, strategic and local planning policy.

The change of use of the site from D1 to residential has been granted permission in 2009. The site is located in an entirely residential area and the proposals to revert back to residential would be more in character than the previous use.

Following The Planning Inspectorate's decision, The main issues are considered to therefore be:

1. Whether harm would be caused to the character and appearance of the street scene;
2. The future health of two mature trees;
3. The living conditions of future residents having regard to the provision of amenity space;
4. The living conditions of neighbours with regard to outlook;
5. Parking, Access and Vehicle Movements;
6. Whether the proposal would result in the community incurring extra educational costs that should be met by the developer;
7. Whether the proposal would increase pressures on the services provided by libraries incurring additional costs that should be met by the developer;
8. Whether the proposal would increase the demand for health care facilities incurring extra costs that should be met by the developer.

Proposed siting, 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 buildings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites are required to reflect the particular character of the street in which the site is located and the scale and proportion of the buildings. 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, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

In considering the views of the inspector which were...

"There is no doubt that the appeal building would become a highly noticeable addition to the street-scene, due to a combination of the site's visibility and the contemporary design, scale, bulk and height of the structure itself. This would set up a contrast with much of the neighbouring form; but in my view the building would not appear incongruous or discordant - rather, it would add interest to the street-scene in a prominent location, and would be perceived as a confident but generally respectful new addition to the locality. In any event, while the building would be higher than the ridge of nos 54-56, I consider this to be logical, given the role of the corner plot. I also note that the building would actually be lower overall than both the large block of flats immediately to the west and the facing pair of semi-detached houses at 49-51 West Heath Drive.

The fourth floor would be set back from both main walls and would appear lighter in weight than the rest of the building, due to the use of reflective materials. The remainder of the block would consist largely of white render (which is characteristic of many of the local buildings), and bronze-coloured cladding to the bays would reflect the bricks and tiles of nearby houses. This approach adds to the likelihood that the building would be broadly compatible with its context.

For these reasons, I have concluded that the effect of the proposal on the street-scene would be acceptable, and that the scheme would comply with the UDP policies referred to."

The Local Planning Authority doesn't consider that the alterations to the design of the building warrants a refusal as it is still considered to comply with the conclusions reached by the planning inspector.

Future health of two mature trees:

In considering the views of the inspector which were...

"There is a mature London plane tree to the rear of the site (but clearly visible from outside it) which is subject to a Tree Preservation Order, and there is a mature horse chestnut in the West Heath Avenue pavement which is one of several similar trees in the street. At the time they determined the application, the Council had not received additional information from the appellants which they had stated was needed in order to ensure that adequate protection could be afforded to the trees both during and after construction, and thus avoid conflict with UDP policy D13.

A revised tree report from the appellants' consultant arboriculturalist, dated 16 December 2010, includes three drawings (refs: 1113/10/1 revision A, 1113/10/2 revision A and 1113/10/3 revision A) which are intended to provide the information sought. They include detailed information on site levels; a method statement to cover the demolition and removal of existing structures on the site; proposed root protection areas for the two trees; and the location and specification of protecting fence-work. The Council have not challenged the consultant's conclusions that the additional information and the proposed protection works themselves would ensure the continuing health of the two trees, and I have no reason of my own not to take a similar view.

Subject to a condition which would give the Council the ability to satisfy themselves about the details, I consider that the appellants have demonstrated that UDP policy D13 is capable of being complied with."

The Local Planning Authority doesn't consider that the movement of the ramp on West Heath Avenue closest to Heathside providing access the basement carpark, away from the mature London plane tree to the rear of the site can only relieve pressure on this tree. Therefore, it is still considered to comply with the conclusions reached by the planning inspector and as such similar conditions will be attached to this recommendation.

Amenity of future occupiers:

All units would provide adequate internal space and therefore comply with policies H16 and H26. The stacking of flats/rooms is generally acceptable.

Some flats would have access to a limited area of landscaping to the rear and balconies. Although this provision falls short of UDP standards, it is considered that this is acceptable in view of the location of the site directly adjacent to a large open recreational area. It is considered that the proposed development would provide sufficiently high standards of amenity for future occupiers of the site.

The proposed units would provide adequate internal space and therefore comply with policies H16 of the Adopted UDP (2006) as well as the Policy 3.5 (table 3.3) of the London Plan July 2011.

Amenity of existing/future neighbouring occupiers:

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 change in the development would not be obtrusive and would preserve an adequate outlook for the neighbouring occupiers in accordance with adopted policies.

Parking, Access and Vehicle Movements:

10 parking spaces are being provided in the basement and one visitor's car parking space provided at the ground level. The parking provision meets the maximum parking standards as set out in the UDP 2006.

The Community Infrastructure Levy Regulations 2010

The contributions listed in the above recommendation 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.

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 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.

To accord with UDP Policy CS8 and the SPD the proposed scheme of 7 residential units (7 three-bedroom flats) would require a contribution of £59,593 and a monitoring fee of 5%.

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 the proposed scheme would require a contribution of £973 (calculated at the time of determining this application) 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 £11,774 (calculated at the time of determining this application) and a monitoring fee of 5%.

The Local Planning Authority acknowledges that the applicant did offer a signed Unilateral Undertaking to cover the financial contributions required as part of the appeal against F/02659/10. However, there is no record that payment has ever been received to cover this cost required:

1. Contributions education: £59,911 and a monitoring fee of 5%.
2. Contributions to library services: £383.83 and a monitoring fee of 5%.
3. Contributions to Health facilities: £14,142 and a monitoring fee of 5%.

Mindful of this, total sum £70,707 for education, library services & health facilities contributions and a monitoring fee of 5% should be secured by Section 106 or Unilateral Undertaking.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Considering the views of the Planning Inspectorate, these reasons of objections notes above are not considered sufficient to constitute a reason for refusal as the amendments are considered to have addressed these concerns.

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'.

The Local Planning Authority takes the view that where a proposal requires planning permission the policies of the up-to-date Unitary Development Plan and the advice in

the Supplementary Planning Guidance has been followed. The proposal has been considered against these factors.

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: 58 West Heath Drive, London, NW11 7QH

REFERENCE: F/04332/11



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LOCATION: Rylstone, Holders Hill Crescent, London, NW4 1ND
REFERENCE: F/04254/11 **Received:** 17 October 2011
WARD(S): Finchley Church End **Accepted:** 20 October 2011
Expiry: 15 December 2011

Final Revisions:

APPLICANT: Mr J Caro

PROPOSAL: Demolition of existing house and garage and erection of a three storey detached dwellinghouse with new detached garage and refuse and cycle storage.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: C12794-101 RevC; C12794-102 RevC.

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 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.

- 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.

- 6 Before the building hereby permitted is occupied the proposed window(s) in the second storey front elevation and first floor side elevation facing the rear gardens along Holders Hill Crescent 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.

- 7 The flat roofed area of the house 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 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 building(s) hereby permitted shall not be extended in any manner whatsoever without the prior specific permission of the Local Planning Authority.

Reason:

To ensure that the development does not prejudice the character of the

locality and the enjoyment by existing and/or neighbouring occupiers of their properties.

- 9 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).

- 10 No site works or works on this development including demolition or construction work, shall commence until a Demolition, Construction and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. All works must be carried out in full accordance with the approved details 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 and to safeguard the health of existing tree(s).

- 11 Before the development hereby permitted is occupied the proposed parking spaces as shown in Drawing No. C12794-103 Rev. B submitted with the planning application. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced in accordance with Policies M8 and M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

- 12 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 Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (UDP) (2006).
In particular the following policies are relevant:
Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D4, D5, H18 and H27, H16, H17.

Core Strategy (Publication Stage) 2010:
Relevant policies: CS5, DM01, DM02, DM04, DM17.
 - 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.
- 2 Refuse collection points should be located within 10 metres of the Public Highway; otherwise, unobstructed access needs to be provided to the refuse vehicle on the day of the collection. The development access needs to be designed and constructed in accordance with the Council's Adoptable Standards and a Waiver Agreement will need to be signed by the applicant to allow refuse vehicles to access the site.

Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 3 Any details submitted in respect of the Demolition, Construction and Traffic 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.

- 4 Any highway approval as part of the planning process for the alteration to the existing crossovers 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. Removal or relocation of any existing street furniture or alteration to road markings or Controlled Parking Bays would be subject to public consultations and would be done at the applicant's expense, under a rechargeable works agreement, by the Council's term contractor for Highway Works. In the 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, Environment, Planning and Regeneration Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP

1. MATERIAL CONSIDERATIONS

Planning Policy Statement 1: Delivering Sustainable communities (PPS1)
Planning Policy Statement 3: Housing (PPS3)

Relevant Unitary Development Plan Policies:

Adopted Unitary Development Plan_(2006): GBEnv1, GBEnv2, D1, D2, D4, D5, H18 and H27.

Supplementary Planning Guidance:

Barnet Design Guidance Note 5 – Extensions.

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:

DM01, DM02, DM06, DM17, CS 5.

Relevant Planning History:

None relevant.

Consultations and Views Expressed:

Neighbours Consulted: 75
Neighbours Wishing To
Speak

Replies: 12 (1 petition)

The objections raised may be summarised as follows:

- Contrary to policy.
- The proposed development is out of keeping with the visual appearance of the area; it does not enhance the character of the area, contrary to visual appearance of surrounding area, too large for area.
- No precedent for this kind of house.
- Size of development is out of scale with the existing neighbouring properties- both in terms of height, overall size, the increased number and size of windows, materials used.
- Loss of amenity: overlooking, loss of privacy, loss of light, overbearing.
- Design statement contains misstatements, inaccuracies and irrelevancies.
- Mature tree in good condition has already been cut down despite being shown on plans to be protected.
- Three storey building would have a much heavier impact than existing property.
- Increase in traffic, noise and disturbance, pollution.
- Negative impact on adjoining neighbours by virtue of scale and proximity.
- Subsidence due to two street trees any work permitted behind house may cause further structural problems.
- The proposed building is a monstrosity, characterless and looks more like a block of offices or flats than a house.

Internal /Other Consultations:

- Traffic & Development - No objections

Date of Site Notice: 03 November 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a detached dwelling at the rear of Holders Hill Crescent, it is within close proximity to Hasmorean High School. The application site can be accessed via a private road off Holders Hill Crescent. The property sits alone on a plot of land and has been named 'Rylstone'.

Proposal:

The application relates to the demolition of existing dwelling and erection of new three storey detached dwelling

Planning Considerations:

Principle of demolition

The principle of demolition and replacement is considered acceptable. The property does not fall within a conservation area and does not have high public visibility nor does the property have any particular architectural merit as to warrant its retention. Although the existing property is considered to be of a good design and demolition and rebuild is not considered to be the most sustainable method to update residential accommodation, these points alone does not warrant refusal for the application subject to the environmental standard condition.

Policy Context

The proposed development is considered to be compliant with national policy of PPS1 and PPS3 and local policy within the UDP. PPS1 advises that Local Planning Authorities should enable the provision of good quality new homes in suitable locations. PPS3 advocates that LPA's should make efficient use of land in particular by the re-use of brown field sites to preserve the greenbelt.

Design

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, D5 and D6 of the Adopted

UDP (2006).

The Unitary Development Plan recognises at paragraph 4.3.1.3 that sensitively designed, modern, innovative development can fit well into many settings, and such development therefore need not slavishly follow traditional or dominant architectural styles in order to be acceptable. Nevertheless UDP paragraph 4.3.1.4 states that it is important that all designs respect local character. The Local Planning Authority take the view that given the location of the site, there is capacity for a modern design approach to development that would not interrupt the character of the area and appear as an incongruous development.

The proposed development consists of the demolition of the existing detached property and erection of a three storey replacement dwelling house and extended footprint. The proposal is of a modern design approach, however, given the properties siting at the rear of Holders Hill Crescent and adjacent to the Hasmorean school site the modern design approach is considered to be acceptable as the site does not relate to other dwellings and does not have high public visibility.

The design of the replacement building is considered to reflect the constraints of the site and is considered to be acceptable. It is acknowledged that the design of the building is of a modern concept and whilst this may not be appropriate for some sites given the site specific circumstances the design is considered to be acceptable.

Impact on neighbouring properties

The application has been substantially amended since the initial submission to mitigate concerns of a loss of amenity to the surrounding residential occupiers on Holders Hill Crescent.

In assessing the impact of the proposal on the surrounding properties, any new development should not give rise to any increased impact on the surrounding residential occupiers than already exists. The amended proposal ensures no further harm is created than currently exists between the property at Rylstone .

It is acknowledged that the single storey gym element comes closer to the site boundary, however, as this is single storey with a flat roof it is not considered to result in any harm to the surrounding occupiers. The ground floor footprint of the house is considered to be acceptable and appropriate and would not result in harm to the surrounding properties.

At first floor level the proposal has been amended to bring the proposal more in line with the existing building line. At the point where the proposal extends beyond the parameters of the existing building the proposal has been set in from the boundary with the rear gardens of Holders Hill Crescent by 5m to reduce the impact on these properties. This is considered a sufficient distance to ensure the proposal is not overbearing on the neighbouring gardens.

At second floor level the proposal will be 0.3m higher than the existing ridge line and is set 5m away from the boundary. This minimises the impact of the additional habitable storey on the surrounding occupiers and reduces the overall bulk of the

proposed dwelling. The glazing at second floor level to the front elevation is conditioned to be obscure glazed to prevent any overlooking to the neighbouring properties.

Policy H17 of the Adopted Unitary Development Plan (2006) requires a minimum distance of 21 metres in new developments between facing windows to habitable rooms and 10.5 metres to a neighbouring garden, to avoid overlooking - the proposed building accords with this policy.

Amenity of future occupiers

The proposal is in compliance with policy 3.5 of the London Plan 2011 which sets out minimum space standards for new development as set out in table 3.3.

Amenity Space

Council Policy H18 refers to amenity space standards. For houses, 85 square metres of space is required for properties consisting of up to seven or more habitable rooms. The emphasis in the UDP is on usable space in the form of private rear gardens. Adequate amenity space is considered to be provided. Details of landscaping are required by condition.

Parking, Access and Vehicle Movements

Sustainability

Sustainable development is a key priority of Central Government and the Council. Any new residential development in Barnet is expected to meet the BREEAM EcoHomes 'Excellent' rating or Code Level 3 of the Sustainable Homes - the applicant has indicated in his sustainability submission that this will be achieved (this is to be enforced by an attached EcoHomes or Code for Sustainable Homes condition.)

3. COMMENTS ON GROUNDS OF OBJECTIONS

The tree removed next to the garage did not have a tree preservation order and therefore the Local Planning Authority could not prevent its removal.

All other planning related matters are considered to be 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.

5. CONCLUSION

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:
1ND**

Rylstone, Holders Hill Crescent, London, NW4

REFERENCE:

F/04254/11



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LOCATION: 44 Cotswold Gardens, London, NW2 1QU
REFERENCE: F/04269/11 **Received:** 17 October 2011
WARD(S): Golders Green **Accepted:** 17 October 2011
Expiry: 12 December 2011

Final Revisions:

APPLICANT: Mrs Jaber Ansari

PROPOSAL: Conversion of garage into habitable room with insertion of a window. Single storey rear extension. First floor side extension. Loft conversion with rear dormer window and rooflights to front. Conversion of property into two self-contained flats.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site and Location Plan; Plan No's: AJ/1/3; AJ/2/3.

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 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.

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

Reason:

To protect the amenities of future and neighbouring residential occupiers.

- 6 No development shall take place until details of the arrangements to meet the obligation for education, 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, 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 Before the development hereby permitted is occupied, existing parking spaces shall be retained in accordance with the proposed planning application. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policies M11, M13 and M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the floor plan layout as shown on the hereby approved plans must not be changed without the prior written permission of the local planning authority.

Reason:

To safeguard the amenities of neighbouring occupiers and the general locality.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed in the flank elevations of the extension hereby approved facing the neighbouring properties, unless agreed in writing by the Local Planning Authority.

Reason: To safeguard the privacy and amenities of the occupiers of the 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 Mayor's London Plan: July 2011 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, D4, D5, CS2, CS8, CS13, IMP1, IMP2, GMon, GH1, H2, H16, H18, H23, H26, H27, M11, M13 and M14.

Design Guidance Note 7 - Residential Conversions and Design Guidance Note No. 5 – Extensions to Houses.

Core Strategy (Publication Stage) 2010: Policy CS5, DM01, DM02, DM08, DM17.

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

The conversion of the property into two self contained flats and proposed extension is considered acceptable, in character with the surrounding area. The proposal would protect the character of this part of Golders Green and respect the setting of nearby buildings. The proposal would provide acceptable standards of amenity for future occupiers and respect the amenity of existing neighbouring occupiers. The proposal is acceptable on highways grounds.

2 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.

3

Any highway approval as part of the planning process for the alteration to the existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in Environment, Planning and Regeneration Directorate as part of the application for crossover under Highways Act 1980. Removal or relocation of any existing street furniture or alteration to road markings or Controlled Parking Bays would be subject to public consultations and would be done at the applicant's expense, under a rechargeable works agreement, by the Council's term contractor for Highway Works.

In the 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, Environment, Planning and Regeneration 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 Development.
Planning Policy Statement 3: Housing.

The Mayor's London Plan: July 2011

The Mayor of London, The London Plan, Spatial development strategy for Greater London, Consolidated with Alterations since 2004 is the development plan in terms of strategic planning policy. Relevant strategic policy includes 3.5.

Relevant Unitary Development Plan Policies:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D3, D4, D5, CS2, CS8, CS13, IMP1, IMP2, GMon, GH1, H2, H16, H18, H23, H26, H27, M11, M13 and M14.

Supplementary Planning Guidance:

Design Guidance Note No. 5 – Extensions to Houses.
Design Guidance Note No. 7 - Residential Conversions.

Supplementary Planning Document on Sustainable Design and Construction (June 2007).

Supplementary Planning Document on Contributions to Education (2008).

Supplementary Planning Document on Contributions to Library Services (2008).

Supplementary Planning Document on Contributions to Health and Social Care (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: Policy CS5, DM01, DM02, DM08, DM17.

Relevant Planning History:

Site Address:	44 Cotswold Gardens LONDON NW2
Application Number:	C07385A
Application Type:	Full Application
Decision:	Refuse
Decision Date:	16/10/1996
Appeal Decision:	No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Two storey side extension and single storey rear extension.**
Case Officer:

Site Address: 44 Cotswold Gardens, London, NW2 1QU
Application Number: F/02990/11
Application Type: Full Application
Decision: Withdrawn
Decision Date: 16/09/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Conversion of garage into habitable room. Single storey rear extension. First floor side extension. Roof extension involving hip to gable and rear dormer window and rooflights to front to facilitate a loft conversion. Conversion of property into 3 self-contained flats.**
Case Officer: Neetal Rajput

Consultations and Views Expressed:

Neighbours Consulted: 41 Replies: 4
Neighbours Wishing To 1
Speak

The objections raised may be summarised as follows:

Parking issue – lack of spaces, police have been called out in regard to parking matters.

People use the road as a rat-run ignoring the no-entry signs.

Two children have already been knocked down and a child being.

Increase in density of dwellings will compromise safety of residents and road users.

Changing the building into two separate flats with two doors changes the description of the house as registered on the deeds.

With the extensions planned would that not change no. 46 into a terraced house instead of a semi detached?

Housing two separate flats would put more strain on the plumbing and sewage.

Accommodating two separate families would cause even more parking problems than we already have.

Plus loss of greenery, will have an effect on the environment.

This estate was built in the 1930s and as far as we know ALL the houses were semi-detached. Building an added room and improving your property is one thing, completely changing the building is surely a different issue.

Increase in number of families.

Health problems will be exacerbated by noise, disturbance and dust caused by the development.

Internal /Other Consultations:

Traffic & Development: The proposal is to convert the existing 3 bedroom dwelling into 2 self-contained flats to provide 2x3 bedroom flats. The property currently has 2 parking spaces in the frontage of the property which are to be retained.

The proposed parking provision is in accordance with the parking standards set out

in the UDP 2006.

Recommendation:

- The proposal is acceptable on highways grounds.
- Green Spaces (inc Allotments) - No comments.

Date of Site Notice: 27 October 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a residential semi-detached property on Cotswold Gardens. The site falls within the Golders Green ward and is outside any of the Borough's Conservation Areas. Cotswold Gardens is part of a residential street where a number of properties have had alterations and there are a number of converted properties. A prime example is No. 56 Cotswold Gardens which was granted planning permission (F/00284/09) for *conversion of existing dwelling into two self-contained units following single storey rear extension* in March 2009 and Council Tax records confirm that the conversion has been implemented in site.

Proposal:

The application consists of the following elements:

- Conversion of garage into habitable room with insertion of a window.
- Single storey rear extension.
- First floor side extension which has been amended to be set back by 1metre from the front of the property.
- Loft conversion with rear dormer window and rooflights to front.
- Conversion of property into two self-contained flats.

Planning Considerations:

It is not considered that the principle of converting the premises into two self contained flats would harm the residential character of the area. PPS3 encourages developments that make the most efficient use of land, whilst The London Plan encourages proposals that encourage the highest possible intensity of land that is appropriate for the area. The application which provides additional residential accommodation accords with Council policy. Policy GH1 of the Adopted UDP (2006) as well as the SPD on Sustainable Design and Construction (2007) indicates that the Council will seek the provision of additional homes through the redevelopment of existing sites. The proposal is in character with the immediate area, both No.s 56 and 76 Cotswold Gardens (F/0075/11) have been granted planning for conversion of the property into two self contained.

Design Guidance Note 7, relates to the adequate provision of internal space. It is considered that there is sufficient space to allow the occupants unrestricted movement within the premises. In respect to the amenity space, there is access to the rear garden which is for private amenity space for the ground floor flat which provides sufficient amenity space to comply with policy H18.

The highways department have deemed the proposal as acceptable, there will be the provision of two car parking spaces to the front of the property. On balance it is unlikely that the proposed conversion will have any additional detrimental impact on public highway. The proposal complies with the Council's maximum parking standards.

Design Guidance Note 7, relates to the adequate provision of internal space. It is considered that there is sufficient space to allow the occupants unrestricted movement within the premises. The flats exceed Barnet's minimum size of 30m² and the minimum space standards within The London Plan, policy 3.5.

In addition to this, to ensure the sustainability of each unit an insulation of acoustic separation for the proposed new units will be required for the floors and party walls. The applicant has not submitted this information and it will therefore be enforced through an appropriate condition attached to the decision. A condition requires sound insulation systems in relation to impact and airborne noise to achieve a sound attenuation in line with the Building Regulation requirements for airborne sound and impact sound.

In accordance with the Councils Supplementary Planning Documents in relation to Health, Education and Libraries, the proposed development would require a financial contribution (plus associated monitoring costs) towards health, educational places/library provision within the borough via the discharge of the condition attached to the decision. This matter is conditioned.

The proposed first floor side extension would accord with Council policies that seek to maintain the character of areas and individual properties. There are other examples of properties on Cleveland Gardens, Cotswold Gardens, Pennine Drive which have a similar feature of a two storey rear projection. For example No. 65 Pennine Drive was granted planning consent (C17043/07) for *'two-storey side and rear extensions'* in July 2007. The design, size and bulk of the extension is such that it would not have a detrimental impact on the appearance of the property, street scene and general area. It should be noted that the extension was amended since first being submitted.

The proposed first floor side extension would accord with Council policies that seek to maintain the character of areas and individual properties. The design, size and bulk of the extension is such that it would not have a detrimental impact on the appearance of the property, street scene and general area. The proposed first floor side extension has been set back 1 metre from the front, set down by 0.5 metres from the main roof and does not project further rearward than the existing building line of the property.

The proposed first floor side extension accords with Council Design Guidance Note 5 – Extensions to Houses which indicates that at first floor level, side extensions should be set down and back from the main building line. This ensures that the extension appears subordinate to the existing house when viewed from the streetscene.

Council's policies and guidelines in respect of extensions to residential properties seek to ensure that they respect the scale, character and design of any building on which they are to be placed and are compatible with the character of the locality. The rear dormer accords with Council Guidance (Note No.5 – Extensions to Houses) which indicates that dormers should be subordinate features, not more than half the width or height of the roof slope.

The proposed single storey rear extension would also comply with Council policies that seek to preserve the amenities of neighbouring occupiers. The design, size and rearward projection of the proposed extension are such that it would not have an adverse impact on the residential and visual amenities of the neighbouring occupiers. Design Guidance Note No. 5 - Extensions to Houses states that single storey rear extensions to semi-detached houses projecting up to a maximum of 3.5 metres in depth along the boundary with a property will normally be acceptable. Thus, this extension is in accordance with Council guidance, as the extension measures 2.9 meters in depth along the boundary with the neighbouring property No. 46 Cotswold Gardens

The proposed window for the conversion of the garage into a habitable room would result in subordinate addition to the application site, in keeping with the character and appearance of the property, street scene and wider area. Following the garage conversion the property would still comply with Council Policies in respect of off-street parking.

The proposed development respects the proportions of the existing house. It is not considered that the extension is overbearing or unduly obtrusive and therefore there would not be any significant impact on privacy, loss of light, loss of outlook or overbearing in relation to neighbouring properties. As such, policies in Barnet's UDP would be complied with, in particular D2 in respecting its character and appearance, D5 in '*allowing for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users*' and H27 as it has no significant effect on the amenity of neighbouring occupiers.

3. COMMENTS ON GROUNDS OF OBJECTIONS

It is considered that the planning related concerns raised on this application were not sufficient to constitute a reason for refusal and the objections 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.

5. CONCLUSION

As conditioned, the proposal would provide further accommodation without detriment to the residential amenity of neighbouring and future occupiers. The proposal is acceptable on highways grounds. It is recommended the application be **approved**

subject to the discharging of attached conditions.

SITE LOCATION PLAN: 44 Cotswold Gardens, London, NW2 1QU

REFERENCE: F/04269/11



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LOCATION: 15 Brunner Close, London, NW11 6NP

REFERENCE: F/03343/11

Received: 09 August 2011

Accepted: 18 August 2011

WARD(S): Garden Suburb

Expiry: 13 October 2011

Final Revisions:

APPLICANT: Mr & Mrs T Isaacs

PROPOSAL: Alterations to entrance and new first floor front extension with pitched roof to match existing. Conversion of garage into habitable room including new doors and windows to front and rear elevations and new parapet. Extension to existing sunroom. Two-storey side extension. Alterations to roof including new dormer windows to rear and side elevations and roof lights to side elevation to facilitate a loft conversion. New windows to match existing. New basement level.

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: 266/EX/01, 266/EX/02, 266/EX/03, 266/EX/05, 266/EX/06, 266/EX/07, 266/EX/08, 266/PL/01 Rev: A, 265/PL/02, 265/PL/03, 265/PL/04 rev: B, 265/PL/05 Rev: A, 265/PL/06, 265/PL/07 Rev: A, 265/PL/08 Rev: A, SK/01, a site plan, a site plan as existing with the proposed ground floor plan (04), a site plan with the proposed basement plan, a site plan with the proposed ground floor plan and a tree protection plan a Russell Ball & Associates Phase II Arboricultural Impact Assessment dated 16/08/2011.

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.

4 Notwithstanding the details shown on the hereby approved drawings, the rooflight(s) hereby approved shall be of a "conservation" type (with central, vertical glazing bar), set flush in the roof.

Reason:

To safeguard the character and appearance of the Conservation Area.

- 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 Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval.

Reason:

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

- 7 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.

- 8 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.

- 9 No development shall take place until details of a construction management plan have been submitted to and approved in writing by the local planning authority.

Reason:

To safeguard residential amenity.

- 10 No siteworks or works on this development shall be commenced before a method statement, expanding on the principles of the Russell Ball & Associates Phase II arboricultural Impact Assessment dated 16/08/ 2011, detailing precautions to minimise damage to protected trees, in accordance with Section 7 of British Standard BS5837: 2005 *Trees in relation to construction - Recommendations* is submitted to and approved in writing by the LPA and the development shall be carried out in accordance with such approval.

Reason: To safeguard the health of existing trees which represent an important amenity feature.

- 11 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.

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 Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (UDP) (2006).

In particular the following policies are relevant: PPS1 and PPS5
Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D5, D11, D13, HC1, HC5 and H27.

Core Strategy (Publication Stage) 2010:

Relevant policies: CS5, DM01, DM02, DM04 and DM06.

ii) The proposal is acceptable for the following reason(s): - Having taken all material considerations into account, the proposal would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The design, size and siting of the alteration is such that, as conditioned, they preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area, area of special character and trees of special amenity value.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements: PPS1 and PPS5

Relevant Unitary Development Plan Policies: GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D5, D11, D13, HC1, HC5 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: CS5, DM01, DM02, DM04 and DM06.

Relevant Planning History:

Planning applications

Site Address: 15 Brunner Close, London, NW11 6NP
Application Number: F/03343/11
Application Type: Householder
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Alterations to entrance and new first floor front extension with pitched roof to match existing. Conversion of garage into habitable room including new doors and windows to front and rear elevations and new parapet. Extension to existing sunroom. Two-storey side extension. Alterations to roof including new dormer windows to rear and side elevations and roof lights to side elevation to facilitate a loft conversion. New windows to match existing. New basement level.**
Case Officer: David Campbell

Consultations and Views Expressed:

Neighbours Consulted: 11 Replies: 9
Neighbours Wishing To 1
Speak

The objections raised may be summarised as follows:

- Environmental considerations;
- Noise and disturbance from air conditioning unit;
- Out of character;
- Proposal will lead to demolition of the house in a conservation area;
- Affect on protected trees, especially the Oak tree;
- Flooding due to basement and under waster issues;
- Over-development of application site – excessive and visually intrusive;
- Basement poses serious structural risks to the neighbouring properties because of subsidence and poor drainage in the area;
- Porch does not match neighbouring properties;
- Stringent conditions should be attached to the grant of planning permission – guarantee access, limits on the hour of work, limit to the number of lorries;
- Increased overlooking;
- Loss of light;
- Council's failure to consult adequately on these proposals;
- Impact of deep excavations on the root systems of existing mature oaks;
- Impact of conversion the current garage on parking and access;
- Difficulties of access and impact of works on surrounding locale;
- Precedents created by other development in the close;
- Cars to park onto the already congested Close, compromising manoeuvre by Refuse and Emergency Services and other households;
- Air conditioning. The location for such equipment is not indicated, but the fact of it is likely to have environmental and acoustic impact;

- The property has over the years already been extended beyond its original form at the entrance, and on the west side right up to the boundary with my home, and on the north up to the existing specimen Oak tree;
- It appears that the current proposals actually convert much of space at the heart of the original house to use merely as stairs and circulation, both over scaled, thereby losing or eroding existing habitable rooms. This then leads to an expansion beyond the present walls essentially to recreate the very rooms that will have been lost;
- Application to enlarge dwelling on 3 sides as well as the roof is inconsistent with the planning and land uses of this close;
- Housing density and burden on public services will be materially increased whilst light, air and green space will be diminished;
- Mains water and gas pressures and electricity grid capacity, already marginal, may become inadequate to service greatly enlarged dwellings in this location. Access to the property by fire, emergency and sanitation vehicles is insufficient for the scale of the structure contemplated;
- Brunner Close itself has no capacity to accommodate the heavy goods vehicles required to complete the works and the damage, delay, danger and disruption to local traffic would be severe and prolonged;
- There would be no corresponding Council tax increase or other compensatory financial benefit to the Barnet. The burden to Council resources and on the community outweighs any benefit.

Internal /Other Consultations:

The HGS CAAC objected to the original application for the following reasons:

- The basement would endanger the oak trees.
- The front should match 16 Brunner Close
- The garage should not be converted
- Overdevelopment
- Fenestration and dormers out of keeping

Trees and Landscape - No objections subject to conditions.

Date of Site Notice: 25 August 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

16 Brunner Close is a detached property designated a locally listed building for its group value, located at the far, west end of a symmetrically arranged cul-de-sac of similarly designed dwellings. The application site is adjacent to the footpath running between Southway and Middleway and shares a side boundary with the rear boundaries of properties on Southway. The oak trees close to the house have recently received a Tree Preservation Order.

Proposal:

The proposal relates to the following:

- Alterations to entrance
- New first floor front extension with pitched roof to match existing, approximately 2.8m further forward than the existing.
- Conversion of the garage into a habitable room including new doors and windows to front and rear elevations and new parapet,
- Extension to the existing sunroom, from 3.4m wide to 6.7m wide
- Two-storey side extension which will be 3m further out into the garden
- Alterations to roof including new dormer windows to rear and side elevations and roof lights to side elevation to facilitate a loft conversion,
- New windows to match existing
- A new basement level which will not extend beyond the profile of the extended house

Planning Considerations:

The main issue in this case is whether or not the alterations would be visually obtrusive forms of development which would detract from the character and appearance of the street scene and this part of the Hampstead Garden Suburb Conservation Area and have an adverse and visually obtrusive impact upon the amenity of the occupiers of the neighbouring property.

Section 54A of the Town and Country Planning Act 1990 introduced a presumption in favour of development proposals which are in accordance with the development plan. (Also see PPS1 paragraph 28) Section 38(6) of the 2004 Act says the determination must be in accordance.

The supplementary planning guidance for the Suburb is the Hampstead Garden Suburb Design Guidance which has been the subject of public consultation and Local Planning Authority approval. The guidance says:

It is worth remembering that the rear of houses were as carefully designed as the front and can often be viewed from public places such as footpaths.

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an "Area of Special Character of Metropolitan Importance". The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder, was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter

continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 – 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

The alterations to the front entrance of the proposals are considered to be an improvement on the existing situation which has currently has an usual angled profile which is not in keeping with other properties in the road. The proposed front door and associated windows are also considered to be acceptable.

The new first floor front extension is considered to match that approved at 16 Brunner Close and as such would restore balance to the group of houses which is considered to be important in Brunner Close. The resultant building will be approximately 1m away from the neighbouring 17 Brunner Close, the same as existing and as such is not considered to give rise to any loss of amenity.

There are no objections to the loss of the garage, as it was noted on site that there will still be off street parking on the driveway. There are no objections to the changes to fenestration or the increase in the height of the parapet, as no neighbour is considered to be adversely affected.

There are also no objections to the increase in the size of the sun room. The extended area is to be built on an adjoining footpath and as such it is not considered to impact on protected trees, even though it is acknowledged it would be within the root protection area. The extension would also be far enough away from neighbours not to cause loss of amenity.

The extension into the garden would be 4.7m away from 17 Brunner Close and is not therefore considered to give rise to any loss of amenity. The extension would be constructed with matching materials and would be similar to the extension approved at 16 Brunner Close. There are therefore no objections to this part of the application either.

The size of the side and rear dormer windows are considered to be subordinate feature within each roof slope and are not considered to cause harm to the character and appearance of the host property, street scene or wider conservation area. The proposed rooflights located on the side elevations would be concealed from public view. A number of properties in the area have been previously extended through the

addition of dormer windows. There are no objections to any of the other changes in fenestration.

There are no objections to the basement as it would be entirely within the built form of the extended house. The lightwells are considered to be acceptable and will not be visible from the surrounding area. They have also be reduced in size from the original application.

The size of the basement has been reduced since the application was first submitted, and will now be under the existing footprint of the main house. There has been additional information submitted in relation to the protected Oak Trees. It is now considered that the development will have an acceptable impact on the proposed trees and should not result in harm to them. Conditions have also been attached which seek to further protect these trees. There are therefore no objections on these grounds.

It is considered the proposed extension and alterations would be in keeping with the character and appearance of the existing locally listed building. It is considered to preserve the character and appearance of the Hampstead Garden Suburb Conservation Area, and would have an acceptable impact on the character and appearance of the general locality.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The grounds of objection have been addressed below:

- There are not considered to be any environmental issues which would result in the application being refused.
- There are attached conditions relating to the air conditioning units to ensure no harm to neighbouring residents.
- The proposals are considered to be in character with the conservation area and would not represent overdevelopment.
- There are no proposals to demolish the existing building.
- It is considered that subject to conditions, the trees will be protected.
- The site is not in an identified flood zone
- The proposed porch is considered to be an improvement
- Conditions relevant to the application have been attached to the application.
- The application is not considered to give rise to any additional overlooking or loss of light.
- Consultation has been carried out correctly
- The conversion of the garage is considered to be acceptable.
- Other developments and approvals are taken into consideration when determining planning applications.
- The amount of extensions are considered to be acceptable.
- There are no objections to density given there are no increases in the number of units.
- Matters concerning Council Tax, disturbance to residents during construction, drainage, subsidence and the capacity of local services are not planning

considerations.

- Access to the property for emergencies is not considered to change as a result of the development.

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

Having taken all material considerations into account, the proposal would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The design, size and siting of the alterations are such that, as conditioned, they preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area, area of special character.

APPROVAL is recommended.

SITE LOCATION PLAN: 15 Brunner Close, London, NW11 6NP

REFERENCE: F/03343/11



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LOCATION: Gaywoods, 29 Winnington Road, London, N2 0TP

REFERENCE: F/03572/11 **Received:** 19 August 2011
Accepted: 19 August 2011

WARD(S): Garden Suburb **Expiry:** 14 October 2011

Final Revisions:

APPLICANT: Mr C Lewisohn

PROPOSAL: Erection of a single family dwelling house comprising of basement, ground, first, second and third floor including rooms in roofspace. Associated parking.

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings 1225/3/p001, 1225/3/p002A, 1225/3/p003, 1225/3/p004, 1225/3/p005, 1225/3/p006, 1225/3/p007, 1225/3/p008, 1225/3/p009A, 1225/3/d001, 1225/3/d002, 1225/3/d003, a site plan, archive drawings, a Tree Survey, Protective Fencing Details, Method Statement - to demonstrate avoidance of service trenching at rear produced by Broadhurst Clarke Architects and Method Statement - avoidance of disturbance and compaction to root protection zones by Broadhurst Clarke Architects.

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 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.

- 5 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.

- 6 A scheme of hard and soft landscaping, including details of the proposed species and exact planting size and aftercare (maintenance) of the "new semi mature specimen tree" to be planted at the front of the site and 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.

- 7 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.

- 8 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.

- 9 Detailed drawings of all windows, dormer windows, external doors including surrounds, garage doors, eaves, quoins, chimneys and balustrading to the rear basement well/bay window shall be submitted at a scale of 1:10 scale, 1:1 for glazing bars, and approved in writing by the Local Planning Authority before any development hereby permitted is commenced. Development shall be carried out in accordance with the approved plans.

Reason:

To preserve the special character and appearance of the conservation area.

- 10 Detailed drawings of boundary treatment to be used in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before any development hereby permitted is commenced. Development shall be carried out in accordance with the approved details.

Reason:

To preserve the special character and appearance of the conservation area.

- 11 Details of all flues, extract vents, CCTV cameras or air conditioning equipment to be used in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before any development hereby permitted is commenced. Development shall be carried out in accordance with the approved details.

Reason:

To preserve the special character and appearance of the conservation area.

- 12 All rainwater goods to be used on the development hereby permitted shall be made of cast iron.

Reason:

To preserve the special character and appearance of the conservation area.

- 13 All new windows, in the side elevations facing 27 and 31 Winnington 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.

- 14 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 shall be inserted into the new extensions hereby approved without the prior specific permission of the Local Planning Authority.

Reason:

To protect the privacy and amenity of the adjoining property.

- 15 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).

- 16 The level of noise emitted from the ventilation and extraction equipment plant approved under condition 12 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 No development shall take place until details of a construction management plan have been submitted to and approved in writing by the local planning authority.

Reason:

To safeguard residential amenity.

- 18 Before the development hereby permitted is first occupied the basement parking for cars shown on Drawing Nos. 1225/3/p002 & 225/3/p003 shall be provided and this shall not be used for any other purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policies M11, M13 and M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

- 19 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.

- 20 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.

- 21 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 specified in figure 2 of the British Standard Trees in relation to construction - recommendations BS5837: 2005 and in the location shown on drawing 1225/3/p002 Rev: A unless otherwise submitted to 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.

- 22 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.

- 23 All new services shall be provided in accordance with the methods detailed in the Method Statement - to demonstrate avoidance of service trenching at rear produced by Broadhurst Clarke Architects unless otherwise agreed in writing by the Local Planning Authority and the development carried out in accordance with such approval.

Reason:

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

- 24 The existing driveway surface shall be retained during construction of the development works hereby consented unless otherwise approved in writing by the Local Planning Authority.

Reason:

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

- 25 No siteworks or works on this development shall be commenced before a method statement based on and expanding the principles contained in Method Statement - avoidance of disturbance and compaction to root protection zones by Broadhurst Clarke Architects detailing precautions to minimise damage to trees in accordance with Section 7 of British Standard BS5837: 2005 *Trees in relation to construction - Recommendations* is submitted to and approved in writing by the LPA and the development shall be carried out in accordance with such approval.

Reason: To safeguard the health of existing trees which represent an important amenity feature.

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 Mayor's London Plan: July 2011 and the Adopted

Barnet Unitary Development Plan (2006).

In particular the following policies are relevant: PPS1, PPS3 and PPS5
Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D11, HC1, HC5, M11, M13, M14, H16, H17, H18, H21, CS2, CS8, CS13, IMP1 and IMP2.

Core Strategy (Publication Stage) 2010: CS4, CS5, DM01, DM02, DM04, DM06, DM17..

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 the proposed development would be in accordance with the Council's policies and guidelines, and would not cause unacceptable harm to the area, the existing building or the amenities of any neighbouring property.

- 2 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.

- 3 The applicant is advised that prior to any alteration to the public highway (including pavement) will require consent of the local highways authority. You may obtain an estimate for this work from the Chief Highways Officer, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

- 4 In the event that any alteration to the existing crossover or new crossovers is required then it will be subject to detailed survey by the Crossover Team in Highways Group 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, Highways Group, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.

- 5 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.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements: PPS1, PPS3 and PPS5

Relevant Unitary Development Plan Policies: GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D11, D13, HC1, HC5, M11, M13, M14, H16, H17, H18, H21, CS2, 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.

HGS Design Guidance (2010)

HGS Character Appraisal (2010)

Relevant Core Strategy Policies: CS4, CS5, DM01, DM02 and DM04.

Relevant Planning History:

Application: Planning
Validated: 16/06/2010
Status: WDN
Summary: WIT
Description: Demolition of existing dwelling house.
CONSERVATION AREA CONSENT

Number: F/01853/10
Type: CAC
Date: 03/08/2010
Case Officer: David Campbell

Application: Planning
Validated: 16/06/2010
Status: WDN
Summary: WIT
Description: Erection of a single family dwelling house comprising of basement, ground, first, second and third floor including rooms in roofspace. Associated parking.

Number: F/01897/10
Type: APF
Date: 03/08/2010
Case Officer: David Campbell

Application: Planning
Validated: 07/10/2010
Status: WDN
Summary: WIT
Description: Demolition of existing house and erection of a single family dwelling house comprising of basement, ground, first and second floors including rooms in roofspace.

Number: F/04077/10
Type: APF
Date: 02/12/2010
Case Officer: David Campbell

Application: Planning
Validated: 07/10/2010
Status: WDN
Summary: WIT
Description: Demolition of existing dwelling house.
CONSERVATION AREA CONSENT

Number: F/04079/10
Type: CAC
Date: 02/12/2010
Case Officer: David Campbell

Application: Planning
Validated: 06/01/2011
Status: WDN
Summary: WIT
Description: Erection of a single family dwelling house comprising of basement, ground, first and second floors including rooms in roofspace.

Number: F/05079/10
Type: APF
Date: 03/03/2011
Case Officer: David Campbell

Application: Planning
Validated: 06/01/2011
Status: WDN
Summary: WIT
Description: Demolition of existing dwelling house.
(CONSERVATION AREA CONSENT)

Number: F/05098/10
Type: CAC
Date: 03/03/2011
Case Officer: David Campbell

Consultations and Views Expressed:

Neighbours Consulted:	26	Replies:	1
Neighbours Wishing To Speak	1		

The objections raised may be summarised as follows:

- The plans are not accurate and statements made are misleading.
- A hydrology report and SUDS drainage plan are needed.
- Increased sense of enclosure for neighbouring properties/ insufficient space between properties.
- Harm to protected trees.
- A method statement is required.
- Development out of character with the area

Internal /Other Consultations:

- Traffic & Development - No objection subject to conditions.
- Trees and Landscape Team - No objection subject to conditions.
- Conservation and Design - No objection subject to conditions.
- HGS CAAC - objection

Date of Site Notice: 08 September 2011

The application is brought to committee at the request of Councillor John Marshall (Garden Suburb ward).

The application was deferred from the December West Area Planning Sub-Committee in order to enable officers to review objections, give the objector the opportunity to speak and carry out a site visit.

The objector has now made a request to speak and a visit will be carried out before the meeting.

The objection circulated at the meeting has been reviewed by officers and matters raised are considered to be addressed in the appraisal. Any further comments will be referred to the Sub-Committee via the addendum.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site is located within the Hampstead Garden Suburb Conservation Area, created in 1968 as one of the first five Conservation Areas in the Borough. The site is also within an Area of Special Character designated in the Greater London Development Plan of July 1976 and carried over in the adopted Unitary Development Plan of 2006. The Hampstead Garden Suburb is covered by an Article 4 Direction covering Schedule 2 Parts 1 and 2 of the Town and Country Planning Control of Development Regulations 1988. Trees in and around the site have Tree Preservation Orders

(TPOs).

Winnington Road forms the eastern boundary of the Suburb south of Lyttelton Road. It curves down the gentle north facing slope of the hill running from Hampstead Lane in the south to Lyttelton Road in the north. This area was always designed for wealthy owner residents.

The houses are very large and usually have extensive gardens, particularly to the rear. Most properties were originally individually designed for wealthy clients. Many have since been extended to the side reducing the sense of space around each house and the views through to the rear gardens that were characteristic of the original layout.

Proposal:

The proposal is for the erection of a family dwelling house comprising basement, ground, first, second and third floor with 7 bedrooms. 3 parking spaces are provided. The access to the 2 car parking spaces in the basement is via a car lift and the car lift is housed with in a garage which doubles up as a third parking space.

The submission of the application follows a number of withdrawn applications (see planning history above) and extensive discussions between the applicant and officers including tree and conservation officers.

Planning Considerations:

Section 74 of the Planning Listed Buildings and Conservation Area Act controls the demolition of buildings within the Conservation Area. There is a general presumption in favour of retaining buildings which make a positive contribution. The demolition of the house is considered acceptable subject to a suitable replacement. It is considered that the existing building makes a neutral contribution to the character and appearance of the conservation area in which it is situated.

Policy HC1 is a Historic Conservation policy stating that the Council will refuse planning permission for development proposals which fail to preserve or enhance the character or appearance of Conservation Areas. When considering development proposals the Council will give special consideration to advice provided within the Council's Conservation Area Character Appraisal Statements and other supplementary design guidance.

Policy HC5 is a Historic Conservation policy stating that the Council will refuse development proposals which fail to safeguard and enhance the landscape and townscape features which contribute to the identity of Areas of Special Character.

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Unitary Development Plan, as an "Area of Special Character". The Secretary of State for the Environment endorsed the importance of the Suburb by

approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The proposed building lines are considered acceptable in that it would respect the building lines created by other houses on this part of Winnington Road. It is considered that the footprint of the proposed new dwelling respects the constraints of the site and is not significantly larger than the existing.

The overall size has been reduced from previous submission and is now more in keeping with the scale of neighbouring property.

The **proposed** dimensions are as follows:

Depth – 16.7m at 2-storey, 19.3m max'

Width – 15.5m plus 3.6m wide garage

Ridge – 11.3m

Eaves – 6.4m

The dimensions of the **existing** house are as follows:

Depth – 9.8m at 2-storey

Width – 14.4m plus 4.5m wide garage

Ridge – 9.3m

Eaves – 4.4m

The scale and mass of the replacement dwelling compliments the character of other properties within the immediate vicinity and poses no significant detriment to the setting of the nearby building. The proposed basement would not be visible from the road.

The proposed design is considered acceptable and has been the subject of a number of discussions and amendments since the application was submitted. Overall the proposed house would achieve an acceptable height/width relationships with the neighbouring houses and it is considered that it would enhance the character and appearance of this part of the conservation area.

It should be noted that the Local Planning Authority is currently dealing with a parallel application F/03574/11 for a similar development.

The significant difference between the two proposals relates to the rear of the building and the enlarged ground floor projection. On application F/03574/11 the ground floor projects around 1.2m from the main rear building line and spans the full width of the building and also includes the side garage (over 19m in total). This gives an uncomfortable horizontality to the house which jars with the verticality of the building. This application is still therefore being discussed by officers.

Application F/03572/11 (the application in front of committee) does not feature the rear projection and consequently appears much more satisfactory. The garage is also recessed slightly from the rear building line and therefore is less dominant. This application is fully supported by conservation officers.

Policy D5 of the adopted *Unitary Development Plan* is a Design policy states that new developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The existing plans show that 29 Winnington Road is 1.2m from the boundary with 27 Winnington Road and 1.5m from the boundary with 31 Winnington Road. The proposed house is approximately 1m from both No. 27 and No. 31. The existing house is approximately 4m away from No.27 and 3.6m away from No. 31, where as the proposed house is approximately 3.2m away from No. 27 and 3.5m away from No. 31.

This is considered to be an acceptable relationship between the proposed property and the two adjoining neighbours. It is also noted that with respect of the figure quoted above that the dimensions relate to the distance from and to the single storey element of the building to N. 27. The two storey part of the proposed house set back further from the boundary, by approximately 4.5m.

The proposed building would also have an approximate depth of 16m at the ground floor which is comparable to other properties in Winnington Road and is not considered to cause harm to either neighbour.

Conditions have been recommended that seek to further protect the amenities of the neighbours, with obscure glazing to all new side windows and a condition preventing other side windows being inserted into the flank walls. A condition has also been recommended that seeks to protect the character and appearance of the existing building by ensuring that the materials used on the external surfaces are submitted to the Local Planning Authority and approved before any works commence.

There are therefore no objections on these grounds, and it is considered that the policy requirements of policy D5 have been met.

Trees contribute significantly to the character and appearance of the Hampstead Garden Suburb Conservation Area.

As is self-evident from the name, trees and the landscape are of particular importance to the design and philosophy of the Hampstead Garden Suburb. In many of their writings, Parker and Unwin (the founding architects / planners of the Hampstead Garden Suburb) referred to the importance of trees, green spaces, and landscape, together with the critical relationship between site and design (e.g. *The Art of Building a Home* (1901) Longmans).

Wherever possible, in laying out the design for “the Garden Suburb” particular care was taken to align roads, paths, and dwellings to retain existing trees and views. Extensive tree planting and landscaping was considered important when designing road layouts in Hampstead Garden Suburb, such that Maxwell Fry, one of the pioneer modernists in British architecture, held that “Unwin more than any other single man, turned the soulless English byelaw street towards light, air, trees and flowers.”

It is accepted that Winnington Road was not within the area of the original Hampstead Garden Suburb Trust, but is part of the 'new' Suburb into which expansion took place in the interwar period. Winnington Road was laid out and developed following the Trust's acquisition of the Finchley Leasehold Extension in the early 1930s.

Guidance for building in juxtaposition to trees is given in the British Standard: Trees in relation to construction - Recommendations. The British Standard recommends that in order to avoid damage to the roots or rooting environment of retained trees, a root protection area (RPA) of area equivalent to a circle with a radius 12 times the stem diameter (measured at 1.5m above ground level), should be left undisturbed around each retained tree.

The applicant has provided a detailed Tree survey and arboricultural statement which has been carefully reviewed by tree officers. The proposed building would not encroach onto the root protection area (RPA) of surrounding trees including trees. It is considered that the construction of the house (subject to conditions recommended above) would not cause harm to protected trees.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The objections are noted and mainly addressed in the above appraisal. Comments about inaccurate/missing information have been noted and the submitted information reviewed. The existing house is plotted accurately within the site on a scaled drawing and enables existing/proposed comparisons. In assessing the application, officers have taken references from the boundaries of the site and not the side walls of neighbouring buildings. Matters relating to drainage are not considered to be a planning consideration.

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

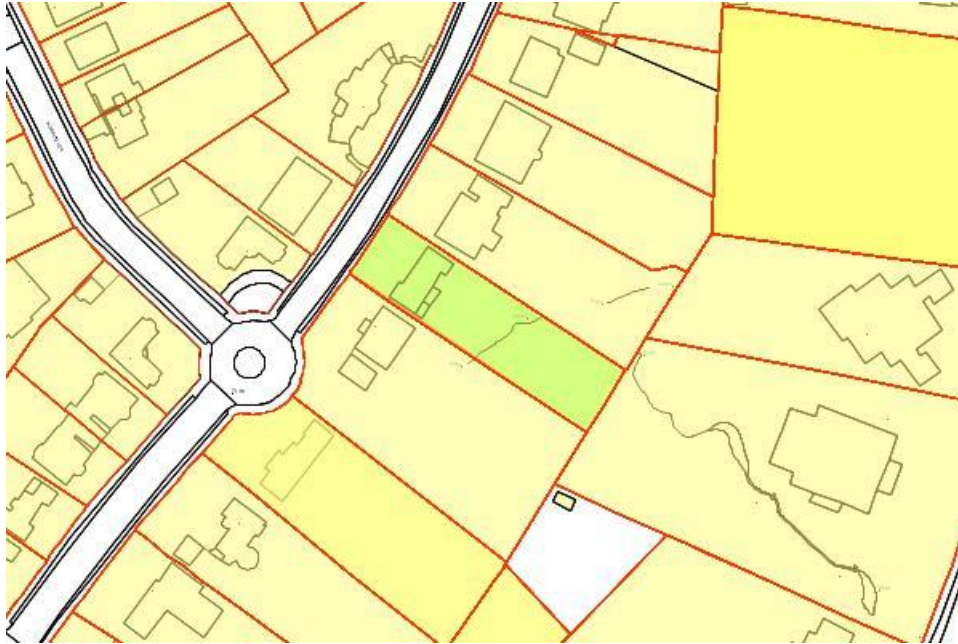
The proposals would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. As conditioned, they would preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, trees, conservation area and area of special character. **APPROVAL** is recommended.

**SITE LOCATION PLAN:
0TP**

Gaywoods, 29 Winnington Road, London, N2

REFERENCE:

F/03572/11



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LOCATION: Gaywoods, 29 Winnington Road, London, N2 0TP
REFERENCE: F/03573/11 **Received:** 19 August 2011
WARD(S): Garden Suburb **Accepted:** 19 August 2011
Expiry: 14 October 2011

Final Revisions:

APPLICANT: Mr C Lewisohn
PROPOSAL: Demolition of existing dwelling house.
CONSERVATION AREA CONSENT

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, Site photos, Archive drawings, Drawing 1225/p001.

Reason:

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

- 2 This work must be begun not later than three years from the date of this consent.

Reason:

To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 3 The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been executed and planning permission has been granted for the redevelopment for which the contract provides. Evidence that this contract has been executed shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to any demolition works commencing.

Reason:

To preserve the established character of the Conservation Area pending satisfactory redevelopment of the site.

- 4 No siteworks or works on this development shall be commenced before a method statement based on and expanding the principles contained in Method Statement - avoidance of disturbance and compaction to root protection zones by Broadhurst Clarke Architects submitted as part of application F/03572/11 detailing precautions to minimise damage to trees in

accordance with Section 7 of British Standard BS5837: 2005 *Trees in relation to construction - Recommendations* is submitted to and approved in writing by the LPA and the development shall be carried out in accordance with such approval.

Reason: To safeguard the health of existing trees which represent an important amenity feature.

- 5 The existing driveway surface shall be retained during construction of the development works hereby consented unless otherwise approved in writing by the Local Planning Authority.

Reason:

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

- 6 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 specified in figure 2 of the British Standard *Trees in relation to construction - recommendations* BS5837: 2005 and in the location shown on drawing 1225/3/p002 Rev: A submitted as part of application F/03572/11 unless otherwise submitted to 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.

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 Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).
In particular the following polices are relevant:
Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D11, D13, HC1, HC5, M11, M13, M14, H16, H17, H18, H21, CS2, CS8, CS13, IMP1 and IMP2.

Core Strategy (Publication Stage) 2010: CS4, CS5, DM01, DM02 and DM04.

ii) The proposal is acceptable for the following reason(s): The existing dwelling holds no significant architectural merit and is not considered to either preserve or enhance the significance of the Conservation Area; at best it is a neutral building. The demolition of the house is considered acceptable subject to a suitable replacement.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements: PPS1, PPS3 and PPS5

Relevant Unitary Development Plan Policies: GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D11, D13, HC1, HC5, M11, M13, M14, H16, H17, H18, H21, CS2, 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.

HGS Design Guidance (2010)

HGS Character Appraisal (2010)

Relevant Core Strategy Policies: CS4, CS5, DM01, DM02 and DM04.

Relevant Planning History:

Application:	Planning	Number:	F/01853/10
Validated:	16/06/2010	Type:	CAC
Status:	WDN	Date:	03/08/2010

Summary:	WIT	Case Officer:	David Campbell
Description:	Demolition of existing dwelling house. CONSERVATION AREA CONSENT		
Application:	Planning	Number:	F/01897/10
Validated:	16/06/2010	Type:	APF
Status:	WDN	Date:	03/08/2010
Summary:	WIT	Case Officer:	David Campbell
Description:	Erection of a single family dwelling house comprising of basement, ground, first, second and third floor including rooms in roofspace. Associated parking.		
Application:	Planning	Number:	F/04077/10
Validated:	07/10/2010	Type:	APF
Status:	WDN	Date:	02/12/2010
Summary:	WIT	Case Officer:	David Campbell
Description:	Demolition of existing house and erection of a single family dwelling house comprising of basement, ground, first and second floors including rooms in roofspace.		
Application:	Planning	Number:	F/04079/10
Validated:	07/10/2010	Type:	CAC
Status:	WDN	Date:	02/12/2010
Summary:	WIT	Case Officer:	David Campbell
Description:	Demolition of existing dwelling house. CONSERVATION AREA CONSENT		
Application:	Planning	Number:	F/05079/10
Validated:	06/01/2011	Type:	APF
Status:	WDN	Date:	03/03/2011
Summary:	WIT	Case Officer:	David Campbell
Description:	Erection of a single family dwelling house comprising of basement, ground, first and second floors including rooms in roofspace.		
Application:	Planning	Number:	F/05098/10
Validated:	06/01/2011	Type:	CAC
Status:	WDN	Date:	03/03/2011
Summary:	WIT	Case Officer:	David Campbell
Description:	Demolition of existing dwelling house. (CONSERVATION AREA CONSENT)		

Consultations and Views Expressed:

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

The objections raised may be summarised as follows:

- The plans are not accurate and statements made are misleading.
- A hydrology report and SUDS drainage plan are needed.
- Increased sense of enclosure for neighbouring properties/ insufficient space between properties.
- Harm to protected trees.
- A method statement is required.
- Development out of character with the area

Internal /Other Consultations:

Conservation and Design - No objection subject to conditions.

Date of Site Notice: 08 September 2011

The application is brought to committee at the request of Councillor John Marshall (Garden Suburb ward).

The application was deferred from the December West Area Planning Sub-Committee in order to enable officers to review objections, give the objector the opportunity to speak and carry out a site visit.

The objector has now made a request to speak and a visit will be carried out before the meeting.

The objection circulated at the meeting has been reviewed by officers and matters raised are considered to be addressed in the appraisal. Any further comments will be referred to the Sub-Committee via the addendum.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site is located within the Hampstead Garden Suburb Conservation Area, created in 1968 as one of the first five Conservation Areas in the Borough. The site is also within an Area of Special Character designated in the Greater London Development Plan of July 1976 and carried over in the adopted Unitary Development Plan of 2006. The Hampstead Garden Suburb is covered by an Article 4 Direction covering Schedule 2 Parts 1 and 2 of the Town and Country Planning Control of Development Regulations 1988. Trees in and around the site have Tree Preservation Orders (TPOs).

Winnington Road forms the eastern boundary of the Suburb south of Lyttelton Road. It curves down the gentle north facing slope of the hill running from Hampstead Lane in the south to Lyttelton Road in the north. This area was always designed for wealthy owner residents.

The houses are very large and usually have extensive gardens, particularly to the rear. Most properties were originally individually designed for wealthy clients. Many have since been extended to the side reducing the sense of space around each house and the views through to the rear gardens that were characteristic of the original layout.

Proposal:

The proposal is for conservation area consent for the demolition of the existing dwelling. A parallel planning application is being considered for the erection of a

family dwelling house comprising basement, ground, first, second and third floor with 7 bedrooms.

The submission of the application follows a number of withdrawn applications (see planning history above) and extensive discussions between the applicant and officers including tree and conservation officers. The applications were withdrawn due to concerns about trees and design, not concerns about the acceptability to demolish the dwelling which has always been supported by officers.

Planning Considerations:

Policy HC1 is a Historic Conservation policy stating that the Council will refuse planning permission for development proposals which fail to preserve or enhance the character or appearance of Conservation Areas. When considering development proposals the Council will give special consideration to advice provided within the Council's Conservation Area Character Appraisal Statements and other supplementary design guidance.

Policy HC5 is a Historic Conservation policy stating that the Council will refuse development proposals which fail to safeguard and enhance the landscape and townscape features which contribute to the identity of Areas of Special Character.

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Unitary Development Plan, as an "Area of Special Character". The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The Planning Listed Buildings and Conservation Area Act controls the demolition of buildings within the Conservation Area. There is a general presumption in favour of retaining buildings which make a positive contribution. The existing dwelling holds no significant architectural merit and is not considered to either preserve or enhance the significance of the Conservation Area; at best it is a neutral building. The demolition of the house is considered acceptable subject to a suitable replacement and conditions to protect trees.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The objections are noted and mainly addressed in the above appraisal. Comments about inaccurate/missing information have been noted and the submitted information reviewed. The existing house is plotted accurately within the site on a scaled drawing and enables existing/proposed comparisons. In assessing the application, officers have taken references from the boundaries of the site and not the side walls of neighbouring buildings. Matters relating to drainage are not

considered to be a planning consideration.

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

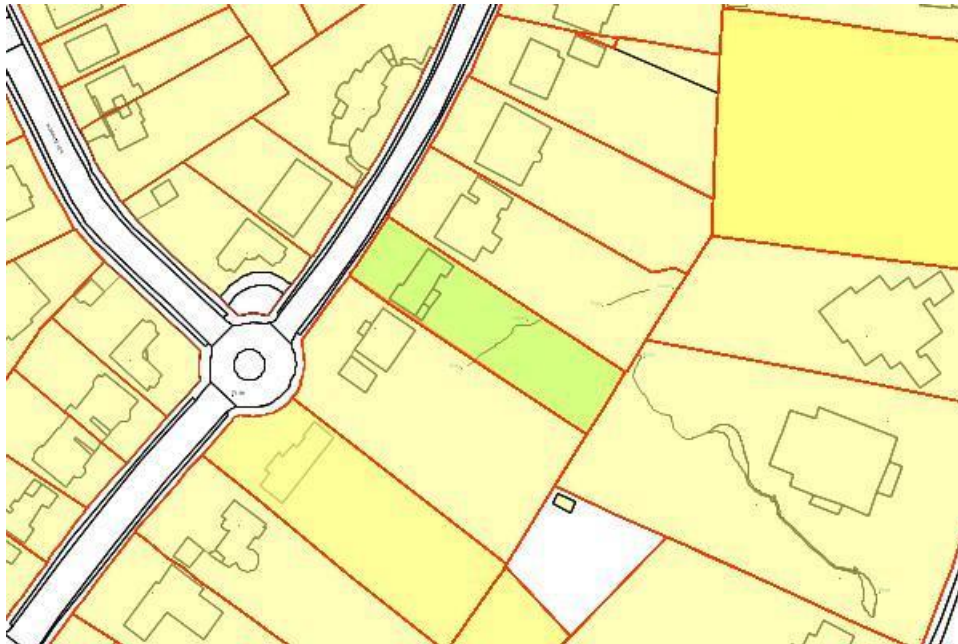
The existing dwelling holds no significant architectural merit and is not considered to either preserve or enhance the significance of the Conservation Area; at best it is a neutral building. The demolition of the house is considered acceptable subject to a suitable replacement. **APPROVAL** is recommended.

**SITE LOCATION PLAN:
0TP**

Gaywoods, 29 Winnington Road, London, N2

REFERENCE:

F/03573/11



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LOCATION: 13 Hampstead Way, London, NW11 7JE

REFERENCE: F/03741/11

Received: 06 September 2011

Accepted: 21 September 2011

WARD(S): Garden Suburb

Expiry: 16 November 2011

Final Revisions:

APPLICANT: Prestige Development

PROPOSAL: Alterations to landscaping including formation of pergola seat to west boundary and garden sheds in rear garden.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: A1.101-C, 001, 003, a design and access statement, a site plan shed photograph.

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 There shall be no level changes within the root protection areas of the protected trees, unless otherwise agreed in writing by the Local Planning Authority.

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 The shed hereby permitted shall be dark stained to the satisfaction of the Local Planning Authority.

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 Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (UDP) (2006).
In particular the following policies are relevant: PPS1 and PPS5.
Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, GBEnv4, D1, D2, D4, D5, D11, D13, HC1, HC5 and H27.
- Core Strategy (Publication Stage) 2010:
Relevant policies: CS5, DM01, DM02 and DM06.
- ii) The proposal is acceptable for the following reason(s): - The proposed alterations would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The design, size and siting of the alterations is such that, as conditioned, they preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area and area of special character.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements: PPS1 and PPS5

Relevant Unitary Development Plan Policies: GBEnv1, GBEnv2, GBEnv4, D1, D2, D4, D5, D11, D13, HC1, HC5, H27.

HGS Character Appraisal (2010)

HGS Design Guidance (2010)

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, DM01, DM02 and DM06.

Relevant Planning History:

Site Address: 13 Hampstead Way, London, NW11 7JE
Application Number: 01488/09
Application Type: Householder
Decision: Approve with conditions
Decision Date: 18/06/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Extension of existing basement underneath garden (Amendments to planning permission F/03504/08.)**
Case Officer: Fabien Gaudin

Site Address: 13 Hampstead Way, London, NW11 7JE
Application Number: F/03399/09
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 30/10/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition and rebuild of two-storey side extension.**
Case Officer: Fabien Gaudin

Site Address: 13 Hampstead Way, London, NW11 7JE
Application Number: F/03409/09
Application Type: Conservation Area Consent
Decision: Approve with conditions
Decision Date: 30/10/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of two-storey side extension.**
Case Officer: Fabien Gaudin

Site Address: 13 Hampstead Way NW11
Application Number: C03411
Application Type: Full Application
Decision: Refuse
Decision Date: 01/12/1971
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **erection of car port**
Case Officer:

Site Address: WENDOVER, 13 HAMPSTEAD WAY LONDON NW11
Application Number: C03411B
Application Type: Full Application

Decision: Approve
Decision Date: 29/04/1974
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **the erection of a double garage**
Case Officer:

Site Address: 13 Hampstead Way NW11
Application Number: C03411C
Application Type: Full Application
Decision: Refuse
Decision Date: 25/01/1978
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Three Velux roof lights on rear elevation and infilling of roof.**
Case Officer:

Site Address: 13 HAMPSTEAD WAY LONDON NW11
Application Number: C03411D
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 01/03/1978
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **One "Velux roof light on rear elevation and infilling of roof.**
Case Officer:

Site Address: 13 Hampstead Way, London, NW11 7JE
Application Number: 05099/10
Application Type: Householder
Decision: Approve with conditions
Decision Date: 03/02/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Replacement of front porch**
Case Officer: Fabien Gaudin

Site Address:
Application Number: F/03740/11
Application Type:
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal:
Case Officer: David Campbell

Site Address: 13 Hampstead Way, London, NW11 7JE
Application Number: F/03504/08
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 19/11/2008
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Excavation of basement. Replace double garage with single garage. Second storey side extension and two storey rear extension. Alterations to roof including raising of main ridges and extension to existing second floor accommodation. Associated works.**
Case Officer: Fabien Gaudin

Consultations and Views Expressed:

Neighbours Consulted:	6	Replies: 3
Neighbours Wishing To Speak	0	

The objections raised may be summarised as follows:

- Increase in noise from the pergola
- Out of character
- The proposals would appear obtrusive
- The walls are too high
- Loss of light
- Loss of trees
- The site's piecemeal approach to development is unacceptable.
- The plans are not clear.

Internal /Other Consultations:

The HGS CAAC have objected on the grounds that the walls and pergola are out of character. The sheds should comply with guidelines.

Date of Site Notice: 29 September 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a detached dwellinghouse on Hampstead Way which is located in the Hampstead Garden Suburb conservation area and Area of Special Character. This part of Hampstead Way forms an eclectic architectural mix, as homes were designed by individual architects, on plots of differing size. There are no coherently planned groups, but as one architect, C.H.B. Quennell, designed many of the homes, there is some continuity. Houses throughout are generally of dark red brick and dark tiles, with a mixture of styles such as Arts and Crafts brickwork detailing, and white Neo-Georgian porches.

Proposal:

The proposals relate to alterations to landscaping including formation of pergola seat to west boundary and garden sheds in rear garden.

Planning Considerations:

The main considerations are the impacts on the property, the surrounding conservation area and on any neighbouring properties.

The scheme has been amended since it was first submitted to the council. The amendments include:

- Removal of the walls.
- Pathways/ hard landscaping have been replaced with lawn.
- Additional screening, planted
- A metal pergola as opposed to timber
- Removal of the steps to the rear garden.
- Alterations to the landscaping.

It is considered that the amended plans address the council's previous concerns of there being too much hard landscaping and out of keeping brick walls in the rear garden. It is considered that the application now preserves the character and appearance of the conservation area and are appropriate to the site. It is considered that this also addresses many of the concerns raised by objectors.

The other objections relating to the pergola have also been considered. However, it is considered that this is an appropriate development for the site and the conservation area and there are therefore no objections to it. It is not considered that it would overshadow the neighbouring property or lead to detrimental levels of noise. It is also not considered that it would appear obtrusive.

A condition has been attached to ensure there are no level changes in the root protection areas of the protected trees. It is considered that this should afford sufficient protection to protected trees on and around the site.

It is considered that the application will not give rise to any loss of amenity to any neighbouring property, or harm the appearance of the building, the surrounding conservation area and the character of the street scene.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The planning grounds of objection are considered to have addressed in the main report. The number of applications submitted for various alterations are not considered to be a reason to refuse planning permission.

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 proposed alterations would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb

Conservation Area. The design, size and siting of the alterations is such that, as conditioned, they preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area and area of special character. **APPROVAL** is recommended.

SITE LOCATION PLAN: 13 Hampstead Way, London, NW11 7JE

REFERENCE: F/03741/11



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LOCATION: 5-7 Middleton Road, London, NW11 7NR

REFERENCE: F/04396/11 **Received:** 26 October 2011
Accepted: 26 October 2011

WARD(S): Garden Suburb **Expiry:** 21 December 2011

Final Revisions:

APPLICANT: Goldcrest Properties

PROPOSAL: Conversion of both properties to create 8no self-contained residential units following 3 storey rear infill extension; and roof extensions including increase in ridge height, 2no side dormers to both sides (totalling 4no side dormers), 2no rear dormers and 2no front dormers, to facilitate loft conversions. Alterations to fenestration at both sides and rear elevations. Provision of 6no off-street parking spaces and associated amenity space.

RECOMMENDATION: Approve Subject to S106

Approve Subject to S106

Subject to a Section 106 Agreement

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 **Health** **£3,492.00**
A contribution towards Health Facilities and Resources in the borough
- 4 **Libraries (financial)** **£590.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Monitoring of the Agreement** **£204.10**
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: F/04396/11 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: MR11-EX-01, MR11-EX-01 Rev: A, MR11-PL-01 Rev: B, a site plan, aerial photographs, a design and access statement and a sustainability checklist.

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 is occupied, existing parking spaces shall be retained in accordance with the drawings hereby approved 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.

- 4 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.

- 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.

- 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 Before the building hereby permitted is occupied the proposed windows in the side elevations, facing 3 and 9 Middleton 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 The extensions hereby approved shall be completed in full accordance with the approved plans within 8 months of the date of commencement.

Reason:

To ensure that harm is not caused by the partial implementation of the planning permission.

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

Reason:

To protect the amenities of future and neighbouring residential occupiers.

- 10 The layout of the flats hereby approved shall remain as shown on the approved drawings unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the amenities of future and neighbouring residential occupiers.

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: PPS1 and PPS3. Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, GH1, GH2, GH3, D1, D2, D3, D4, D5, D8, D11, M11, M12, M13, M14, H4, H5, H13, H14, H16, H17, H18, H23, H26, CS2, CS8, IMP1 and IMP2.

Core Strategy (Publication Stage) 2010: CS4 and CS5, DM01, DM02, DM08, DM17.
 - 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, the proposal would comply with the Council's policies and guidelines and would not cause unacceptable harm to the area, the existing building or the amenities of any neighbouring property. It is also considered that the proposals would not prejudice highway safety or convenience. 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.

- 2 In case if any modification is proposed or required to the existing access off the public highway then it will be subject to a detailed investigation by the Crossover Team in Environment and Operations Directorate. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of any existing street furniture. This would need to be done by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on public highway from the Environment and Operations Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

Removal or relocation of any existing street furniture or alteration to road markings or Controlled Parking Bays would be subject to public consultations and would be done at the applicant's expense, under a rechargeable works agreement, by the Council's term contractor for Highway Works.

In the 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/Tree Section 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, Environment and Operations Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 1st March 2012 the Assistant Director of Planning and Development Management REFUSE the application ref: F/04396/11 under delegated powers for the following reasons:

The proposed development does not include a formal undertaking to meet the costs of extra libraries, health and social care facilities and associated monitoring costs arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet supplementary Planning Documents - Contributions to Libraries (2008), Health (2009) and Monitoring (2007) and policies CS2, CS13, IMP1 and IMP2 of the Adopted Unitary Development Plan (2006).

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements: PPS1 and PPS3

The Community Infrastructure Levy Regulations 2010

Relevant Unitary Development Plan Policies: GBEnv1, GBEnv2, GH1, GH2, GH3, D1, D2, D3, D4, D5, D8, D11, M11, M12, M13, M14, H4, H5, H13, H14, H16, H17, H18, H23, H26, CS2, CS8, 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: CS4, CS5, DM01 and DM02.

Relevant Planning History:

Application:	Planning	Number:	F/01668/11
Validated:	26/04/2011	Type:	APF
Status:	APD	Date:	13/10/2011
Summary:	DIS	Case Officer:	David Campbell
Description:	Conversion of both properties to create 8no self-contained residential units following 3 storey rear infill extension; and roof extensions including increase in ridge height, 2no side dormers to both sides (totalling 4no side dormers), 2no rear dormers and 2no front dormers, to facilitate loft conversions. Alterations to fenestration at both sides and rear elevations. Provision of 6no off-street parking spaces and associated amenity space.		

Consultations and Views Expressed:

Neighbours Consulted: 58
Neighbours Wishing To 2
Speak

Replies: 12

The objections raised may be summarised as follows:

- Impact on character and appearance of the surrounding area.
- The area consists of family housing and should be retained as such.
- The flats could be occupied by tenants as opposed to owners.
- increase in noise and disturbance.
- Traffic, access, parking and congestion.
- Noise and disturbance
- Limited visibility and highway safety
- Scale and appearance.
- Loss of light
- Overlooking/ loss of privacy
- Inappropriate use
- Loss of privacy
- Safety risk to children at Golders Hill School
- The Hampstead Garden Suburb conservation area runs nearby.
- The proposal could set a precedent.
- The application has been previously refused by the council and the Inspectorate.
- The Inspector did not consider neighbour's objections and was mistaken about some issues.

- The Town and Country Planning website states that decisions should be made at local level.
- Is this a revenue collection exercise.
- Queries raised concerning the tax position of the applicant.

A petition with 26 signatures has been received from local residents.

Another petition with 87 signatures has been received signed by parents of Golders Hill School.

The comments of both petitions are summarised within the above bullet points.

Internal /Other Consultations:

- Traffic & Development - No objection.
- Thames Water - No objections subject to conditions.

Date of Site Notice: 01/12/11

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site consists of a pair of semi-detached houses in a residential street in the Hampstead Garden Suburb ward. The site does not fall within the conservation area of the same name.

Proposal:

The application seeks consent for the conversion of both properties to create 8no self-contained residential units following 3 storey rear infill extension; and roof extensions including increase in ridge height, 2no side dormers to both sides (totalling 4no side dormers), 2no rear dormers and 2no front dormers, to facilitate loft conversions. Alterations to fenestration at both sides and rear elevations. Provision of 6no off-street parking spaces and associated amenity space.

5 Middleton Road is currently in use as one two bed flat and one four bed flat and 7 Middleton Road is in use as a single family dwellinghouse.

Planning History/ Appeal Decision

The previous application for the same development was determined at the July West Area Planning Sub-Committee and was refused in a reversal of officers' recommendation for the following reasons:

- 1 The proposed development by reason of the number of units would result in overdevelopment and be detrimental to the amenities of neighbouring occupiers

contrary to policies D2, D4, H23 and H26 of the Adopted Unitary Development Plan (2006).

- 2 No undertaking has been given by the developer to meet identified additional libraries, health and monitoring contributions which would be incurred by the community as a result of the development, contrary to Policy CS2, CS8, CS13, GCS1, IMP1 and IMP2 of the adopted Unitary Development Plan and the adopted Supplementary Planning Documents on Education facilities, Library facilities, health Facilities and Planning Obligations.

The application was appealed and dismissed by the Planning Inspectorate.

The appeal Inspector dismissed the appeal on the grounds that the required contributions under reason for refusal 2 had not been secured. He was satisfied with the scheme in all other respects (the decision has been attached in Appendix A).

The current scheme is the same as the previous, and the applicants have now agreed the contributions towards libraries and healthcare facilities which is being secured via a section 106 agreement as detailed in the above recommendation. It is therefore considered that subject to the completion of the agreement, the scheme is acceptable.

The following appraisal remains as per the original officer's recommendation to committee.

Planning Considerations:

The main considerations are the impacts on the property, the surrounding area and on any neighbouring properties.

National, regional and local guidance have policies that seek to promote the redevelopment of Brownfield sites for residential use providing they are acceptable in terms of character and will not harm the amenities of future occupants or any of the adjoining uses. Policies such as H2, H16 and H17 relate to this in the Unitary development Plan and indicate that the Council will seek to provide additional homes providing that certain criteria has been conformed to. The various aspects of the application have been broken down and discussed below.

Character/ Design

The previous application was refused by the council and dismissed on appeal. However, the Inspector commented that the application was acceptable as it stood and only refused the application on the contributions. It is therefore considered that the application is acceptable providing the amounts are provided through a section 106 agreement. The Inspector's decision has been attached. The details of the previous report are repeated below:

PPS3 states that housing which advocates that new housing development of whatever scale should not be viewed in isolation. Consideration of design and layout

must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development.

Policy H16 of the adopted *Unitary Development Plan* is a housing policy which states that new residential developments should harmonise with and respect the character of the area within which they are situated and should:

- Be well laid out in terms of access, car parking and landscaping;
- Provide and preserve adequate daylight, outlook and residential amenity;
- Provide a safe and secure residential environment;
- Maintain privacy and prevent overlooking; and
- Provide adequate levels of private garden or amenity space.

Policy H23 on conversion of Residential Property states that the council will permit the conversion of single dwellings into flats provided that the development has an acceptable impact on the amenity of neighbouring occupiers, the established character of the locality and the appearance of the street scene.

Policy H26 on the design of conversion of Residential Property states that proposals for residential conversions must:

- Involve no large extensions or alterations to roofs which are unacceptable in terms of their appearance;
- Be in houses with a useable rear garden of more than 50 square metres and meet the garden space standards set out in Policy H18;
- Include suitably enclosed refuse storage areas at the rear of the property (if this is not practical, storage areas at the front or side of the property should be adequately screened so as not to become a dominant feature, and to avoid loss of amenity);
- Provide adequate and properly located car parking retaining as much front garden as is practical; and
- Be designed to have the minimal impact on the amenities of neighbours through the layout of rooms.

Policy GBEnv1 of the adopted *Unitary Development Plan* is a general policy stating that the Council will protect and enhance the quality and character of the Borough's built and natural environment.

Policy GBEnv2 of the adopted *Unitary Development Plan* is a general policy including the statement that the Council will require high quality design in all new development in order to enhance the quality of the Borough's built and open environment, to utilise environmentally friendly methods of construction, to improve amenity, to respect and improve the quality of environment of existing and future residents.

Policy D1 of the adopted *Unitary Development Plan* is a Design policy stating that the all new developments should represent high quality design.

Policy D2 of the adopted *Unitary Development Plan* is a Design policy stating that the Council will encourage development proposals which are based on an

understanding of local characteristics, preserve or enhance local character and respect the appearance, scale, bulk, height and pattern of surrounding buildings, surrounding street and movement patterns and the overall character and quality of the area.

The front elevation is not changing significantly. Each property is to construct an appropriately designed dormer window which will mirror each other and maintain symmetry of the pair. It is also proposed to put additional glazing in each gable which is also considered to be acceptable. The side elevations would be enlargement in the roofs, have two new dormer windows and other new side windows. It is considered that the proposals are acceptable and would be in keeping with the character and appearance of the building. The roof form of the rear elevation is to change and the gap in between the two buildings is to be filled in. Dormer windows are also proposed in each roof which are also considered to be acceptable and compliant with guidance and policy. The rear extensions at lower ground, ground and first floor would infill the gap between the properties, bringing the whole rear elevation in line with the 'wings' of each building. There are no objections to this part of the application.

It is considered that the physical changes proposed will not be harmful to the character of the properties or the streetscene. The two properties will retain their architectural features which are common in the streetscene. The properties will still retain one front door each.

It is considered that the proposal complies with the requirements of Planning Policy Statement 1 (PPS1), especially paragraph 34 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".

There are therefore no objections to the design of the building or to the scale, mass and bulk of the proposals.

Neighbouring Residential Amenities

Policy D5 of the adopted *Unitary Development Plan* is a Design policy states that new developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The extensions are to infill the gap in between the two properties and as such will not have an impact on neighbours. All new side windows are to be obscure glazed as requested by condition. It is considered that subject to this condition, the application will not give rise to any significant loss of amenity to neighbouring properties.

The internal stacking arrangements largely depict like-above-like in terms of the internal layouts and as such it is considered that the flats will have an acceptable impact on each other.

Use of the Site

The principle of flats has already been established on site at no. 5 Middleton Road which is already in use as two flats. The application proposes five additional units going from a house, a four bedroom flat and a two bedroom flat to six two bedroom flats and 2 one bedroom flats. There are already flats in the area as 3 Middleton Road is in use as three flats and 21 Middleton Road is in use as 6 Flats. It is therefore not considered that the principle of flats on these two properties will harm the character of the area.

Density

There are no concerns regarding the density of the proposed scheme. It is considered that the number of units is appropriate for the site.

Amenity Space

Policy H18 of the Council's Adopted Unitary Development Plan (2006) requires new residential schemes to provide a minimum level of amenity space at 5 square metres of space per habitable room, with the emphasis being on 'usable amenity space'.

Two lower ground floor flats have their own gardens of 30sqm, the other flats would share a communal amenity space area of 350sqm to address this policy. It is considered that these spaces provide adequate amenity space for the flats; there are therefore no objections to this part of the application.

Highways and Refuse

6 parking spaces are being provided to the front of the site, which the council's traffic and development team have confirmed is in accordance with the Parking Standards set out in the London Borough of Barnet Adopted Unitary Development Plan 2006. The application is considered to be acceptable in terms of highways and parking and therefore there are no objections on these grounds. Refuse details have been requested by condition. The areas which are to be used for parking are currently hardstanding and therefore this situation will not change.

The council's Traffic and Development Team have no objections to the proposals.

Trees

The trees on the site are neither in a conservation area nor protected and as such a reason for refusal could not be justified on these grounds. The application forms state that no trees are to be removed as part of the application. There are no objections to the application in this respect.

Section 106 Requirements

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.

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:

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. No contributions are required for education purposes.

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. A sum of £590 would satisfy this requirement. The previous appeal Inspector's comments are noted but it is considered that a contribution towards library provision is justified.

Policy CS13 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 healthcare facilities. A contribution will be sought for the provision of healthcare services in the borough in line with the council's Supplementary Planning Document on Contributions to Health Facilities from Development. A sum of £3,492 would satisfy this requirement.

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. A sum of £204.10 would satisfy the monitoring requirement.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The planning grounds of objection have been covered above. It is not considered that should the properties be occupied by tenants that they would necessarily make bad neighbours. It is not considered that the proposals alone would be a safety risk to the school. Any subsequent applications for flatted development will be determined on their own merits should they be submitted.

A number of comments have been received in relation to the appeal decision. The Council has not challenged the appeal decision which is a material consideration.

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

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions the proposal would be in accordance with the Council's policies and guidelines, are appropriately designed, would not prejudice highway safety or convenience and would not cause unacceptable harm to the amenities of the area or any neighbouring properties. 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.

It is therefore recommended that the application be **APPROVED**.

APPENDIX



THE PLANNING
Inspectorate **Appeal
Decision**
Site visit made

on 10 October 2011

by **Simon Miles BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 October 2011

Appeal Ref: APP/N5090/A/11/2157749

5-7 Middleton Road, London NW11 7NR

The appeal is made under section 78 of the Town and Country Planning Act 1990 against

a refusal to grant planning permission.

The appeal is made by Goldcrest Properties against the decision of the London Borough of Barnet Council.

The application Ref F/01668/11, dated 12 April 2011, was refused by notice dated 13 July 2011.

The development proposed is a rear infill extension over three floors, roof extension with

dormers, provision of six off-street parking spaces and conversion into eight units comprising six two-bedroom flats and two one-bedroom flats with parking restriction.

Decision

1. The appeal is dismissed.

Procedural Matter

2. Although the site address is given on the application form as 5 Middleton Road,
it is clear from the plans and supporting information that the proposal relates to Nos 5-7, as stated above.

Main Issues

3. The appeal raises two main issues. These are, first, the effect of the proposed development on the living conditions at nearby residential properties and, second, whether the proposal would make appropriate contributions towards the provision of community infrastructure.

Reasons

Living Conditions

4. The Council and a significant number of local residents are concerned about the increased intensity of use that would result from the proposed conversion and the effect of this on the living conditions at nearby properties. However, although this proposal would increase both the overall floorspace and the number of units, the existing properties are large and benefit from spacious plots with good-sized rear gardens.

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2

5. The two properties together are large enough to make appropriate provision for car parking, refuse storage and outdoor amenity space, whilst the main additions would be contained between two existing rear gables, thereby protecting neighbouring occupiers from significantly increased visual intrusion. Any additional noise generated would be within acceptable limits, bearing in mind the spacious character of the properties and the urban nature of the environment, whereby a certain degree of noise and disturbance is inevitable. Whilst one might speculate about the nature of future occupiers (students, etc), this does not provide a reasonable planning basis upon which to oppose the scheme.

6. I accept that a proposal such as this, which increases the number of households, is likely to be associated with a moderate increase in vehicular traffic. However, my observations indicate that Middleton Road and the surrounding road network are capable of accommodating this without causing significant harm to the character and quality of the environment. I also acknowledge that development of this type can have a cumulative and incremental effect on the character of residential areas. However, it does not necessarily follow that such changes are unacceptable. In particular, I have not been referred to any policies indicating that conversions should be resisted on this basis.

7. Overall, whilst the proposed development would lead to a degree of intensification of use, I am not persuaded that any significant harm would be caused to the living conditions at nearby residential properties. It follows that there is no conflict with saved Policies D2, D4, H23 and H26 of the adopted London Borough of Barnet Unitary Development Plan 2006 (UDP), insofar as these are concerned to protect the character and quality of the locality and the amenities of neighbouring occupiers, whilst avoiding overdevelopment.

Community Infrastructure

8. The Council has set out the background to its policies of seeking developer contributions to meet the infrastructure needs of development, which would normally be secured by means of a S106 planning obligation. Although the appellant is willing to make appropriate payments, no completed planning obligation is before me. The Council has provided me with copies of its adopted supplementary planning documents dealing with planning obligations and contributions to health facilities and libraries (the Council has clarified in its statement that an education contribution is not sought). These explain the basis upon which contributions are calculated and an assessment of existing and projected housing capacity and service provision across the Borough.

9. This provides a sound basis for the Council's general approach and I accept the

broad principle that the cumulative impact of small and incremental development results in additional demand being placed on local services. However, to comply with the requirements of Community Infrastructure Levy Regulation 122, it must be demonstrated in each case that the contributions sought are necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development. These statutory tests must be satisfied in order for a planning obligation (or lack thereof) to be taken into account.

Appeal Decision APP/N5090/A/11/2157749

3

10. The evidence before me identifies nearby areas as having significant capacity for delivering new homes. The Council has identified a need for significant investment in primary care facilities and it is clear that the need for new facilities in the locality arises in large part from projected population growth. I am therefore satisfied that a contribution towards health facilities is justified in terms of the statutory tests. However, there is insufficient detailed information to justify the contribution sought towards library facilities, as the information is too generalised for me to assess what impact this particular development might have on existing facilities in the locality and how it might bring about a need for such facilities to be improved.

11. Overall, I am satisfied that a financial contribution is justified in relation to health facilities but not, on the basis of the evidence before me, in relation to libraries. It follows that the lack of a completed planning obligation may be taken into account in relation to the former but not the latter. It would not be appropriate to deal with these matters by means of a condition, as this could not provide the necessary precision to ensure that the requirements are clearly and unequivocally set out. I therefore find that the proposal fails to make an appropriate contribution towards the provision of health facilities. As such, it is in contravention of the above-mentioned guidance and saved Policies CS2, CS13, GCS1, IMP1 and IMP2 of the UDP, insofar as these seek to secure appropriate contributions towards community infrastructure and facilities.

Other Matters

12. Whilst noting local concerns about parking, this must be considered in the context of an area where opportunities existing for walking, cycling and the use of public transport. Taking account of this, and the provision that would be made for parking on the site, I see no reason why parking pressure on local roads should be increased by a significant or unacceptable degree. The Council does not oppose the design of the proposal and I am satisfied that the alterations to the building and its frontage would preserve the character, appearance and setting of the street scene and wider locality, including the

nearby Hampstead Garden Suburb Conservation Area.

Conclusions

13. Notwithstanding the lack of harm in relation to the first issue and certain other

matters, my conclusion on the second issue provides a compelling and overriding reason for withholding permission. Neither the advantages of increasing the supply of housing nor the need to encourage economic development, as set out in the draft National Planning Policy Framework, outweigh this objection. This is because current and emerging national policies accept the need to ensure that housing is developed in locations where good access can be provided to key services and infrastructure, in the interests of sustainable development. Therefore, whilst the proposal is not without merit, the overall balance weighs against approval and the appeal fails.

Simon Miles

INSPECTOR

SITE LOCATION PLAN: 5-7 Middleton Road, London, NW11 7NR

REFERENCE: F/04396/11



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LOCATION: 17 Downage, London, NW4 1AS

REFERENCE: H/03719/11

Received: 01 September 2011

Accepted: 01 September 2011

WARD(S): Hendon

Expiry: 27 October 2011

Final Revisions:

APPLICANT: Mr & Mrs LOUSKY

PROPOSAL: Part single part two storey rear extension. Roof extension including rooflights to the front, sides and rear elevations.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 07990515489/11/1701 revA, 07990515489/11/1703 rev B and 07990515489/11/1702 revC.

Reason:

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

- 2 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.

- 3 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.

- 4 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.

- 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) no windows, other than those expressly authorised by this permission, shall be placed at any time in the first floor flank elevation(s), of the extension(s) hereby approved, facing 15 and 19 Downage without the prior specific permission of the Local Planning Authority.

Reason:

To safeguard the privacy and 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 Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (UDP) (2006).
In particular the following policies are relevant:
Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D5 and H27 and
Design guidance note 5: Extensions to houses, and:

Core Strategy (Publication Stage) 2010: CS5
- ii) The proposal is acceptable for the following reason(s): - The proposed development would have an acceptable impact on the amenities of the neighbouring occupiers and the appearance of the property and the street scene. It complies with all relevant council policy and design guidance.

1. MATERIAL CONSIDERATIONS

Relevant Unitary Development Plan Policies:

GBEnv1, GBEnv2, D1, D2, D5 and H27 and
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
Development Management Policies: DM01

Relevant Planning History:

Application:	Planning	Number:	H/02971/11
Validated:	20/07/2011	Type:	HSE
Status:	WDN	Date:	01/09/2011
Summary:	WIT	Case Officer:	Matthew Corcoran
Description:	Two storey rear extension. Roof extension including rooflights.		

Consultations and Views Expressed:

Neighbours Consulted: 8
Neighbours Wishing To 3
Speak
Replies: 4

The objections raised may be summarised as follows:

- scale of extensions- visually intrusive
- loss of outlook
- sense of enclosure
- loss of light
- loss of privacy
- concern over size of garden building
- loss of trees

2. PLANNING APPRAISAL

The application was deferred at committee on 1st December to allow members to carry out a site visit.

Site Description and Surroundings:

The application site is a 2 storey single family detached dwelling house.

Proposal:

The applicant requests permission for a ground and first floor rear extension and roof extensions including increasing the pitch, lowering of the main roof and raising of another part.

The ground floor rear extension would be 5m deep and would extend the full width of the house. It would have a flat roof.

The first floor rear extension would be 3m deep and would be set in from the flank wall of the property by 1m. It would, as amended, have a subordinate pitched roof.

The existing main roof of the house would be lowered by 0.5m and the existing lower roof to the left side would be raised to match. The pitch of the side, front and rear roof slopes would be increased from 39 degrees to 45 degrees to provide more room within the roof space.

History

The application is a resubmission of application H/02971/11 which was withdrawn in 2011. Amendments within this application include the lowering of the main roof, decrease in pitch and a reduction in depth and width of the first floor rear extension.

Planning Considerations:

The main issues within this application are the appearance of the extensions and their effect on the neighbouring occupiers.

Character and appearance

Houses within the immediate vicinity of the site do not conform to a single roof type; rather they show variety in roof pitch and roof height. Whilst most have hipped roofs many have been extended into the roof space and some do have crown roofs. The land rises towards the south and the height of houses rise accordingly.

In this context, it is considered that the roof alterations proposed would not appear out of place. Whilst there is an increase in pitch this is not dramatic and the roof has been lowered which reduces its bulk to an acceptable level, whilst still maintaining the natural slope of the houses down the road. The extensions are in keeping with the appearance of the property and the street scene and represent good design.

To the rear, the roof over the first floor extension has been lowered on request, which has reduced the overall bulk of the extensions. The scale of the extensions, given the size of the property and the existence of extensions on neighbouring houses, would be in keeping with the scale of the property and would not appear

over dominant, nor would they create an undue sense of enclosure from neighbouring properties or gardens. They are acceptable in appearance terms.

Impact on the neighbouring occupiers

In terms of the ground floor rear extension, it is the case that both adjacent neighbours have existing rear extensions. Given this and given that fact that the property is detached, this part of the proposal would not impact unduly on the light to or outlook from the rear windows of either adjacent property.

In terms of the first floor rear extensions, there would be a gap of 2m between the flank wall of the extension and the flank wall of number 19. The property at number 19 is also set slightly further into the rear garden than the subject property. As such, there would be no undue impact on the amenities of the occupiers of this property as a result of this part of the proposal.

There would be a gap of 2.5m between the site property and number 15. Again number 15 is set further into the garden than the subject property and, as such, there would be no undue impacts on the residential amenities of the occupiers.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Mainly addressed above. There are no protected trees on the site. It is presumed that the garden building was built under permitted development.

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 proposed development complies with council policy and design guidance.

Approval is recommended.

SITE LOCATION PLAN: 17 Downage, London, NW4 1AS

REFERENCE: H/03719/11



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LOCATION: 7 Barford Close, London, NW4 4XG

REFERENCE: H/03833/11

Received: 15 September 2011

Accepted: 15 September 2011

WARD(S): Hendon

Expiry: 10 November 2011

Final Revisions:

APPLICANT: Nicolas Scarfe Architect

PROPOSAL: Conversion of property into two-self contained units. First floor rear extension with pitched roof to match existing. New front porch. Alteration 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: Design and access statement, 7BAR/11/PL1, SITE VIEWS, 7BAR/11/EX01, 7BAR/11/EX02, 7BAR/11/EX03, 7BAR/11/EX04, 7BAR/11/EX05, 7BAR/11/EX06, 7BAR/11/P01A, 7BAR/11/P02A, 7BAR/11/P03A, 7BAR/11/P04, 7BAR/11/P05, 7BAR/11/P06A and 7BAR/11/P07A.

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 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.

- 5 Before the development hereby permitted is occupied the parking spaces shown on Plan 7BAR/11/P01A shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area.

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

Reason:

To protect the amenities of future and neighbouring residential occupiers.

- 7 Before development commences, a scheme of proposed noise mitigation measures shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the amenities of occupiers are not prejudiced by rail and / or road traffic and / or mixed use noise in the immediate surroundings.

- 8 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.

- 9 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.

- 10 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.

- 11 No development shall take place until details of the arrangements to meet the obligation for education, 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".

- 12 Before the building hereby permitted is occupied the proposed window(s) in the flank elevation facing number 6 Barford Close 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.

- 13 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: no new windows in the flank elevations of the extension.

Reason:

To protect the amenities of the neighbouring occupiers.

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 Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).
In particular the following polices are relevant:
Adopted Barnet Unitary Development Plan (2006):GBEnv1, GBEnv2, D1, D2, D5, M11, M12, M14, H23, H26, H27, CS2, CS13, IMP1 and IMP2.
- Supplementary Design Guidance 5: Extensions to Houses
Supplementary Design Guidance 7: Residential Conversions
Supplementary Planning Document: Contributions to Libraries
Supplementary Planning Document: Planning Obligations
Supplementary Planning Document: Sustainable Design and Construction.
- Core Strategy (Publication Stage) 2010: CS1, CS3 and CS5
- ii) The proposal is acceptable for the following reason(s): - The proposed development would have an acceptable impact on the appearance of the property, the amenities of the neighbouring occupiers and the character of the area. It complies with all relevant council policy and design guidance.
- 2 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.

- 3 Any modification to the existing access from the public highway will be subject to a detailed investigation by the Crossover Team in Environment, Planning & Regeneration Directorate. This may involve relocation of any existing street furniture and would need to be done by the Highway Authority at the applicant's expense. Estimate for this and any associated work on public highway may be obtained from the Environment Planning & Regenerations Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

Planning Policy Statement 3: Housing

The Mayor's London Plan: July 2011

Policy 3.5

Relevant Unitary Development Plan Policies:

GBEnv1, GBEnv2, D1, D2, D5, M11, M12, M14, H23, H26, H27, CS2, CS13, IMP1 and IMP2.

Supplementary Design Guidance 5: Extensions to Houses

Supplementary Design Guidance 7: Residential Conversions

Supplementary Planning Document: Contributions to Libraries

Supplementary Planning Document: Planning Obligations

Supplementary Planning Document: Sustainable Design and Construction.

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, CS3 and CS5.
Development Management Policies: DM01 and DM08.

Relevant Planning History:

None

Consultations and Views Expressed:

Neighbours Consulted: 8
Neighbours Wishing To 0
Speak

Replies: 3

The objections raised may be summarised as follows:

- parking problems
- noise and disturbance
- over intensive use
- loss of privacy

Internal /Other Consultations:

- Traffic and Development (H) - no objection
- Transport for London, Road Network Development - no objection

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a 2 storey single family semi detached dwelling house located on Barford Close.

Proposal:

The applicant requests permission for a first floor rear extension, a new front porch and a rear dormer window to facilitate the conversion of the property into 2 self contained flats.

The first floor rear extension would be 3.25m deep and 3.7m wide with a subordinate pitched roof.

The dormer window would be 1.8m wide and 1.5m high with a flat roof.

The new front porch would be 0.9m deep and 3.2m high with a flat roof.

The property would be converted into one 1 bed flat and one 2 bed flat.

Planning Considerations:

Principle of flats

Numbers 1, 2 and 9 Barford close have been converted into 2 self contained flats. In this context it is considered that the proposal would not harm the character of the area.

Additionally, the application provides residential accommodation, which accords with policy GH1 of the Adopted UDP (2006) as well as the SPD on Sustainable Design and Construction (2007), which indicates that the Council will seek the provision of additional homes through the redevelopment of existing sites.

Flat Details

The internal layout has been amended since submission and it is now the case that the vertical stacking is appropriate. There would be no undue inter- flat noise.

The amount of amenity space complies with council policy and is acceptable in planning terms.

The council's Traffic and Development team have assessed the proposal and find it acceptable in parking terms.

The size of the units comply with the councils sustainable design supplementary planning document and would provide adequate living conditions for the future occupiers.

Appearance of the extensions

The first floor rear extension would be subordinate to the main house and would be acceptable in appearance terms.

The front porch would be no deeper than the bay window and would be in keeping with the appearance of the street scene.

The dormer window sits well within the roof space and complies with design guidance.

Impact on the neighbouring occupiers

Given the distance of the proposed first floor rear extension from the 2 adjacent occupiers, there would be no undue impacts on occupiers as a result of this or any other element of the extensions. A proposed rear balcony has been removed from

the drawings to protect the amenities of the neighbouring occupiers.

Whilst there would be some additional comings and goings associated with the increased intensity of use, this is not uncharacteristic of the area and is not considered to cause undue harm to the neighbouring occupiers.

Section 106 contributions

In line with the current adopted supplementary planning documents, the following contributions are necessary as a result of the impacts generated by the development:

- Libraries: £34
- Health: £304
- Monitoring: £16.90

3. COMMENTS ON GROUNDS OF OBJECTIONS

Addressed above.

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 proposed development complies with council policy and design guidance.

Approval is recommended.

SITE LOCATION PLAN: 7 Barford Close, London, NW4 4XG

REFERENCE: H/03833/11



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LOCATION: 15 Tenterden Drive, London, NW4 1EA

REFERENCE: H/04376/11

Received: 24 October 2011

Accepted: 24 October 2011

WARD(S): Hendon

Expiry: 19 December 2011

Final Revisions:

APPLICANT: Mr & Mrs Bhudia

PROPOSAL: Demolition of the garage and construction of a ground floor side and rear extension, a first floor side and rear extension and a rear dormer window.

RECOMMENDATION: Approve Subject to Conditions

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

GPE.FPE.10.11, RPE.SPE.10.11, FEE.12.11, REE.12.11, EEE.12.11, WEE.AAE.12.11, GPP21.12.11, FPP21.12.11, SPP21.12.11, RPP.StPP21.12.11, FEP.21.12.11, REP21.12.11, EEP21.12.11 and AAP.WEP21.12.11.

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 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.

- 5 Before the building hereby permitted is occupied the proposed window(s) in the flank elevation facing number 17 Tenterden Drive 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.

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 Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (UDP) (2006).
In particular the following policies are relevant:
Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D5 and H27 and
Design guidance note 5: Extensions to houses, and:

Core Strategy (Publication Stage) 2010: CS5
- ii) The proposal is acceptable for the following reason(s): - The proposed development would have an acceptable impact on the amenities of the neighbouring occupiers and the appearance of the property and the street scene. It complies with all relevant council policy and design guidance.

1. MATERIAL CONSIDERATIONS

Relevant Unitary Development Plan Policies:

GBEnv1, GBEnv2, D1, D2, D5 and H27 and
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
Development Management Policies: DM01

Relevant Planning History:

None

Consultations and Views Expressed:

Neighbours Consulted: 15
Neighbours Wishing To 2
Speak

Replies: 5

The objections raised may be summarised as follows:

- scale and appearance of the extensions
- loss of light
- overlooking and loss of privacy
- impact on traffic and parking

Internal /Other Consultations:

- Thames Water Devt Control - no objection

Date of Site Notice:

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a 2 storey single family semi detached dwelling house.

Proposal:

The applicant requests permission for the demolition of the garage and the construction of a ground floor side and rear extension, a first floor side and rear extension and a rear dormer window.

The proposal has been amended on request since submission. In detail, the proposals comprise:

An existing detached side garage would be demolished to make way for the proposal.

The proposed ground floor side extension would be set back from the front building line by 1m and would be 3.5m wide. It would wrap around to the rear of the property where it would be 3.5m deep. There would also be a separate rear extension on the boundary with the adjoining property at number 13 which would be 4.5m deep with a pitched roof.

At first floor the side extension would be 3.5m wide and would have a subordinate pitched roof. It would extend to the rear where it would be 3m deep with a subordinate hipped roof. It would be set off the shared boundary with number 13 by 3m.

The rear dormer window would be 1m wide and 1.5m deep with a flat roof.

Planning Considerations:

Character and appearance

The proposed extensions, as amended, would be in keeping with the scale and appearance of the host property. The side extension would be no wider than half the width of the original house and the roof of the extension set down from the main roof. It has been set back from the front of the property which ensures that the curved building line of the street would be maintained and overall it would reflect the style of the original property and would be subordinate to it.

The extensions represent good design and comply with council policy and design guidance note 5: Extensions to houses.

Impact on the neighbouring occupiers

In terms of the impact on the adjoining property at number 13, the first floor rear extension has been reduced in depth and width and there would now be no undue impacts on the occupiers as a result of this part of the proposal. The ground floor

extension on the boundary with number 13 is deeper than usually considered acceptable, however there is an existing extension at number 13 and the proposal would be no deeper than this. It is therefore acceptable in planning terms.

In terms of the impact on the other neighbouring property at number 17, this property extend some way beyond the existing rear building line of the subject property and would also extend beyond the proposed rear building line of the subject property. There are no primary habitable room windows on the flank elevation of number 17 and as a result there would be no undue impacts on the amenities of the occupiers.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Mainly addressed above.

No balconies or raised decking areas are proposed and there would as such be no loss of privacy or overlooking.

Extensions only to a single family house are proposed which would not cause a significant increase in traffic.

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 proposed development complies with council policy and design guidance.

Approval is recommended.

SITE LOCATION PLAN: 15 Tenterden Drive, London, NW4 1EA

REFERENCE: H/04376/11



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LOCATION: Frith Manor Primary School, Lullington Garth, London, N12 7BN
(Land at Rear)
REFERENCE: H/03138/11
WARD(S): Mill Hill

Received: 27 July 2011
Accepted: 05 September 2011
Expiry: 31 October 2011

Final Revisions:

APPLICANT: Mr J Rolfe

PROPOSAL: Installation of single storey building to house new swimming pool to land rear of Frith Manor School with adjacent access and associated parking.

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, PLN/1928/1001 rev02 and PLN/1928/1002.

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 Before development hereby permitted is occupied, turning space and parking spaces shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason:

To ensure that parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free flow of traffic.

- 5 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.

- 6 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.

- 7 The level of noise emitted from the swimming pool 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.

- 8 Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the foul and/or surface water discharge from the site shall not be prejudicial to the existing sewerage system and the amenities of the area.

- 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 The development shall be constructed so as to provide sufficient sound insulation against internally generated noise and shall be provided with double glazing and additional means of ventilation so that the windows and other openings can be kept closed. A scheme for the necessary measures is to be provided to LPA and agreed in writing before implementation.

Reason:

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

- 13 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.

- 14 The demolition and/or construction of the development hereby approved, shall be carried out in accordance with a method statement and construction management plan, which shall have been submitted to and approved in writing by the local planning authority 1 calendar month prior to commencement of development. Any demolition shall be carried out in complete accordance with the approved scheme.

Any details submitted in respect of the construction traffic management plan above shall control the hours, routes taken and security procedures for construction traffic to and from the site and the method 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.

Reason:

In the interests of residential amenity and highway safety

- 15 Prior to the commencement of use a community use scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of pricing policy, hours of use, access by non school users/non members, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon commencement of use of the.

Reason: To secure well managed, safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and to accord with Unitary Development Plan policy.

- 16 The use of the premises for the purposes hereby permitted shall only take place between the hours of 8.00am and 10.00pm on Saturdays and Sundays and between 7.30am and 10.30pm on all other days.

Reason:

In the interests of the amenity of occupiers of neighbouring residential properties.

- 17 The development hereby permitted shall not be occupied until a Parking Management Plan detailing the allocation of car parking spaces, on site management of the car parking spaces including dealing with any enforcement of unauthorised parking, has been submitted to and approved by the local planning authority. The Parking Management Plan shall be implemented before occupation and shall be maintained thereafter.

Reason: To ensure the free flow of traffic and in the interest of highway safety and the visual appearance of the development

- 18 Prior to the occupation of the new school buildings an Activities Management Plan to manage events on school premises outside of term time and core school hours shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of pedestrian and highway safety and the free flow of traffic.

- 19 A School Travel Plan that meets the criteria within the Transport for London document 'What a School Travel Plan Should Contain' shall be submitted to and approved by the Local Planning Authority three months prior to occupation. This should include the appointment of a School Travel Plan Champion. In order to ensure the objectives of the Travel Plan are met a 'Monitoring Contribution' is required for monitoring the objectives of the Travel Plan. This contribution is £5,000 and is included within the S106 Contribution. The Travel plan should be reviewed annually in accordance with the targets set out in the Travel Plan.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with policies GSD and M3 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

- 20 Before the development commences details of on-site cycle storage facilities showing design and location shall be submitted to, and approved in writing by, the local planning authority and the development shall be completed in accordance with the details so approved.

Reason:

To ensure that the development makes adequate provision for the secure storage of bicycles, in the interests of encouraging alternative sustainable

means of transport to and from the site.

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 Mayor's London Plan: July 2011 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, GL1, GRoadNet, GParking, GCS1, ENV6, ENV12, D1, D2, D3, D4, D5, D9, D10, D11, HC5, O1, O2, O3, O7, O13, O17, L19, L21, L27, M1, M2, M3, M4, M5, M8, M10, M11, M12, M13, M14, CS4, CS5, CS6, CS9, IMP1 and IMP2.

Core Strategy (Publication Stage) 2010: CS1 and CS10

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

The proposal whilst representing a departure from the Development Plan is considered to be acceptable with regard to Unitary Development Plan policies subject to appropriate planning conditions. It is acknowledged that the development would increase the amount of development in the Metropolitan Green Belt (GB) however a case of very special circumstances is considered to exist.

It is considered to provide important facilities for the school and the wider local community compatible with the existing use of the site, the building is considered to be of an appropriate size and scale that would safeguard the amenities of adjoining occupiers.

It would deliver the objectives of sustainable development through the use of good design and renewable energies and reducing the need for schoolchildren to travel and could contribute significantly to the objectives of sustainable development in Barnet.

It is considered to represent a high quality design solution that would preserve the character and appearance of the area.

The proposal is therefore considered to be in accordance with relevant national planning policy guidance, the London Plan and the Adopted Unitary Development Plan.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

PPS1- Delivering sustainable development
PPG2 - Green Belts
PPG17- Planning for open space, sport and recreation

Relevant Unitary Development Plan Policies:

GSD, GBEnv1, GBEnv2, GBEnv3, GBEnv4, GL1, GRoadNet, GParking, GCS1, ENV6, ENV12, D1, D2, D3, D4, D5, D9, D10, D11, HC5, O1, O2, O3, O7, O13, O17, L19, L21, L27, M1, M2, M3, M4, M5, M8, M10, M11, M12, M13, M14, CS4, CS5, CS6, CS9, IMP1 and IMP2.

SPD- Sustainable design and construction

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, CS10
Development Management Policies: DM01, DM13

Relevant Planning History:

Application:	Planning	Number:	W/13168/F/07
Validated:	22/05/2007	Type:	APF
Status:	DEC	Date:	07/01/2008
Summary:	APC	Case Officer:	Sally Fraser

Description: erection of single storey swimming pool

Consultations and Views Expressed:

Neighbours Consulted: 39
Neighbours Wishing To
Speak 0

Replies: 3

The objections raised may be summarised as follows:

- increased noise and disturbance
- increase in traffic

Internal /Other Consultations:

- Traffic & Development - no objection with conditions
- Environmental Health - no objection with conditions

Date of Site Notice: 22 September 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is Frith Manor School, situated on the south side of Lullington Garth.

The site is situated within the Green Belt and is bounded to the south and west by Green Belt land and to the east by properties along Offham Slope and Folkington Corner.

The school is a 3 form entry state primary school.

History

Permission was granted for a swimming pool building in 2008 (ref W01368F/07). This permission has not been implemented.

Proposal:

The applicant requests permission for a swimming pool building. The application is similar to the approved scheme in terms of the buildings' siting, overall height and footprint and in the amount of parking proposed. The design of the roof is different-being of dual pitch rather than monopitch.

In detail, the proposal is as follows:

The building would be sited to the south east of the school to accommodate a swimming pool. The building would be 30m wide and 18m deep and would be 5.3m high with a dual pitch roof.

The building would be located to the rear of the school playground and would be accessed via the playground and via the access road to the west of the school.

The school would have access to the facility during school time and would be used by outside bodies outside of school hours.

The building would be constructed of brick with a render finish and clay tiles.

Parking for the pool would be located to the north and west of the pool.

The development is on one level and would be accessible to wheelchair users.

Planning Considerations:

There has been no significant change in policy since the previous approval and no material change on site. The proposal therefore remains acceptable. A detailed appraisal is below.

Impact on the green belt

The fundamental aim of the green belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of the green belt being their openness. Once green belts have been defined the use of land within them can be used to provide opportunities for access to the open countryside for the urban population. The Green Belt has an objective to provide opportunities for outdoor sport and outdoor recreation near urban areas.

Council policy states that the council will refuse any development in the Green Belt which is not compatible with their purposes and objectives, does not maintain their openness and would harm their visual amenity.

Although by definition the proposal is inappropriate development as it involves the loss of greenbelt land, special circumstances have been cited by the applicant which justify the swimming pool as a departure from the normal policy position. The special circumstances are the education use of the site, the lack of appropriate alternative sites and the overriding community benefits. Furthermore the building has been designed to minimise its bulk and mass. It is almost entirely surrounded by trees and sits lower than the nearest residential buildings, therefore reducing its impact on the openness of the green belt, in accordance with the principles of the green belt.

Overall it is considered that the proposal would have an acceptable impact on the openness and character of the green belt.

Development on playing fields

PPG17 advocates that local authorities should give careful consideration to planning applications involving development on playing fields.

In this case the proposed building is on land not currently used for sports provision and the school would retain playing field provision in accordance with current DCSF standards. Furthermore the proposal would result in an enhancement of recreational facilities. It is therefore considered that the new facilities supports the objectives of PPG17.

Intensification of use and activities

The noise generated by the existing school already forms part of the character of the area. The proposed building would be sited 100m away from residential neighbours which would minimise the impact on their amenities.

The issue regarding intensification concerns the fact that the new facility would be operational outside of school hours. The council's highways group are satisfied that the proposal meets parking and traffic standards. Also the current school facilities operate an extended schools programme outside of school hours. It is considered that the proposal would not detrimentally impact the amenities of the adjacent residents.

Impact on the street scene

The proposal would not be visible from the street, being located behind existing school buildings.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Addressed above.

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 proposed development complies with council policy and design guidance.

Approval is recommended.

SITE LOCATION PLAN: Frith Manor Primary School, Lullington Garth, London, N12 7BN (Land at Rear)

REFERENCE: H/03138/11



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LOCATION: 587 Watford Way, London, NW7 3JG

REFERENCE: H/04760/11

Received: 25 November 2011

Accepted: 25 November 2011

WARD(S): Mill Hill

Expiry: 20 January 2012

Final Revisions:

APPLICANT: Mr S Govier

PROPOSAL: Extension to the time limit for implementing appeal decision APP/N5090/A/08/2080621 dated 04/12/08 (planning reference W/03678/J/08) for 'Extension to roof including side and rear dormer windows to facilitate 1 no. additional self-contained unit (Variation of planning permission W03678H/07 to convert the existing property into 5 no. self-contained flats - approved 22.08.07).'

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: AD21 001; AD21 002; AD21 10; AD21 111 revision A; AD21 110 revision A; AD21 21; AD21 22; AD21 20; AD21 11; AD21 12; AD21 120 revision A; AD21 121 revision A; AD21 122 revision A; AD21 130 revision 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 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.

- 5 Before the development hereby permitted is occupied the parking spaces shown on Plan AD21 002 dated Feb 08 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area.

- 6 No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontage(s) of Watford Way from a point 1.05m from the highway boundary for a distance of 2.4m on both sides of the vehicular access(es).

Reason:

To prevent danger, obstruction and inconvenience to users of the adjoining highway and the premises.

- 7 No development shall take place until details of the arrangements to meet the obligation for education, 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, 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".

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 Mayor's London Plan: July 2011 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, M14, H16, H18, H27, CS2, CS8, IMP1 and IMP2
Design Guidance Note No 5 – Extensions to Houses
Design Guidance Note No 7 – Residential Conversions

Supplementary Planning Document: Sustainable Design and Construction
Supplementary Planning Document - Contributions to Education
Supplementary Planning Document - Contributions to Libraries
Supplementary Planning Document - Contributions to Health
Supplementary Planning Document - Monitoring Planning Obligations

Core Strategy (Publication Stage) 2010: CS5

ii) The proposal is acceptable for the following reason(s): -
The proposal would not have a detrimental impact on the appearance of the property, street scene or unduly detract from the visual or residential amenities currently enjoyed by neighbouring occupiers. It accords with all the relevant policies.

- 2 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.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

PPS1 - Delivering Sustainable Development
PPS3 - Housing

The Mayor's London Plan: July 2011

7.1, 7.4, 7.6

Relevant Unitary Development Plan Policies:

GBEnv1, D1, D2, H16, H18, H23, H26, H27, M14, CS8, CS13, IMP1, IMP2.

Design Guidance Note No 5: Extensions to Houses

Design Guidance Note No 7: Residential Conversions

Supplementary Planning Document - Sustainable Design and Construction

Supplementary Planning Document - Contributions to Education

Supplementary Planning Document - Contributions to Libraries

Supplementary Planning Document - Contributions to Health

Supplementary Planning Document - Monitoring Planning Obligations

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

Development Management Policies (DPD) (Draft 2011)

DM01, DM02

Relevant Planning History:

Application Planning

Number: H/02651/08

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a detached property located on the south side of the A1 (A41) Watford Way at the junction with Russell Grove. The area is characterised by large single family dwelling houses and several properties in close proximity have been converted into flats including 137 Millway and 16 Uphill Drive. The property has been converted into 5 no. self-contained flats.

Proposal:

The application seeks permission for an extension to time limit for implementing appeal decision APP/N5090/A/08/2080621 dated 04/12/08 (planning reference W/03678/J/08) for 'Extensions to roof including side and rear dormer windows to facilitate 1 no. additional self-contained unit' (Variation of planning permission W03678H/07 to convert the existing property into 5 no. self-contained flats - approved 22.08.07).

Planning Considerations:

Planning permission was granted by the Hendon Area Planning Sub-Committee in August 2007 for the conversion of the application site into 5 no. self-contained units. Subsequently, permission was refused by members in June 2008 for extensions to the property including side and rear dormer windows and the conversion of the loft into a self-contained 2 bedroom flat. This decision was overturned at appeal in December 2008 and this application seeks to extend the time limit for this application.

It is not considered that there have been any material changes on site or to planning policy to warrant refusal of this application. A copy of the planning appraisal from the previous application is attached below:

Council's policies and guidelines in respect of conversions to residential properties set out principles against which the Council will assess applications. Conversions are acceptable provided they have an acceptable impact on the amenities of neighbouring occupiers, the established character of the locality and appearance of the street scene.

Planning permission was granted in August 2007 for the subdivision of the property into 5 self-contained flats following a two storey side and rear extension. Whilst an informative was placed by the committee on the previous approval advising against a further subdivision of units this is only guidance and every application must be considered on its own merits. The extensions and subdivisions have already commenced on site and this application refers to the insertion of 1 no. additional self-contained flat in the loft space.

A previous application W03678G/07 was withdrawn because it was felt the size of the dormer windows were too big and would overly dominate the existing roof space. The proposed rear dormer will serve as part of the kitchen and the proposed side

dormer for the living area will be located on the side elevation facing Watford Way and not Russell Grove. The existing garden at 587 Watford Way measures approximately 13 metres in depth and the adjoining rear properties in Millway have substantial gardens measuring at least 25 metres in depth. It is considered that given the size and siting of the proposed dormer windows and the distance from the neighbouring properties, they would not cause harm or result in unacceptable levels of overlooking to the occupiers of the adjoining residential property.

The proposed scheme will provide six parking spaces (1 per unit). There is an existing access way from the Watford Way and a large fore court to accommodate the proposed parking spaces. It is therefore considered that the proposed parking scheme is acceptable and would not give rise to undue levels of congestion in the area.

The proposed room layout for the new unit is considered acceptable, in that it would not result in unacceptable noise or disturbance to occupiers of the proposed units.

A total of approximately 500 square metres of amenity area would be provided to the rear of the site. This provision far exceeds the Councils UDP minimum standard of 5 square metres per habitable room for flats and is considered acceptable.

Given the above it is considered that the additional flat and associated alterations within the roof space would not result in an over-intensive use of the property, would not detract from the character and appearance of the property or street scene and would not harm the residential amenities of occupiers of neighbouring properties.

Section 106 Contributions:

As part of the application the applicant is required to make the following contributions towards education, libraries, health and monitoring to off-set the additional costs that the proposal will place on facilities within the borough. The contributions required are as follows: Education - £2,659, Health - £1,184, Libraries - £139 and Monitoring - £119.10.

3. COMMENTS ON GROUNDS OF OBJECTIONS

There were no objections to this application.

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 application is recommended for APPROVAL.

SITE LOCATION PLAN: 587 Watford Way, London, NW7 3JG

REFERENCE: H/04760/11



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LOCATION: 21 Winnington Road, London, N2 0TP

REFERENCE: TPO/00639/11/F **Received:** 07 November 2011

WARD: GS **Expiry:** 02 January 2012

CONSERVATION AREA HG

APPLICANT: Tree Care

PROPOSAL: 5 x Oak (App Ref T2, T4 and T5) - Fell. Standing in group G15 and Area A1 of Tree Preservation Order.

RECOMMENDATION:

SPLIT DECISION

That the Council refuses consent to fell 3 x Oak (Applicant's ref T4 and T5) standing in group G15 and area A1 of the Tree Preservation Order, at 21 Winnington Road, N2 0TP, for the following reason:

The proposal will involve the loss of trees of special amenity value.

But that the Council grants consent to fell 2 x Oak (Applicant's ref T2) standing in area A1 of the Tree Preservation Order, at the above address subject to the following conditions:

1. 2 replacement Oak trees of not less than 14/16cm girth shall be planted within 6 months (or as otherwise agreed in writing) of the commencement of the approved treatment (either wholly or in part). The replacement trees shall be planted in a location not more than 3 metres from the location of the original trees. The replacement tree(s) shall be maintained and / or replaced as necessary until 2 new trees are established in growth.

Reason: To maintain the visual amenities of the area.

2. Within 3 months of the commencement of the approved treatment (either wholly or in part) the applicant shall inform the Local Planning Authority in writing that the work has / is being undertaken.

Reason: To maintain the visual amenities of the area.

INFORMATIVE:

1. Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

NOTES:

- 1 Your attention is drawn to the Third Schedule of the Tree Preservation Order and if you are aggrieved by the decision of the Local Planning Authority you may appeal to the Secretary of State for Communities and Local Government, c/o The Environment Team, Room 4/04, Kite Wing, Temple Quay House, 2 The Square, Bristol, BS1 6PN within 28 days of receipt of this decision.
- 2 If you are not the owner of the tree(s) you are advised to consult with and where necessary obtain the permission of the owner before taking any further action with regard to the treatment.
- 3 The permission of the Hampstead Garden Suburb Trust Ltd may also be necessary and this may be obtained from:

The Trust Manager

The Hampstead Garden Suburb Trust Ltd

862 Finchley Road

London NW11 6AB

(Telephone number 020 8455 1066)
- 4 Fuller details about the Local Planning Authority's decision are included in the delegated / Committee report.

Consultations

Date of Press and Site Notices: 17th November 2011

Consultees:

Neighbours consulted: 21

Replies: 5 objections

The grounds of objection can be summarised as:

- Nature conservation value of Oak trees
- Contribution to character and appearance of Hampstead Garden Suburb
- Value for screening / privacy
- Provide shading to gardens

MATERIAL CONSIDERATIONS

Relevant Recent Planning History:

Fuller list appended

TPO/00035/09/F – 6 x Oak – Fell. All standing in area A1 of Tree Preservation Order.

Decision – Split – Refused consent for 2 x Oak [*T4 of current application*]; granted conditional consent for 4 x Oak [*T2 and T3 of current application*] 23rd March 2009.

TPO/00372/09/F - 2 x Oak - Fell. Both standing in area A1 of Tree Preservation Order.

Decision – Refused 15th September 2009 and appeal dismissed 23rd February 2010 [*T4 of current application*]

TPO/00638/11/F - 1 x Willow (App Ref T1) - Remove Major Deadwood. Standing in Group G15 of Tree Preservation Order. 2 x Oak (App Ref T3) - Remove Major Deadwood. Standing in Area A1 of Tree Preservation Order [*numbering as current application*]

Decision – Exemption Notice issued 9th November 2011

PLANNING APPRAISAL

1. Introduction

A treework schedule was submitted by the tree surgeon agent citing the applicant as a landscaping company. The plan and specification identified T1 – T5, of which T2, T3, and T4 were pairs of Oak trees, thus the proposed works related to 8 trees in total. Initially incomplete, on registration the treework was split between proposed removal of deadwood from T1 and T3 (which could be undertaken without the need for TPO consent) – for which Exemption Notice TPO/00638/11/F was issued; and the current application TPO/00639/11/F.

In 2009, applications were submitted by a different tree surgeon to fell 6 of these trees, and for convenience this report uses the current tree numbering when referring to these previous applications.

2. Appraisal

The property of 21 Winnington Road has a larger garden than many of the other houses within this part of Winnington Road. The size and shape of the plot is likely to have been determined not only by the diagonal tract of waterboard land under which high pressure water mains traverse the Suburb but also, given the guiding principles of construction within the Suburb, by the retention of existing trees - the site (and the immediate vicinity) is shown to be wooded on the 1958 Ordnance Survey map. The Tree Preservation Order (made in 1969) that includes trees at this site refers to an Area of trees, predominantly Oak, within the garden of 21 Winnington Road. It is apparent that several trees have been previously removed from this area and replacement planting for the loss of these trees does not appear to have been undertaken.

The trees subject of the current application are:

T2 – two Oaks stand by rockery / water feature in rear garden on flank boundary with Turquoise, 42 The Bishops Avenue. The reason for the proposed removal cited in the application is *“These two trees have extensive areas of dieback throughout the crown. They are both in decline and are leaning into the neighbours garden at a severe angle. They have no SULE (safe useful life expectancy).”* Approx. 12 – 14 metres in height, mid-aged / early mature, one is practically dead, the other has a reasonable amount of foliage but poor form. Both trees have previously been lifted and suffered considerable root damage from the surrounding ‘landscaping’. It should be noted that consent was granted on 23rd March 2009 (TPO/00035/09/F) for the removal of these two trees subject to planting of replacement Oak trees of not less than 14/16cm girth in a location not more than 3 metres from the location of the original trees, but the consented works have not yet been implemented.

T4 – two Oaks standing towards the front of the garden, within a planted bed which is bounded by a low retaining wall on the side next to the hard surfaced parking area. The reason for the proposed removal cited in the application is *“These two trees have been heavily pollarded and this has left them with very poor shape and form. There are cavities at the base of both these trees which are decaying. Overall they provide very little value to the local amenity and realistically they have no SULE (safe useful life expectancy).”* Approx. 10 -12m in height, mid-aged. Both trees have been extensively reduced in the past and have significant epicormic regrowth. There is an old basal wound to one of the trees which shows callusing. It should be noted that consent was refused for the felling of these two trees on 23rd March 2009 (TPO/00035/09/F) and again on 15th September 2009 (TPO/00372/09/F). The appeal against TPO/00372/09/F was dismissed – the Appeal Inspector concluding *“The trees contribute to the visual amenity and landscape quality of the area. Their crown shape is currently poorly defined, due to recent, heavy reduction work; however they will recover from this to make a significant future contribution to landscape quality. There is no indication that they are lacking in vigour and both trees appear to have long safe, useful life expectancies.”* The condition of the trees does not appear to have deteriorated since the appeal, and it is considered that the current application undervalues the trees both in terms of condition and amenity value.

T5 – Oak standing to rear of house relatively close to boundary with Allingham Court. The reason for the proposed removal cited in the application is *“This tree has large areas of dieback throughout the crown and is in decline. It has a low amenity value and no SULE (safe useful life expectancy).”* Approx. 16 - 18m in height, mid-aged / early mature. The tree forks to 2 main stems at approx. 1.5m, it has been previously lifted and thinned and is somewhat one-sided given the proximity to trees in the adjacent garden. There is cabling attached to parts of the trunk and it is possible there may have been some root disturbance caused by the surrounding hard landscaping. There is some deadwood but the tree appears to have reasonable foliage and bud. This tree has not been subject of a recent treework application. Again, it is considered that the current application undervalues the tree both in terms of condition and amenity value

The trees are very clearly visible from Winnington Road and surrounding properties, the trees contribute to the general character and appearance of the Hampstead Garden Suburb and to Winnington Road. Wholly within the Hampstead Garden Suburb Conservation Area and the Area of Special Character, Winnington Road was not within the area of the original Hampstead Garden Suburb Trust but part of the ‘new’ Suburb into which expansion took place in the interwar period. The same design principles were considered important when development extended into the area. Winnington Road was laid out and developed following the Trust’s acquisition of the Finchley Leasehold Extension in the early 1930s. The properties within this part of Winnington Road were built on a former Athletic ground over a number of decades. Whilst some of the properties towards Lyttelton Road were completed in the 1930s, Building Control approval for development of the land at 21 Winnington Road was not approved until June 1959. The present house was constructed in the mid-1990s.

Very few of the trees that once stood within this area are still present. It is considered that these trees have a special amenity value in view of their value within the local landscape. The Oaks subject of this application represent the vestiges of the former woodland area. They provide a height and maturity that is important to the character and appearance of the area - especially given the size and scale of the built form. As such these trees are the only significant established soft landscape features within the garden of 21 Winnington Road (there has been relatively recent planting of formal clipped trees, but these will never reach the stature of the Oaks because of their training and pruning). Whilst consent has previously been granted to fell some of the trees because of their extremely poor condition, removal of all the Oaks subject of this application would alter the character of this area to a low level, formal, highly controlled, landscape completely sub-ordinate to the built form - the scale and appearance of which would be completely out of keeping with the character of the Hampstead Garden Suburb Conservation Area.

The trees also have considerable value for wildlife (also acknowledged by the Appeal Inspector who noted “English oak is well known for its ability to support a wide range of dependent species, some of which is threatened. I consider that the appeal trees are likely to contribute to the biodiversity potential of the area. This will be lost should the proposal be implemented.”). Whilst of itself this would be insufficient for the trees to merit “special” amenity value, given the Oaks' location this factor should be accorded some weight in the context of the philosophy of the Hampstead Garden Suburb. It was the intention that dwellings and nature should be

in close relationship (hence Garden Suburb) that is of relevance - it may be noted that an objection letter referred to 'the wonderful wild habitat which is an essential part of the eco system of Hampstead Garden Suburb'.

COMMENTS ON THE GROUNDS OF OBJECTION

In addition to the matters addressed in the body of the report, some objections refer to the screening value and privacy afforded by the trees to the recently developed Allingham Court. It should be noted that four trees (T2 and T4) are not in proximity to Allingham Court. The single Oak (T5) does contribute to screening – but it is recommended in this report that consent be refused for the felling of this tree.

CONCLUSION

Given the condition of the two Oaks by the rockery (T2) and the previous consent for their felling, it would not be justifiable to refuse this aspect of the application. However, it is considered that the removal of the three other mid-aged / early mature Oaks (T4 and T5) from this site would be of severe detriment to the environment and visual appearance of the area - removing the elements of maturity from the garden would result in change to a controlled 'sanitised' landscape of extremely limited height exacerbating the scale of built form - that would be out of keeping with the character of the Hampstead Garden Suburb Conservation Area. Removal of these three Oaks is premature - it is not considered that the health of the trees is so poor as to justify their felling at this time, and removal of the trees would fail to preserve or enhance the character or appearance of the Hampstead Garden Suburb Conservation Area.

It is therefore recommended that a split decision be made:

Refusal of consent to remove three Oaks (Applicant's ref T4 and T5) for the reason:

The proposal will involve the loss of trees of special amenity value

Consent again being granted for the felling of two Oaks (applicant's ref. T2) subject to the conditions listed above.

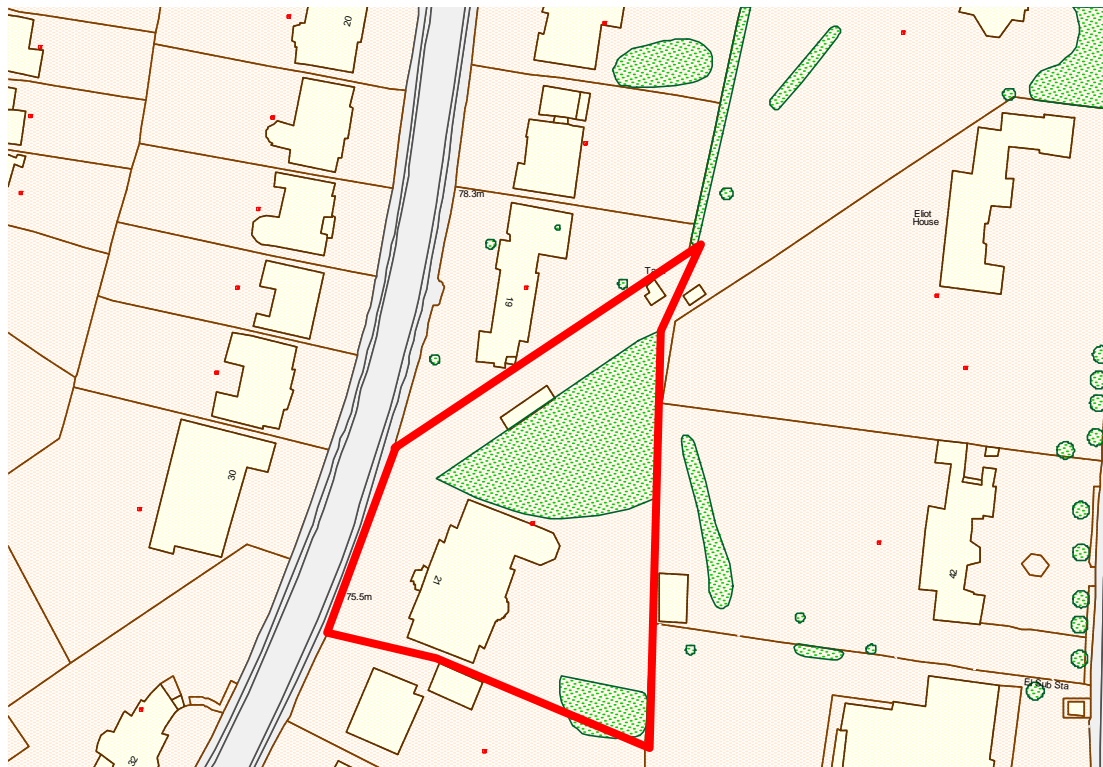
Site History

06093AA/99	21 WINNINGTON ROAD LONDON N2 OTP	N .K. & C.D. Sethia Trust	29/11/1999	Alterations to garden involving new drive and structures including greenhouse, pavilion, pergola and gazebo.	Conditional Approval	21/02/20
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06093AB/00	21 WINNINGTON ROAD LONDON N2 OTP	N.K. & C.D. Sethia Trust	30/08/2000	New metal entrance gates.	Appeal	08/12/2000
06093AD/02	21 Winnington Road London N2 OTP	NK & CD Sethia Trust	23/07/2002	Erection of wall and gates to side of house.	Conditional Approval	28/11/2002
06093AF/04/TRE	21 Winnington Road London N2 OTP	City Suburban	11/10/2004	6 x Oak (Dead) - Fell. Standing in Area A1 of Tree Preservation Order	Exempt	14/10/2004
06093AG/05/TRE	21 Winnington Road London N2 OTP	Steve Hooper Treework	19/08/2005	3 x Oak - Remove epicormic growth up to 4m, crown reduce by 30%, deadwood (item 1); 2 x Oak - Fell and treat stump (items 2, 4); 1 x Oak - Remove epicormic growth up to 3m, deadwood, light thin (item 6) - All Standing in Area A1 of Tree Preservation Order	Conditional Approval	10/10/2005
06093AH/05/TRE	21 Winnington Road London N2 OTP	Steve Hooper Treework	19/08/2005	Oak - Remove deadwood only. Oak - Prune out storm damage as specified, deadwood, Standing in area A1 of Tree Preservation Order.	Exempt	24/08/2005
06093AJ/05/TRE	21 Winnington Road London N2 OTP	Steve Hooper	19/08/2005	1 x Oak - Remove Deadwood. Standing in Area A1 of Tree Preservation Order	Exempt	11/10/2005

06093Q	21 Winnington Road LONDON N2		07/04/1986	First floor side extension with dormer window on north elevation and three rooflights	Approve subject to Conditions	10/12/19
06093R	21 Winnington Road LONDON N2		03/08/1993	New front boundary wall and re-siting of existing gates. Change of use of adjoining operational land to residential use.	Approve subject to Conditions	06/10/19
06093S	21 Winnington Road LONDON N2		22/02/1994	Ground and first floor side and rear extensions, new roof with front, side and rear dormer windows, new entrance steps, extended driveway.	Approve subject to Conditions	02/08/19
06093T	21 Winnington Road LONDON N2		22/02/1994	Demolition of single storey side and rear extensions, and chimney stacks.	Approve subject to Conditions	02/08/19
06093U	21 Winnington Road LONDON N2		14/11/1994	Demolition of existing house and construction of new detached house. Extension to existing driveway.	Approve subject to Conditions	28/02/19
06093V	21 Winnington Road LONDON N2		14/11/1994	Demolition of existing house.	Approve subject to Conditions	28/02/19
06093W	21 Winnington Road LONDON N2		10/03/1997	Erection of swimming pool enclosure as an extension to main house. Alterations to hardstanding.	Withdrawn	18/04/19

06093X	21 Winnington Road LONDON N2		01/05/1998	Details of garage doors pursuant to Condition 7 of planning consent ref: C06093U dated 28. 2.95. for erection of detached house.	Approve	12/06/19
06093Y	21 Winnington Road LONDON N2		19/02/1999	Alterations to garden including terraces and new garden buildings/structures. New drive and parking spaces. Wall railings and gates at front.	Refuse	27/09/19



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LOCATION: Former Neurological Hospital, Broomfield Court and Unwin Court, Beaumont Close, London, N2 0GA

REFERENCE: TPO/00616/11/F **Received:** 10 October 2011

WARD: GS **Expiry:** 05 December 2011

CONSERVATION AREA HG

APPLICANT: Modern Arboricultural Services

PROPOSAL: 1 x Cedar (Applicant's ref T8) – Prune to clear building to give 3m clearance, T8 of Tree Preservation Order; 1 x Poplar (applicant's ref T9) – Fell, 3 x Poplar (applicant's ref G1) – Crown reduce 30%, standing in group G10 of Tree Preservation Order.

RECOMMENDATION:

SPLIT DECISION

That the Council **refuses consent to fell 1 x Poplar (applicant's ref T9) – Fell, 3 x Poplar (applicant's ref G1) – Crown reduce 30%, standing in group G10 of Tree Preservation Order** for the following reason:

The proposal will result in the loss and detrimental impact on the health and appearance of trees of special amenity value.

But that the Council **grants consent to prune 1 x Cedar (applicant's ref T8) to clear building to give 3m clearance, T8 of the Tree Preservation Order**, at the above address subject to the following conditions:

1. The branches shall be pruned in accordance with the recommendations in British Standard BS3998: 2010 *Tree work – Recommendations*.

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

2. The works subject of this consent must be completed not later than two years from the date of this grant of consent.

Reason: to relate the consented works to the current condition of the tree(s)

and allow for satisfactory monitoring of the work.

INFORMATIVE:

1. Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

NOTES:

- 1 This letter is issued as a Certificate under Article 5 of the Tree Preservation Order.
- 2 Your attention is drawn to the Third Schedule of the Tree Preservation Order and if you are aggrieved by the decision of the Local Planning Authority you may appeal to the Secretary of State for Communities and Local Government, c/o The Environment Team, Room 4/04, Kite Wing, Temple Quay House, 2 The Square, Bristol, BS1 6PN within 28 days of receipt of this decision.
- 3 If you are not the owner of the tree(s) you are advised to consult with and where necessary obtain the permission of the owner before taking any further action with regard to the treatment.
- 4 The permission of the Hampstead Garden Suburb Trust Ltd may also be necessary and this may be obtained from:

The Trust Manager

The Hampstead Garden Suburb Trust Ltd

862 Finchley Road

London NW11 6AB

(Telephone number 020 8455 1066)

- 5 Fuller details about the Local Planning Authority's decision are included in the delegated / Committee report.

Consultations

Date of Press and Site Notices: 10th November 2011

Consultees:

Neighbours consulted: 13

Replies: 4 objections

The grounds of objection can be summarised as:

- Value for screening / privacy
- Developer disregarded Council guidelines during construction
- Proposed treatments very similar to applications previously refused in 2007 and 2008

1 representation

The grounds of representation can be summarised as:

- Concern that Poplar tree is hazardous and at risk of collapse – resulting in damage to building and possibly persons
- Wish to hold Council responsible in the event of accident if permission not granted

MATERIAL CONSIDERATIONS

Relevant Recent Planning History:

TREC00070AW/07 - 2 x Poplar (3164 & 3216) - Reduce and Shape Crown by 40%.
1 x Poplar (3215) - Fell. All Standing in Group G10 of Tree Preservation Order

Refused 1st June 2007

TREC00070BE/08 - 2 x Poplar (3164 & 3216) - Reduce and Shape Crown by 40%.
1 x Poplar (3215) - Fell. All Standing in Group G10 of Tree Preservation Order

Refused 21st April 2008

TCA/00617/11/F - 1 x Willow (Applicants Ref 2) - Remove Fallen Stem. 2 x Dead Cypress (1,4), 1 x Dead Holly (5), 1 x Fallen Tree (3), 2 x Elder (6 & 7) – Fell
Exemption Notice issued 1st November 2011

PLANNING APPRAISAL

1. Introduction

A treework schedule was submitted by the tree surgeon agent – no applicant details were supplied, however from the e-mail representation received subsequently it appears that the application was made on behalf of ‘the Managing Agents who act on behalf of the leaseholders of Bishops Park (Broomfield and Unwin Courts) who also happen to be the freeholders’. The plan and specification referred to a number of trees at the site, on registration the proposed treework was split between removal of dead trees, fallen tree and stem, and some Elder shrubs (which could be undertaken without the need for TPO consent) – for which Exemption Notice TCA/00617/11/F was issued; and the current application TPO/00616/11/F.

In 2007 and 2008, applications were submitted by a different tree surgeon to fell 1 Poplar and reduce two Poplars, all standing in group G10 of the Tree Preservation Order – the same Poplar is currently proposed for felling and an additional Poplar is currently proposed for reduction.

2. Appraisal

The trees are among a number that were growing in the grounds of the Neurological Hospital that were retained when the site was redeveloped as two residential apartment blocks (Broomfield Court and Unwin Court - collectively ‘Bishops Park’) and the Hampstead Garden Suburb Institute Arts Centre.

A different tree surgeon has submitted this application hence the tree numbering for a number of previous applications at this site has not been used on this occasion. The five trees subject of this application are all mature trees, some 18 – 20 metres in height:

Cedar (applicant’s ref T8) – this tree stands to the north west of Unwin Court, between the new block and the rear gardens of 10 and 12 Edmunds Walk, the trunk is about 6 - 7 metres from the new building face. The reason for the proposed treatment is “*To clear building of foliage by 3m*”.

This tree has previously been lifted and reduced to clear back from the building face, including the removal of some quite large branches. It is somewhat one-sided and has some deadwood and dead branches, but overall it appears to be in reasonable condition with no major faults apparent. The proposed treatment would involve pruning of some small minor branches (not as excessive as previously undertaken) and would reduce the risk of accidental damage to branches or property from contact

during wind – pruning to clear as specified would have minimal impact on public visibility.

Poplar (applicant's ref T9) – this tree stands to the south of Unwin Court, between the new block and the rear gardens of 57 / 59 Deansway and the roadway to the rear of 12 The Bishops Avenue. The reason for the proposed treatment is *“Excessive lean towards building decline within crown and visibly decayed buttress roots”*.

This tree has a historic lean towards the new building, there is no evidence that this lean has increased since the previous applications (TREC00070AW/07 and TREC00070BE/08). Although there is evidence of long standing impact damage and a small amount of decay to some of the tree's buttress roots, there is also evidence of good callusing and healthy secondary root formation. The well-developed callus growth around old wounds evident at recent inspections is indicative of healthy functional growth. There is no evidence of recent ground movement or of the lean of this tree increasing. Nor is there any cracking or kinking of the bark on the trunk which may indicate an imminent failure from hidden internal decay – there is nothing to suggest that this has deteriorated since previous inspections.

3 x Poplar (applicant's ref G1) – these trees stand close to the above Poplar. The reason for the proposed treatment is *“Due to the proposed removal of adjacent Tree [9] Balsam Poplar. Crown reduce 30% to limit wind loading”*. The Poplars have grown as part of a group, if one was removed the wind stresses on the remaining members of the group would be altered and in such circumstances some compensatory pruning may be justifiable.

All four of the Poplars have been previously lifted but not substantially reduced, although some deadwood and dead branches was evident, the budding appeared reasonable.

The trees are all very clearly visible from Beaumont Close (as the site is now known) and from surrounding properties. These trees are among those that were retained when the former hospital site was redeveloped and are considered important for several reasons:

- the mature trees provide a sense of scale to the large new buildings on the site
- the mature trees are a historic link with the earlier landscaping
- the mature trees contribute significantly to screening between the newly built residential properties and the surrounding, more traditional, housing
- the mature trees are important to the character and appearance of this part of the Hampstead Garden Suburb Conservation Area
- the trees provide valuable ecological habitat

The trees are considered to be of special amenity value, of importance both to the site itself and the wider Conservation Area. Whilst the proposed pruning of the Cedar should have minimal impact on the public amenity value of the tree; that proposed to the Poplars – felling of one and reduction by 30% of three others – is considered to have significant detrimental impact and thus strong reasons should be necessary if consent is to be granted for such treatment.

There is no evidence that the condition or lean of the Poplar (T9) proposed for felling has worsened since the previous applications (when the proposed felling was refused as it was considered that the condition of the tree was not poor enough to justify such action). Shade tolerant ground cover has now been planted at and around the base of the Poplars – this should remove the risk of ongoing mower damage to surface roots, it should also reduce the risk of compaction and trip hazard as people should be less likely at the trees' base. As the proposed reduction by 30% of the other three Poplars is specified to limit wind loading on the basis of removal of Poplar T9, such rationale is less appropriate if the tree is retained. The Poplars have not previously been reduced and the proposed treatment would detrimentally affect the amenity value of the trees and result in a large number of pruning wounds that may act as entry points for decay causing micro-organisms which would have implications for the trees' long-term health. Whilst there may be some justification for lesser works to the four Poplars, on the basis of the information currently available, the proposed felling and reduction by 30% is considered excessive.

COMMENTS ON THE GROUNDS OF OBJECTION

In addition to the matters addressed in the body of the report, it may be noted that as well as significant shade tolerant ground cover, a substantial amount of new hedging and shrub planting has been implemented (much selected for its wildlife interest) – which, once established, should contribute to screening between the new development and surrounding residential properties.

The representation received from the Managing Agent highlights their concern about the leaning Poplar. It appears that the new residents at Bishops Park are concerned about the tree because it is leaning - they do not seem to know that the lean is historic (as indicated by branch habit) and that the condition of the tree does not appear to have altered in the last few years. The tree surgeon agent also has not previously been involved at this site and was unaware of the background – the site history was explained to him and a request made for any information that the condition of the tree had deteriorated since the previous applications, but nothing was forthcoming, despite the Managing Agent seeking to hold the Council responsible in the event of tree failure.

CONCLUSION

Given the previous treatment of the Cedar (T8) and the negligible impact on public amenity of the proposed pruning to give 3m clearance of the building face, it would not be justifiable to refuse this aspect of the application. However, it is considered that the removal of the Poplar (T9) and the proposed crown reduction by 30% of 3 Poplar (G1) on the basis of the information currently available is excessive - it is not considered that the condition of the leaning Poplar (T9) is so poor as to justify its

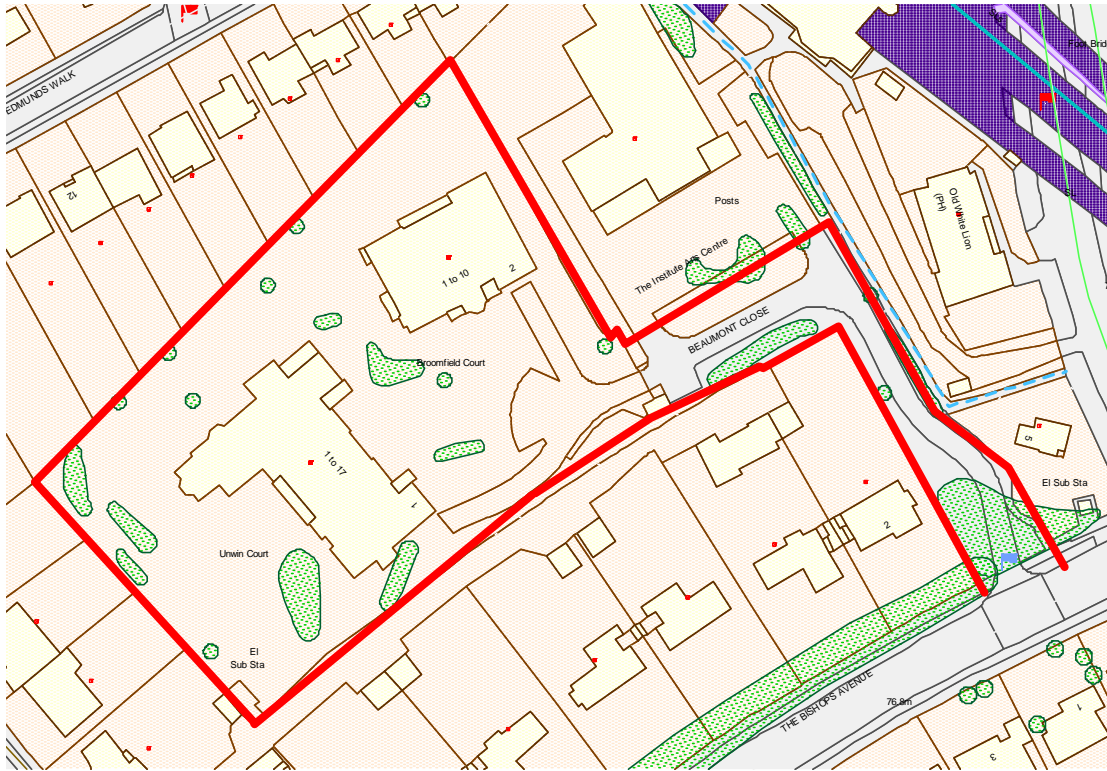
felling at this time, and if the tree is retained the rationale for the proposed crown reduction of the 3 Poplars trees is undermined. It is considered that the proposed removal of Poplar (T9) and crown reductions by 30% of three Poplars (G1) would fail to preserve or enhance the character or appearance of the Hampstead Garden Suburb Conservation Area.

It is therefore recommended that a split decision be made:

Refusal of consent to fell 1 x Poplar and crown reduce 30% 3 x Poplar
(Applicant's ref. T9 and G1) for the reason:

The proposal will result in the loss and detrimental impact on the health and appearance of trees of special amenity value.

Consent be granted for the pruning to clear of the Cedar (applicant's ref. T8)
subject to the conditions listed above.



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