

<u>MEETING</u> WEST AREA PLANNING SUB-COMMITTEE
<u>DATE AND TIME</u> 7 February 2012 AT 7.00PM
<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 Sargeant	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 – 122
7.	ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT	

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LONDON BOROUGH OF BARNET

West Area Planning Sub-Committee

07 February 2012

Agenda Item No. 6

Report of the Assistant Director of Planning & 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:

Hendon Area Planning Team
North London Business Park
Oakleigh Road South
London
N11 1NP

Contact Officer: Mrs V Bell, 020 8359 4672

F/04431/11

Childs Hill

Page 1 – 8

Brondesbury Cricket, Tennis & Squash Club, 5A Harman Drive, London, NW2 2EB

Erection of 4No. x 6 metre floodlights for courts 4 & 7.

Approve Subject to Conditions

H/04849/11

Edgware

Page 9 – 13

42-46 Station Road, Edgware, Middx, HA8 7ZZ

Change of use of part of first floor D1 space (Church / Place of Worship) to B1 (Office); A1 (Retail) at ground floor into D1 space for a temporary period of 3 years.

Refuse

F/04351/11

Golders Green

Page 14 – 31

177-179 Golders Green Road, London, NW11 9BY

Demolition of existing buildings. Erection of four storey building (including lower ground floor) to create 76sqm of B1 office space at lower ground floor and HMO (House in Multiple Occupation) comprising of 37no bedsits with shared kitchen facilities. Provision of off-street parking, bicycle store, refuse storage, associated landscaping and alterations to access from Golders Green Road.

Approve Subject to the completion of a unilateral undertaking

F/03344/11

Garden Suburb

Page 32 – 46

24 Ingram Avenue, London, NW11 6TL

Demolition of existing dwelling house and construction of two detached two-storey dwellings each with 2no basement levels including swimming pool, integrated garage, rooms in roofspace. Associated access onto Ingram Avenue.

Approve Subject to Conditions

F/03345/11

Garden Suburb

Page 47 – 56

24 Ingram Avenue, London, NW11 6TL

Demolition of existing dwelling house. (CONSERVATION AREA CONSENT)

Approve Subject to Conditions

F/04656/11

Garden Suburb

Page 57 – 65

Farm Walk Lawn Tennis Club, Farm Walk, London, NW11 7TP

Installation of sports lighting to four existing tennis courts

Approve Subject to Conditions

F/04932/11

Garden Suburb

Page 66 – 74

19 Midholm, London, NW11 6LL

Demolition of attached garage and rear wing. Construction of new garage converted to habitable use with raised roof and parapet walls. Altered first floor windows in gable wall. Addition of canopy over front door.

Approve Subject to Conditions

H/04376/11

Hendon

Page 75 – 79

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

H/04221/11

Hendon

Page 80 – 85

31 Cedars Close, London, NW4 1TR

Retention of and amendments to existing low level wall and installation of brick piers, metal railings and gates.

Approve Subject to Conditions

H/03466/11

Mill Hill

Page 86 – 91

105 The Broadway, London, NW7 3TG

Change of use from A1 (Retail) to A3 (Restaurant & Cafes).

Refuse

3 Cheyne Walk, London, NW4 3QH

Single storey rear extension. Two storey side extension following demolition of existing garage and shed. Provision of 3 off-street car parking spaces to facilitate conversion of single dwelling house into osteopathic clinic (D1 use) on ground floor and upper floors as residential (C3 use).

Approve Subject to Conditions

TPO/00656/11/F**Childs Hill****Page 104 – 114****LOCATION:** Gratton Terrace (Verge in front of 31 – 40), London, NW2 6QE**REFERENCE:** TPO/00656/11/F**Received:** 14 November 2011**WARD:** CH**Expiry:** 09 January 2012**CONSERVATION AREA** Railway Terraces**APPLICANT:** OCA UK Ltd**PROPOSAL:** 4 x London Plane (Applicant's ref T1, T2, T3, T4 standing in front of 33-35 Gratton Terrace) – Fell, Standing in group G1 of Tree Preservation Order.

H/04063/11**West Hendon****Page 115 – 122**

58 & 60 Park View Gardens, London, NW4 2PN

Part single, part two storey rear extension to both properties. Single storey side extension to No.58. Roof extension involving side dormer window to No.60.
(AMENDED PLANS)

Approve Subject to Conditions

LOCATION: Brondesbury Cricket, Tennis & Squash Club, 5A Harman Drive, London, NW2 2EB

REFERENCE: F/04431/11

Received: 31 October 2011

Accepted: 31 October 2011

WARD(S): Childs Hill

Expiry: 26 December 2011

Final Revisions:

APPLICANT: Brondesbury Cricket, Tennis and Squash Club

PROPOSAL: Erection of 4No. x 6 metre floodlights for courts 4 & 7.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 15776_OGL, a site plan, A Design, Access and Planning Statement by Mr Edens, Elevation of Floodlight and Column, a document entitled Brondesbury Tennis Club: Floodlighting Courts 4 and 7 and The Institution of Lighting Engineers: Guidance Notes for the Reduction of Obtrusive Light.

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 floodlighting of courts numbered 4 & 7 on the approved plan shall only be operated during the hours of 9am to 9.30pm on any day, and these hours shall be controlled by a time switch, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that flood lighting did not unduly prejudice the enjoyment by neighbouring occupiers of their 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: PPS1 and PPS17

Adopted Barnet Unitary Development Plan (2006): GBEnv1, Policy GBEnv2, Policy D2, Policy ENV6, Policy L19 and Policy L20

Core Strategy (Submission version) 2011: CS5

Development Management Policies (Submission version)2011: DM01, DM02, DM04 and DM15.

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.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements: PPS1 and PPS17

Relevant Unitary Development Plan Policies: GBEnv1, Policy GBEnv2, Policy D2, Policy ENV6, Policy L19 and Policy L20

Core Strategy (Submission version) 2011

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 submitted its LDF Core Strategy Submission Stage document in August 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS5,

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

The Council submitted its LDF Development Management Policies Submission Stage document in September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01 and DM02

Relevant Planning History:

C04254G 'Installation of 15 x 6 metre high floodlighting columns to the four newest all weather tennis courts' Refused (1993) and dismissed at appeal (1994).

C04254H/01 'Floodlighting to two tennis courts (rear of 42-50 Farm Avenue)' Granted (2002).

C04254J/06 'Variation to condition 2 (hours of use of floodlighting) of planning

permission C04254H/01 dated 03/07/2002 (floodlighting to two tennis courts at rear of 42 - 50 Farm Avenue) to allow use of the floodlights between 9am and 10pm all year around' was refused in 2006.

Application:	Planning	Number:	F/03540/08
Validated:	08/10/2008	Type:	S73
Status:	Decided	Date:	03/08/2009
Summary:	Approved at Appeal	Case Officer:	David Campbell
Description:	Variation of condition 2 (Hours of use of Flood lighting) of planning permission C04254H/01 dated 03.07.02 to allow use of floodlights to courts Nos 5 + 6 between 09.00-21.30 hours all year around.		

Application:	Planning	Number:	F/03641/09
Validated:	12/10/2009	Type:	APF
Status:	DEC	Date:	27/11/2009
Summary:	APC	Case Officer:	David Campbell
Description:	Erection of new single storey building to replace existing tennis shelter.		

Consultations and Views Expressed:

Neighbours Consulted:	43	Replies:	6
Neighbours Wishing To Speak	4		

The objections raised may be summarised as follows:

- There was no objection to the previous floodlighting on the other courts because these were further away. The current scheme will be too close to properties in Farm Avenue.
- The tennis courts will become a football stadium.
- Traffic and parking increase (including by coach).
- Noise and disturbance
- The site is used for playing rugby instead of tennis.
- Litter
- The previous Inspector's opinion was that there was no objection from local residents. This is not true.
- Acknowledgement that the club wish to adapt to suit its members but this should not be done at the expense of neighbours.
- Loss of privacy
- The floodlights would be unsightly and out of scale and appearance
- Light pollution
- Loss of property value
- Adversely affect the enjoyment of neighbouring properties

Internal /Other Consultations:

- Street Lighting - No objections
- Environmental Health - No comments

Date of Site Notice: 10 November 2011

2. PLANNING APPRAISAL

Site Description and Surroundings: Brondesbury Cricket Tennis & Squash Club is a sports club situated in the Childs Hill Ward with an entrance at 5A Harman Drive. The part of the site which is subject to this appeal are the tennis courts, which are located at the rear of 42 to 50 Farm Avenue. The character of the immediate area surrounding can be defined as largely residential with the adjoining roads comprising of Galsworthy Road, Farm Avenue and Harman Drive. There are also playing fields which lie to the south east. The site does not fall within a conservation area.

The courts in question are located directly behind 42-50 Farm Avenue.

Proposal: The application seeks consent for the erection of 4 No. 6m floodlights for courts 4 and 7. It is proposed that they will be used between 9am and 9:30pm, similar times to the courts which are immediately adjoining.

Planning Considerations:

Policy Considerations

Planning Policy Statement 17 – Planning for Open Space, Sport and Recreation which states in paragraph 19, 'In considering applications for floodlighting, local authorities should ensure that local amenity is protected'.

The Statutory Development Plan is the London Borough of Barnet Unitary Development Plan adopted on 18th May 2006.

Relevant UDP policies include GBEnv1, GBEnv2, D2, ENV6, L19 and L20 of the adopted Unitary Development Plan 2006:

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 D2 of the adopted *Unitary Development Plan* is a Design policy stating that the all new developments should represent high quality design.

Policy ENV6 of the adopted *Unitary Development Plan* on Light Pollution states:

'Proposals for lighting schemes will be permitted provided that they do not have a demonstrably harmful impact on residential amenity, on wildlife interests and on the environment generally. Where necessary the council will require developers to take measures to control the level of illumination and spillage of light and may restrict hours of usage.'

Policy L19 of the adopted *Unitary Development Plan* on Sports Grounds states: 'Development proposals to provide new or improved sports grounds and playing fields will be acceptable provided that they ... do not have a demonstrably harmful impact on the amenity of nearby residential properties and other uses.'

Policy L20 of the adopted *Unitary Development Plan* on Floodlighting for Sports Facilities states that 'proposals for the floodlighting of sports facilities will be permitted where this would not cause significant nuisance to nearby residents and to users of other properties, and where wildlife interests would not be significantly affected. The council may restrict hours of use'.

Overview of History

Application C04254G for 'Installation of 15 x 6 metre high floodlighting columns to the four newest all weather tennis courts' was refused (1993) and dismissed at appeal (1994). The inspector ruled that the floodlighting and level of lighting proposed would result in light spillage. He was also concerned about the additional noise and disturbance.

Application C04254H/01 for the erection of flood lights to courts 5 and 6 was granted planning consent in 2002, subject to various conditions including that:

"The floodlighting of courts numbered 5 & 6 on the approved plan (Appendix 6) shall only be operated during the hours of 9am to 7.30pm in the months of October to March and during the hours of 9am to 9.30pm in the months of April to September, and these hours shall be controlled by a time switch."

This was imposed to ensure that flood lighting did not unduly prejudice the enjoyment by neighbouring occupiers of their properties.

A previous application, C04254J/06 for the 'Variation to condition 2 (hours of use of floodlighting) of planning permission C04254H/01 dated 03/07/2002 (floodlighting to two tennis courts at rear of 42 - 50 Farm Avenue) to allow use of the floodlights between 9am and 10pm all year around' was refused in 2006. The reason given for the refusal stated that the proposed hours of use for the floodlighting would, by reason of the resultant levels of noise, disturbance, general activity, light spill and light intrusion into the neighbouring properties, be detrimental to the residential amenities of the occupiers of the neighbouring properties.

Application F/03540/08 for the 'variation of condition 2 (Hours of use of Flood lighting) of planning permission C04254H/01 dated 03.07.02 to allow use of floodlights to courts Nos 5 + 6 between 09.00-21.30 hours all year around' was refused by the council in 2008. The decision was allowed on appeal with the Inspector stating that there was no evidence that light spillage would be harmful to neighbouring properties. The Inspector also awarded costs against the council. A copy of the appeal decision is attached.

Impact on Neighbours

It is considered that as the floodlights are angled downwards and the amount of vegetation on the boundary which should provide some screening, there should not be any significant loss of amenity to neighbouring properties. The council's Street Lighting Team has no objections to the application on these grounds. They have reviewed the extensive technical guidance provided by the applicant.

It is not considered that the courts will give rise to any significant additional noise and disturbance. It is noted that the same amount of noise would be created in the summer months when the lighting would not be required. This is not therefore considered to be a reason to refuse the application. The Inspector dismissed this argument at the previous appeal, stating there was no evidence that this was the case.

It is also considered that as the floodlights would be similar to those already on site, the application could not be refused on the grounds of being out of character or unsightly appearance.

It is acknowledged that these floodlights would be closer to neighbouring properties than the ones allowed on appeal. However given that no objections have been raised by the council's Street Lighting Team it is not considered that the council could defend a refusal on the grounds of loss of amenity at appeal.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The grounds of objection have been assessed below:

- The application has been assessed by the council's Street Lighting Team and found to be acceptable. There are therefore no objections on lighting grounds.
- There is not considered that the application will give rise to increased traffic and parking problems. The application is to provide lighting to two courts and is not for any additional courts.
- It is not considered that the courts will give rise to any additional noise and disturbance. It is noted that the same amount of noise would be created in the summer months when the lighting would not be required. This is not therefore considered to be a reason to refuse the application. The Inspector dismissed this argument at the previous appeal, stating there was no evidence that this was the case.
- The council could not enforce against the playing fields being used for rugby.
- It is not considered that the application would give rise to increased amounts of litter.
- The previous Inspector was commenting on a different application. The current scheme must be assessed in its own right.
- It is not considered that the application would give rise to loss of privacy.
- The floodlights would be of a similar scale and appearance to those which are

existing. Therefore there are no objections on these grounds.

- Loss of property value is not a material planning consideration.
- It is not considered that the enjoyment of neighbouring properties will be adversely affected.

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

SITE LOCATION PLAN: Brondesbury Cricket, Tennis & Squash Club, 5A
Harman Drive, London, NW2 2EB

REFERENCE: F/04431/11



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LOCATION: 42-46 Station Road, Edgware, Middx, HA8 7ZZ
REFERENCE: H/04849/11 **Received:** 05 December 2011
Accepted: 05 December 2011
WARD(S): Edgware **Expiry:** 30 January 2012
Final Revisions:
APPLICANT: Fontrise Ltd.
PROPOSAL: Change of use of part of first floor D1 space (Church / Place of Worship) to B1 (Office); A1 (Retail) at ground floor into D1 space for a temporary period of 3 years.

RECOMMENDATION: Refuse

- 1 The proposed change of use of the ground floor premises would constitute an unacceptable loss of an A1 retail unit to the detriment of the vitality and viability of the Edgware Town Centre contrary to policies GTCR2 and TCR10 of the Adopted London Borough of Barnet Unitary Development Plan (2006).

INFORMATIVE(S):

- 1 The plans accompanying this application are:- L(-)001, E(-)01, E(-)02, E(-)03, P(-)01, P(-)02, P(-)03, Design and Access Statement.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

PPS1 - Delivering Sustainable Development
PPS4 - Planning for Sustainable Economic Growth

The Mayor's London Plan: July 2011

None Specific

Relevant Unitary Development Plan Policies:

GTCR2, TCR10

Core Strategy (Submission version) 2011

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 submitted its LDF Core Strategy Submission Stage document in August 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies:

CS6

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

The Council submitted its LDF Development Management Policies Submission Stage document in September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies:

DM11

Relevant Planning History:

Application:	Planning	Number:	H/03519/11
Validated:	19/08/2011	Type:	APF
Status:	DEC	Date:	26/10/2011
Summary:	REF	Case Officer:	Emily Benedek
Description:	Change of use of part of first floor D1 space (Church/ Place of Worship) to B1 (Office); A1 (Retail) at ground floor into D1 space.		

Site Address: 42-46 Station Road Edgware Middlesex HA8 7LA
Application Number: W09425D/06
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 03/10/2006
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Use of first floor premises as Place of Worship/Church Hall (Use Class D1).
Case Officer:

Consultations and Views Expressed:

Neighbours Consulted: 215 Replies: 28
Neighbours Wishing To Speak 0

28 letters of support were received in respect of this application. The comments can be summarised as follows:

- Church already has a positive impact on the community
- Big society approach will improve the health of town centres needs to include

- churches
- Very little community space in town centres and the proposal would help provide this
 - Church provides many community facilities but is limited with no disabled access as on the first floor which also makes it inaccessible for people with young children
 - Proposal will bring business to local shops and people into the area
 - Better for the shop to be occupied than vacant
 - Bigger premises needed to cope with increased membership
 - Helps minority group
 - Proposal will allow us to extend care in the community
 - Will improve 'visibility' of the church

Internal /Other Consultations:

- Environmental Health - No comments received
- Traffic & Development - No objection

Date of Site Notice: 15 December 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site relates to a detached property located on the east side of Station Road which is of mixed character. The property is located in the primary retail frontage of the Edgware town centre.

Proposal:

The application seeks permission for a change of use of part D1 space (church/place of worship) to B1 (office) and A1 (retail) at ground floor into D1 space.

Planning Considerations:

No objections are raised to the change of use of the first floor from D1 to B1.

A previous application for an identical proposal was refused on 26/10/2011 (planning reference H/03519/11 for the same reason as this application. The main difference from the previous application is that this is a temporary consent for a period of 3 years. The D1 use on the ground floor will be used by the same church (including community facilities) that currently operate on the first floor and will operate during normal weekly retail hours as well as evenings. The applicants also argue that it will be preferable to see an A1 shop in use, even as D1, than vacant for an extended period of time.

42-46 Station Road is identified within the Adopted London Borough of Barnet Unitary Development Plan (2006) as a primary retail frontage, with the Edgware Town Centre. The council considers that the vitality and viability of its town centres can be maintained and enhanced by accommodating a diverse range of uses, where

appropriate. However the council also believes that use class A1 retail functions generally underpin the vitality and viability of the town centres. This use class is wide ranging and supports a diverse range of uses.

The combined proportion of class A1 use and vacant units in the primary retail frontage is approximately 60% which is below the threshold stated in policy TCR10 of 75%.

The preamble to policy TCR10 states that in such circumstances where there is a high proportion of vacant units in a town centre, the council considers that other uses appropriate to the town centre would be preferable to a high level of vacant retail units such as A2, A3, A4 or A5 uses. The level of vacant units in the primary retail frontage is 4% (6 units out of a total of 148 units) and is therefore not considered to be a high proportion. The change from A1 use contributes to the further incremental reduction in the retail offering which adversely affects the retail function and vitality and viability of the centre.

The loss of this A1 unit would have a detrimental impact on the vitality and viability of the centre. In the town centre there are a number of units which are considered to be mixed use. However policy TCR10 of the Adopted Unitary Development Plan (2006) states that "change of use at ground floor level from class A1 to other uses will not be permitted where...the proposed use does not fall within use class A2, class A3, class A4 or class A5. The proposed change of use to D1 would therefore be considered unacceptable.

Given all of the above it is therefore considered that the change of use from A1 to D1 would be detrimental to the vitality and viability of the Edgware town centre and accordingly is recommended for refusal.

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 **REFUSAL**.

SITE LOCATION PLAN: 42-46 Station Road, Edgware, Middx, HA8 7ZZ

REFERENCE: H/04849/11



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LOCATION: 177-179 Golders Green Road, London, NW11 9BY
REFERENCE: F/04351/11 **Received:** 21 October 2011
Accepted: 27 October 2011
WARD(S): Golders Green **Expiry:** 26 January 2012

Final Revisions:

APPLICANT: Prime Central Properties Ltd
PROPOSAL: Demolition of existing buildings. Erection of four storey building (including lower ground floor) to create 76sqm of B1 office space at lower ground floor and HMO (House in Multiple Occupation) comprising of 37no bedsits with shared kitchen facilities. Provision of off-street parking, bicycle store, refuse storage, associated landscaping and alterations to access from Golders Green Road.

RECOMMENDATION: Subject to the completion of a unilateral undertaking
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** **£29,674.00**
A contribution towards Health Facilities and Resources in the borough
- 4 **Libraries (financial)** **£5,143.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Monitoring of the Agreement** **£1,740.85**
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/04351/11 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings: P100 Rev: 00, 001 Rev: 00, 002 Rev: 00, 101 Rev: 00, 102 Rev: 00, 103 Rev: 00, 104 Rev: 00, 105 Rev: 00, 106 Rev: 00, 003 Rev: 00, 004 Rev: 00, 010 Rev: 00, 020 Rev: 00, 021 Rev: 00, 022 Rev: 00, 023 Rev: 00, 110 Rev: 00, 120 Rev: 00, 121 Rev: 00, 122 Rev: 00, 123 Rev: 00, Energy Statement from Richard Hodkinson Consultancy dated 12th October 2011, Sustainability Assessment from Richard Hodkinson Consultancy dated October 2011, Planning Statement by Aparca Smith Planning Consultants dated October 2011 reference CA/2613, Design and Access Statement by Design Solutions dated October 2011, Transport Statement by Paul Mew Associates dated August 2011 and Acoustic Report from the Sharps Redmore Partnership.

- 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 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 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.
- 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 layout plans hereby approved 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 Before the building hereby permitted is occupied the proposed window(s) in the side elevations facing 175 and 181 Golders Green 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.

- 10 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.

- 11 The level of noise emitted from any plant, should any be required for the development 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.

- 12 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.

- 13 The development shall be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration. This sound insulation shall ensure that the

levels of noise generated from the (specified use) as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

A scheme for mitigation measures shall be submitted to and approved by the Local Planning Authority prior to development. 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 proposed development does not prejudice the amenities of occupiers of the residential properties.

- 14 Before development commences, a scheme of proposed air pollution 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 protected from the poor air quality in the vicinity.

- 15 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.

- 16 Notwithstanding the approved plans, a detailed drawing showing the side window of room 306 which shows obscure glazing to eye level shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans and retained as such thereafter.

Reason:

To preserve neighbouring residential amenity.

- 17 Before the development hereby permitted is occupied, parking spaces shall be provided in accordance with Drawing No. P100/100 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.

- 18 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.

- 19 No kitchen facilities shall be installed in the rooms of the HMO hereby permitted.

Reason:

To ensure the units remain as HMO accommodation and not self contained flats and to protect the amenities of future occupiers.

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 3rd April 2012 the Assistant Director of Planning and Development Management REFUSE the application ref: F/04351/11 under delegated powers for the following reasons:

The proposed development does not include a formal undertaking to meet the costs of extra education, 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 Education (2008), Libraries (2008), Health (2009) and Monitoring (2007) and policies CS8, CS2, CS13, IMP1, IMP2 of the Adopted Unitary Development Plan (2006).

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
 - i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).
In particular the following policies are relevant: PPS1, PPS3 and PPS4;
The Mayor's London Plan: July 2011: 3.3, 3.4, 3.5, 5.1, 5.3, 6.13, 7.4, 7.5 and 7.6.
Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, GBEnv3, D1, D2, D3, D4, D5, D6, D9, D11, GParking, M3, M11, M12, M13, M14, H9, H16, H17, H18, H21, GCS1, CS1, CS2, CS8, CS13, IMP1 and IMP2.
Core Strategy (Submission version) 2011: CS4 and CS5.
Development Management Policies (Submission version)2011: DM01, DM02, DM04, DM09, DM14 and 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 conservation/surrounding area, the existing building or the amenities of any neighbouring property.
- 2 If the development is carried out it will be necessary for the existing redundant vehicular crossover(s) to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Crossover Team, Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.
- 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.

- 4 The applicant is advised that a maximum width allowed a crossover would be 4.8 metres.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements: PPS1, PPS3 and PPS4

The Mayor's London Plan: July 2011 3.3, 3.4, 3.5, 5.1, 5.3, 6.13, 7.4, 7.5 and 7.6.

Relevant Unitary Development Plan Policies: GBEnv1, GBEnv2, GBEnv3, D1, D2, D3, D4, D5, D6, D9, D11, GParking, M3, M11, M12, M13, M14, H9, H16, H17, H18, H21, GCS1, CS1, CS2, CS8, CS13, IMP1 and IMP2.

Core Strategy (Submission version) 2011

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 submitted its LDF Core Strategy Submission Stage document in August 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS4 and CS5.

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

The Council submitted its LDF Development Management Policies Submission Stage document in September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02, DM04, DM09, DM14 and DM17.

Relevant Planning History:

Application: Planning
Validated: 30/03/2007
Status: APS
Summary:
Description: Variation of Conditions 3 and 16 of planning permission C00155W/06 dated 08.12.06 "to enable use and plant to operate between the hours of 07.00am and 11.00pm daily".

Number: C/00155/X/07
Type: S73
Date: 14/05/2007
Case Officer: Alissa Fawcett

Site Address: 177 - 179 Golders Green Road London NW119BY
Application Number: C00155W/06
Application Type: Full Application
Decision: Migrated Code
Decision Date: 12/12/2006
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Change of use, alterations and second floor extension in connection with use as flexible space business units (Class B1).**
Case Officer: Kevin Waters

Site Address: 177-179 Golders Green Road London NW119BY
Application Number: C00155Z/07
Application Type: Material Minor Amendment/Vary Condition
Decision: Withdrawn
Decision Date: 31/08/2007
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Variation of Conditions 3 and 16 of planning permission C00155W/06 dated 08.12.06 "to enable use and plant to operate between the hours of 07.00am and 10.30pm daily".**
Case Officer: Laura Knight

Site Address: 177-179 Golders Green Road London NW119BY
Application Number: C00155X/07
Application Type: Material Minor Amendment/Vary Condition
Decision: Refuse
Decision Date: 01/04/2008
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: 01/04/2008
Proposal: **Variation of Conditions 3 and 16 of planning permission C00155W/06 dated 08.12.06 "to enable use and plant to operate between the hours of 07.00am and 11.00pm daily".**
Case Officer: Alissa Fawcett

Site Address: 177-181 GOLDERS GREEN ROAD LONDON NW11
Application Number: C00155
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 24/06/1965
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Modernisation and extension of existing forecourt**
Case Officer:

Site Address: GROVE LODGE GARAGE, 177 GOLDERS GREEN ROAD LONDON NW11
Application Number: C00155F

Application Type: Advertisement
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Advert**
Case Officer:

Site Address: 177/179 Golders Green Road NW11
Application Number: C00155J
Application Type: Full Application
Decision: Refuse
Decision Date: 24/07/1969
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **The erection of 60ft. radio telephone post.**
Case Officer:

Site Address: 177-179 GOLDERS GREEN ROAD LONDON NW11
Application Number: C00155A
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 26/10/1965
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Construction of two additional vehicle entrances to existing workshop and widening of existing cross-over.**
Case Officer:

Site Address: 177/179 GOLDERS GREEN ROAD LONDON NW11
Application Number: C00155K
Application Type: Advertisement
Decision: Refuse
Decision Date: 06/10/1969
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Advert**
Case Officer:

Site Address: 177 Golders Green Road NW11
Application Number: C00155M
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 09/04/1980
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Redevelopment of existing petrol sales forecourt and alteration to building at rear to form new self-service facilities, including provision of a canopy supported on two posts.**
Case Officer:

Site Address: 177/179 Golders Green Road LONDON NW11
Application Number: C00155S
Application Type: Advertisement
Decision: Approve with conditions
Decision Date: 09/03/1995
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of non-illuminated advertisementsign.**

Case Officer:

Site Address: 177 Golders Green Road NW11
Application Number: C00155C
Application Type: Advertisement
Decision: Approve with conditions
Decision Date: 08/08/1967
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Advert**
Case Officer:

Site Address: REAR OF 177/179 GOLDERS GREEN ROAD LONDON NW11
Application Number: C00155D
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 24/07/1968
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **additional vehicular access.**
Case Officer:

Site Address: 177 Golders Green Road NW11
Application Number: C00155E
Application Type: Full Application
Decision: Refuse
Decision Date: 07/01/1969
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Installation of internal spray booth with external ?**
Case Officer:

Site Address: 177/179 Golders Green Road NW11
Application Number: C00155G
Application Type: Full Application
Decision: Refuse
Decision Date: 05/03/1969
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of Radio East**
Case Officer:

Site Address: 177/179 Golders Green Road NW11
Application Number: C00155H
Application Type: Full Application
Decision: Refuse
Decision Date: 23/07/1969
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of internal, ? spray booth with external dismisses.**
Case Officer:

Site Address: GROVE LODGE MOTORS, 177 GOLDERS GREEN ROAD LONDON NW11
Application Number: C00155L
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 12/08/1970
Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists
Proposal: **existing service station to be converted to self service, repositioning of pump island and new canopy over.**

Case Officer:

Site Address: 177-179 Golders Green Road London NW11 9BY
Application Number: C00155Y/07
Application Type: Full Application
Decision: Migrated Code
Decision Date: 28/08/2007
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Redevelopment to provide a three storey 60 No. bedroom hotel including rooms in roofspace. Basement to include ancillary kitchen, dining / function room, and parking for 27 No. cars (plus 6 No. car parking spaces at ground floor level) accessed from Golders Green Road.**

Case Officer: Laura Knight

Site Address: 177/179 Golders Green Road LONDON NW11
Application Number: C00155P
Application Type: Advertisement
Decision: Refuse
Decision Date: 09/02/1994
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Internally illuminated freestanding gantrysign to forecourt frontage.**
Case Officer:

Enforcement Notices picked up in spatial search

Reference Name

Description **Enforcement Notice served under Section 15 of the Town and Country Planning Act 1968 dated 20.04.70.**

Reference Name

Description **Enforcement notice dated 02.12.86 served under Section 87 of the Town & Country Planning Act 1971 as amended.
(181A Golders Green Road)**

Consultations and Views Expressed:

Neighbours Consulted: 207 Replies: 10
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Inappropriate for the area
- The area needs family houses not bedsits
- The size and number of the units is too large
- Services should come from Golders Green Road
- Traffic and parking

- The density is higher than the hotel.
- The rear shed is in occupation
- Increase in crime and antisocial behaviour
- The King Solomon Hotel has attracted anti social behaviour and this will make it worse
- The area needs more affordable housing but not in this form
- What will happen to the existing building?
- The property is used for Jewish charity/ community facilities.
- Building Regulations should be adhered to.
- Increase in rubbish and dirt.
- Increase noise and disturbance
- The area is being eroded.
- There are more than enough HMO's in the area.
- A more transient community will be created
- Previous applications on the site contained significantly more parking spaces
- The details provided are unclear

Internal /Other Consultations:

- Traffic & Development - No objections subject to conditions.
- Environmental Health - No objections subject to conditions.

Date of Site Notice: 03 November 2011

2. PLANNING APPRAISAL

Site Description and Surroundings: The site is situated in the Golders Green Ward. The site is located in a predominantly residential area and fronts onto both Golders Green Road and The Grove. Parts of the site have previously been used for different purposes, these include as offices (B1), for car repairs (B2) and as a petrol station (Sui Generis).

The site is located to the north-west of the main Golders Green town centre and conservation area in an edge-of-centre situation. The properties immediately surrounding the site on Golders Green Road are mixed in use including hotels, flats and medical facilities. However these properties are all of a similar design and domestic in scale. The properties to the rear of the site, on The Grove, are all

residential in nature, mainly consisting of two storey dwellings, with hipped, pitched rooflines, bay windows and gable features.

Proposal: The application seeks consent for a 37 bedroom HMO and 76m² of office space over four levels.

Planning Considerations:

The main areas for discussion are:

- The proposed uses
 - Design
 - Layout
 - Impact on neighbours
 - Parking
 - Amenity space
 - Density
 - Sustainability
 - Section 106 requirements
 - Refuse details

THE PROPOSED USES

Policy H9 (Houses in Multiple Occupation) states that the council will encourage proposals for, and seek to retain, Houses in Multiple Occupation, provided that they:

- Help to meet an identified need;
- Do not have a demonstrably harmful impact on the character and amenities of the surrounding area;
- Are easily accessible by public transport, walking and cycling; and
- Meet the standards set out in the Housing Acts.

This part of Golders Green Road contains a mixture of residential units including single family dwelling houses and flats, some of which are purpose built and the other of which are converted houses. The road also includes a variety of other uses.

The HMO would involve an occupancy level of up to 37 bedrooms, which although is an intensive level of occupancy, considering that consent was previously consented for a 60 bedroom hotel, it is considered to be acceptable.

The existing site is currently in employment use and as such the proposed office space is considered to be acceptable and would mean that the proposals as a whole would retain an employment use. It is considered that given the existing use a PPS4 assessment would not be needed on this occasion.

There are no objections to the use of the site as a combined HMO and office use. It is considered that although the application represents a loss in office space from the existing situation, it is likely that a commercial venture on the whole of the site would give rise to more noise and disturbance issues than the proposed uses. The application is therefore considered to be acceptable on these grounds.

DESIGN

It is considered that the existing building is not of any particular architectural merit, and that a better designed building would improve the quality of the built environment in the surrounding area. Proposals have been submitted which adopt a completely different modern design and one which is considered to be an improvement on the existing building. The use of different, high quality materials, more effective use of glazing and the various different forms of the building help to break up the built form and massing of the building and provide a more suitable modern design.

The square profile of the existing building must also be considered in the context of this application. There are therefore no objections to the design approach which has been taken, and as such the principle of a modern design following the same principle is acceptable.

LAYOUT

The proposed internal layout does not depict like-above-like in terms of rooms. However, a noise report has been prepared which has demonstrated that no loss of amenity in terms of noise would take place. There are therefore no objections on these grounds

The building has been set in a ground floor and the upper floors from the boundaries to ensure that there is an acceptable impact on the neighbouring properties. Therefore there are no objections to the form of the building in this respect.

There are no objections to the proposed parking layout, or to the positioning of the bicycle store, bin store or landscaping arrangements.

The proposed building is considered to respect the building lines to the front and rear and as such there are no objections on these grounds. It is considered that the building will be acceptable in terms of mass, bulk, height and layout and is considered to be an improvement on the previously granted hotel consent in this respect.

IMPACT ON NEIGHBOURS

It is noted that in terms of comings and goings the proposal is not considered to have any greater impact than the previously approved hotel. The application is therefore considered to be acceptable in this respect.

A gap of at least 2m has been provided between the proposed building and the neighbouring occupiers and a gap of at least 1m has been provided to the boundaries. This ensures the proposals do not create a terracing effect or appear too obtrusive. All side windows should be obscure glazed (above ground floor level) and as such should not be primary windows serving habitable rooms.

This is with the exception of room 306 which shows obscure glazing to part of the windows. A condition has been attached which requires the submission of additional plans showing the window to this room obscure glazed to eye level. It is considered that subject to this condition the application is acceptable.

PARKING / ACCESS

7 parking spaces are proposed in total in the forecourt of the development. 1 of the parking space is for the office use and 1 parking space is designed for disabled use. The access is proposed from Golders Green Road.

The site is located within walking distance of the town centre and local amenities and within close proximity of public transport facilities. Parking controls operate in several roads in the vicinity of the site.

It is considered that on balance the number of parking spaces provided for the proposal is adequate.

AMENITY SPACE

It is considered that given the location of the site on Golders Green Road and all the amenities which it offers, the type of accommodation being provided and the proximity to Golders Hill Park and Princes Park, it would not be reasonable to refuse the application on these grounds. There are therefore no objections.

DENSITY

There are no concerns with the proposed density of the proposed scheme, given the previous consent as a hotel which was more intensive.

SUSTAINABILITY

An energy statement has been submitted with the application, which recommends that the scheme could achieve a BREEAM rating of very good. A condition has been attached to ensure that this is the case.

SECTION 106

The following contributions will also be needed.

Education needs generated by the development

The scheme would provide residential units that are not considered to generate an increased demand for educational facilities in the area.

It is therefore considered that a contribution towards the provision of education facilities would not be justified on this occasion.

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.

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.

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.

The library services, health facilities and any associated monitoring contributions are would be secured by a section 106 agreement.

These 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.

The council in consultation with the Traffic and Development Team may also require the submission of a Travel Plan, which maybe included within the Section 106.

REFUSE & RECYCLING

The location of the refuse and recycling containers has been shown on the submitted plans to the front of the site. No objections are raised to this part of the application. Full details have been requested by condition.

3. COMMENTS ON GROUNDS OF OBJECTIONS

- It is considered that the use is appropriate for the area, which contains many different types of housing tenure. It is not considered that the application could be refused on being out of character.
- The area needs a variety of different housing options, including cheaper forms of accommodation such as HMOs.
- Considering the size of the hotel and the intensity of that previous consent, it is considered the size and number of the units is acceptable.
- Services would come from Golders Green Road because the rear of the site

is not part of this application.

- The council's Traffic and Development Team have commented on the application and have no objections to the traffic and parking implications of the scheme.
- The density for the site is considered to be acceptable. The hotel consent was a very intensive scheme for the site and with this in mind, it is not considered that the application is unacceptable.
- The rear of the property is in occupation, although this does not have formal consent. Most of the site is used for storage.
- It is not considered that evidence could be gathered to demonstrate that there will be an increase in crime and antisocial behaviour as a result of the application.
- The King Solomon Hotel is a different site and should not have a bearing on this application.
- The area needs more affordable housing and it is considered that the form proposed is acceptable.
- The application proposes to fill in the wall on the rear of the site so that it is not left open.
- A small part of property is used for Jewish charity/ community facilities but this is not considered to be a reason to refuse consent
- Building Regulations would be adhered to if construction works were approved.
- It is not considered that the application could be refused on increase in rubbish and dirt.
- It is not considered that the application would give rise to increase noise and disturbance given the properties location on the busy Golders Green Road.
- It is not considered that the scheme will result in the area is being eroded. It is considered that the building would improve the appearance of the area with the replacement of the current garage building.
- There is no evidence that there are too many HMO's in the area. The council's Environmental Health Team have not objected on this basis.
- It is not considered that a more transient community will be created
- Previous applications on the site contained significantly more parking spaces but were for a different use. The Traffic and Development Team raise no objections on to the amount of parking proposed.
- The details provided are clear and a decision can be made on their basis.

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 comply with the Council's policies and guidelines and would not cause unacceptable harm to the conservation/surrounding area, the existing building or the amenities of any

neighbouring property.

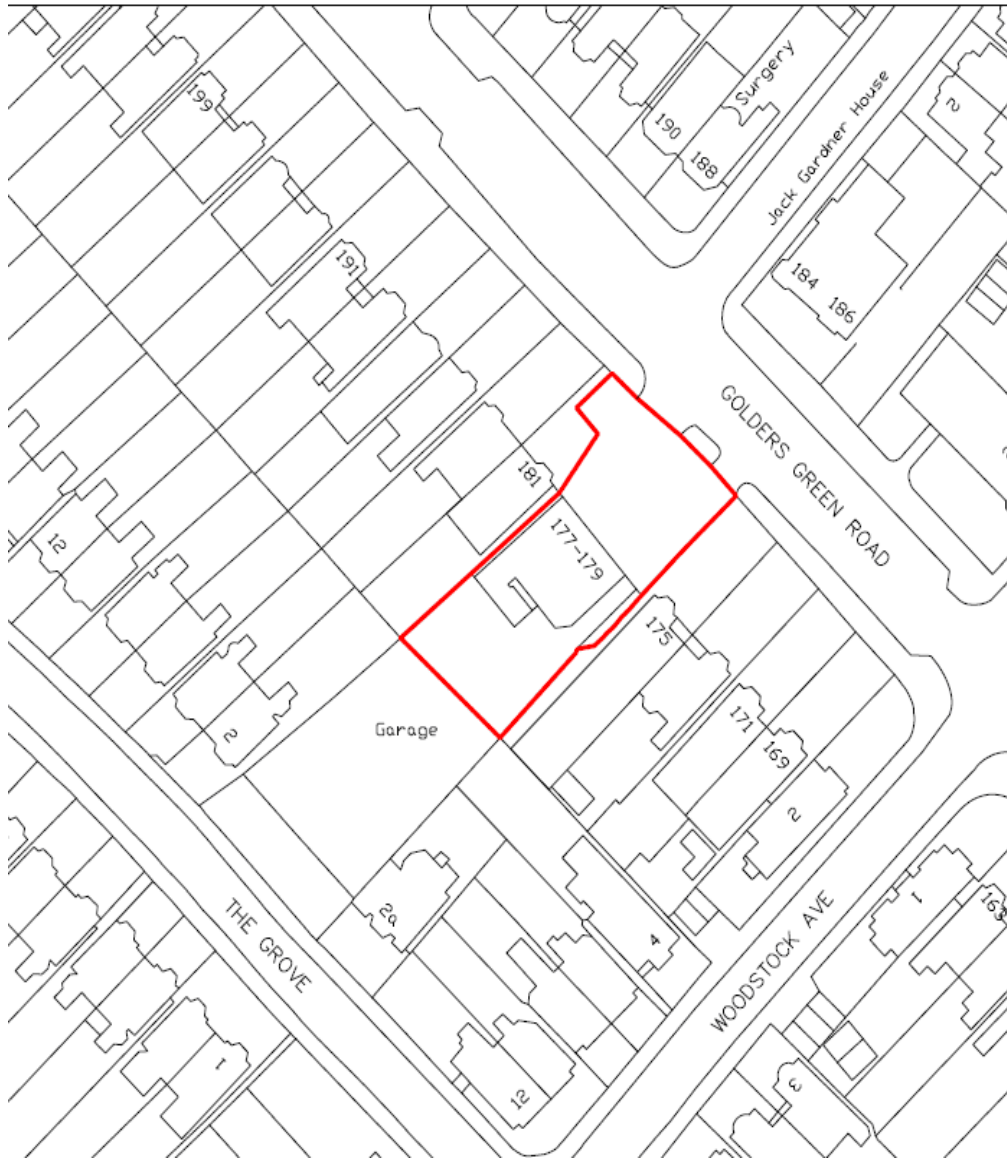
It is therefore recommended that the application be **APPROVED**.

**SITE LOCATION PLAN:
9BY**

177-179 Golders Green Road, London, NW11

REFERENCE:

F/04351/11



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LOCATION: 24 Ingram Avenue, London, NW11 6TL
REFERENCE: F/03344/11 **Received:** 04 August 2011
WARD(S): Garden Suburb **Accepted:** 05 August 2011
Final Revisions: **Expiry:** 30 September 2011

APPLICANT: Vertical Properties Ltd
PROPOSAL: Demolition of existing dwelling house and construction of two detached two-storey dwellings each with 2no basement levels including swimming pool, integrated garage, rooms in roofspace. Associated access onto Ingram Avenue.

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, Drawings 000P3, 001P3, 002P3, 003P3, 004P1, 005P1, 007P1, 008P1, 011P3, 012P3, 013P3, 014P3, 015P3, 016P3, 017P3, 018P3, E00, E01, 11/1555/01, 11/1555/02, 11/1555/03, 11/1555/04, 11/1555/05, landscape drawing 1629-P-01 rev B Landscape Masterplan by Bowles and Wyer.
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 No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontage(s) of the application site from a point 2.4m 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.
- 4 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).
- 5 Before the development hereby permitted commences on site details of all extraction and ventilation equipment shall be submitted to and approved in writing 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 Prior to the commencement of the development hereby granted planning permission, details of proposed windows, doors and dormers at a scale of 1:10 shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To safeguard the character and appearance of this part of the conservation area.
- 7 No plumbing or pipes other than rainwater pipes shall be fixed on the external faces of the building unless shown on the approved drawings.
Reason: To safeguard the character and appearance of this part of the conservation area.
- 8 No site works or works on this development shall be commenced before a method statement detailing precautions to minimise damage to trees in particular from vehicle movements, construction works including driveways 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 character and appearance of the conservation area and the visual amenities of the 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 development otherwise permitted by any of Classes A-H of Part 1 to Schedule 2 of that Order shall be carried out within the area of 24 and 26 Ingram Avenue hereby approved without the prior written permission of the local planning authority.
Reason:
To safeguard the amenities of neighbouring occupiers and the general locality.
- 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 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.
- 12 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.
- 13 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.

- 14 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.

- 15 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.

- 16 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.

- 17 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.

- 18 All facing brickwork shall be laid in a Flemish bond with flush pointing.

Reason: To safeguard the character and appearance of this part of the conservation area.

- 19 No site works or works on this development shall be commenced before temporary fencing has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. This fencing 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.

- 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 The flat sections of any roofs shown on the approved shall only be used in connection with the repair and maintenance of the building and shall at no time be used as a balcony, roof garden or similar amenity or sitting out area unless otherwise specifically shown on the approved plans.

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

- 22 Before the development hereby permitted is occupied the parking spaces/garages shown on hereby approved drawings 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.

- 23 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.

- 24 All rainwater goods and other external pipework shall be cast iron/metal and not UPVC.

Reason: To safeguard the character and appearance of this part of the conservation area.

- 25 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".

- 26 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority that addresses issues relating to ensure operating 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 on site provision of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact. 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.

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): - 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.
- 2 Any alteration to the existing crossover 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 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, 2 nd Floor, Oakleigh Road South, London N11 1NP. Any street furniture, lamp columns or road markings affected by the proposed works would be relocated at the applicant's expense, under a rechargeable works agreement, by the Council's term contractor for Highway Works.
- 3 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, PPS3, PPS5, PPG24

The Mayor's London Plan: July 2011

Relevant Unitary Development Plan Policies: GSD, GLand, GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D4, D5, D11, D13, HC1, HC5, H16, H17, H18, M14

Relevant Unitary Development Plan Documents:

Hampstead Garden Suburb Conservation Area Character Appraisal (2010)

Hampstead Garden Suburb Conservation Design Guidance (2010)

Core Strategy (Submission Version) 2011

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.

Relevant Core Strategy Policies: CS1, CS4, CS5, CS13

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

The Council submitted its LDF Development Management Policies Submission Stage document in September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM17.

Relevant Planning History:

Site Address:	24 Ingram Avenue, London, NW11 6TL
Application Number:	03746/09
Application Type:	Full Application
Decision:	Approve with conditions
Decision Date:	07/12/2009
Appeal Decision:	No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing dwelling house and construction of two detached two-storey dwellings (with swimming pool, garage and rooms in the basement and rooms in the roofspace) with associated accesses onto Ingram Avenue. (Renewal of planning application C09731/N/05).**

Case Officer: Fabien Gaudin

Site Address: 24 Ingram Avenue, London, NW11 6TL
Application Number: 03747/09
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 04/12/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing dwelling house and construction of 2 No. detached dwellings each with swimming pool in basement and rooms in the roofspace with associated access onto Ingram Avenue (Renewal of planning application C09731/Q/06).**

Case Officer: Fabien Gaudin

Site Address: 24 Ingram Avenue London NW116TL
Application Number: C09731G/03
Application Type: Full Application
Decision: Withdrawn
Decision Date: 15/04/2004
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of new two-storey dwellinghouse with attic and basement levels, and associated hard and soft landscaping following demolition of existing dwellinghouse and garage.**

Case Officer:

Site Address: 24 Ingram Avenue London NW116TL
Application Number: C09731F/02
Application Type: Conservation Area Consent
Decision: Deemed Refusal
Decision Date: 05/03/2004
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: 05/03/2004
Proposal: **Demolition of existing dwellinghouse.**

Case Officer:

Site Address: 24 Ingram Avenue London NW116TL
Application Number: C09731E/02
Application Type: Full Application
Decision: Deemed Refusal
Decision Date: 05/03/2004
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: 05/03/2004
Proposal: **Erection of new two-storey dwellinghouse with attic and basement levels, and associated hard and soft landscaping, following demolition of existing dwellinghouse and attached garage. (Amended description)**

Case Officer:

Site Address: 24 Ingram Avenue London NW116TL
Application Number: C09731Q/06
Application Type: Full Application
Decision: Approve with conditions

Decision Date: 14/11/2006
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing dwelling house and construction of 2 No. detached dwellings each with swimming pool in basement and rooms in the roofspace with associated access onto Ingram Avenue.**

Case Officer: Laura Knight

Site Address: 24 Ingram Avenue London NW116TL
Application Number: C09731H/03
Application Type: Conservation Area Consent
Decision: Withdrawn
Decision Date: 15/04/2004
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing dwellinghouse.**
Case Officer:

Site Address: 24 Ingram Avenue London NW116TL
Application Number: C09731J/04
Application Type: Full Application
Decision: Withdrawn
Decision Date: 12/10/2004
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing buildings and erection of two detached two-storey dwellings (with rooms in the basement and roofspace) with associated new access onto Ingram Avenue.**

Case Officer:

Site Address: 24 Ingram Avenue London NW116TL
Application Number: C09731N/05
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 27/07/2005
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing dwelling house and construction of two detached two-storey dwellings (with swimming pool, garage and rooms in the basement and rooms in the roofspace) with associated accesses onto Ingram Avenue.**

Case Officer:

Site Address: 24 Ingram Avenue London NW116TL
Application Number: C09731K/04
Application Type: Conservation Area Consent
Decision: Withdrawn
Decision Date: 12/10/2004
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing dwellinghouse.**
Case Officer:

Site Address: 24 Ingram Avenue London NW116TL
Application Number: C09731L/05
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 07/04/2005
Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing dwellinghouse and erection of two detached two-storey dwellings (with rooms in the basement and roofspace) with associated new accesses onto Ingram Avenue.**

Case Officer:

Site Address: 24 Ingram Avenue London NW116TL
Application Number: C09731M/05
Application Type: Conservation Area Consent
Decision: Approve with conditions
Decision Date: 07/04/2005
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing dwellinghouse**
Case Officer:

Site Address: 24 Ingram Avenue, London, NW11 6TL
Application Number: 04217/09
Application Type: Conservation Area Consent
Decision: Approve with conditions
Decision Date: 18/12/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing dwellinghouse. (Renewal of planning application C09731/M/05).**
Case Officer: Fabien Gaudin

Consultations and Views Expressed:

Neighbours Consulted: 14 Replies: 5
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- overdevelopment
- detrimental to the openness of the area
- this application should be decided by a planning committee
- impact on drainage/ground water and trees
- loss of amenity including loss of privacy
- wings out of keeping with surroundings
- development out of character with area

Internal /Other Consultations:

- Traffic & Development - no objection
- Green Spaces (inc Allotments) - no response
- Hampstead Garden Suburb Residents Association - no response
- Hampstead Garden Suburb Trust - objection
- HGS CAAC - objection
- Urban Design and Heritage - support the amended application

Date of Site Notice: 18 August 2011

All comments and objections listed above relate to the originally larger submitted scheme.

A 14 day reconsultation was carried out following receipt of the last amendments. No responses were received.

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).

The application site is located on the west side of Ingram Avenue, backing on to Turners Wood, within Area 14 of the Hampstead Garden Suburb Conservation Area. The Conservation Area Character appraisal notes; *“No. 24 occupies a double plot with formal garden to the side and circular corner bay from which to enjoy the view.”*

This part of the Suburb was intended for wealthy residents who could afford space around their properties and interesting designs. The existing dwellinghouse on has no specific designation although it was designed by Soutar, one of the Suburb architects. The property is situated to the north end of the plot, with a large garden to the south-side of the dwelling. This situation is mirrored in the siting of number 30, which also enjoys a wider plot than many other dwellings on Ingram Avenue.

Proposal:

A number of previous applications have been submitted to the Local Planning Authority for the demolition of the existing dwelling. An extent permission exist for the demolition of the existing dwelling and its replacement with two new dwellinghouses.

The current application again seeks permission for the demolition of the existing dwelling on site and the erection of two new dwellinghouses to a different design than that already approved on site. There have been extensive negotiations between the Council and the applicant that have resulted in a number of amendments the scheme.

Initially it was considered that the replacement dwellings offered too much bulk at the rear, especially at first floor where it was proposed to project out significantly further than other properties along Ingram Avenue. This formed the most contentious issue for the redevelopment of the site. However, as amended the concerns raised have been overcome.

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.

It is not considered that changes to national policy (including the adoption of PPS5), regional policy (London Plan 2011) or local policy (Core Strategy – status explained above and the adoption of the HGS Character Appraisal and Design Guidance in 2010) would warrant a different recommendation in relation to the demolition of the house.

Planning Policy Statement 5- Planning for the Historic Environment, which replaced PPG15 and PPG16 in March 2010, does not ask for a radical change to the way applications for listed building or conservation area consent (CAC) are assessed. It recognises that those elements of the historic environment that require special consideration are called "heritage assets". This term encompasses all buildings, parks and gardens, various remains, landscapes and sites that are designated, or not. A heritage asset differs from other elements of the environment in that they are considered to offer something more than just a practical value. It is the significance of the particular asset that demonstrates its level of protection.

In the case of the application site the principal of demolishing the existing dwelling at No.24 Ingram Avenue has already been deemed acceptable under consent reference F/04217/09 whilst PPG15 was still active. However, whilst there has been this policy update it is still considered acceptable to demolish the dwelling on site, as

it holds no specific designation. In addition, the replacement dwellings proposed are considered to offer an enhancement to this part of the Hampstead Garden Suburb Conservation Area.

The main changes from the approved scheme are as follows:

Front elevation

The originally proposed bin stores have been removed from the front of the site and are now proposed to be located behind the side hedge. This makes them less visible from the street scene and is not considered visually detrimental to the scheme.

The design of the proposed garage door has also been amended to propose a more fitting heritage style which is considered more appropriate for the Conservation Area.

Overall, it is considered that changes to the front elevations from the approved scheme which also include a changes in the shape of the roofs are improvements and would ensure that the two new houses relate appropriately to their surroundings and protect the character of this part of the conservation area.

Front Boundary Treatment

The proposed front boundary treatment has been revised so that now hedging is proposed along the boundaries in line with the other properties along Ingram Avenue.

Landscaping

At the front of the site the driveway detail is now proposed to be the same as that approved under the previous application and is therefore considered to be acceptable.

At the rear of the site it was initially considered that there was too much hard landscaping and that the arrangements were too formal in their design. This has now been amended so that an increased amount of grass and soft landscaping is proposed and the outdoor paved areas are closer to the proposed replacement dwelling. As such it is considered that the proposed landscaping is acceptable.

Rear elevation

The fenestration detail at the rear of the site has been reduced and is now considered to be consistent with the rest of the proposed dwelling. The omission of the eye-lid dormer is considered to improve the appearance of this elevation.

The introduction of a roof to the low rise wing is considered to be more appropriate than the previously proposed flat roofed structure. The Council has produced Design Guidance No. 5- Extensions to Houses, which stipulates that flat roof are unacceptable as generally they do not fit in well with their surroundings and therefore increase the impact of that development. The amended proposal is supported by

conservation officers.

A major concern at the rear of the site was the rear projection line of the roof and built form at first floor. As a result of the concerns raised this element of the proposals has been pulled back, and it is now approximately 2.2m further back than approved on the originally approved submission. As such, there are no longer any objection to the scale and bulk of the proposed redevelopment of the site at the rear.

Basements

The principle of a double basement is considered acceptable and would result in any additional harm than the previously approved single basement. The basement would not come close to protected trees and it is considered that the impact on trees would therefore be no greater than if the extant permission were to be implemented.

The proposed external manifestations of the basement were initially inappropriately located and contrary to the updated HGS Design Guidance adopted in 2010. As amended, the basement manifestations have overcome the previous concerns and are now appropriate in that they are positioned closer to the proposed dwellings or well screened by vegetation. It is considered that the amount of hard landscaping at the rear is the maximum that can be allowed without compromising the rear of the application site. A full and detailed landscaping plan will have to be provided to demonstrate the acceptability of the landscaping proposals. This matter is conditioned.

As a result of the requested amendments, the concerns raised in regard to the design and detailing, as well as the rearward projection at first floor level have been overcome. The resultant proposed redevelopment of the application site is considered to be appropriate for the plot, not detrimentally impacting on the amenities of neighbouring occupiers. In addition, the proposals are considered to further enhance this part of the Hampstead Garden Suburb Conservation Area, as such approval is recommended.

Impact on trees

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.”

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 statements which has been carefully reviewed by tree officers. The proposed buildings would not come closer to trees than the previously approved houses. It is considered that the construction of the houses (subject to conditions recommended above) would not cause harm to protected trees.

Impact on amenity:

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. It is considered that the increase in size of the houses when compared with the approved scheme would not give rise to an unacceptable relationship with neighbouring buildings and occupiers.

3. COMMENTS ON GROUNDS OF OBJECTIONS

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

4. EQUALITIES AND DIVERSITY ISSUES

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

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: 24 Ingram Avenue, London, NW11 6TL

REFERENCE: F/03344/11



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LOCATION: 24 Ingram Avenue, London, NW11 6TL
REFERENCE: F/03345/11 **Received:** 04 August 2011
Accepted: 05 August 2011
WARD(S): Garden Suburb **Expiry:** 30 September 2011
Final Revisions:

APPLICANT: Vertical Properties Ltd
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: Design and access statement, Drawings 000P3, 001P3, 002P3, 003P3, 004P1, 005P1, 007P1, 008P1, 011P3, 012P3, 013P3, 014P3, 015P3, 016P3, 017P3, 018P3, E00, E01, 11/1555/01, 11/1555/02, 11/1555/03, 11/1555/04, 11/1555/05, landscape drawing 1629-P-01 rev B Landscape Masterplan by Bowles and Wyer.
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 site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.
Reason:
To safeguard the health of existing tree(s) which represent an important amenity feature.
- 5 No siteworks or works on this development shall be commenced before a method statement 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.
- 6 No site works or works on this development including demolition or construction

work shall commence until a Demolition and Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority that addresses issues relating to ensure operating 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 on site provision of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact. 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.

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, GLand, GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D4, D5, D11, D13, HC1, HC5, H16, H17, H18, M14

Relevant Unitary Development Plan Documents:

Hampstead Garden Suburb Conservation Area Character Appraisal (2010)

Hampstead Garden Suburb Conservation Design Guidance (2010)

Core Strategy (Submission version) 2011: CS1, CS4, CS5, CS13

Development Management Policies (Submission version)2011: DM01, DM02, DM03, DM04, DM06, DM08, DM17.

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

The proposed dwellinghouses are considered to be a suitable replacement for the existing house and the existing house is not considered to be of such great architectural merits as to ensure its retention. The proposed application for the demolition of the existing dwelling is considered to be in keeping with Council Policies and Guidelines.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements: PPS1, PPS3, PPS5, PPG24

The Mayor's London Plan: July 2011

Relevant Unitary Development Plan Policies: GSD, GLand, GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D4, D5, D11, D13, HC1, HC5, H16, H17, H18, M14

Relevant Unitary Development Plan Documents:

Hampstead Garden Suburb Conservation Area Character Appraisal (2010)
Hampstead Garden Suburb Conservation Design Guidance (2010)

Core Strategy (Submission Version) 2011

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.

Relevant Core Strategy Policies: CS1, CS4, CS5, CS13

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

The Council submitted its LDF Development Management Policies Submission Stage document in September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM17.

Relevant Planning History:

Site Address:	24 Ingram Avenue, London, NW11 6TL
Application Number:	03746/09
Application Type:	Full Application
Decision:	Approve with conditions
Decision Date:	07/12/2009
Appeal Decision:	No Appeal Decision Applies
Appeal Decision Date:	No Appeal Decision Date exists
Proposal:	Demolition of existing dwelling house and construction of two detached two-storey dwellings (with swimming pool, garage and rooms in the basement and rooms in the roofspace) with associated accesses onto Ingram Avenue. (Renewal of planning application C09731/N/05).

Case Officer: Fabien Gaudin

Site Address: 24 Ingram Avenue, London, NW11 6TL
Application Number: 03747/09
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 04/12/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing dwelling house and construction of 2 No. detached dwellings each with swimming pool in basement and rooms in the roofspace with associated access onto Ingram Avenue (Renewal of planning application C09731/Q/06).**

Case Officer: Fabien Gaudin

Site Address: 24 Ingram Avenue London NW116TL
Application Number: C09731G/03
Application Type: Full Application
Decision: Withdrawn
Decision Date: 15/04/2004
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of new two-storey dwellinghouse with attic and basement levels, and associated hard and soft landscaping following demolition of existing dwellinghouse and garage.**

Case Officer:

Site Address: 24 Ingram Avenue London NW116TL
Application Number: C09731F/02
Application Type: Conservation Area Consent
Decision: Deemed Refusal
Decision Date: 05/03/2004
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: 05/03/2004
Proposal: **Demolition of existing dwellinghouse.**
Case Officer:

Site Address: 24 Ingram Avenue London NW116TL
Application Number: C09731E/02
Application Type: Full Application
Decision: Deemed Refusal
Decision Date: 05/03/2004
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: 05/03/2004
Proposal: **Erection of new two-storey dwellinghouse with attic and basement levels, and associated hard and soft landscaping, following demolition of existing dwellinghouse and attached garage. (Amended description)**

Case Officer:

Site Address: 24 Ingram Avenue London NW116TL
Application Number: C09731Q/06
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 14/11/2006
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing dwelling house and construction of 2 No. detached dwellings each with swimming pool in basement and rooms in the roofspace with associated access onto Ingram Avenue.**

Case Officer: Laura Knight

Site Address: 24 Ingram Avenue London NW116TL
Application Number: C09731H/03
Application Type: Conservation Area Consent
Decision: Withdrawn
Decision Date: 15/04/2004
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing dwellinghouse.**
Case Officer:

Site Address: 24 Ingram Avenue London NW116TL
Application Number: C09731J/04
Application Type: Full Application
Decision: Withdrawn
Decision Date: 12/10/2004
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing buildings and erection of two detached two-storey dwellings (with rooms in the basement and roofspace) with associated new access onto Ingram Avenue.**
Case Officer:

Site Address: 24 Ingram Avenue London NW116TL
Application Number: C09731N/05
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 27/07/2005
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing dwelling house and construction of two detached two-storey dwellings (with swimming pool, garage and rooms in the basement and rooms in the roofspace) with associated accesses onto Ingram Avenue.**
Case Officer:

Site Address: 24 Ingram Avenue London NW116TL
Application Number: C09731K/04
Application Type: Conservation Area Consent
Decision: Withdrawn
Decision Date: 12/10/2004
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing dwellinghouse.**
Case Officer:

Site Address: 24 Ingram Avenue London NW116TL
Application Number: C09731L/05
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 07/04/2005
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing dwellinghouse and erection of two detached two-storey dwellings (with rooms in the basement and roofspace) with associated new accesses onto Ingram Avenue.**
Case Officer:

Site Address: 24 Ingram Avenue London NW116TL
Application Number: C09731M/05
Application Type: Conservation Area Consent
Decision: Approve with conditions
Decision Date: 07/04/2005
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing dwellinghouse**
Case Officer:

Site Address: 24 Ingram Avenue, London, NW11 6TL
Application Number: 04217/09
Application Type: Conservation Area Consent
Decision: Approve with conditions
Decision Date: 18/12/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing dwellinghouse. (Renewal of planning application C09731/M/05).**
Case Officer: Fabien Gaudin

Consultations and Views Expressed:

Neighbours Consulted: 0 Replies: 1 (+4 relating to the planning application)
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- overdevelopment
- detrimental to the openness of the area
- this application should be decided by a planning committee
- impact on drainage/ground water and trees
- loss of amenity including loss of privacy
- wings out of keeping with surroundings
- development out of character with area

Internal /Other Consultations:

- Urban Design & Heritage - support the amended application
- HGS CAAC - objection

Date of Site Notice: 18 August 2011

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).

The application site is located on the west side of Ingram Avenue, backing on to Turners Wood, within Area 14 of the Hampstead Garden Suburb Conservation Area. The Conservation Area Character appraisal notes; *“No. 24 occupies a double plot with formal garden to the side and circular corner bay from which to enjoy the view.”*

This part of the Suburb was intended for wealthy residents who could afford space around their properties and interesting designs. The existing dwellinghouse on has no specific designation although it was designed by Soutar, one of the Suburb architects. The property is situated to the north end of the plot, with a large garden to the south-side of the dwelling. This situation is mirrored in the siting of number 30, which also enjoys a wider plot than many other dwellings on Ingram Avenue.

Proposal:

A number of previous applications have been submitted to the Local Planning Authority for the demolition of the existing dwelling. An extant permission exist for the demolition of the existing dwelling and its replacement with two new dwellinghouses.

The current application again seeks conservation area consent for the demolition of the existing dwelling on site and the erection of two new dwellinghouses to a different design than that already approved on site. There have been extensive negotiations between the Council and the applicant that have resulted in a number of amendments the scheme. A parallel planning application is being considered.

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.

It is not considered that changes to national policy (including the adoption of PPS5), regional policy (London Plan 2011) or local policy (Core Strategy – status explained above and the adoption of the HGS Character Appraisal and Design Guidance in 2010) would warrant a different recommendation in relation to the demolition of the house.

Planning Policy Statement 5- Planning for the Historic Environment, which replaced PPG15 and PPG16 in March 2010, does not ask for a radical change to the way applications for listed building or conservation area consent (CAC) are assessed. It recognises that those elements of the historic environment that require special consideration are called “heritage assets”. This term encompasses all buildings, parks and gardens, various remains, landscapes and sites that are designated, or not. A heritage asset differs from other elements of the environment in that they are considered to offer something more than just a practical value. It is the significance of the particular asset that demonstrates its level of protection.

In the case of the application site the principal of demolishing the existing dwelling at No.24 Ingram Avenue has already been deemed acceptable under consent reference F/04217/09 whilst PPG15 was still active. However, whilst there has been this policy update it is still considered acceptable to demolish the dwelling on site, as it holds no specific designation. In addition, the replacement dwellings proposed are considered to offer an enhancement to this part of the Hampstead Garden Suburb Conservation Area.

Impact on trees

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.”

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 statements which has been carefully reviewed by tree officers. The proposed buildings would not come closer to trees than the previously approved houses. It is considered that the construction of the houses (subject to conditions recommended above) would not cause harm to protected trees.

3. COMMENTS ON GROUNDS OF OBJECTIONS

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

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

The proposed dwellinghouses are considered to be a suitable replacement for the existing house and the existing house is not considered to be of such great architectural merits as to ensure its retention. The proposed application for the demolition of the existing dwelling is considered to be in keeping with Council Policies and Guidelines.

APPROVAL is recommended.

SITE LOCATION PLAN: 24 Ingram Avenue, London, NW11 6TL

REFERENCE: F/03345/11



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LOCATION: Farm Walk Lawn Tennis Club, Farm Walk, London, NW11 7TP
REFERENCE: F/04656/11

Received: 15 November 2011

Accepted: 15 November 2011

WARD(S): Garden Suburb

Expiry: 10 January 2012

Final Revisions:

APPLICANT: Farm Walk Tennis Club

PROPOSAL: Installation of sports lighting to four existing tennis courts

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Design & Access Statement; Lighting Design - 2988c; High Quality Luminaries for the Sports Industry Document; Plan no's: 110916-FWTC.

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 floodlights operation hereby permitted shall not be in use before 9:00 or after 21:30 on Monday to Fridays and before 9:00 or after 20:00 on Saturday to Sundays, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

4 The floodlights hereby permitted shall cease, and be removed within three months of the date of failure to meet either requirement (i) as outlined below:-
(i) within three months of implementation, a photometric test certificate showing that illuminated levels outlined within the approved documents have been achieved shall be submitted to and approved in writing by the Local Planning Authority and the floodlights and equipment hereby approved shall be retained on site in accordance with the approved details.

Reason:

To ensure the protection of the amenities of the occupiers of surrounding dwellings.

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, GBEnv4, D1, D2, D6, ENV6, L19, L20, HC1, HC5.

Core Strategy (Submission version) 2011: CS1, CS5, CS6, CS7, CS13

Development Management Policies (Submission version)2011: DM01, DM02, DM06, DM15, DM16.

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 proposed 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, and area of special character.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

The determination of planning applications is 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 PPS5 “Planning for the Historic Environment”, which replaced PPG15 and PPG16, does not ask for a radical change to the way applications for listed building or conservation area consent (CAC) are assessed. It recognises that those elements of the historic environment that require special consideration are called “heritage assets”. This term encompasses all buildings, parks and gardens, various remains, landscapes and sites that are designated, or not. A heritage asset differs from other elements of the environment in that they are considered to offer something more than just a practical value. It is the significance of the particular asset that demonstrates its level of protection.

The Government’s overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

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 Unitary Development Plan. 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. The Direction and accompanying schedule and a letter from the Government Office for London.

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 to this case: GBEnv1, GBEnv2, GBEnv4, D1, D2, D6, ENV6, L19, L20, HC1, HC5.

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.

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.

The Council Guide ‘Hampstead Garden Suburb Conservation Area Design Guidance’ as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

Core Strategy (Submission version) 2011

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 submitted its LDF Core Strategy Submission Stage document in August 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy policies to this case: CS1, CS5, CS6, CS7, CS13.

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

The Council submitted its LDF Development Management Policies Submission Stage document in September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management policies to this case: DM01, DM02, DM06, DM15, DM16 .

Relevant Planning History:

Site Address:	Farm Walk Tennis Club Farm Walk NW11
Application Number:	C02532J
Application Type:	Full Application
Decision:	Refuse
Decision Date:	16/02/1982
Appeal Decision:	No Appeal Decision Applies
Appeal Decision Date:	No Appeal Decision Date exists
Proposal:	Erection of eight floodlights.
Case Officer:	

Site Address:	Farm Walk Tennis Club Farm Walk NW11
Application Number:	C02532H
Application Type:	Full Application
Decision:	Approve with conditions
Decision Date:	08/12/1981
Appeal Decision:	No Appeal Decision Applies
Appeal Decision Date:	No Appeal Decision Date exists

Proposal: Use of land as additional All-weather Tennis Court and 2.7m (9 ft.) high chain link fence.

Case Officer:

Consultations and Views Expressed:

Neighbours Consulted: 77 Replies: 3
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- Scale and Appearance and the impact on the surrounding area;
- Lighting in the evening would have a severe impact on general living standards at my flat;
- Lighting at such a large scale would destroy my peace and quietness;
- Overlooking and loss of privacy: Lighting in the late evening would completely remove any privacy to surrounding flat;
- Effect on listed building;
- Noise and disturbance;
- Lighting in the late evening will also attract burglars and I'm very concerned about this; Lighting will attract people and people would be more able to see the contents of; surrounding properties and may attract them to break in and steal this content;
- Whether it would be appropriate for the area: Floodlights are not appropriate for queens court and will destroy the aesthetics of living here.
- Increased effect on parking in the area from and increase in the use of the site;
- There is loud music after 11 pm in the summer. Doesn't want it in the winter as well;
- There are young people that already get onto the courts in the middle of the night/early morning and play;
- The balls go into our communal gardens already and people come onto our property to get them which is fair enough but often they make a noise and peer through the windows. Objector feels that residents have already tolerated a lot without complaining as it is give and take in life but to have even more disturbance would be unfair on us.

Internal /Other Consultations:

Hampstead Garden Suburb, Conservation Area Advisory Committee
Objection

Street Lighting

1. There is the added benefit of a natural screen of trees & shrubs which will help to further reduce any light spill;
2. Street lighting have no issue with application, however would suggest a curfew on time these are illuminated for, at your discretion. We would also suggest a photometric test is done post build. This will ensure light levels are being met in line with design. Should any problems arise, further baffles or shields could be utilised to address any problem.

Date of Site Notice: 24 November 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

Farm Walk Tennis Club is a long established sports club occupying a site comprising five tennis courts, a clubhouse and a car park and is accessed from Farm Walk. It is bordered by Queens Court to the north and east, an electricity sub-station and former garden centre (now closed) with Arcade House beyond and Temple Fortune Court to the west and by Farm Walk to the south. Neighbours fencing, trellis, trees and mature shrubbery provide a screen between neighbouring properties and the club's courts, car park and clubhouse. The courts themselves are set below ground level, with grassed banking and steps down to the court access.

Proposal:

The proposal related to the installation of sports floodlighting to four existing tennis courts.

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.

Whether harm would be caused to the character and appearance

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:-

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 Conservation Area Advisory Committee for Hampstead Garden Suburb at the meeting on 25 January 2012 comments have been noted above.

Council's policies and guidelines in respect of alterations in the conservation area seek to ensure that they respect the scale, design and are compatible with the character of the locality. Alterations will not be permitted if they do not have regard to the amenities enjoyed by neighbours.

Unfortunately the Local Planning Authority disagrees with the conclusions reached by the Conservation Area Advisory Committee.

The proposed Installation of sports lighting to four existing tennis courts are considered to have an acceptable impact on the character this part of the Hampstead Garden Suburb Conservation Area and would preserve its character and appearance.

The effect on the living conditions of the occupiers of neighbouring residential

One of the Councils 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.

Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs) are issued by Central Government from time to time to guide the planning process at Local Authority level. The following PPG is of relevance:

Planning Policy Statement 17 – Planning for Open Space, Sport and Recreation which states in paragraph 19, 'In considering applications for floodlighting, local authorities should ensure that local amenity is protected'.

The Statutory Development Plan is the London Borough of Barnet Unitary Development Plan adopted on 18th May 2006. The Council refers to Policies GBEnv1, GBEnv2, D2, ENV6, L19 and L20 of the adopted Unitary Development Plan 2006.

It is considered that a condition restricting hours to 9:00 - 21:30 Monday to Friday and 9:00 - 20:00 Saturday to Sunday all year round will not cause additional disturbance for surrounding properties. In addition, consideration has been given to the use during the winter months, with the floodlights being on for significantly longer periods of time, but due to the distance of the floodlights from the surrounding properties this would not cause acceptable disturbance or the loss of amenity to these neighbouring properties through light spill and light intrusion.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Considered to have been covered in the above appraisal. It is considered that the planning related concerns raised on this application were not sufficient to constitute a reason for refusal. The attached condition restricting hours is considered to address objectors 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

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 proposed 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, and area of special character.

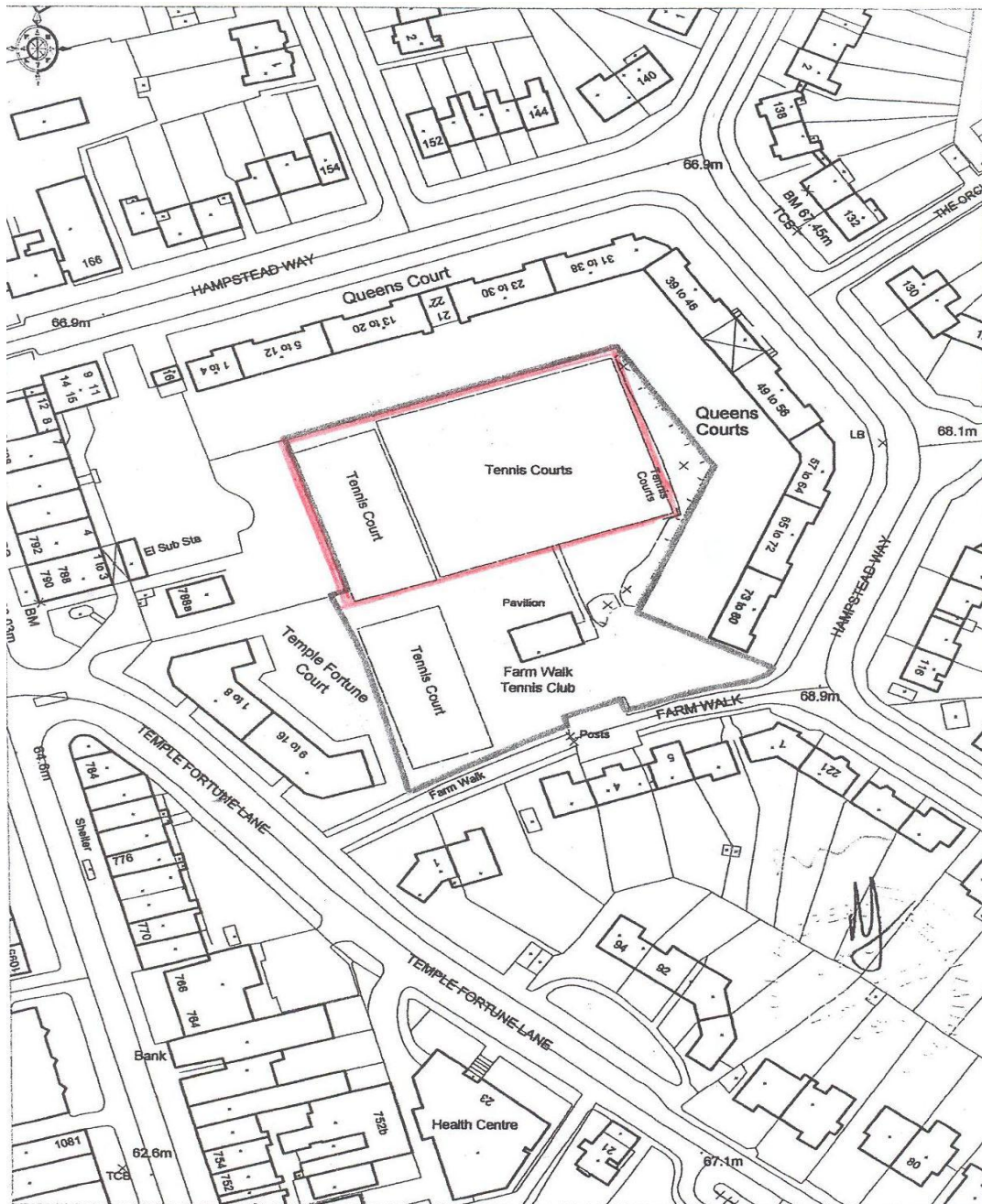
APPROVAL is recommended.

SITE LOCATION PLAN:
London, NW11 7TP

Farm Walk Lawn Tennis Club, Farm Walk,

REFERENCE:

F/04656/11



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LOCATION: 19 Midholm, London, NW11 6LL
REFERENCE: F/04932/11
WARD(S): Garden Suburb

Received: 12 December 2011
Accepted: 12 December 2011
Expiry: 06 February 2012

Final Revisions:

APPLICANT: Mr Daniel & Mrs M C Brill
PROPOSAL: Demolition of attached garage and rear wing. Construction of new garage converted to habitable use with raised roof and parapet walls. Altered first floor windows in gable wall. Addition of canopy over front door.

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan - 11/753/Loc01; 11/753: Construction Method Statement; Design & Access Statement - December 2011; Plan No's: 11/753/sur01; 11/753/sur02; 11/753/sur03; 11/753/sur04; 11/753/sur05; 11/753/sur06; 11/753/sur07; 11/753/sur08; 11/753/sur09; 11/753/P01; 11/753/P02; 11/753/P03; 11/753/P04; 11/753/P05A; 11/753/P06A; 11/753/P07A; 11/753/P08A; 11/753/P09A.

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.

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, GBEnv4, D1, D2, D3, D5, D6, HC1, HC5.

Core Strategy (Submission version) 2011: CS1, CS5, CS6, CS7.

Development Management Policies (Submission version)2011: DM01, DM02, DM04, DM06, DM15, DM16.

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 proposed

alterations are such that, 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, conservation area, and area of special character.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

The determination of planning applications is 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 PPS5 “Planning for the Historic Environment”, which replaced PPG15 and PPG16, does not ask for a radical change to the way applications for listed building or conservation area consent (CAC) are assessed. It recognises that those elements of the historic environment that require special consideration are called “heritage assets”. This term encompasses all buildings, parks and gardens, various remains, landscapes and sites that are designated, or not. A heritage asset differs from other elements of the environment in that they are considered to offer something more than just a practical value. It is the significance of the particular asset that demonstrates its level of protection.

The Government’s overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

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 Unitary Development Plan. 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. The Direction and accompanying schedule and a letter from the Government Office for London.

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 to this case: GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D5, D6, HC1, HC5.

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.

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.

The Council Guide ‘Hampstead Garden Suburb Conservation Area Design Guidance’ as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

Core Strategy (Submission version) 2011

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 submitted its LDF Core Strategy Submission Stage document in August 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy policies to this case: CS1, CS5, CS6, CS7.

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

The Council submitted its LDF Development Management Policies Submission Stage document in September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management policies to this case: DM01, DM02, DM04, DM06, DM15, DM16.

Relevant Planning History:

Site Address: 19 Midholm, London, NW11
Application Number: C11542A
Application Type: Conservation Area Consent
Decision: Approve with conditions
Decision Date: 20/10/1993
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing single storey outbuilding**
Case Officer:

Site Address: 19 Midholm, London, NW11
Application Number: C11542
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 20/10/1993
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension**
Case Officer:

Site Address: 19 Midholm, London, NW11

Application Number: C11542B
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 21/08/1998
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Installation of three rooflights in rearroofsace, window in gable end and new soilvent pipe.**
Case Officer:

Consultations and Views Expressed:

Neighbours Consulted: 17 Replies: 8
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- Effect on traffic, access & parking;
- Scale and appearance of the proposal effects and impacts the surrounding conservation area;
- Out of character, for example there is no existing garage of this size in Midholm.
- Loss of Light for neighbouring properties;
- Noise and Disturbance resulting from its use during construction;
- The proposed repositioning of the side windows would further spoil the appearance of the side elevation and destroy the existing symmetry of the four cottages 17,19,18 & 20 which were originally intended as one harmonious design, nos. 17 and 19 being mirror images of each other and matching no's 18 & 20 opposite. The side windows at present are the same for all four cottages and should remain so;
- Front door canopy is harmful - Houses 17, 18 & 20 have no canopies and a canopy on no. 19 would destroy the existing symmetry of the front elevation of these cottages. All canopies in Midholm are, (in the objector's opinion) are later additions to the original architects' designs;
- Rear Extension - No objection to an extension to the kitchen if it matches the already existing extension at no. 17.

Internal /Other Consultations:

Hampstead Garden Suburb, Conservation Area Advisory Committee

1. Objection - Height of garage is out of context and impacts on the character of the dwelling;
 - Concerns about the detailing of the side door as proposed.

Date of Site Notice: 22 December 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

Midholm is a street within the Hampstead Garden Suburb Conservation Area. Midholm is characterised by semi detached dwellings either side of a narrow road.

The site is a semi detached dwellinghouse designated as a locally listed building for its group value and is located within the part of the Conservation Area that has an Article 4 Direction. The Hampstead Garden Suburb Conservation Area is identified in the Unitary Development Plan as an area of special character.

Proposal:

The proposal relates to rear extension with catslide roof and the construction of a new garage to be used as a habitable room following the demolition of the attached garage and rear wing; altered first floor windows in gable wall; and the addition of a canopy over the front door.

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.

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:-

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 Conservation Area Advisory Committee for Hampstead Garden Suburb at the meeting on 11 January 2012 comments have been noted above.

Council's policies and guidelines in respect of alterations 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. Alterations will not be permitted if they do not have regard to the amenities enjoyed by neighbours.

Since the Conservation Area Advisory Committee made these comments, the proposal has been amended to reduce the height of the garage against the side and rear elevation of the dwelling. However, the remaining elements of the proposal remain unchanged. Therefore, unfortunately the Local Planning Authority disagrees with the conclusions reached by the Conservation Area Advisory Committee.

The proposed rear extension with catslide roof alongside a new garage to be used as a habitable room following the demolition of the attached garage and rear wing; altered first floor windows in gable wall; and the addition of a canopy over the front door are considered to ensure that this current application 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, conservation area and area of special character.

The proposed rear extension with catslide roof is considered to restore the balanced and symmetrical nature of this pair of semi detached properties.

3. COMMENTS ON GROUNDS OF OBJECTIONS

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

It is considered that the submitted construction method statement addresses issues in relation to construction to ensure that proposal accords 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.

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.

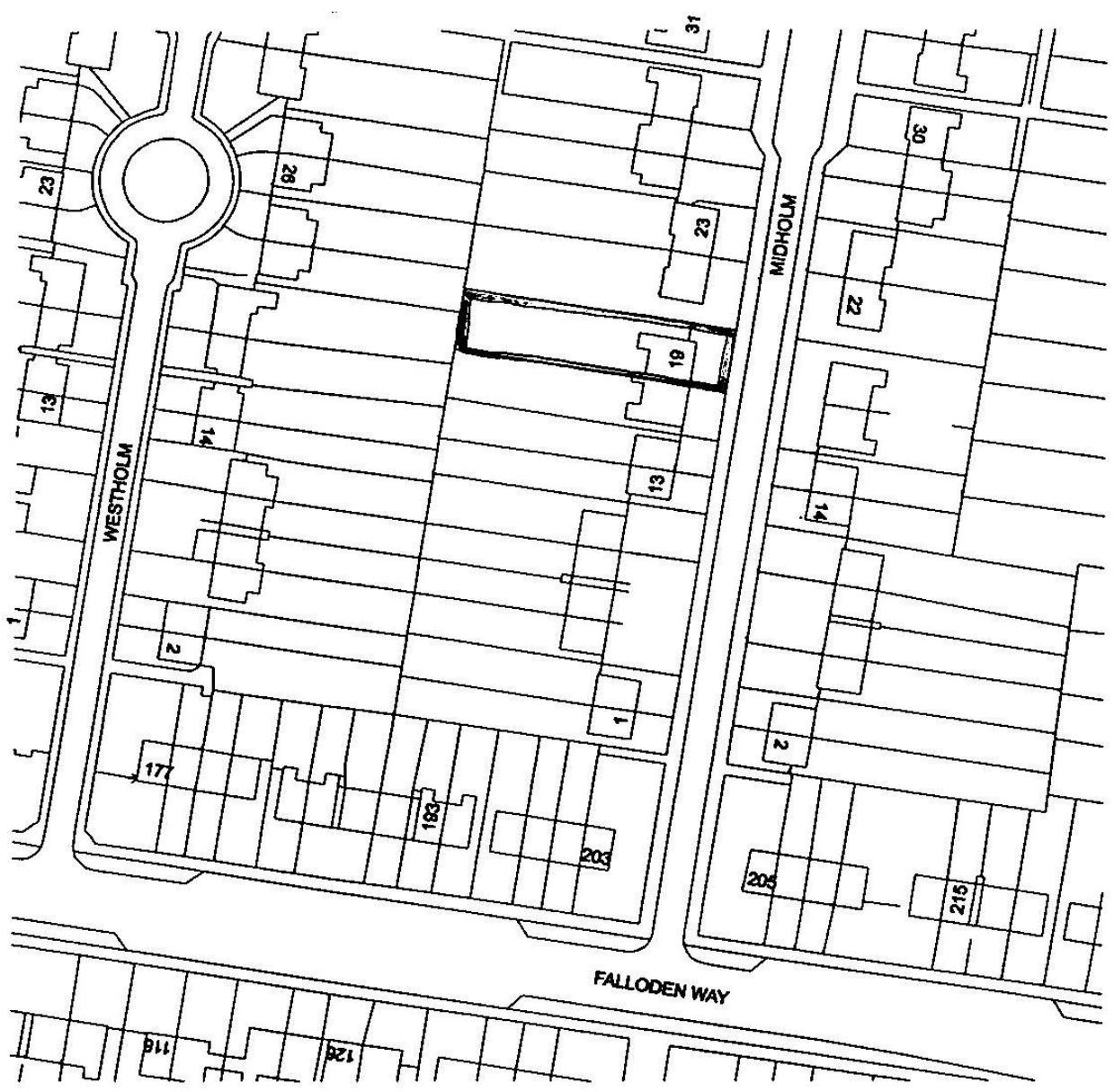
5. CONCLUSION

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 proposed alterations are such that, 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, conservation area, and area of special character.

APPROVAL is recommended.

SITE LOCATION PLAN: 19 Midholm, London, NW11 6LL

REFERENCE: F/04932/11



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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	Replies:	5
Neighbours Wishing To Speak	2		

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 be 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: 31 Cedars Close, London, NW4 1TR
REFERENCE: H/04221/11 **Received:** 13 October 2011
Accepted: 31 October 2011
WARD(S): Hendon **Expiry:** 26 December 2011
Final Revisions:

APPLICANT: Mrs C Cohen
PROPOSAL: Retention of and amendments to existing low level wall and installation of brick piers, metal railings and gates.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 11/1166/1A, 11/1166/2.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 Before the development hereby permitted commences, details of the materials to be used for the railings 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.

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, D1 and D2 and Design Guidance Note No 9: Walls, Fences and Gates, and:
Core Strategy (Publication Stage) 2010:
Relevant policies: CS5
 - ii) The proposal is acceptable for the following reason(s): -
The proposed development would be acceptable in size and design and would not unduly impact upon the visual or residential amenities of the neighbouring occupiers. It complies with all relevant council policy and guidance.
- 2 The applicant must ensure that the proposed changes to the height of the piers, railings and gates are carried out in their entirety within 3 months of the date of this permission otherwise the Council will consider taking enforcement action.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

PPS1 - Delivering Sustainable Development

The Mayor's London Plan: July 2011

7.1

Relevant Unitary Development Plan Policies:

GBEnv1, D1, D2

Design Guidance Note No 9: Walls, Fences and Gates

Core Strategy (Submission version) 2011

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 submitted its LDF Core Strategy Submission Stage document in August 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS5

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

The Council submitted its LDF Development Management Policies Submission Stage document in September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies:

DM01, DM02

Relevant Planning History:

Application:	Planning	Number:	H/00007/11
Validated:	13/01/2011	Type:	APF
Status:	DEC	Date:	10/03/2011
Summary:	APC	Case Officer:	Sally Fraser

Description: Conversion of one of the existing garages into a habitable room involving replacement of the garage door with a window and the addition of a hipped roof. First floor side and rear extension. Alterations to rear elevation.

Application: Planning
Validated: 04/10/2010
Status: DEC
Summary: LW
Number: H/04011/10
Type: 192
Date: 10/12/2010
Case Officer: Sally Fraser

Description: Hip to gable and rear dormer window to facilitate a loft conversion.

Consultations and Views Expressed:

Neighbours Consulted: 8 Replies: 3 and a joint letter with 12 signatories
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Erection of tall pillars and railings looks out of place and spoils unique character of road
- Construction not in keeping with the boundaries to the surrounding properties
- Height is excessive and radically different to surrounding low brick walls
- Unsightly and unpleasant
- Impact on character and appearance of road and wider locality
- Contrary to planning guidance
- Proposal creates a sense of enclosure
- High railings and pillars create blind spots for cars coming in and out of the property causing danger to pedestrians
- Drawings unclear as do not show boundary features of neighbouring properties
- Argued 1.8m high railings necessary for safety of applicant's children but it is a quiet street and low boundary would be more than sufficient

Internal /Other Consultations:

N/A

Date of Site Notice:

N/A

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site relates to a link-detached single family dwelling house located on the south-west side of Cedars Close which is predominantly residential in character. The property has an attached garage.

Proposal:

The application seeks permission for the retention of and amendments to the

existing low level wall and installation of brick piers, metal railings and gates. The plans have been amended reducing the brick piers from 1.8m in height to a maximum of 1.5m in height. The railings and gates will also measure a maximum of 1.5m in height.

Planning Considerations:

Policy Context

General policy **GEnv1** aims to maintain and improve the character and quality of the environment.

Policies **D1 & D2** aims to ensure compatibility with the established character and architectural identity of existing and adjoining properties and the general location in terms of scale, design and impact on neighbouring properties. Established local character and townscape quality can be harmed by insensitive development, which is out of scale with and unrelated to the locality.

The Council Guide “**Walls, Fences and Gates**” was approved by the Council in 1994. This supplementary planning guidance (SPG) sets out information for applicants to help them design their walls, fences and gates which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation.

Planning Appraisal

Councils adopted planning policies and design guidance seek to protect the amenities of neighbouring occupiers and to retain the character and appearance of localities. Cedars Close is characterised by a mix of boundary treatment. The plans have been amended to reduce the height of the brick pillars from 1.8 metres to 1.5 metres. Planning permission was granted (although has not yet been implemented) in September 2009 (application ref H/02647/09) for 2 no. new houses at No 32 Cedars Close with 1.5 metre high railings along the front boundary. As amended, the proposed railings will be the same height as those granted for No 32 and is therefore considered to be in keeping with the character and appearance of the street scene. The front boundary treatment comprises mostly of railings allowing for views through the site and is not considered to create a sense of enclosure. It is recommended that an informative should be attached requiring that the existing boundary treatment fronting Cedars Close be replaced within 3 months of the date of the permission.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Mostly addressed in the above report.

The Council accepts plans on the basis that they give an accurate representation of the site. Whilst it is useful to see neighbouring boundary treatment it is not mandatory to show them on the plans.

As amended it is not considered that the proposal will have a detrimental impact on pedestrian safety.

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: 31 Cedars Close, London, NW4 1TR

REFERENCE: H/04221/11



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LOCATION: 105 The Broadway, London, NW7 3TG
REFERENCE: H/03466/11 **Received:** 16 August 2011
Accepted: 16 August 2011
WARD(S): Mill Hill **Expiry:** 11 October 2011
Final Revisions:
APPLICANT: Mr I Rhodes
PROPOSAL: Change of use from A1 (Retail) to A3 (Restaurant & Cafes).
RECOMMENDATION: Refuse

1 The proposed change of use would result in the combined proportion of class A1 uses and vacant units being below 65% within the secondary retail frontage of Mill Hill Town Centre. It would be detrimental to the vitality and viability of the Mill Hill Shopping area and would be contrary to policy TCR11 of the Adopted Barnet Unitary Development Plan 2006.

INFORMATIVE(S):

1 The plans accompanying this application are:- Site plan, 110816-01, 463101 Revision A.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

PPS1 - Delivering Sustainable Development
PPS4 - Planning for Sustainable Economic Growth.

The Mayor's London Plan: July 2011: 2.15

Relevant Unitary Development Plan Policies: GBEnv1, GBEnv2, D1, D2, TCR11.
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 submitted its LDF Core Strategy Submission Stage document in August 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS6

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

The Council submitted its LDF Development Management Policies Submission Stage document in September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM11

Relevant Planning History:

Planning applications picked up in spatial search

Site Address: 105 Mill Hill Broadway London NW7
Application Number: W01796
Application Type: Advertisement
Decision: Approve with conditions
Decision Date: 09/09/1968
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Advert
Case Officer:

Consultations and Views Expressed:

Neighbours Consulted: 40 Replies: 1
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Competition

Councillor Khatri has sent comments in favour of the application.

Councillor Hart has sent comments in favour of the application. Given these comments by a member of the Council it was decided to refer the item to the Committee.

Internal /Other Consultations:

- Traffic & Development - The proposal is recommended for approval on highways grounds.

Date of Site Notice: 01 September 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is sited on the north-west side of Mill Hill Broadway within Mill Hill District Town Centre. The site forms part of the secondary retail frontage of the town centre.

No.97-101 is in use as a restaurant (A3 use) and marks the edge of the primary retail frontage. No's 103, 107 and 109 are all in use as a retail shop within Use Class A1.

Proposal:

The proposal is for a change of use from A1 (Retail) to A3 (Restaurant & Cafes).

Planning Considerations:

Policy context

Policy TCR11 states that within secondary retail frontages and main shopping areas (as shown on the Proposals Map), changes of use at ground floor level from use class A1 (Shops) to other uses will not be permitted if this would harm the town centre's vitality and viability, or where:

- i. The combined proportion of class A1 uses and vacant units would fall below 65% (or below 55%, if the proportion of vacant units is above 15%); or
- ii. The proposed use would generate insufficient morning and afternoon pedestrian activity and lead to the creation of an area of inactivity in the shopping frontage; or
- iii. The number, frontage lengths and distribution of non-A1 uses would result in an over concentration of such uses that would detract from its established retail character; or
- iv. The proposed use would not fall within use class A2 (Financial and Professional Services), class A3 (Restaurants and Cafes), class A4 (Drinking Establishments), class A5 (Hot Food Takeaways) or some other use appropriate to the town centre location; or
- v. There is a known demand for such properties for class A1 uses; or
- vi. There is insufficient evidence to show that the property has been marketed effectively for continued class A1 use.

Emerging Development Management Policy DM11 states that:

A development proposal which reduces the combined proportion of class A1 retail use at ground floor level (including vacant) in the secondary frontage below 65% will not be permitted. The proposal should not create an over-concentration of similar uses which detract from the retail function of the town centre.

Change from a retail use (Class A1) will be strongly resisted unless it can be demonstrated that there is no viable demand for continued Class A1 use. When it can be demonstrated that the site has been marketed effectively for Class A1 use acceptable alternatives to Class A1 use will be Class A2, A3, A4, A5 or community uses. Conversion of any Class A use to a community use will be expected to present an active frontage at ground floor and be able to demonstrate a similar weekday footfall to Class A1 use. All alternatives to Class A1 use will be subject to amenity impacts.

Impact on the vitality and viability of Mill Hill Town Centre.

Policy TCR11 requires that the combined proportion of class A1 uses and vacant units would fall below 65% (or below 55%, if the proportion of vacant units is above 15%). A survey of Mill Hill Town Centre on 02/12/11 found that the percentage of retail units within the shopping area is calculated at 53% (17 of 32 units), and the proportion of vacant units at 3% is well below 15%. In this way the proposal fails this test.

It is noted that there are A1 units to either side, though there are generally few in the locality. There is concern about the lack of retail units within the wider shopping area. It is known that there is demand for retail uses within the borough.

The site property has not been marketed for continued A1 use. It is currently in A1 use by the applicant, so is not currently vacant. No empirical information has been submitted to show that the A1 use cannot be profitable from this location.

It is understandable why the property has not been marketed, given that the applicant is operating the premises as an A1 unit, but it is not considered that this justifies the proposals.

The proposal would be contrary to policy TCR11 in that the combined proportion of class A1 uses and vacant units would fall below 65% within the secondary retail frontage. It is not considered that there are any material considerations that would justify the change of use which is contrary to Unitary Development Plan Policy. Emerging development management policy is subject to similar thresholds, and it is considered that this adds weight to this view.

Impact on highway safety

The proposal is for change of use from retail to a restaurant/café. Both the existing and proposed uses are very similar in highways terms.

The unit is situated within a parade with various uses, and it is not expected that the proposed use will have a detrimental effect on the public highways.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Competition is not a material planning consideration.

The comments of the councillors and applicant are noted. It is noted that flexibility should be used where possible in relation to town centre issues, however Council policy is a material consideration. Under the Town and Country Planning Act decisions must be made in accordance with the development plan unless there are other material considerations which outweigh this.

The economic benefits of the scheme also need to be taken into account in accordance with PPS4. It is possible that the proposed change of use would add to the range of restaurant and cafe services within Mill Hill Town Centre. However, the scheme would result in a reduction in the number of shop units within Mill Hill Town

Centre. Whilst it is recognised that trading may be difficult for many businesses in the current economic climate, it is not considered that this would justify a change of use which would overall be detrimental to the health of the town centre. It should also be noted that the property has not been marketed for continued A1 use, given that the property is currently in A1 use.

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 **REFUSAL**.

SITE LOCATION PLAN: 105 The Broadway, London, NW7 3TG

REFERENCE: H/03466/11



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LOCATION: 3 Cheyne Walk, London, NW4 3QH
REFERENCE: H/04593/11 **Received:** 11 November 2011
Accepted: 11 November 2011
WARD(S): West Hendon **Expiry:** 06 January 2012
Final Revisions:

APPLICANT: Mr & Mrs Patel
PROPOSAL: Single storey rear extension. Two storey side extension following demolition of existing garage and shed. Provision of 3 off-street car parking spaces to facilitate conversion of single dwelling house into osteopathic clinic (D1 use) on ground floor and upper floors as residential (C3 use).

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 882/01, 882/02, 882/03D, 882/04C, 882/05C, Design and Access Statement, E-mail from agent dated 05/01/2012.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s) unless otherwise agreed in writing by the local planning authority.
Reason:
To safeguard the visual amenities of the building and the surrounding area.
- 4 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the following operation(s) shall not be undertaken without the prior specific permission of the Local Planning Authority -Insertion of windows in the first floor east flank elevation facing no.5 Cheyne Walk
Reason:
To safeguard the privacy and amenities of neighbouring occupiers
- 5 The surgery shall not be open for the treatment of patients at any time on Saturdays or Sundays or Public Holidays, or before 08.00am or after 5pm on other days unless previously approved in writing by the local planning authority.
Reason: To safeguard the amenities of neighbouring occupiers.
- 6 The approved clinic shall only be operated by one practitioner and one receptionist.
Reason: To safeguard neighbouring amenity and the character of the area.
- 7 Before the development hereby permitted is occupied the parking spaces/garages shown on Plan 882/03D 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.

- 8 The proposed development shall be implemented with the layout of the rooms in accordance with the approved plans and shall be retained as such unless agreed in writing by the Local Planning Authority.

Reason:

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

- 9 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.

- 10 The proposed use shall not commence until details of sound insulation are submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with these details and permanently retained thereafter.

Reason: To safeguard the residential amenities of neighbouring occupiers.

- 11 Notwithstanding the details shown on the plan submitted, 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.

- 12 The premises shall be used for .an osteopath's clinic and no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

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

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): GBEEnv1, GBEEnv2, D1, D2, D5, H27, CS10, ENV12, H3, M11, M12, M14, CS1.

Core Strategy (Submission version) 2011: CS5, CS10, CS11

Development Management Policies (Submission version)2011: DM01, DM07

ii) The proposal is acceptable for the following reason(s): - The proposed change of use and extensions are considered acceptable in terms of their impact on neighbouring amenity, the character and appearance of the area, and highway safety.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

PPS1 - Delivering Sustainable Development

PPS3 - Housing

PPG13 - Transport

PPG24 - Planning and Noise

The Mayor's London Plan: July 2011: 7.4, 7.6

Relevant Unitary Development Plan Policies: GBEnv1, GBEnv2, ENV12, D1, D2, D5, H3, H27, M11, M12, M14, CS1 and CS10.

Core Strategy (Submission version) 2011

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 submitted its LDF Core Strategy Submission Stage document in August 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS5, CS10, CS11

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

The Council submitted its LDF Development Management Policies Submission

Stage document in September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM07

Relevant Planning History:

Site Address: 3 Cheyne Walk NW4
Application Number: W00049
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 04/05/1965
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **conversion to two self-contained flats and erection of extension to garage.**

Case Officer:

Site Address: 3 Cheyne Walk NW4
Application Number: W00049A
Application Type: Full Application
Decision: Approve
Decision Date: 07/05/1965
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Conversion to two self-contained flats and erection of extension to garage.**

Case Officer:

Site Address: 3 Cheyne Walk, London, NW4 3QH
Application Number: H/03209/11
Application Type: Advertisement
Decision: Withdrawn
Decision Date: 28/09/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Installation of non illuminated fascia sign on the front elevation of the first floor level.**

Case Officer: Graham Robinson

Site Address: 3 Cheyne Walk, London, NW4 3QH
Application Number: H/03210/11
Application Type: Full Application
Decision: Refuse
Decision Date: 26/09/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension. Two storey side extension following demolition of existing garage and shed. Roof extension including rear dormer window and rooflights in the front. Provision of 3 off-street car parking spaces to facilitate conversion of single dwelling house into osteopathic clinic (D1 use) on ground floor and upper floors as residential (C3 use).**

Case Officer: Graham Robinson

Site Address: 3 Cheyne Walk, London, NW4 3QH
Application Number: H/04593/11
Application Type: Full Application

Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension. Two storey side extension following demolition of existing garage and shed. Provision of 3 off-street car parking spaces to facilitate conversion of single dwelling house into osteopathic clinic (D1 use) on ground floor and upper floors as residential (C3 use).**
Case Officer: Graham Robinson

Consultations and Views Expressed:

Neighbours Consulted: 89 Replies: 6
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Conversion to non-residential use in a residential area
- Permission should be restricted to only be used as a medical office to prevent it being used for other use
- Concern regarding proximity of extensions to neighbouring buildings
- Existing clinic opposite is already causing parking problems.
- Repair and maintenance of walls
- Construction should not take place before 8am
- Loss of property value
- Noise from use
- Traffic impact
- Loss of privacy
- Concerns over hours of use
- Environmental impact
- Water pressure

Internal /Other Consultations:

- Traffic & Development - No objection

Date of Site Notice: 24 November 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is a semi-detached house within a predominantly residential area close to Hendon Central town centre.

Proposal:

The proposals are for 'Single storey rear extension. Two storey side extension following demolition of existing garage and shed. Provision of 3 off-street car parking spaces to facilitate conversion of single dwelling house into osteopathic clinic (D1

use) on ground floor and upper floors as residential (C3 use). '

The proposals involve the provision of three parking spaces to the front of the property. The plans submitted indicate refuse storage to the front of the property.

The proposed rear extension would be 3m deep and would extend across the width of the house and 2.5m towards the boundary with no.5.

The proposed first floor side extension would be set back 4.3m from the front wall of the property. It would be set down 1.3m from the main roof of the property.

Planning Considerations:

It should be noted that a previous planning application for 'Single storey rear extension. Two storey side extension following demolition of existing garage and shed. Roof extension including rear dormer window and rooflights in the front. Provision of 3 off-street car parking spaces to facilitate conversion of single dwelling house into osteopathic clinic (D1 use) on ground floor and upper floors as residential (C3 use).' was refused on 26/09/2011.

This was refused on the grounds that:

'1. The proposed use of the ground floor as a osteopath's clinic would by reason of its associated noise and disturbance from its general activity, be detrimental to the residential amenities of neighbouring occupiers, being contrary to policies ENV12 and CS10 of the Adopted Barnet Unitary Development Plan 2006.'

'2. The proposed two storey side extension and rear dormer window, by reason of their size, bulk and siting, would be detrimental to the character and appearance of the general locality and streetscene, being contrary to policies GBEEnv1, GBEEnv2, D1, D2, and H27 of the Adopted Barnet Unitary Development Plan 2006, and Supplementary Design Guidance 5: Extensions to Houses.'

'3. The proposed change of use from residential to a osteopath's clinic results in the loss of housing accommodation, to the detriment of the supply of housing in the Borough. The development is contrary to policy H3 of the Adopted Barnet Unitary Development Plan (2006).'

This scheme was similar to that currently proposed except that it featured large roof extensions and the change of use related to the entire ground floor area. Furthermore the scale of the proposed osteopath's clinic has been clarified to only have 2 members of staff and 5 appointments a day.

The main issues are considered to be:

- Whether the loss of residential accommodation is acceptable
- Whether the introduction of a commercial use in this area would be acceptable in terms of its impact on the character of the area and the impact on neighbouring residential amenity.

- Whether the impact on highway and pedestrian safety would be acceptable
- Whether the proposed extensions would have an acceptable impact on the appearance of the area and neighbouring amenity.

Policy Context

Policy ENV12 advises that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive developments will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted.

Policy H3 advises that Planning permission will not be granted for changes of use from residential to other uses unless:

- i. The proposed use is for a community facility; and
- ii. The location is no longer environmentally suitable for residential use and cannot be improved; and
- iii. The proposal is for an important employment-generating use outside a predominantly residential area, provided that it is not detrimental to residential amenity and does not conflict with other policies of this Plan; and
- iv. The demand for the proposed use cannot adequately be met elsewhere; and
- v. The housing units are not of a type in particularly short supply.

Policy GCS1 states that The council will seek to ensure that an adequate supply of land and buildings is available for community, religious, educational and health and social care facilities to meet the needs of residents in the borough.

Policy CS10 states that development proposals for medical and dental surgeries and other primary health care facilities, including changes of use of existing buildings, will be permitted where they:

- Are easily accessible by public transport, walking and cycling;
- Would not have a demonstrably harmful impact on the character of the surrounding area or the amenities of nearby residential properties and other uses;
- If in a town centre location, would not be situated within the primary retail frontage; and
- Are designed to be accessible to people with disabilities.

Whether the loss of residential accommodation is acceptable

Policy H3 is considered relevant as the proposal involves the change of part of the property from residential use to use as an osteopath clinic.

The preamble to policy H3 states that there may be some circumstances where the loss of residential uses may be acceptable to meet another community need in predominantly residential areas changes of use may be necessary to provide important local facilities.

It should be noted that the proposals would technically result in the loss of 48 square metres of residential floorspace, however the extensions would result in an increase of 62 square metres, result in a net increase of 14 square metres. There is therefore no loss of residential units or accommodation.

Also, UDP Paragraph 6.3.1.11, which is the justification for policy H3, advises that in predominantly residential areas changes of use may be necessary to provide important local facilities, such as doctors' and dentists' surgeries. The recent appeal decision at 53 Brockenhurst Gardens NW7 (APP/N5090/A/11/2148598), is considered relevant, where an inspector allowed a change of use of the ground floor of a property to a residential use where the property was being extended.

Taking all matters into account the impact on the borough's housing supply could not be considered to be detrimental.

Whether the introduction of a commercial use in this area would be acceptable in terms of its impact on the character of the area and the impact on neighbouring residential amenity.

Policy CS10 states that development proposals for medical and dental surgeries and other primary health care facilities, including changes of use of existing buildings, will be permitted where they: Are easily accessible by public transport, walking and cycling; Would not have a demonstratively harmful impact on the character of the surrounding area or the amenities of nearby residential properties and other uses; if in a town centre location, would not be situated within the primary retail frontage; and are designed to be accessible to people with disabilities.

The applicants design and access statement states that the premises would be used by the applicant as an osteopath clinic. It would have one consulting room with waiting room, bathroom and archive room. The clinic would operate from one room with one patient per appointment. The surgery would operate from 8.30am to 5.30pm Monday to Friday. There would be a maximum of 5 appointments per day. The proposed use would be operated by one practitioner.

UDP Paragraph 6.3.1.11, which is the justification for policy H3, advises that in predominantly residential areas changes of use may be necessary to provide important local facilities, such as doctors' and dentists' surgeries.

Given the limited scale of the proposed use it is not considered it would harm the residential character of the surrounding area. The proposed use could be restricted by condition in terms of its number of employees and hours of opening, which could ensure that the use does not operate at a level that would be harmful to the amenities of neighbouring occupiers. Planning applications are assessed on their own merits and it is not considered that the granting of permission for this development would set a precedent for commercial development within the area given that the majority of the property would remain in residential occupation and it would remain in use as a house.

A condition is proposed ensuring that adequate sound insulation is provided, which would prevent undue noise and disturbance to neighbouring residents.

It is not considered the proposed use would result in an unacceptable level of noise and disturbance to neighbouring occupiers. It is not considered the proposed use would harm the residential amenities of the occupiers of no.1 or no.5 Cheyne Walk.

Whether the impact on highway and pedestrian safety would be acceptable

The proposal is for the rear and side extension to an existing 4 bed house to provide an osteopathic clinic and 4 bed dwelling.

The site fronts onto red-route waiting restrictions and is located within an all day CPZ. It is also located close to town centre amenities and has a good level of public transport accessibility.

The clinic has 1 consulting room so is not expected to have a significant number of patients visiting the site at any given time.

A total of 3 parking spaces are being provided in an existing forecourt area.

The proposal is considered acceptable on highways grounds as it is not expected to have a detrimental impact on the public highways.

Whether the proposed extensions would have an acceptable impact on the character and appearance of the general locality and streetscene.

It is not considered that the flat roof across the width of the single storey rear extension would materially harm the character and appearance of the area given that the rear extension is only visible from rear gardens and does not form part of a continuous row of properties, they are sited around a bend.

The proposed first floor side extension would be set back from the front wall of the property. The extensions would comply with Council Design Guidance on extensions to houses, and it is not considered that they would harm the character and appearance of the streetscene and general locality.

Whether the proposed extensions would have an acceptable impact on the visual or residential amenities of neighbouring occupiers.

The proposed rear extension would extend beyond the side wall of the property on the side nearest no.5 Cheyne Walk. The rear wall of this property is sited approximately 1.7m forward of no.3, with the building at no.3 splaying to the north away from the boundary.

As a result the rear extension would extend a distance of approximately 4m perpendicular to the rear wall of no.5, a distance of approximately 1.8m from the common boundary. It should be noted that there is an existing garage and outbuilding running along the boundary with no.5, partly with a pitched and flat roof. This is to be demolished as part of the proposal.

No.5 is located to the south-east of the site property with the extension being to the north. It is not considered that the impact on the outlook or light enjoyed from the rear window of no.5 would be harmful to the occupiers of the property given the distance from the boundary.

The proposed side extension would project approximately 2m beyond the rear wall of no.5. Given that this would be 3m away from the boundary with no.5, it is not

considered that it would materially harm the living conditions of the occupiers of no.5. There are not side windows to any habitable rooms in the side elevation facing the site, the rear wall is sited close to the common boundary.

The proposed extension would extend 3m beyond the rear wall of no.1 Cheyne Walk, and would comply with Council design guidance. It is not considered that the extension would have a harmful impact in terms of loss of light, privacy or outlook to the occupiers of this property.

It is not considered that the proposed extensions would have a harmful impact on the visual or residential impacts of neighbouring occupiers.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Conversion to non-residential use in a residential area - Addressed *in main report*

Permission should be restricted to only be used as a medical office to prevent it being used for other use - *Noted and a condition is attached*

Concern regarding proximity of extensions to neighbouring buildings - Addressed *in main report*

Existing clinic opposite is already causing parking problems. - *Highways officers consider that the scheme is acceptable in terms of its impact on parking in the locality*

Repair and maintenance of walls - *This is not a material planning consideration*

Construction should not take place before 8am - *This would be ensured under the Environmental Health Legislation.*

Loss of property value - *This is not a material planning consideration*

Noise from use - *Addressed in main report*

Traffic impact - *Addressed in main report*

Loss of privacy - *Addressed in main report*

Concerns over hours of use - *A condition is proposed to ensure that the premises only operates during reasonable hours.*

Environmental impact - *Addressed in main report*

Water pressure - *It is not considered that any impact on water pressure within the area would be harmful.*

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: 3 Cheyne Walk, London, NW4 3QH

REFERENCE: H/04593/11



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LOCATION: Gratton Terrace (Verge in front of 31 – 40), London, NW2 6QE

REFERENCE: TPO/00656/11/F **Received:** 14 November 2011

WARD: CH **Expiry:** 09 January 2012

CONSERVATION AREA Railway Terraces

APPLICANT: OCA UK Ltd

PROPOSAL: 4 x London Plane (Applicant's ref T1, T2, T3, T4 standing in front of 33-35 Gratton Terrace) – Fell, Standing in group G1 of Tree Preservation Order.

RECOMMENDATION:

That Members of the Planning Sub-Committee determine the appropriate action in respect of the proposed felling of 4 x London Plane (applicant's ref T1, T2, T3, T4 standing in front of 33-35 Gratton Terrace), standing in group G1 of Tree Preservation Order, either:

REFUSE CONSENT for the following reason:

The proposed felling is excessive and premature pending implementation of lesser works in accordance with extant consent TPO/00585/11/F and determination of application TPO/00041/12/F together with assessment of impact of increased cyclical pruning; it will result in the loss of trees of special amenity value.

NOTES to include:

- 1 This letter is issued as a Certificate under Article 5 of the Tree Preservation Order.

Or:

APPROVE SUBJECT TO CONDITIONS

1. The species, size and siting of the replacement tree(s) shall be agreed in writing with the Local Planning Authority and the tree(s) 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 tree(s) shall be maintained and / or replaced as necessary until 4 new tree(s) 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.

- Trees irreplaceable
- Retaining and caring for precious local amenities is a cost effective and immediate way to deliver key government Localism and Wellbeing policy
- Argument based on cost to insurers does not take account of wider costs to environment and community

MATERIAL CONSIDERATIONS

Relevant Recent Planning History:

TPO/00585/11/F - 23 x London Plane – Remove all extension regrowth under four years old to leave a pollard framework. Groups G1, G2 and G3 of Tree Preservation Order

Granted conditional consent 24th November 2011

TPO/00041/12/F - 7 x London Plane – Reduce height of trees by approx. 4 metres back to previous pollard knuckles. Standing in Groups G1 and G3 of Tree Preservation Order

Registered 16th January 2012 - Not yet determined

PLANNING APPRAISAL

1. Introduction

The London Planes subject of this application are Council-maintained Highways trees.

Application TPO/00585/11/F was recently submitted by Greenspaces following investigations by OCA UK Ltd into alleged property damage to the bay of 34 Gratton Terrace. OCA UK Ltd wished four London Plane trees in proximity to the property to be removed, but initially declined to submit a TPO application. 34 Gratton Terrace is within the block of 10 properties (31 - 40) at the north west end of the row separated from the other Gratton Terrace houses by one of the original access roads. On reviewing the information, Greenspaces considered the suggested tree removals excessive and hence submitted an application for alternative works that are believed to address the concerns in respect of property damage without the loss of trees. Hitherto, the trees have been subject to cyclical pruning; it is now proposed to increase the frequency of pollarding. Conditional consent was granted to TPO/00585/11/F on 24th November 2011 but has not yet been implemented.

Despite their initial reticence, OCA UK Ltd have subsequently submitted this application for consent to remove 4 London Planes, which was registered on 14th November 2011.

A subsequent application (TPO/00041/12/F) has also now been submitted by Greenspaces (to reduce some trees back to previous pollard knuckles) when it became apparent that not all of the trees had been pruned in 2007, so as to align the dimensions of the whole row of London Planes.

2. Appraisal

Trees and Amenity Value

London Planes form a row (interrupted by Burlington Parade) along the grassed highway landscaped bank separating Gratton Terrace and Cricklewood Railway Terraces Conservation Area from the shopping area of Cricklewood Broadway / Edgware Road. The Planes are set along the length of Gratton Terrace, either side of Burlington Parade, from Kara Way to Dorchester Court - dividing the quiet residential housing from the busy main thoroughfare (part of the A5 - roman Watling Street). The four London Planes subject of this application stand in front of 33 – 35 Gratton Terrace and appear to be the last four trees of the row (T4 applicant's ref is a smaller, younger tree and accords with Greenspaces ref 01438; T3, T2 and T1 applicant's ref stand beyond to the north-west i.e. Dorchester Court end of row and would thus accord with Greenspaces ref 01439, 01440 and 01441 – these are mature). The applicant indicates that the trees are between 10.5 and 11.8 metres from the affected property, separated by the Gratton Terrace roadway.

The London Plane trees are in generally good condition. T1 is approx. 17 metres in height with a trunk diameter of 79cm; T2 is approx. 17 metres in height with a trunk diameter of 77cm; T3 is approx. 17 metres in height with a trunk diameter of 70cm; and T4 is approx. 13 metres in height with a trunk diameter of 41cm. The trees have been formerly pollarded and are now maintained as high pollards, hitherto on a 3 - 4 year cyclical pruning maintenance regime. However, according to the 28 March 2007 schedule of cyclical tree maintenance works T4 opposite 33 Gratton Terrace was reduced by 30%, but trees T1, T2 and T3 were not reduced in this programme of works. A subsequent Works Order was raised on 14 January 2010 for the three London Planes opposite 34/35 Gratton Terrace (T1, T2, T3), but it does not appear that the growth was taken back to the previous pruning points (lesser work was undertaken, taking growth back to a tertiary pollard point). In the course of site investigations in connection with the subject application, it became apparent that 7 trees had been inadvertently omitted from the 2007 cyclical pruning - a separate application TPO/00041/12/F has now been registered to reduce the height of these trees by approx. 4 metres back to previous pollard knuckles.

The London Planes are very clearly visible from Cricklewood Broadway / Edgware Road, Gratton Terrace, Hudson Way, Temple Road, Longley Way and above and between properties from other areas of Cricklewood Railway Terraces Conservation Area. The trees make an essential contribution to the character and appearance of the Conservation Area - providing boundary screening, both visual and aural, between Railway Terraces and Cricklewood Broadway – and are considered to be of special amenity value.

The Railway Terraces Cricklewood Conservation Area was designated in March 1998. The Conservation Area is almost entirely residential in nature with approx. 180

houses and flats. Gratton Terrace lies at the front of the Conservation Area separated from Cricklewood Broadway / Edgware Road by a narrow landscaped bank and the shops of Burlington Parade. Terraces of railway cottages run parallel to Gratton Terrace at the rear. Access to these cottages is only possible from Edgware Road via vehicular entrances at each end of Gratton Terrace and pedestrian steps in the middle of the terrace - the mature subject London Planes are growing at the north-western end, in the landscaped bank. The terraces were built as housing for rail workers, construction commencing in the late 1860s. Gratton Terrace consists of larger houses built for higher grade railway workers, these houses face onto Edgware Road / Cricklewood Broadway, they are built on a grander scale and feature large back gardens and more ornate architectural detailing than the smaller, more humble dwellings of the terraces to the rear.

Originally Gratton Terrace was divided into four blocks of ten houses and the access roads which divide the back terraces passed between these blocks to reach the grass bank on which the London Planes are growing. Houses were subsequently built as infill development on two of these access roads linking three of the earlier blocks to create a continuous block of 34 houses on Gratton Terrace. The subject Planes stand in front of the fourth block that remained separate.

As the Conservation Area Character Appraisal Statement notes:

"This lack of cars is a very important characteristic. Not only is the relationship of buildings to open spaces uninterrupted, but the area is exceptionally quiet and peaceful. This unusual characteristic is especially evident compared with the noise, traffic and clutter of surrounding roads and the railway. The Railway Terraces are a peaceful, tranquil island within a busy urban setting."

"The Conservation Area has few access points and is therefore isolated and self contained. There are however some important views in and out of the area. These views contrast the relative calm of the Conservation Area and the bustle of Edgware Road...."

"There is a great sense of perspective within the area created through a combination of strong horizontal building lines, uninterrupted views through open areas and the gentle drop in levels towards the north west."

"The plane trees in front of [Gratton Terrace] have recently been pollarded and are in a good state. These trees act as an important barrier adding to the seclusion of the Conservation Area."

"There is a narrow earth landscaped bank in front of Gratton Terrace along Edgware Road. Burlington Parade sits in the middle of this bank, flanked by mature plane trees above hedge planting. There are red brick boundary walls and some original railings above and around the ends of the bank which also help define entrances to the Conservation Area."

"The former railway hostel and Burlington Parade are now the built edge of the Conservation Area along Edgware Road and combine with the plane trees to suggest the quality buildings and tranquillity behind."

As evidenced by the number and nature of objections received in response to consultation, it is clear that residents greatly value the trees and consider their contribution to the character and appearance of the Railway Terraces Conservation Area essential.

CAVAT (Capital Asset Value for Amenity Trees) has specifically been designed as an asset management tool for trees that are publically owned or of public importance; it expresses tree value in monetary terms in a way that is directly related to the public benefits that trees provide - working by calculating a value based on the size of the tree; amenity factors such as location and social value; functionality and life expectancy; and population size. Greenspaces, responsible for Council owned / maintained trees, have assessed the cumulative CAVAT value for the four London Planes at £245,604.

The application

The application submitted by OCA UK Ltd was registered on 14th November 2011. The reasons for the proposed removal of 4 London Planes (applicant's reference T1 – T4) cited on the application form are:

- 1. The above tree works are proposed as a remedy to the differential foundation movement at [34 Gratton Terrace] and to ensure the long-term stability of the building.*
- 2. The above tree works are proposed to limit the extent and need for extensive and disruptive engineering repair works at the insured property. In this instance the estimated repair costs are likely to vary between £3,600 and £18,600 depending upon whether the trees can be removed or have to remain. In addition the Engineer has advised that if the trees are felled, it is proposed to repair the damage at the junction of the front bay with the main house by stripping back plaster to the left and right and ceiling, carry out crack repairs to masonry, fix eml, patch in plaster and render and redecorate walls internally and externally. If the trees remain, as above plus mini piled underpinning to the front bay. Due to roots being found to a depth of 3.5m below ground level, traditional underpinning is not cost effective.*
- 3. The above tree works are proposed to limit the duration of any claim period and therefore allow the landowner their right to peaceful enjoyment of their property.*
- 4. It is the case that an alternative to felling such as pruning or significant 'pollarding' of the tree would not provide a reliable or sustainable remedy to the subsidence in this case. We do not consider that any other potential means of mitigation, including root barriers, would be effective or appropriate in the circumstances.*

5. *Given that the above trees are the responsibility of the Local Authority, I shall leave the matter of suitable replacements to the Tree Officer.*

The supporting documentation comprised:

- OCA Arboricultural Assessment Report dated 3 November 2011 based on survey dated 27 October 2009 including Cunningham Lindsey Resume of Technical Aspects (Engineering Appraisal Report) dated 27 January 2010 and CET Safehouse Ltd Site Investigation Report dated 25 January 2010 (borehole, soil testing, tree root identification)

- level monitoring 16/1/10 - 5/7/11

Previously information submitted to the Council's Insurance section (triggering the Greenspaces application TPO/00585/11/F) also included two photographs of trees and damage; crack monitoring 22/2/10 - 10/5/11; together with a covering letter from Oriel dated 14 April 2010.

The Council's Structural Engineer has assessed the information, observing:

The root analysis identified Plane tree roots at the underside of the foundation of the front bay and at 2.5m depth. Tree roots were recorded in the borehole to a depth of 3.5m and on the basis of the root identification it is reasonable to assume these are also Plane tree roots. Considering the size and proximity of the trees shown on the OCA plan the most likely source of the root samples under the property are the Plane trees T1, T2, T3 and T4.

The foundations to the front bay are 1.2m deep, this would be considered reasonable in a clay soil outside the influence of trees. The remainder of the house has a basement and therefore has a much deeper foundation than the front bay. This would explain why the monitoring results show the front of the house is stable.

The monitoring results show a trend of enhanced seasonal movement. The recovery of the bay during the early period of 2011 is less than achieved in a similar period of 2010. This is probably related to weather and rainfall fluctuations, and the maintenance regime of the trees. The met office rainfall results (Heathrow) show that late 2010 was particularly dry compared to previous years.

I understand these trees were subject to a three year cyclical 30% reduction regime, and it would be expected for the root action of the trees to be reduced in the season following pruning/reduction works and the influence of the tree on the soil beneath the foundations to increase as the trees re-grow in subsequent seasons. Case studies presented by P.G. Biddle in his book 'Tree Root damage to Buildings' provides examples of this. In his pruning experiment of Plane trees in London Clay, soil moisture contents were regularly recorded at various distances from the trees. In this example soil drying was reduced depending on the extent of the tree reduction works and the seasonal fluctuations returned in subsequent years.

These trees T1, T2 and T3 were not included in the March 2007 reduction works and therefore the trees would have had six years of un-interrupted growth when the damage was discovered to 34 Gratton Terrace.

The monitoring of the movement to the bay is carried out following the responsive works to the trees T1, T2 and T3. However the tree work in January 2010 appears to have been less extensive than originally specified and did not return the trees to the size they would have been had the 2007 work been carried out. This is reflected in the ongoing enhanced seasonal movement throughout 2010 and until July 2011 when the monitoring stops.

The Council's Structural Engineer concludes:

On the basis of the site investigation results the Plane trees T1, T2, T3 and T4 would be implicated in the subsidence damage to the front bay of 34 Gratton Terrace.

A contributory factor in the damage is the differential movement between the front bay and the front elevation of the house due to the difference in foundation depths.

If the Plane trees pre-date the construction of 34 Gratton Terrace then a ground heave potential assessment is recommended to be carried out prior to the removal of the Plane trees being proposed.

The damage to the front bay discovered in early 2009 appears to be linked to the trees T1, T2 and T3 not being included in the 2007 cyclical tree works and not being reduced as extensively as originally specified in January 2010.

I understand there is an alternative proposal which is to reduce the trees T1, T2 and T3 back to the size that they would have been had the 2007 reduction been carried out, and increase the frequency of the cyclical works to all the Plane trees to every two years. It is difficult to be precise on how beneficial this action would be, however, on the basis that damage to the bay occurred after the trees T1, T2 and T3 were allowed to grow un-interrupted for six years, I would expect the seasonal movement to be significantly reduced to a level that was apparently acceptable prior to 2007.

Assuming that the trees are to be reduced and maintained as high pollards, it is likely that remedial works could be restricted to superstructure repairs incorporating bed joint reinforcement around the front bay and underpinning of the foundations could be avoided.

This could be confirmed by carrying out the reduction works to the trees and continuing to monitor the property to ensure it is sufficiently stable for the superstructure repairs to be carried out.

3. Legislative background

Government guidance advises that when determining the application the Council

should (1) assess the amenity value of the tree and the likely impact of the proposal on the amenity of the area, and (2) in the light of that assessment, consider whether or not the proposal is justified, having regard to the reasons put forward in support of it. It should also consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions.

The Tree Preservation Order provides that compensation is payable for loss or damage in consequence of refusal of consent or grant subject to conditions. In this case the applicant has indicated that “the estimated repair costs are likely to vary between £3,600 and £18,600 depending upon whether the trees can be removed or have to remain.”

If the Council is satisfied that the tree is of ‘special’ or ‘outstanding’ amenity value, it can issue an Article 5 Certificate, the effect of which is to remove the liability to pay compensation, although the guidance states that “LPAs are advised to use article 5 certificates with discretion and not simply as a means of avoiding the potential liability of compensation”. There is a right of appeal against the Article 5 Certificate as well as against the refusal of consent or condition(s).

The Court has held that the proper test in claims for alleged tree-related property damage was whether the tree roots were the ‘effective and substantial’ cause of the damage or alternatively whether they ‘materially contributed to the damage’. The standard is ‘on the balance of probabilities’ rather than the criminal test of ‘beyond all reasonable doubt’.

The trees are Council maintained highways trees, thus there are potentially separate financial liabilities arising because of:

- (i) the Planes’ inclusion in a Tree Preservation Order
- (ii) Council Highways trees maintenance responsibilities

In accordance with the Tree Preservation legislation, the Council must either approve or refuse the application i.e. proposed felling of the 4 London Planes. The Council as Local Planning Authority has no powers to require lesser works or a programme of cyclical pruning management that may reduce the risk of alleged tree-related property damage. If it is considered that the amenity value of the trees is so high that the proposed felling is not justified on the basis of the reason put forward together with the supporting documentary evidence such that TPO consent is refused, there may be liability to pay compensation pursuant to Article 9 of the Order. It is to be noted that whilst the Council’s Structural Engineer has noted that there is an alternative proposal which is to reduce the trees T1, T2 and T3 back to the size that they would have been had the 2007 reduction been carried out, and increase the frequency of the cyclical works to all the Plane trees to every two years. It is difficult to be precise on how beneficial this action would be, however, on the basis that damage to the bay occurred after the trees T1, T2 and T3 were allowed to grow

un-interrupted for six years, I would expect the seasonal movement to be significantly reduced to a level that was apparently acceptable prior to 2007; he has also noted Considering the size and proximity of the trees shown on the OCA plan the most likely source of the root samples under the property are the Plane trees T1, T2, T3 and T4. Hence there may be a compensation liability (the applicant indicates repair works would be an extra £15,000 if the trees are retained) if consent for the proposed felling is refused.

However, the Council in its capacity as Highways Authority does have powers to undertake lesser works or a programme of cyclical pruning management that may reduce the risk of alleged tree-related property damage (subject to appropriate Tree Preservation Order consent). In this capacity, application TPO/00585/11/F to remove all extension regrowth under four years old to leave a pollard framework of 23 London Plane included in the Tree Preservation Order was submitted. The proposed repollarding was granted conditional consent on 24th November 2011 but has not yet been implemented. As it has become evident that some trees were not pruned in 2007 pruning, a further application TPO/00041/12/F is currently under consideration to reduce the height of 7 trees by approximately 4m back to the previous pollard knuckle, so as to align the dimensions of the whole row. In these circumstances, given the significant amenity value of the trees and the Structural Engineer's comments, it may be considered that the proposed felling is excessive and premature pending implementation of the lesser works and assessment of impact of increased cyclical pruning. There may still be some separate financial liability arising as a Council-maintained highways tree root claim – but this would be an Insurance matter, rather than directly related to the provisions of the Tree Preservation Order.

COMMENTS ON THE GROUNDS OF OBJECTION

Matters addressed in the body of the report.

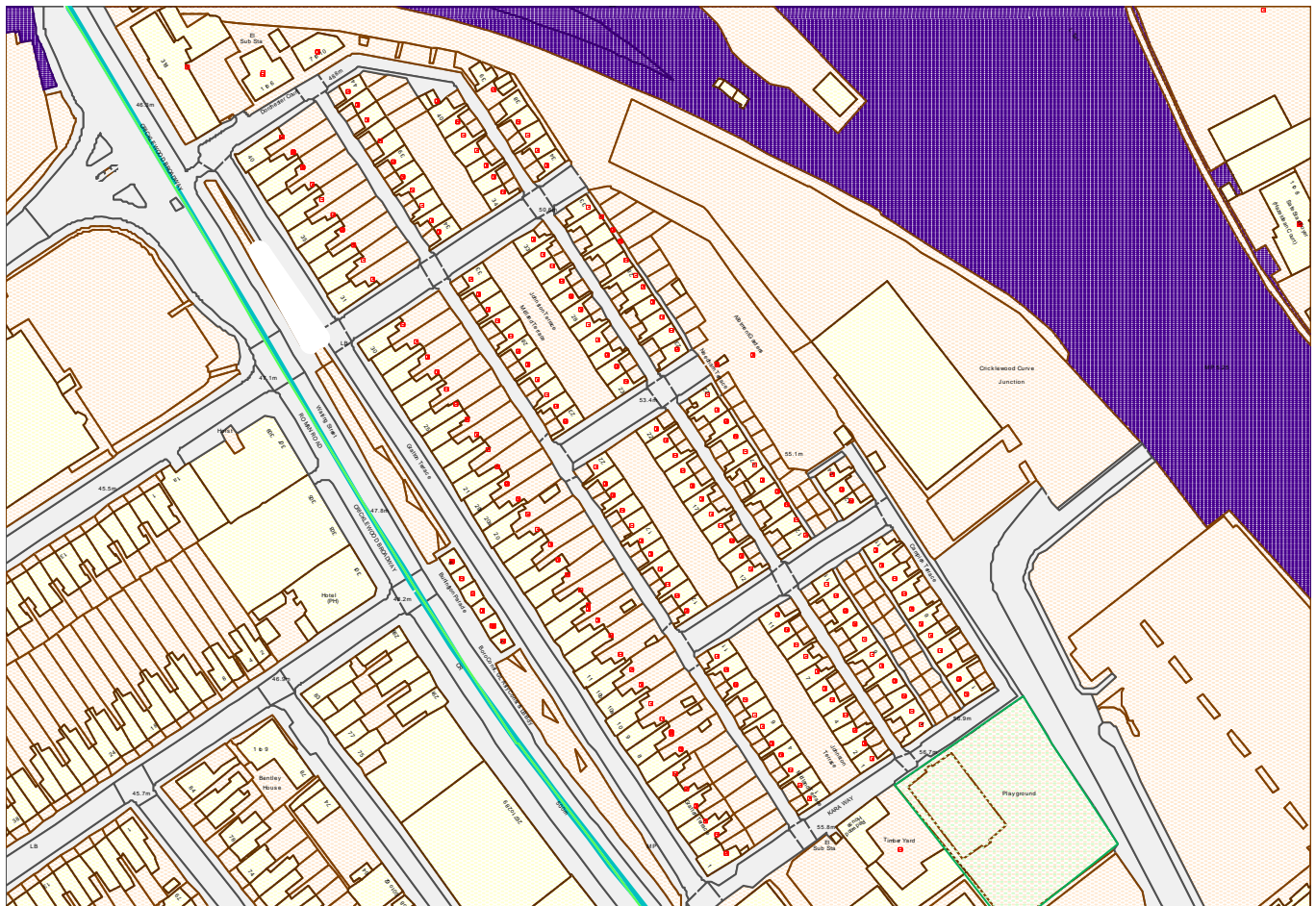
CONCLUSION

The proposed felling of the 4 London Planes would be significantly detrimental to the streetscene and would fail to preserve or enhance the character or appearance of the Cricklewood Railway Terraces Conservation Area. The subject trees are part of a row of London Planes that has hitherto been maintained as high pollards on a 3 – 4 year pruning cycle. In response to OCA's concerns, the Council's Greenspaces section submitted applications for alternative lesser works (repollarding) which have not yet been implemented. Greenspaces have also confirmed that, subject to Planning approval, a biennial pollarding regime will be implemented following this winter removing all regrowth every second winter.

The Council's Structural Engineer considers that on the basis of the site investigation results the Plane trees T1, T2, T3 and T4 would be implicated in the subsidence damage to the front bay of 34 Gratton Terrace, but expects that seasonal movement would be significantly reduced if the trees are pruned more frequently than the current 4 year cycle.

On the basis of the available information there may be a liability to pay compensation pursuant to the provisions of the Tree Preservation Order if consent to fell the four London Planes is refused (or granted conditionally). Although, even if TPO consent were to be granted, the Council in its Highways maintenance capacity would still have a measure of control over the treatment of the trees.

However, given the public amenity value of the trees and their importance to the character and appearance of the Railway Terraces Cricklewood Conservation Area, it may be considered that refusal of consent is justifiable in the light of the as yet unimplemented consent for lesser works (TPO/00585/11/F) together with the separate application (TPO/00041/12/F) to reduce the height of the 7 trees that had been inadvertently omitted from the 2007 cyclical pruning by approx. 4 metres back to previous pollard knuckles - combined with Greenspaces' intended increased frequency of treatment and that the proposed felling is excessive and premature pending implementation of alternative lesser works and assess.



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2012

LOCATION: 58 & 60 Park View Gardens, London, NW4 2PN
REFERENCE: H/04063/11 **Received:** 29 September 2011
Accepted: 11 October 2011
WARD(S): West Hendon **Expiry:** 06 December 2011
Final Revisions:

APPLICANT: Mr D Steele
PROPOSAL: Part single, part two storey rear extension to both properties.
Single storey side extension to No.58. Roof extension involving side dormer window to No.60. (AMENDED PLANS)

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 370/7, 370&371/102, 370&371/103, 370&371/104, 370/5, 371/5, 370&371/106, 370-371/8, 370-371/108, 370&371/111A, 370&371/112B, 370&371/113B, 370&371/114B, 370/15A, 371/15C, 370&371/116B.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s) unless otherwise agreed in writing by the local planning authority.
Reason:
To safeguard the visual amenities of the building and the surrounding area.
- 4 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the following operation(s) shall not be undertaken without the prior specific permission of the Local Planning Authority - Insertion of windows in the first floor flank elevations of the proposed extensions.
Reason:
To safeguard neighbouring privacy and amenity.
- 5 The extensions hereby approved shall be completed in full accordance with the approved plans within 6 months of the date of commencement.
Reason:
To ensure that harm is not caused by the partial implementation of the planning permission.

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 (Character), GBEnv2, D1, D2 (Built Environment / Character), D5, and H27 (Extensions to Houses and Detached Buildings), and:

Supplementary Design Guidance 5: Extensions to Houses.
Core Strategy (Submission version) 2011:
Relevant policies: CS5

Development Management Policies (Submission version)2011:
Relevant Policies: DM01, DM14, DM15

ii) The proposal is acceptable for the following reason(s): - It is considered that the proposals would not materially harm neighbouring amenity and the character and appearance of the general locality and streetscene.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

PPS1 : Delivering Sustainable Development

The Mayor's London Plan: July 2011: 7.4, 7.6

Relevant Unitary Development Plan Policies GBEnv1, GBEnv2, D1, D2, D5, H27:

Supplementary Design Guidance 5: Extensions to Houses

Core Strategy (Submission version) 2011

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 submitted its LDF Core Strategy Submission Stage document in August 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS05

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

The Council submitted its LDF Development Management Policies Submission Stage document in September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies:DM01

Relevant Planning History:

58 Park View Gardens

W11114A/99 - Side and rear dormer window roof extension - Approved - 12/01/2000

Consultations and Views Expressed:

Neighbours Consulted:	9	Replies:	6
Neighbours Wishing To Speak	1		

Residents have been re-consultation on amended plans, giving residents until 01/02/2012 to add further comments.

The objections raised may be summarised as follows:

- Dirt, noise and mess of building works will be detrimental to the well being of neighbouring residents
- Dormer will overlook gardens
- Will result in loss of light
- Out of character with modest surrounding architecture, will further erode character of the area
- Impact on neighbouring trees, risk of subsidence
- Impact on local parking
- Loss of property value
- Loss of privacy

Councillor Julie Johnson has written in objection to the application.

Internal /Other Consultations:

N/A

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site properties are a pair of semi-detached dwellings on the north-west side of Park View Gardens in a predominantly residential area.

The surrounding area can be characterised by semi-detached residential dwellings. The levels across the gardens slope upwards somewhat rearwards from the houses.

Proposal:

The proposals are for a part single, part two storey rear extension to both properties. Single storey side extension to No.58. Roof extension involving side dormer window to No.60.

The plans have been amended to alter the shape and size of the dormer so that it has a more regular appearance, and to reduce the depth of the proposed first floor rear extension.

As revised the ground floor rear extension would extend 4m to the rear of the existing building.

The first floor rear extension would be 3.5m deep and would have a pitched roof the same height as the main roof of the property.

The single storey side extension to no.58 would be 1.2m wide with a pitched roof.

The dormer window to no.60 would be 2.3m high and 3.05m wide with a hipped roof.

Planning Considerations:

Policy Context

General Policy GBEnv1 aims to maintain and improve the character and quality of the environment.

Policies D1 and D2 aims to ensure compatibility with the established character and architectural identity of existing and adjoining properties and the general location in terms of scale, design and impact on neighbouring properties. Established local character and townscape quality can be harmed by insensitive development, which is out of scale with and unrelated to the locality.

Part of policy D5 requires new development to safeguard outlook and light of neighbouring residential occupiers

Policy H27 states that extensions to houses should harmonise existing and neighbouring properties, maintain the appearance of the streetscene and have no significant adverse effect on the amenity of neighbouring occupiers. They should be in keeping with the scale, proportion, design and materials of existing and neighbouring houses.

The Council Guide "Extensions to house" was approved in March 2010. This leaflet in the form of supplementary planning guidance (SPG) sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the local planning authority and was subject to separate consultation.

Included advice says:

Large areas of Barnet are characterised by relatively low -density suburban housing

with an attractive mixture of semi-detached and detached houses. The Council is committed to protecting and where possible enhancing the character of the boroughs residential areas and retaining an attractive streetscene.

Harmony: extensions to buildings should be consistent in terms of form, scale and architectural style with the original building and area.

The extension should be in proportion both in its own right and in relationship to the original dwelling.

The impact on the character and appearance of the streetscene and general locality.

The proposed dormer would appear proportionate within the slope of the roof as viewed from the street and neighbouring properties. It would retain roofslope both below and above the dormer. There is a similar dormer window at no.56. It is not considered that the proposed dormer would cause a materially harmful impact on the character and appearance of the general locality and streetscene.

The side extension would be set well back from the front wall of the property. It is not considered that this would harm the character and appearance of the streetscene and general locality.

The proposed two storey rear extensions would have an acceptable relationship with both neighbouring properties. Both properties at no.56 and no.62 benefit from single storey rear extensions, they are sited angled away from each other therefore given the orientation and large rear gardens it is not considered that these extensions would have an appreciable adverse impact on the amenities of neighbouring occupiers or be out of character and appearance with the existing properties and general locality.

Whilst the height of the proposed first floor rear extension is in line with the existing roof height, this is marginal and would not warrant refusal of the application for this reason alone.

The impact on the neighbouring amenity

The proposed ground floor extension would extend in line with both neighbouring properties. It is noted that there is a window in the side of the extension at no.56 however this is a secondary window to the rear window within the extension.

It is noted that there is a side window and door to no.62 facing the site. This serves a small kitchen/utility area. This currently has an outlook of the flank wall of no.60. The extensions would extend further rearwards but would not extend any closer to the boundary with no.62. In light of this existing outlook it is not considered that there would be any additional harmful impact on this existing window.

The first floor rear extension would be sited away from both neighbouring boundaries. It would maintain a gap of approximately 2.3m to the flank wall of no.62. It is noted that no.62 has a rear bedroom window on the side nearest at first floor level. Given the distance away, and taking into account the orientation of the site property and that no.62 has already extended at ground floor level; It is not considered that the proposed extension would be materially harmful in terms of loss

of light or outlook to these rear windows.

It is not considered that the extensions will appear overbearing or create a harmful sense of enclosure as perceived from neighbouring residential properties.

The buildings at no.56 and no.58 both splay away from the common boundary. In this way, the rear wall of the first floor rear extension will be an estimated distance of 5m away from the flank wall of no.56, and views of it will be limited as a result. It is not considered that the proposals would have a material harmful impact on the visual or residential amenities of no.56.

Given the length of the gardens it is considered that there would not be a significantly harmful impact on the amenities of dwellings to the rear and in the wider locality.

It is not considered that the proposals would have a material harmful impact on the visual or residential amenities of any neighbouring occupier.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Dormer will overlook gardens, loss of privacy - *Addressed in main report*

Will result in loss of light - *Addressed in main report*

Out of character with modest surrounding architecture, will further erode character of the area - *Addressed in main report*

Impact on neighbouring trees, risk of subsidence - *This is not a material planning consideration. The trees are not protected under any Tree Preservation Order.*

Impact on local parking - *It is not considered that a domestic extension such as this could materially increase local parking pressures.*

Loss of property value - *This is not a material planning consideration.*

4. EQUALITIES AND DIVERSITY ISSUES

It is noted that one of the residents has commented that they have a disabled daughter and is concerned that their quality of life would be unduly affected by the proposals. The residents objection letter makes reference to noise and dirt during construction being detrimental to her quality of life as well as the resident themselves. However, whilst it can be disruptive, given that this is only temporary it will not normally warrant refusal of planning applications. It is noted that the disabled resident, as a result of the nature of their disability and that they spend more time than the average person in their house; could be more affected by such disturbance. Whilst the planning authority could not reasonably refuse permission on these grounds a condition could be attached to ensure that this only take place within reasonable hours.

The resident has not specifically mentioned that the extensions themselves would

cause the disabled resident harm. In the main body of the report the impacts of the proposal are considered, and it is not considered that material harm will be caused to the visual or residential amenities of neighbouring occupiers. It is not considered that the disabled resident would be more harmfully affected as the impact the extensions is not considered significant enough to cause loss of light, outlook or privacy to them.

5. CONCLUSION

The application is recommended for **APPROVAL**.



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