

<u>MEETING</u> WEST AREA PLANNING SUB-COMMITTEE
<u>DATE AND TIME</u> 5 March 2012 AT 6.30PM
<u>VENUE</u> HENDON TOWN HALL, THE BURROUGHS, HENDON NW4 4BG

TO: MEMBERS OF THE COMMITTEE (Quorum 3)

Chairman: Councillor Maureen Braun
Vice Chairman: Councillor Eva Greenspan

Councillors:

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

Ward Substitute Members:

Alex Brodtkin	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 – 191
7.	ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT	

FACILITIES FOR PEOPLE WITH DISABILITIES

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone Paul Frost on 020 8359 2205. People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

FIRE/EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by Committee staff or by uniformed custodians. It is vital you follow their instructions.

You should proceed calmly; do not run and do not use the lifts.

Do not stop to collect personal belongings.

Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions.

Do not re-enter the building until told to do so.

LONDON BOROUGH OF BARNET

West Area Planning Sub-Committee

05 March 2012

Agenda Item No. 6

Report of the **Acting Assistant Director of Planning & Building Control**

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

H/04884/11

Burnt Oak

Page 1 – 4

International Gospel Church, 102A Watling Avenue, Edgware, Middx, HA8 0LN

Demolition of existing damaged building to rear area of main church. Erection of a new single storey building with pitched roof. (CONSERVATION AREA CONSENT)

Approve Subject to Conditions

H/04883/11

Burnt Oak

Page 5 – 11

International Gospel Church, 102A Watling Avenue, Edgware, Middx, HA8 0LN

Demolition of existing damaged building to rear area of main church. Erection of a new single storey building with pitched roof for use as store and for youth and children's activities.

Approve Subject to Conditions

F/04431/11

Childs Hill

Page 12 – 24

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

Erection of 5No. x 6 metre floodlights and installation of additional luminaires onto existing poles to provide illumination to courts 4 and 7.

Approve Subject to Conditions

F/05024/11

Childs Hill

Page 25 – 30

526A Finchley Road, London, NW11 8DD

Single storey rear extension.

Approve Subject to Conditions

H/04849/11

Edgware

Page 31 – 37

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

H/04887/11

Edgware

Page 38 – 43

16-17 The Promenade, Edgwarebury Lane, Edgware, Middx, HA8 7JZ

Single storey rear extension and change of use from A1 to mixed use class A1 /A3 (delicatessen /restaurant). New shopfront.

Approve Subject to Conditions

H/04875/11

Edgware

Page 44 – 49

16-17 The Promenade, Edgwarebury Lane, Edgware, Middx, HA8 7JZ

Change of use from A1(Retail) to A1 /A3 mixed use (delicatessen /restaurant).

Approve Subject to Conditions

H/05052/11

Edgware

Page 50 – 57

Garage Block, Willow Court, Edgware, Middx

Extension to the time limit for implementing planning permission H/04945/08 dated 01/04/2009 for 'Demolition of existing lock-up garages and construction of a two storey detached house with associated amenity space and car parking'.

Approve Subject to Conditions

F/03131/11

Finchley Church End

Page 58 – 72

37-39 Kingsgate Avenue, London, N3 3DH

Erection of a three storey building comprising of 9 self contained units, following demolition of two existing single family dwelling houses, with entrances from Amberden Avenue and Kingsgate Avenue and vehicular access from the existing access between the rear of 39 Kingsgate Avenue and 10 Amberden Avenue. Associated landscaping, cycle storage, pergolas and parking for 10No. cars.

Approve following completion of Unilateral Undertaking

52 Ashley Lane, London, NW4 1PE

Retention of building used as 9 self-contained flats as built including internal and external alterations as follows: Main entrance converted into a terrace and incorporation of lobby area at front of building into flat 1: Internal layout changes to flats 1, 2, 8 & 9: Relocation of main entrance to north side of the building: Omission of canopy to front door: Installation of garden doors to replace bay windows and installation of full sized windows with transparent glass to replace bedroom windows on south elevation to flats 1 & 2.

Approve Subject to Unilateral Undertaking

8 Ravenscroft Avenue, London, NW11 0RY

Retention of single storey building in rear garden for use as office and storage ancillary to existing HMO.

Approve Subject to Conditions

1025 Finchley Road, London, NW11 7ES

Two storey rear extension to form additional office at ground floor level and residential flat at first floor level.

Approve Subject to Conditions

4 Hurst Close, London, NW11 7BE

Single storey flat roofed side extension behind relocated side screen wall; Roof extension with 2 no. side and rear dormers and 1 no. rooflight. Insertion of double doors to rear ground floor. Extend rear paving. Replace existing shed with a larger shed.

Approve Subject to Conditions

10 Hill Rise, London, NW11 6NA

Extension to roof including rear dormer window and roof light to facilitate a loft conversion. Replacement of existing doors and windows with new UPVC windows and doors. Minor landscaping alterations to front and rear gardens. Single storey rear extension.

Approve Subject to Conditions

Grosvenor Court, Hale Lane, London, NW7 3RY

Creation of new third floor to provide 6no. new self-contained units (4no. 1-Bedroom flats and 2no. 2-Bedroom flats), creation of 7no. new parking spaces and provision of new bin store area.

Approve following completion of S106

Winsford Court, 11 Tenterden Grove, London, NW4 1SX

Alterations to and replacement of bin store to replace existing.

Approve Subject to Conditions

15 Tenterden Drive, London, NW4 1EA

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

Approve Subject to Conditions

Danescroft, Brent Street, London, NW4 2QH

Erection of 3no. lock-up garages at the rear.

Approve Subject to Conditions

H/00068/12

Hendon

Page 146 – 149

28 Alexandra Road, London, NW4 2SA

Single storey rear extension.

Approve Subject to Conditions

H/05002/11

Mill Hill

Page 150 – 153

5 Westlinton Close, London, NW7 1PY

Conversion of garage into kitchen.

Approve Subject to Conditions

H/00046/12

Mill Hill

Page 154 – 160

15 Russell Grove, London, NW7 3QU

Two storey side and part single storey rear extension following demolition of the existing garage.

Approve Subject to Conditions

H/00133/12

Mill Hill

Page 161 – 169

39A & 39B Flower Lane, London, NW7 2JN

Erection of two detached three storey dwelling houses with garages following demolition of two existing bungalows and garages.

Approve Subject to Conditions

1 Graham Road, London, NW4 3DH

Demolition of an existing four bedroom dwelling and erection of a two storey block (plus rooms in basement and roofspace), comprising seven flats in total. Formation of communal garden and four off-street car parking spaces.

LOCATION: Grassed area adjacent to 27 – 47 **Page 182 – 191**

Willifield Way, London, NW11 7XU

REFERENCE: TPO/00661/11/F **Received:** 15 November 2011

Expiry: 10 January 2012

CONSERVATION AREA Hampstead Garden
Suburb

APPLICANT: OCA UK Ltd

PROPOSAL: 1 x Oak (Applicant's ref T1, standing outside 39 Willifield Way) –
Remove, Standing in group G1 of Tree Preservation Order.

LOCATION: International Gospel Church, 102A Watling Avenue, Edgware, Middx, HA8 0LN

REFERENCE: H/04884/11

WARD(S): Burnt Oak

APPLICANT: International Gospel Church

PROPOSAL: Demolition of existing damaged building to rear area of main church. Erection of a new single storey building with pitched roof. (CONSERVATION AREA CONSENT)

Received: 05 December 2011
Accepted: 13 December 2011
Expiry: 07 February 2012
Final Revisions:

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 11D2511/101, 11D2511/102, 11D2511/103, Flood Risk Assessment, E-mail from Mike Boast dated 17/02/2012.
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).

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): GEnv1, GBEEnv2, D1, D2, HC1, CS1.
Watling Estate Character Appraisal Statement.
Core Strategy (Submission version) 2011: CS5
Development Management Policies (Submission version) 2011: DM01, DM06
 - ii) The proposal is acceptable for the following reason(s): - The demolition of the building is considered acceptable and conservation area consent can be granted.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

PPS5- Planning and the Historic Environment

The Mayor's London Plan: July 2011

Relevant Unitary Development Plan Policies: GEnv1, GBEEnv2, D1, D2, HC1, CS1.

Watling Estate Character Appraisal Statement.

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, DM06

Relevant Planning History:

Site Address:	Burnt Oak Community Resource Centre, 102 Watling Avenue EDGWARE
Application Number:	W09462B
Application Type:	Full Application
Decision:	Approve with conditions
Decision Date:	20/09/1999
Appeal Decision:	No Appeal Decision Applies
Appeal Decision Date:	No Appeal Decision Date exists
Proposal:	Single storey front extension and accessramp.
Case Officer:	

Internal /Other Consultations:

- Urban Design & Heritage - No objection
- Environment Agency - No objection subject to conditions

Date of Site Notice: 22 December 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is the International Gospel Church, located on the corner of Watling Avenue and Gervase Road. The main church building is locally listed, the building to the rear (which this application relates to) is not.

Proposal:

Conservation Area consent is sought for the demolition of the remainder of the fire damaged single storey building, formerly used for storage and as a youth centre.

Planning Considerations:

The existing building is partly damaged by fire. The building is a dark stained timber single storey building. The building is not considered to be of any special merit nor is it identified as contributing positively to the conservation area's character.

It is considered that the demolition of the building would be acceptable in terms of its impact on the character and appearance of the Watling Estate Conservation Area.

3. 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.

4. CONCLUSION

The application is recommended for **APPROVAL**.

SITE LOCATION PLAN: International Gospel Church, 102A Watling Avenue, Edgware, Middx, HA8 0LN

REFERENCE: H/04884/11



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011. All rights reserved. Ordnance Survey Licence number LA100017674.

LOCATION: International Gospel Church, 102A Watling Avenue, Edgware, Middx, HA8 0LN

REFERENCE: H/04883/11

WARD(S): Burnt Oak

APPLICANT: International Gospel Church

PROPOSAL: Demolition of existing damaged building to rear area of main church. Erection of a new single storey building with pitched roof for use as store and for youth and children's activities.

Received: 05 December 2011
Accepted: 13 December 2011
Expiry: 07 February 2012

Final Revisions:

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 11D2511/101, 11D2511/102, 11D2511/103, Flood Risk Assessment, E-mail from Mike Boast dated 17/02/2012.
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 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.
Reason:
To safeguard the visual amenities of the locality.
- 4 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.
Reason:
To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.
- 5 The premises shall be used for a youth and social centre with associated storage and no other purpose (including any other purpose in Class D2 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.
- 6 Prior to the commencement of development, a working method statement to cover Watling Ditch shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.
Plans should be provided showing the position of any new piles, deposition, concrete slabs in relation to the culvert and their effects on the culvert.
Reason:

- To maintain the integrity and stability of the culvert and minimise flood risk.
- 7 The building shall not be occupied by more than 50 people at any one time.
Reason: To safeguard neighbouring residential amenity.
- 8 The use hereby permitted shall not be open before 9am or after 10pm .
Reason:
To safeguard the amenities of occupiers of adjoining residential properties.
- 9 The premises shall not be used for banqueting purposes, weddings, parties or public hire.
Reason: To safeguard neighbouring amenity.
- 10 Before the development hereby permitted commences, a scheme for sound proofing insulation for the proposed building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details.
Reason: To safeguard neighbouring amenity.

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): GBEEnv1, GBEEnv2, D1, D2, D5, HC1,
Core Strategy (Submission version) 2011: CS5
Development Management Policies (Submission version) 2011: DM01
- ii) The proposal is acceptable for the following reason(s): - The proposals would have an acceptable impact on neighbouring amenity and would preserve the character and appearance of the Watling Estate Conservation Area.
- 2 Under the terms of the Water Resources Act 1991, and the Thames Region Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Watling Ditch, designated a 'main river'.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

PPS1 - Delivering Sustainable Development
PPS5 - Planning and the Historic Environment
PPS25 - Development and Flood Risk

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

Relevant Unitary Development Plan Policies: GBEEnv1, GBEEnv2, D1, D2, HC1, CS1.

Watling Estate Character Appraisal Statement.

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

Relevant Planning History:

None relevant

Consultations and Views Expressed:

Neighbours Consulted:	26	Replies:	3
Neighbours Wishing To Speak	0		

The objections raised may be summarised as follows:

- Objection to use as youth facility or place of worship
- Resulting loud music, cars, loss of privacy

Internal /Other Consultations:

- Urban Design & Heritage -
- Environment Agency -

Date of Site Notice: 22 December 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is the International Gospel Church, located on the corner of Watling Avenue and Gervase Road. The main church building is locally listed.

Proposal:

Planning permission is sought for the demolition of the existing damaged building to the rear of the church, and erection of a new single storey building with a pitched roof. The building would be located on the site of the former 'Pit Stop' building to the rear of the church and Silkstream Parade.

The building would be 22.8m deep by 6.4m wide. It would be 4.2m high with a gable ended pitched roof. It would be 2m to eaves level and would be timber boarded with a mineral felt roof.

Planning Considerations:

Policy Context

General Policy GBEEnv1 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.

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.

Barnet council's adopted UDP recognises the importance of borough conservation areas, stating, "The council will pay special attention to the desirability of preserving or enhancing the character or appearance of its Conservation Areas when using

planning powers".

Policy HC1 advises that the council will refuse applications for proposals which fail to preserve or enhance the character or appearance of Conservation Areas and when they conflict with character appraisals and supplementary planning design guidance notes.

PPS5 sets out planning policies on the conservation of the historic environment.

The Watling Estate Character Appraisal states that the character of Watling Estate is distinctive in terms of its layout, form, scale and building designs. The layout is typical of Garden City planning.

The impact on the character and appearance of the Watling Estate Conservation Area

The proposed building would be similar in design to the previous building which has partly burnt down. The previous building was a timber building with an unobtrusive appearance though this had been poorly maintained.

The building would be sited close to the boundary with the garden of 8 Gervase Road.

It is considered that the proposals would preserve the character and appearance of the Watling Estate Conservation Area.

The impact of the proposal on neighbouring amenity

The building would be similar in size to that previously existing, with a higher ridge height. It is not considered that the building would harmfully impact the visual amenities of no.8 Gervase Road, given its shallow sloping roof and siting at a lower level.

It is noted that there are a number of trees along the boundary with no.8 Gervase Road.

It is therefore considered that the building would not harmfully impact neighbouring visual amenity.

It is noted that there was previously a building on site that was recently used as storage and historically as a youth centre.

The applicant has provided information which states that:

- The building would be used on Sunday and varying times throughout day and mostly evenings during the week
- Clubs would be run for IGC members and community of all different ages
- Historically the building was used for up to a maximum of 40 at any one time.
- The building would be used for social clubs with varying themes.

The fact that historically the building was used as a youth centre needs to be considered. It is not clear how long the building was used as storage.

Subject to conditions restricting the number of people, and hours of use, it is not considered that the proposals would harm the residential amenities of neighbouring occupiers.

The impact on flood risk

The environment agency have been consulted and do not object subject to a condition being attached.

Subject to this the proposals would have an acceptable impact on local flood risk.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Objection to use as youth facility or place of worship - *Addressed in main report*

Resulting loud music, cars, loss of privacy - *Addressed in main report*

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: International Gospel Church, 102A Watling Avenue, Edgware, Middx, HA8 0LN

REFERENCE: H/04883/11



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011. All rights reserved. Ordnance Survey Licence number LA100017674.

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

REFERENCE: F/04431/11

WARD(S): Childs Hill

APPLICANT: Brondesbury Cricket, Tennis and Squash Club

PROPOSAL: Erection of 5No. x 6 metre floodlights and installation of additional luminaires onto existing poles to provide illumination to courts 4 and 7.

Received: 31 October 2011
Accepted: 31 October 2011
Expiry: 26 December 2011

Final Revisions:

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 other wise agreed in writing by the Local Planning Authority.

Reason:

To ensure that flood lighting does not unduly prejudice the enjoyment by neighbouring occupiers of their properties.

- 4 The floodlights hereby permitted shall cease, and be removed within three months of the date of failure to meet 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 (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

This application is brought before committee tonight following the re-consultation on the amended description. Although the original officer's assessment was made correctly and based on all proposed lighting, the original description failed to include the installation of additional luminaires onto the existing poles.

Since the re-consultation additional letters have been received which re-emphasise the objections previously made and listed above.

In further discussions with lighting engineers, an additional condition has been recommended.

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 application 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 5No. x 6 metre floodlights and installation of additional luminaires onto existing poles to provide illumination to 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 GBE_{Env}1, GBE_{Env}2, D2, ENV6, L19 and L20 of the adopted Unitary Development Plan 2006:

Policy GBE_{Env}1 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 GBE_{Env}2 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 subsequent 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



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011.
All rights reserved. Ordnance Survey Licence number LA100017674.



Appeal Decision

Hearing held on 30 June 2009
Site visit made on 30 June 2009

by **Margaret Jones MRTPI**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
3 August 2009

Appeal Ref: APP/N5090/A/09/2100937

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Brondesbury Cricket, Tennis and Squash Club against the decision of the Council of the London Borough of Barnet.
- The application Ref F/03540/08, dated 15 September 2008, was refused by notice dated 3 December 2008.
- The application sought planning permission for floodlighting to two tennis courts (rear of 42-50 Farm Avenue) without complying with a condition attached to planning permission Ref C04254H/01, dated 3 July 2002.
- The condition in dispute is No 2 which states 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 time switch.
- The reason given for the condition is: To ensure that floodlighting does not unduly prejudice the enjoyment by neighbouring occupiers of their properties.

Application for costs

1. At the Hearing an application for costs was made by Brondesbury Cricket, Tennis and Squash Club against the Council of the London Borough of Barnet. This application is the subject of a separate Decision.

Decision

2. I allow the appeal and grant planning permission for floodlighting to two tennis courts (rear of 42-50 Farm Avenue) at Brondesbury Cricket, Tennis and Squash Club, 5A Harman Drive London NW2 2EB in accordance with the application Ref F/03540/08, dated 15 September 2008, without compliance with condition number 2 previously imposed on planning permission Ref C04254H/01, dated 3 July 2002 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the following new condition:
 - 2) The floodlighting of courts 5 & 6 shall only be operated between 9.00 and 21.30 hours as controlled by time switch and shall accord with the details approved under Condition 2 of planning permission Ref C04254H/01, dated 3 July 2002.

Main issue

3. I consider this to be whether the proposed variation in Condition 2 would affect the living conditions of neighbouring residents with particular reference to light spillage, light intrusion and activity levels.

Reasons

4. The appeal site comprises the Brondesbury Cricket, Tennis & Squash Club which is situated within a largely residential area of north-west London. The club is enclosed by residential development on three sides and by a public footpath and University College School playing fields on the fourth. Planning permission was granted in 2002 for floodlighting to two tennis courts, Nos 5 and 6, subject to a condition which restricted the use of the floodlights beyond 21.30hrs in the summer months and to 19.30hrs between October and March (LPA ref: CO4254H/01). The eleven 6m high floodlights were erected in 2005 and have operated for four years without apparent complaint.
5. The appeal proposal seeks to vary Condition 2 to the original planning permission to permit floodlighting from 9.00 to 21.30 hours in the winter months as well as during the summer months. The appellant argues that the proposed 2 hour extension between October and March would increase participation, improve facilities and make the club more attractive to members. Sport England support the proposal as it would increase sporting activity and would adapt and improve an existing sporting facility to meet modern needs.
6. Courts 5 and 6 are part of a group of four all-weather courts located in the south-east corner of the club's premises to the rear of Nos 42-50 Farm Avenue. These are substantial detached dwellings, standing on large plots. Courts 5 and 6 are located farthest away from the common boundary with these dwellings in Farm Avenue, with the distance from the courts to the rear of the individual houses varying from between about 35m and 55m. The rear gardens of the properties are about 1m higher than the level of the tennis courts. There is extensive tree and shrub planting in the rear gardens increasing the screening effect of the existing boundary fencing and mature planting. Furthermore, I saw that there was a substantial cypress hedge along the common boundary of the appeal site and No 50 which is the closest of the Farm Avenue houses to Courts 5 and 6. This dense evergreen hedge would provide an almost impenetrable barrier to any potential light spillage.
7. The Council's concern about the impact of the proposed extended hours of use of the existing floodlights was not substantiated by any technical or empirical evidence of harm to the living conditions of neighbouring occupiers due to light spillage or light intrusion. The detailed lighting design calculations submitted with the original application showed the predicted lux levels and demonstrated that any light spill onto third party land would be negligible. This was clearly sufficient to persuade the Council that planning permission should be granted in 2002 and I have no information before me to suggest that anything has changed in this regard.
8. Although the Council referred to a subsequent planning application to vary the hours of floodlighting to 22.00 hours all year round which was refused in 2006 (LPA Ref: CO4254J/06), no details were provided or any indication that a re-

assessment of the lighting design calculations had been carried out. Accordingly I have afforded this decision limited weight in my consideration of the appeal proposal.

9. The Council confirmed at the Hearing that its objection related to the potential loss of residential amenity to properties in Farm Avenue and not to those in Harman Drive, and that its objection was restricted to the potential increase in light spillage and light intrusion. It argued that if the appeal were allowed the current maximum of about 3½ hours of illumination would be extended to about 5½ hours, allowing for the lighting to be turned on 30mins before sunset, and that this would have an unacceptable impact on the living conditions of the neighbouring occupiers in Farm Avenue. However I consider that with no evidence of harm caused by light spillage or light intrusion the number of hours of illumination is immaterial. This view is reinforced by the fact that no objections have been received from residents in Farm Avenue.
10. Access to the club is via a driveway located between Nos 5 and 6 Harman Drive. The properties in Harman Drive would be about 80m or more from Courts 5 and 6 and therefore very unlikely to experience any loss of amenity as a result of light spillage or light intrusion. However, the residents in Harman Drive have objected to the proposal on the grounds of increased activity levels and the general noise and disturbance associated with the use of the access driveway and increased parking demand due to the extended playing hours on Courts 5 and 6. The Council did not support these objections. I concur with the Council's view that the potential increase in activity resulting from 2 courts being floodlit for an additional two hours, until 21.30 during the winter months would not lead to unacceptable noise and disturbance.
11. The Council referred me to two previous appeal decisions. The appeal (Ref: T/APP/N5090/A/94/235533/P8) relating to a 1994 proposal to install floodlighting to 4 all-weather tennis courts at the appeal site was dismissed due to the proximity of the closest courts to the rear of houses in Farm Avenue, which was estimated at about 20m. However the 2002 planning permission which restricted floodlighting to Courts 5 and 6 addressed those concerns and is the basis on which I have made my assessment.
12. As regards the more recent appeal decision (Ref: APP/N5090/A/06/2016936) this relates to another site which I am not familiar with, and the main issues were different to those before me. These related to visual intrusion, noise and disturbance associated with increased activity levels rather than the specific impact of light spillage and light intrusion. Although the Inspector considered that the proposed floodlighting would create a significant glow which would be visually intrusive when viewed from nearby properties this would not be the case with the appeal proposal. In any case I must determine the appeal on its own individual planning merits.
13. I conclude that the proposal would not adversely affect the living conditions of neighbouring residents with particular reference to light spillage, light intrusion or activity levels. As such it would not be contrary to the relevant Policies L19, L20 and ENV6 of the Barnet Unitary Development Plan adopted in 2006. These seek, amongst other things, to encourage the design of improvements to sports grounds, including floodlighting of sports facilities, providing they do not

have a demonstrably harmful impact on the amenity of nearby residents or cause significant nuisance.

14. In reaching my decision I note that the Council made reference to a number of other UDP policies in reaching its decision, including GBEnv1, GBEnv2, D2. However these are general policies relating to the need to protect and enhance the quality and character of the Borough's built environment when considering new development proposals. I have made my decision on the basis of the most relevant policies reflecting the fact that the floodlights exist and the appeal relates to a variation in the hours of their use, rather than any new structures.
15. Therefore for the reasons given above and having regard to all other matters raised, I conclude that the appeal should succeed.

Margaret Jones

INSPECTOR

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Copy of notification letter dated 21 May 2009 advising of the arrangements for Hearing together with list of those notified.
- 2 Copy of Policies GBEnv1 and GBEnv2 of the Barnet Unitary Development Plan adopted May 2006.
- 3 A Guide to the Design, Specification & Construction of Multi Use Games Areas (MUGAs) including Multi-Sport Synthetic Turf Pitches published by the Sports Council.
- 4 A Sporting Future for the Playing Fields of England-Policy on planning applications for development of playing field published by the Sports Council.

LOCATION: 526A Finchley Road, London, NW11 8DD
REFERENCE: F/05024/11
Received: 16 December 2011
Accepted: 16 December 2011
WARD(S): Childs Hill
Expiry: 10 February 2012
Final Revisions:

APPLICANT: Mr Adel Andrewez
PROPOSAL: Single storey rear extension.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 3211-02, 3211-02, 3211-102, 3211-103 and a site plan.
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 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the side elevations without the prior specific permission of the Local Planning Authority.
Reason:
To safeguard the privacy and amenities of occupiers of adjoining residential properties.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
 - i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (UDP) (2006).
In particular the following policies are relevant: PPS1

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D5 and H27.

Core Strategy (Submission version) 2011:

Relevant policies: CS5

Development Management Policies (Submission version) 2011:

Relevant Policies: DM01, DM02, DM14, 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

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

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, DM14, DM15

Relevant Planning History:

Application:	Planning	Number:	C/09359/NF
Validated:	17/01/2001	Type:	ENF
Status:	APD	Date:	
Summary:	APC	Case Officer:	
Description:			

Application:	Planning	Number:	F/05024/11
Validated:	16/12/2011	Type:	HSE
Status:	PDE	Date:	
Summary:	APC	Case Officer:	David Campbell
Description:	Single storey rear extension.		

Site Address: 526 Finchley Road LONDON NW11
Application Number: C09359
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 01/04/1987
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Front, side and rear dormer windows, conversion to threeself-contained flats, vehicular access, two parking spaces, dustbin enclosure**

Case Officer:

Site Address: 526A Finchley Road London NW11
Application Number: C09359A/01
Application Type: Full Application
Decision: Not yet decided
Decision Date: 29/11/2001
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: 29/11/2001
Proposal:
Case Officer:

Site Address: 526A Finchley Road, London, NW11 8DD
Application Number: F/05024/11
Application Type: Householder
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension.**
Case Officer: David Campbell

Enforcement Notices picked up in spatial search

Reference Name

Description

Breach of Planning Control Alleged. section 171a(1)(a) of Town and Country Planning Act 1990

Reference Name

Description

Reference Name

Description

Breach of Planning Control Alleged. section 171a(1)(a) of Town and Country Planning Act 1990

Consultations and Views Expressed:

Neighbours Consulted:	10	Replies: 4
Neighbours Wishing To Speak	0	

The objections raised may be summarised as follows:

- The houses are inaccurately numbered on the plans.
- Out of keeping/ Out of character
- Loss of light
- Drainage issues since sub-division/ Odour
- Unsuitable for more people to live in the property.
- Increase in noise and human traffic

Internal /Other Consultations:

- Transport for London - No comments.

2. PLANNING APPRAISAL

Site Description and Surroundings: The application site is a ground floor flat located in the Childs Hill ward. The site does not fall within a conservation area.

Proposal: The application seeks consent for a single storey rear extension.

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

The proposal is considered to be an acceptable addition to the dwelling house, as it meets the criteria set out in the Council's Design Guidance Note No. 5 - Extensions to Houses, which suggests that "single storey rear extensions to the original house projecting up to a maximum of 3.5m in depth along the boundary will normally be acceptable". Although this has not been achieved at the application site, the extension is set off both boundaries and as such this is considered to be acceptable. The extension would be 1.2m away from the boundary with the other half of the semi, and 0,8m away from the other neighbour. The 3.65m projection is therefore considered to be acceptable.

Conditions have been recommended that seek to further protect the amenities of the neighbours, prohibiting the use of the flat roof extensions as a balconies and a condition preventing other side windows being inserted into the flank walls. A condition has also been recommended that seeks to protect the character and appearance of the existing building by ensuring that the materials used on the external surfaces match those which are existing.

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

3. COMMENTS ON GROUNDS OF OBJECTIONS

The planning grounds of objection are considered to have been covered in the main report.

Concerns over drainage are matters for Building Control.

It is not considered that the application could be refused on the grounds of increased noise and disturbance.

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: 526A Finchley Road, London, NW11 8DD

REFERENCE: F/05024/11



LOCATION: 42-46 Station Road, Edgware, Middx, HA8 7ZZ
REFERENCE: H/04849/11
WARD(S): Edgware
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.

Received: 05 December 2011
Accepted: 05 December 2011
Expiry: 30 January 2012
Final Revisions:

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.

The application was reported to the last meeting of the Sub-Committee. The application was deferred to allow further discussion on possible conditions in the event that Members vote to grant planning permission.

Accordingly, a list of suggested conditions are specified below:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: L(-)001, E(-)01, E(-)02, E(-)03, P(-)01, P(-)02, P(-)03,

Design and Access Statement.

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 development shall take place until an Activities Management Plan has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the impacts of the development on traffic generation and demand for on-street parking can be mitigated, in the interests of highway safety, the free flow of traffic and protect the amenities of neighbouring residents.

4. The use of the premises for the purposes hereby permitted shall only take place between the hours of 9.00am and 11.30pm Mondays to Saturdays, 9.00am and 10.30pm on Sundays and Public Holidays

Reason:

To safeguard the amenities of the occupiers of neighbouring residential properties.

5. The ground and first floors shall be used as a religious and community facility 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.

6. The premises should not be used for banqueting purposes, weddings, parties, or public hire.

Reason

To protect the amenities of neighbouring properties

7. The ground and first floor D1 premises shall not be occupied by more than 200

people at any one time.

Reason:

To safeguard neighbouring residential amenity and highway and pedestrian safety.

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

REFERENCE: H/04849/11



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011.
All rights reserved. Ordnance Survey Licence number LA100017674.

LOCATION: 16-17 The Promenade, Edgwarebury Lane, Edgware, Middx, HA8 7JZ

REFERENCE: H/04887/11

WARD(S): Edgware

APPLICANT: Mr O Arush

PROPOSAL: Single storey rear extension and change of use from A1 to mixed use class A1 /A3 (delicatessen /restaurant). New shopfront.

Received: 02 December 2011
Accepted: 09 December 2011
Expiry: 03 February 2012
Final Revisions:

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement, Flood Risk Assessment, Drawing No. A-PE-01 (Existing & Proposed Elevations) and Drawing No. A-PP-01 (Existing & Proposed Floor Plans)
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 proposed Deli area shown on drawing No. A-PP01 (Existing & Proposed Floor Plans) shall be used for A1 retail use and no other purpose without the formal approval of the Local Planning Authority.
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.
- 5 The use hereby permitted shall not be open to customers before 8am or after 11pm on weekdays and Saturdays or before 9am or after 10.30pm on Sundays.
Reason:
To safeguard the amenities of occupiers of nearby residential properties.
- 6 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.
Reason:
To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.
- 7 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 7am or after 6pm on any other day.
Reason:
To prevent the use causing an undue disturbance to occupiers of adjoining

residential properties at unsocial hours of the day.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
 - i) The proposed development accords with strategic planning guidance and policies as set out in The London Plan (Consolidated with Alterations since 2004) and the Adopted Barnet Unitary Development Plan (2006).
In particular the following policies are relevant:
Adopted Barnet Unitary Development Plan (2006): Adopted Unitary Development Plan: GBEnv1, GBEnv2, GTCR1, GTCR2, GTCR3, TCR11, TCR12, ENV12, D5
 - ii) The proposal is acceptable for the following reason(s): - The proposal is considered acceptable as it would not harm the vitality and viability of the town centre, the appearance of the streetscene or neighbouring amenity.

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:

GBEnv1, GBEnv2, GTCR1, GTCR2, GTCR3, TCR11, ENV13, D1, D2,

Supplementary Planning Design Document - Sustainable Design and Construction

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:

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:

Site history for current landparcel :

25599 - 16-17 The Promenade, Edgwarebury Lane, Edgware, Middx, HA8 7JZ

Case Reference: **H/04887/11**

Application:	Planning	Number:	H/03640/10
Validated:	21/09/2010	Type:	APF
Status:	DEC	Date:	16/11/2010
Summary:	REF	Case Officer:	Deirdre Jackman
Description:	Erection of new single storey building to form A1 shop with storage to the rear.		

Consultations and Views Expressed:

Neighbours Consulted:	83	Replies:	4
Neighbours Wishing To Speak	0		

The objections raised may be summarised as follows:

Problems with refuse

Access to service road restricted

Internal /Other Consultations:

- Traffic & Development - No comments received to date
- Environment Agency - No comments received to date

Date of Site Notice: 22 December 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a 3 storey end of terrace building, comprising of a shop on the ground floor, and self contained flat on the first and second floor. The site is located within secondary retail frontage.

Proposal:

The application seeks permission for the change of use from A1 to A1/A3 mixed use, a single storey rear extension and a new shop front.

The proposed single storey rear extension will have a depth of 1.5 metres, a width of 4 metres and a height of 3 metres with a flat roof.

The proposed new shop will involve a new fascia sign and some changes to the fenestration of the doors and windows.

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.

Impact on the vitality and viability of Edgware Town Centre

Policy TCR11 of the Adopted Barnet Unitary Development Plan states that changes of use at ground floor level from use class A1 to other uses within secondary retail frontage areas will not be permitted if this would harm the town centre's vitality and viability. The revised scheme seeks to retain 45% of the existing A1 element and the A3 restaurant will occupy the remaining 55% of the commercial floorspace.

A recent survey of the secondary retail frontage has revealed that the combined proportion of non A1 uses and vacant units is 63% and whilst this is marginally below the requirement of Policy TCR11 (1); the amended scheme retains 45% of A1 (retail) use and on the balance it is considered that the proposal would not harm the vitality and viability of the Edgware Town Centre.

Impact of the change of shopfront on the appearance of the area.

It is noted that as part of the proposal a new fascia would be inserted into the shopfront and the relocation of windows. It is not considered that the new fascia signs or the new windows would have a harmful impact on the character and appearance of the property and streetscene.

Impact of the extension rear extension

The application proposes a small rear extension and it considered that the extension would not cause a significant affect on neighbouring amenities.

Impact on neighbouring amenity

Residential properties located above the site property, however it is not considered that the proposal would harm neighbouring amenities subject to conditions controlling the hours of use.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Addressed in main body of the report.

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

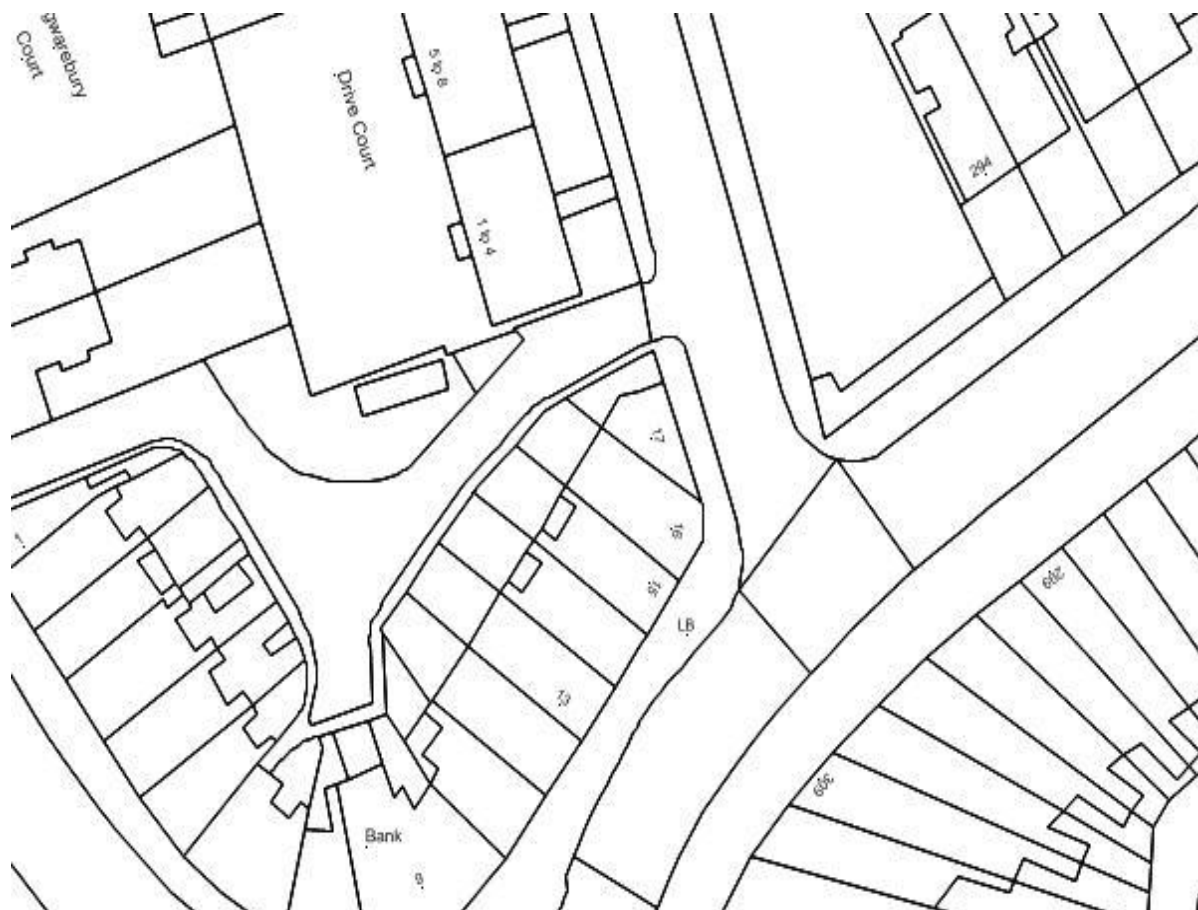
The application is recommended for **Approval**.

SITE LOCATION PLAN:
Edgware, Middx, HA8 7JZ

16-17 The Promenade, Edgwarebury Lane,

REFERENCE:

H/04887/11



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011.
All rights reserved. Ordnance Survey Licence number LA100017674.

LOCATION: 16-17 The Promenade, Edgwarebury Lane, Edgware, Middx, HA8 7JZ

REFERENCE: H/04875/11

WARD(S): Edgware

APPLICANT: Mr Arush

PROPOSAL: Change of use from A1(Retail) to A1 /A3 mixed use (delicatessen /restaurant).

Received: 05 December 2011
Accepted: 09 December 2011
Expiry: 03 February 2012
Final Revisions:

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement, Flood Risk Assessment, Drawing No. B-PP-01 Rev A(Existing and Proposed Floor Plans) and Drawing No. B-PE-01 Rev A (Existing & Proposed Elevations)
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 use hereby permitted shall not be open to customers before 8am or after 11pm on weekdays and Saturdays or before 9am or after 10.30pm on Sundays.
Reason:
To safeguard the amenities of occupiers of nearby residential properties.
- 4 The proposed Deli area shown on drawing No. A-PP01 (Existing & Proposed Floor Plans) shall be used for A1 retail use and no other purpose without the formal approval of the Local Planning Authority.
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.
- 5 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 7am or after 6pm on any other day.
Reason:
To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.
- 6 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.
Reason:
To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
 - i) The proposed development accords with strategic planning guidance and

policies as set out in The London Plan (Consolidated with Alterations since 2004) and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): Adopted Unitary Development Plan: GBEnv1, GBEnv2, GTCR1, GTCR2, GTCR3, TCR11, TCR12, ENV12, D5

ii) The proposal is acceptable for the following reason(s): - The proposal is considered acceptable as it would not harm the vitality and viability of the town centre, the appearance of the streetscene or neighbouring amenity.

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:

GBEnv1, GBEnv2, GTCR1, GTCR2, GTCR3, TCR11, ENV13, D1, D2,

Supplementary Planning Design Document - Sustainable Design and Construction

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:

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:

Site history for current landparcel :

25599 - 16-17 The Promenade, Edgwarebury Lane, Edgware, Middx, HA8 7JZ

Case Reference: **H/04875/11**

Application:	Planning	Number:	H/03640/10
Validated:	21/09/2010	Type:	APF
Status:	DEC	Date:	16/11/2010
Summary:	REF	Case Officer:	Deirdre Jackman
Description:	Erection of new single storey building to form A1 shop with storage to the rear.		

Consultations and Views Expressed:

Neighbours Consulted:	77	Replies:	2
Neighbours Wishing To Speak	0		

The objections raised may be summarised as follows:

The development will cause problems with refuse collections and rubbish disposal.
Over concentration of food outlets

Internal /Other Consultations:

- Traffic & Development - No comments received to date.
- Environment Agency - No comments received to date.

Date of Site Notice: 15 December 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a 3 storey end of terrace building, comprising of a shop on the ground floor, and self contained flat on the first and second floor. The site is located within secondary retail frontage.

Proposal:

The application seeks permission for the change of use from A1 (retail shop) to mixed A1/A3 (delicatessen/restaurant).

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.

Impact on the vitality and viability of Edgware Town Centre

Policy TCR11 of the Adopted Barnet Unitary Development Plan states that changes of use at ground floor level from use class A1 to other uses within secondary retail frontage areas will not be permitted if this would harm the town centre's vitality and viability. The revised scheme seeks to retain 45% of the existing A1 element and the A3 restaurant will occupy the remaining 55% of the commercial floorspace.

A recent survey of the secondary retail frontage has revealed that the combined proportion of non A1 uses and vacant units is 63% and whilst this is marginally below the requirement of Policy TCR11 (1); the amended scheme retains 45% of A1 (retail) use and on balance it is considered that the proposal would not harm the vitality and viability of the Edgware Town Centre.

Impact on neighbouring amenity

Residential properties located above the site property, however it is not considered that the proposal would harm neighbouring amenities subject to conditions controlling the hours of use.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The development will cause problems with refuse collections - There is existing refuse bins to the rear of the site and the proposal seeks to retain this area.

There is an over concentration of non A1 units- The amended scheme retains 45% of A1 (retail) use and therefore the 55% of A3 use is not considered to be harmful to vitality and viability of this secondary retail frontage

4. EQUALITIES AND DIVERSITY ISSUES

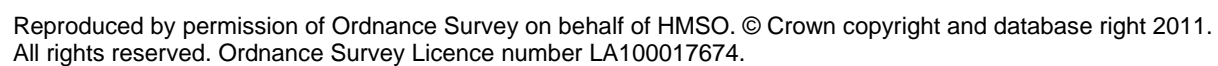
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

The application is recommended for **Approval**.

16-17 The Promenade, Edgwarebury Lane,

H/04875/11



LOCATION: Garage Block, Willow Court, Edgware, Middx
REFERENCE: H/05052/11 **Received:** 14 December 2011
WARD(S): Edgware **Accepted:** 21 December 2011
APPLICANT: Mr M Jamshidi **Expiry:** 15 February 2012
PROPOSAL: Extension to the time limit for implementing planning permission H/04945/08 dated 01/04/2009 for 'Demolition of existing lock-up garages and construction of a two storey detached house with associated amenity space and car parking'.
Final Revisions:

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; Site Location Plan; HD-202/1000; HD-202/1001; HD-202/3000 received 02/09; HD-202/3001 received 02/09; HD-202/3002 received 02/09; HD-202/3003 received 02/09.
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 of the house hereby approved from a point 2.4m from the proposed access 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 Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.
Reason:
To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.
- 5 Before the development hereby permitted commences, details of 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.
- 6 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.

- 7 Before the building hereby permitted is occupied the proposed windows in the 1st floor front elevation, and the ground floor window on the front elevation lighting the proposed reception, as illustrated on Plan No. HD-202/3002, facing 3 and 4 Willow Court, shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

- 8 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.

- 9 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".

- 10 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.

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

Reason:

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

- 12 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.

- 13 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.

- 14 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.

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

Reason:

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

- 16 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, B, C, D or E of Part 1 to Schedule 2 of that Order shall be carried out within the area of the dwellinghouse hereby approved without the prior written permission of the local planning authority.

Reason:

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

- 17 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).

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
- i) The proposed development accords with strategic planning guidance and policies as set out in The London Plan (Consolidated with Alterations since 2004) and the Adopted Barnet Unitary Development Plan (2006). In particular the following policies are relevant:
- Adopted Barnet Unitary Development Plan (2006): GSD, GEnergy, GBEnv1, GBEnv2, Gparking, GH1, GH2, Env12, Env13, D1, D2, D3, D5, D6, D7, D8, D9,

M14, H16, H17, H18, H21, IMP1, IMP2, CS8

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

The development would not unduly affect the residential amenities of occupiers of adjoining properties and would be in keeping with the character and appearance of the locality.

- 2 Your attention is drawn to the need to provide facilities for the disabled, as set out in Building Regulation Part M Access & Facilities for Disabled Persons. A copy of Part M is available via the Department of Communities and Local Government website at www.communities.gov.uk.
- 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 Sustainable Development and Climate Change

PPS3 Housing

PPG13 Transport

The Mayor's London Plan: July 2011

3A.1, 3A.2, 3A.3, 3A.4

Relevant Unitary Development Plan Policies:

C5

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:

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.

Development Management Policies DM01 and DM02

Relevant Planning History:

Site history for current landparcel :

227548 - Garage Block, Willow Court, Edgware, Middx

Case Reference: **H/05052/11**

Consultations and Views Expressed:

Neighbours Consulted:	47	Replies: 4
Neighbours Wishing To Speak	1	

The objections raised may be summarised as follows:

Loss of light to neighbouring properties

Overlooking

Affect on traffic

Loss of privacy

Detrimental

Internal /Other Consultations:

- Traffic & Development - No objection raised

Date of Site Notice: 05 January 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application relates to a garage court, accommodating 6 garages, located in the south-eastern corner of Willow Court. The site abuts the Stonegrove Regeneration Area and the land to rear forms part of Phase 1 of the redevelopment. Planning permission has been granted for houses to rear ranging in height from 2 to 4 storeys, with the rear elevation facing the application site, with rear garden depths of approx 10m.

Proposal:

The application seeks an extension of time limit for planning permission H/04945/08 dated 01.4.09. The proposal is to demolish the existing lock-up garages and construction of a two storey detached house with associated amenity space and car parking'.

Planning Considerations:

The extension of the time limit for implementing planning permission H/04945/08 is considered acceptable and would not be detrimental to Phase 1 of the Stonegrove Regeneration Area.

The proposed house would be discretely sited in the furthest corner of the cul-de-sac. The proposed development would not mirror the architectural form of the existing maisonettes in Willow Court but the eaves and ridge height of the house would align with that of its neighbours and the front door would be centrally sited on the front elevation, as per the existing semi detached blocks. Following negotiations with the applicant, the two storey centrally sited front projection, with gabled roof, has been deleted from the scheme, as have the front rooflight and side and rear dormers. It is considered that the overall appearance, mass and bulk of the building, as amended, could be satisfactorily accommodated within the site without undue detriment to the character and appearance of the area.

The existing site is entirely hard surfaced. The introduction of a domestic dwelling on the site would allow approximately 50% of the area to be landscaped, thus improving the appearance of the site. The amenity space provision serving this development is acceptable and complies with Council policy.

One car parking space is proposed which satisfies both the UDP and London Plan car parking standards for a one bedroom unit. Whilst the development would result in the loss of six garages, the application site is entirely within the ownership of the applicant, accordingly no objection is raised to their loss by the Highways Group.

With regard to the impact on neighbouring occupiers, the proposed block would be sited 2m's from the boundary with no's 5 and 6 Willow Court. The rearward projection would extend 2m beyond the rear of no's 5 and 6. Whilst the additional rear projection would be visible from the rear of the neighbouring block, in view of the distance from the boundary and the siting of the neighbouring maisonettes, it is considered that the building as proposed would not unduly detract from the visual and residential amenities currently enjoyed by the occupiers of no's 5 and 6.

The front elevation of the proposed house would directly face the flank elevation of no.3 and 4 Willow Court. The flank elevation includes a front door and habitable room window at ground floor with two habitable room windows above. To ensure no undue loss of privacy to the occupiers of the facing block, the submitted plans indicate that the first floor windows on the front elevation would be obscure glazed and permanently fixed with only a top fan light opening. In view of the siting of the ground floor flank window of the facing block, it is recommended that the proposed ground floor front reception room also be obscure glazed. The light and outlook to this room would not be unduly prejudiced as the proposed reception room would have a double aspect.

The house has been reoriented to address the relationship with the land to the north east that forms part of Phase 1 of the redevelopment of the Stonegrove estate. No windows are proposed on the north east flank elevation which would have a depth of 4.7m sited 2m from the boundary. It is considered that the amended proposal would ensure that the amenities of the future occupiers of the adjoining development site would not be unduly prejudiced. The house would have a rear garden, 6.5m in depth. The site abuts the green setting to Ware Court. In view of the position of Ware Court in relation to the application site it is considered that a rear garden depth of 6.5m would be acceptable.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Addressed in planning considerations.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

It is recommended that the Sub Committee **Approve** this application subject to the attached conditions.

SITE LOCATION PLAN: Garage Block, Willow Court, Edgware, Middx

REFERENCE: H/05052/11



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011. All rights reserved. Ordnance Survey Licence number LA100017674.

LOCATION: 37-39 Kingsgate Avenue, London, N3 3DH

REFERENCE: F/03131/11

Received: 26 July 2011

Accepted: 08 August 2011

WARD(S): Finchley Church End

Expiry: 03 October 2011

Final Revisions:

APPLICANT: Intercontinental Developments Ltd

PROPOSAL: Erection of a three storey building comprising of 9 self contained units, following demolition of two existing single family dwelling houses, with entrances from Amberden Avenue and Kingsgate Avenue and vehicular access from the existing access between the rear of 39 Kingsgate Avenue and 10 Amberden Avenue. Associated landscaping, cycle storage, pergolas and parking for 10No. cars.

RECOMMENDATION: Approve following completion of 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 **Education Facilities (excl. libraries)** **£36,013.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial)** **£1,918.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Health** **£10,110.00**
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement** **£2,402.05**
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/03131/11 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: PL-003 RevE; PL-004 RevD; PL-005 RevD; PL-006 RevD; PL-007 RevD; SK-07.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall

be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

- 4 Before the development hereby permitted 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 implemented as per approved drawings PL-003 RevE and SK-07 and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

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

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

Reason:

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

- 6 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.

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

- 9 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.

- 10 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.

- 11 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.

- 12 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.

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

Reason:

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

- 14 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).

- 15 The disabled parking space shall be provided and permanently retained for the use of disabled persons and their vehicles and for no other purpose.

Reason: To ensure and promote easier access for disabled persons to the approved building in accordance with Policy M14 of the London Borough of

Barnet Adopted Unitary Development Plan 2006.

- 16 Before the development hereby permitted is occupied, parking spaces shall be provided in accordance with a revised parking layout drawing No PL-003 RevE. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 17 Before the building hereby permitted is occupied the proposed window(s) in the side elevation facing 35 Kingsgate Avenue 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.

- 18 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.

- 19 The floor plan layout as shown on the hereby approved plans must not be changed without the prior written permission of the local planning authority.

Reason:

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

- 20 Before the development hereby permitted is occupied details for the boundary treatment for the subdivision of the amenity space shall be submitted to and approved in writing by the Local Planning Authority and implemented as agreed and that area shall not thereafter be built on or used for any purpose other than amenity space for the hereby approved flats.

Reason:

To ensure that sufficient external amenity space is provided for the flats without detriment to future occupiers.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
- i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).
- In particular the following policies are relevant:
Adopted Barnet Unitary Development Plan (2006):
GSD, GLand, GBEnv1, GBEnv2, GParking, D1, D2, D3, D4, D5, D11, D13, M14,

H2, H16, H17, H18, CS1, CS8, CS13, IMP1, IMP2.

Supplementary Planning Documents:

Sustainable Design and Construction (2007)

Contributions to Education (2008)

Contributions to Libraries (2008)

Contributions towards Health (2009)

Planning Obligations for S106 Agreements (2007)

Core Strategy (Publication Stage) 2010:

Relevant Core Strategy Policies:

Policy CS 1 Barnet's Place Shaping Strategy – The Three Strands Approach

Policy CS 3 Distribution of growth in meeting housing aspirations

Policy CS 4 Providing quality homes and housing choice in Barnet

Policy CS 5 Protecting and Enhancing Barnet's character to create high quality places

Policy CS13 Ensuring the efficient use of natural resources

Relevant Development Management Policies:

DM01 Protecting Barnet's character and residential amenity

DM02 Design considerations for development

DM03 Environmental considerations for development

DM06 Ensuring a variety of sizes of new homes to meet housing need

DM14 Parking standards and travel impact

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

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

- 2 In case if any modification is proposed or required to the existing access off the public highway then it will be subject to a detailed investigation by the Crossover Team in Environment, Planning & Regeneration Directorate. This may involve relocation of any existing street furniture and would need to be done by the Highway Authority at the applicant's expense. Estimate for this and any associated work on public highway may be obtained from the Environment Planning & Regenerations Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.
- 3 Your attention is drawn to the fact that this decision is subject to a unilateral undertaking Planning Obligation.
- 4 You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location. In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The details of acoustic consultants can be obtained from the following contacts:

a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1)

Department of Environment: PPG 24 (1994) Planning Policy Guidance -

Planning and noise; 2) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) -

Description and measurement of environmental noise; 3) BS 4142:1997 -

Method of rating industrial noise affecting mixed residential and industrial areas;

4) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of

practice; 5) Department of transport: Calculation of road traffic noise (1988); 6)

Department of transport: Calculation of railway noise (1995); 7) Department of

transport : Railway Noise and insulation of dwellings.

RECOMMENDATION III

That if a unilateral undertaking has not been completed by 30/03/2012, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application F/03131/11 under delegated powers for the following reasons:

- The development would require a unilateral undertaking and no formal undertaking is given to the Council, as a result the proposed development would, by reason of the developer not meeting identified additional education, health and library facilities, and the associated monitoring costs which would be incurred by the community as a result of the development, contrary to Policy CS2, CS8, CS13, IMP1 and IMP2 of the adopted Unitary Development Plan and the adopted Supplementary Planning Documents "Contributions to Education", "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations".

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

PPS1, PPS3, PPG24

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:

GSD, GLand, GBEEnv1, GBEEnv2, GParking, D1, D2, D3, D4, D5, D11, D13, M14, H2, H16, H17, H18, CS1, CS8, CS13, IMP1, IMP2.

Supplementary Planning Documents:

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

Core Strategy (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:

Policy CS 1 Barnet's Place Shaping Strategy – The Three Strands Approach
Policy CS 3 Distribution of growth in meeting housing aspirations
Policy CS 4 Providing quality homes and housing choice in Barnet
Policy CS 5 Protecting and Enhancing Barnet's character to create high quality places
Policy CS13 Ensuring the efficient use of natural resources

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 Protecting Barnet's character and residential amenity
DM02 Design considerations for development
DM03 Environmental considerations for development
DM06 Ensuring a variety of sizes of new homes to meet housing need

DM14 Parking standards and travel impact

Relevant Planning History:

None relevant.

Consultations and Views Expressed:

Neighbours Consulted:	37	Replies: 11
Neighbours Wishing To Speak	2	

9 objections and 2 letters of support were received.

The supporters have stated that :

- this is a positive scheme that has no adverse affect on the area and will provide much needed housing for the community
- the layout of the houses at present has facilitated minor criminal activity and they are happy to see the site redeveloped
- it will reduce parking congestion by providing safe spaces on site

The objections raised may be summarised as follows:

- Scale and appearance- out of character with the surrounding neighbourhood, and have a particularly detrimental aesthetic impact on our own property.
- Would not meet policy requirements- D1, D2, H9, GBEnv1, GBEnv2 and H16. D3, D4. GBEnv5, GLoc.
- Properties 35, 37 and 39 are laid out together to form an open courtyard, which contributes a sense of visual harmony and natural space to the top of Kingsgate Avenue. Significantly taller than number 35 and totally different scale.
- Siting such a large development on the proposed corner location would also have significant impact on sight lines down Kingsgate Avenue.
- Demand for detached and semi-detached houses in the neighbourhood, given the excellent local schools. Contrary to policy GH2.
- Concept is massive and will have a grossly overbearing and baleful influence on the immediate neighbourhood.
- Does not match the contours of the existing buildings.
- Density- High density would be totally inappropriate. Four-fold increase in the existing density of the site which consists of two three bedroom semi's. 40 Kingsgate Avenue has just been converted into 3 flats the area can not sustain this amount of building and will become overcrowded.
- Water pressure and electricity- Increased number of bathrooms would impact on water pressure. Such a large increase in the number of residential units would result in increase in local electricity consumption.
- Loss of amenity- loss of light, overlooking and loss of privacy, frosting side windows would not provide satisfactory protection of privacy.
- Noise- increased noise levels.
- Loss of amenity- overlooking, loss of privacy.
- Loss of amenity space, trees and vegetation- Loss of several mature trees, which contribute much to the character of Amberden Avenue.
- Effect on traffic and parking- increase car dependency in the borough. Local pedestrian access and public transport links are overstated in the application. The application does not identify the PTAL for the site. The PTAL is in fact 2 (poor) and

few convenience stores within walking distance. Proposed car park is very large and would have a significant detrimental impact on the character of the area, which would contravene policy GParking. Add parking problems to the area.

- Section 106 agreement- there seems to be no agreement.

Following extensive amendments to the original application, a second round of consultation was undertaken. The additional comments are noted below:

Service road- permission from the Mayors officer would be required as this service road is the property of the Metropolitan Police.

Internal /Other Consultations:

- Traffic & Development - No objections subject to conditions

Date of Site Notice: 18 August 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located in a prominent corner position at the north-east end of Kingsgate Avenue, within a residential area having a spacious layout, predominantly comprising a mix of detached houses (no's. 1 to 24) to the south of Kingsgate Avenue; semi detached houses on Kingsgate Avenue (no's. 25 to 40) to the north; and low rise blocks of flats located opposite on Basing Way and Amberden Avenue. The site currently comprises of two semi detached dwellings.

Proposal:

Erection of a three storey building comprising of 9 self contained units, following demolition of two existing single family dwelling houses, with entrances from Amberden Avenue and Kingsgate Avenue and vehicular access from the existing access between the rear of 39 Kingsgate Avenue and 10 Amberden Avenue. Associated landscaping, cycle storage, pergolas and parking for 10No. cars.

Planning Considerations:

The main issues are considered to be:

1. Principle of redevelopment
 - Whether harm would be caused to the character and appearance of the area and street scene;
1. Impact on the amenity of adjoining properties and future occupiers;
2. Sustainability Considerations;
3. Parking, Access and Vehicle Movements;
4. Whether the proposal would result in the community incurring extra educational costs that should be met by the developer;
5. Whether the proposal would increase pressures on the services provided by libraries incurring additional costs that should be met by the developer;
6. Whether the proposal would increase the demand for health care facilities incurring extra costs that should be met by the developer.

Principle of redevelopment

The principle of providing self contained flats is not considered to cause harm to the residential character of the area. There are other examples of flatted development in the surrounding area including the development on Basing Way and the recently approved three units approved adjacent to 40 Kingsgate Avenue.

PPS3 advocates that local planning authorities should avoid developments which make inefficient use of land; encourage housing development which makes more efficient use of land seek greater intensity of development at places with good public transport accessibility such as town, district and local centres. Policy 4B.3 of The London Plan states that development proposals should achieve the highest possible intensity of use which is compatible with the local context, the design principles set out in Policy 4B.1 and public transport capacity.

The application which provides additional residential accommodation accords with Council Policy. National, regional and local guidance have policies that seek to promote the redevelopment of Brownfield sites for residential use providing they are acceptable in terms of character and would not harm the amenities of future occupants or any of the adjoining uses. Policies such as H2, H16, H17 and H18 relate to this in the Unitary Development Plan (2006) and indicate that the Council will seek to provide additional homes providing that certain criteria has been conformed to.

It is considered that the current proposals for 9 units in the form proposed would be an appropriate level of development for the site and would ensure that the site meets its full potential, in line with local and national policy, whilst respecting the character of the area

Character and Appearance:

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

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

The scheme has been subject to extensive discussion since submission in August 2011 and a number of significant amendments have been made.

The height of the proposed building has been designed to reflect the ridge height and eaves levels of properties on the surrounding properties. It is noted that the properties along Kingsgate Avenue rise in height and the property respects this change.

Being on a prominent corner site the proposal will relate to both Kingsgate Avenue and Amberden Avenue as such the proposal should comply with the relevant aspects of policies GBEEnv1, GBEEnv2, D1, D2 and H16 which seek to ensure that proposals are of high quality design, respect the scale of surrounding buildings, and harmonise with local townscape and character. The proposed building is considered to have been designed to reflect the domestic nature of surrounding area.

The Unitary Development Plan recognises at paragraph 4.3.1.3 that sensitively designed, modern, innovative development can fit well into many settings, and such development therefore need not slavishly follow traditional or dominant architectural styles in order to be acceptable. Nevertheless UDP paragraph 4.3.1.4 states that it is important that all designs respect local character. The Local Planning Authority contends that the proposed building is of a particular architectural merit and it would achieve this objective.

It is recognised that Government guidance seeks to make efficient use of land in sustainable locations and that the development provides additional residential accommodation in line with London Plan and UDP policies. However, the guidance and statutory plan policies also emphasise the importance of good design and not compromising the quality of the environment. PPS3 advises that more intensive development is not always appropriate.

Impact on the amenity of adjoining properties and future occupiers:

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours' amenity is unlikely to be supported.

The proposed units would meet the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan July 2011 and therefore is considered acceptable.

The proposed amendments ensure that overlooking standards of 21m between habitable rooms and 10.5m between habitable rooms and neighbouring gardens at ground and first floor level are largely met. Windows in the side elevation facing 35 Kingsgate Avenue that do not meet this requirement will be conditioned to be obscure glazed to ensure no loss of amenity by virtue of overlooking or loss of privacy arises.

To accord with Policy H18 the Council require garden space for new flats comprising of 5m² per habitable room. Flats 1-3 will each have private amenity space provision. Communal garden space is provided fronting Kingsgate Avenue and to the rear/side of the proposed building for the remaining flats 4-9. Whilst amenity space to the front of a property is not usually considered private usable space, given the existing situation, the provision of amenity space in this siting is considered acceptable.

Refuse:

Refuse storage will be located along the existing service road and fronting Kingsgate Avenue within the proposed parking area.

Sustainability:

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

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

Parking, Access and Vehicle Movements:

The traffic and development team have reviewed the application and have no objections to the proposal subject to conditions and informatives. The proposal provides 9 car parking spaces and 1 disabled parking space to the front of the site which meet parking standards. The refuse store is located at the back of the kerb which also meets highways requirements.

Education needs generated by the development:

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

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

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.

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

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

3. COMMENTS ON GROUNDS OF OBJECTIONS

- The proposal has been significantly amended since the initial submission and it is considered that the proposal is an appropriate form of development.
- The traffic and development team have reviewed the application and consider the proposal to be acceptable subject to conditions.
- Landscaping conditions have been imposed on the application to ensure there is adequate landscaping provided to the site.
- Water pressure and electricity consumption are not planning related matters.
- All other planning related matters are considered to be covered in the above appraisal.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

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

SITE LOCATION PLAN: 37-39 Kingsgate Avenue, London, N3 3DH

REFERENCE: F/03131/11



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011.
All rights reserved. Ordnance Survey Licence number LA100017674.

LOCATION: 52 Ashley Lane, London, NW4 1PE
REFERENCE: F/05099/11
WARD(S): Finchley Church End

Received: 20 December 2011
Accepted: 20 December 2011
Expiry: 14 February 2012

Final Revisions:

APPLICANT: Chanse Ltd
PROPOSAL: Retention of building used as 9 self-contained flats as built including internal and external alterations as follows: Main entrance converted into a terrace and incorporation of lobby area at front of building into flat 1: Internal layout changes to flats 1, 2, 8 & 9: Relocation of main entrance to north side of the building: Omission of canopy to front door: Installation of garden doors to replace bay windows and installation of full sized windows with transparent glass to replace bedroom windows on south elevation to flats 1 & 2.

Subject to 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 **Link to another Legal Agreement** **£0.00**
Commit to sign an agreement to tie this application to the legal agreement signed for planning reference C16741/06.
- 4 **Education Facilities (excl. libraries)** **£34,211.00**
A contribution towards the provision of Education Facilities in the borough.
- 5 **Libraries (financial)** **£1,251.00**
A contribution towards Library Facilities and Resources in the borough.
- 6 **Health** **£11,652.00**
A contribution towards Health Facilities and Resources in the borough.
- 7 **Monitoring of the Agreement** **£2,355.70**
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/05099/11 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Plan No's: A1100; A1101; A1103; A1104; A1105; A1107; A1108; A1109; A1114 Rev B; BA1101; BA1103; BA1104; BA1105; BA1106; BA1107; BA1108.
Reason:
For the avoidance of doubt and in the interests of proper planning.

- 2 This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Before the development hereby permitted is occupied the parking spaces shown on Plan A1101 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.
- 4 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.
Reason:
To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway.
- 5 Before the building hereby permitted is occupied the proposed first floor level windows and dormer windows in the side elevations facing both the Manor Hall Avenue properties and Ashley Court shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening, unless otherwise agreed in writing by the Local Planning Authority.
Reason:
To safeguard the privacy and amenities of occupiers of adjoining residential properties.
- 6 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.
Reason:
To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.
- 7 Before the 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.
- 8 A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.
Reason:
To ensure a satisfactory appearance to the development.
- 9 All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of

any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

- 11 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).

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

Reason:

To protect the amenities of future and neighbouring residential occupiers.

- 13 The internal layout of the proposed units shall remain as shown on the hereby approved plans and must not be changed without the prior written permission of the local planning authority.

Reason:

To safeguard the amenities of future occupiers.

- 14 Any redundant crossovers must be removed and reinstated back to footway construction at the end of the works. The crossover reinstatement will be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works.

Reason:

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

INFORMATIVE(S):

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

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GSD, GBEnv1, GBEnv2, GBEnv3, GParking, D1, D2, D3, D5, D6, D9, D11, H2, H16, H17, H18, H21, M6,

M11, M12, M13, M14, CS2, CS8, CS13, IMP1, IMP2.

Core Strategy (Submission version) 2011: CS1, CS3, CS5, CS6, CS7, CS9, CS10, CS11, CS12, CS13, CS15.

Development Management Policies (Submission version) 2011: DM01, DM02, DM03, DM04, DM13, DM15, DM17.

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

Having taken all material considerations into account, the proposal as amended design from the original approved scheme would ensure the protection and enhancement of the character and appearance of area in keeping with neighbouring dwellings and commercial buildings in line with UDP policies. It represents an efficient justified use of the land. As conditioned, the proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring developments or be out of context. The proposed development would provide sufficient standards of amenity for future residents of the site. As conditioned, the proposal would meet the council's sustainable objectives. The proposals are acceptable on highways grounds.

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

- 2 The applicant is advised that any alteration to the public highway (including pavement) will require prior consent of the local highways authority. Estimate for this work may be obtained from Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

RECOMMENDATION III

That if a Deed of Variation to the existing Section 106 Agreement has not been completed by 30/03/2012, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application F/05099/11 under delegated powers for the following reasons:

- The development would require a Section 106 agreement and no formal undertaking is given to the Council, as a result the proposed development would, by reason of the developer not meeting identified additional education, health and library facilities, and the associated monitoring costs which would be incurred by the community as a result of the development, contrary to Policy CS2, CS8, CS13, IMP1 and IMP2 of the adopted Unitary Development Plan and the adopted Supplementary Planning Documents "Contributions to Education", "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations".

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

The determination of planning applications 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 PPS1 “Delivering Sustainable Development”, states at paragraph 3 that “At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone now and for future generations”. High quality inclusive design is identified as one of the key principles that should be applied to ensure that decisions taken on planning applications contribute to the delivery of sustainable development. Paragraph 13(iv) indicates that “Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted” and at para. 18 that “Planning should seek to maintain and improve the local environment.... through positive policies on issues such as design....” Further comment regarding “Design” is made at para’s 33-39.

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

The implications of new development on transport are included within PPG13 “Transport” (Jan 2011). This sets out objectives to integrate planning and transport at the national, strategic and local level, and to promote more sustainable transport choices. With regard to the development and implementation of policies on parking paragraph 50 (2) indicates that Local Authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls.

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.

Policy 3.5A states that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment taking account of strategic policies to protect and enhance London’s residential environment and attractiveness as a place to live. Policy 3.5B indicates that the design of all new housing developments should enhance the quality of local places

taking into account, amongst other things, physical context, local character and density. Table 3.3 sets out minimum space standards for new dwellings. Policy 7.4A states that, development should have regard to the form, function, and structure of an area, place or street, and the scale, mass and orientation of surrounding buildings. The policy goes on to say at 7.4B that buildings should provide a high quality design response that, amongst other things, is informed by the surrounding historic environment.

Relevant Unitary Development Plan Policies:

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

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

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

Relevant policies: GS1, GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, H2, H16, H17, H18, H21, GParking, M11, M12, M13, M14, CS2, CS8, CS13, IMP1, IMP2.

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

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

On 21 February 2008, following public consultation, a Supplementary Planning Document “Contributions to Education” was adopted by the Council. The SPD, provides guidance and advice in relation to adopted planning policy to secure contributions towards education needs generated by new residential development. The contributions were increased on 1 August 2009.

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

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

The Council has also adopted (June 2007), following public consultation, an SPD "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the UDP, and sets out how sustainable development will be delivered in Barnet. Part 4 recognises that noise can be a significant nuisance, and can undermine quality of life. In order to meet standards for internal noise appropriate levels of insulation will be required. Paragraph 4.16 indicates that the Council requires the acoustic performance of party walls and floors between dwellings to be designed to exceed the minimum requirements set out in Part E of the Building Regulations. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

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, CS3, CS5, CS6, CS9, CS10, CS11, CS13, CS15.

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, DM13, DM17.

Relevant Planning History:

Site Address: 52 Ashley Lane London NW4 1PE
Application Number: C16741/06
Application Type: Full Application
Decision: Migrated Code
Decision Date: 23/08/2006
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing house and construction of a two-storey building (with rooms in the roofspace) to provide 9No. self-contained flats. Provision of off-street car parking.**
Case Officer: Fabien Gaudin

Site Address: 52 Ashley Lane London NW4 1PE
Application Number: C16741B/07
Application Type: Conditions Application
Decision: Approve
Decision Date: 01/08/2007
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Submission of details of condition 4 (refuse) pursuant to planning permission C16741/06 dated 23-08-2006.**
Case Officer: Fabien Gaudin

Site Address: 52 Ashley Lane London NW4 1PE
Application Number: C16741A/07
Application Type: Conditions Application
Decision: Approve
Decision Date: 22/08/2007
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Submission of details of condition 9 (Landscaping) pursuant to planning permission C16741/06 dated 23-08-2006.**
Case Officer: Fabien Gaudin

Site Address: 52 Ashley Lane London NW4 1PE
Application Number: C16741D/07
Application Type: Conditions Application
Decision: Approve
Decision Date: 31/08/2007
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Submission of details of condition 2 (Levels) pursuant to planning permission C16741/06 dated 23-08-2007.**
Case Officer: Fabien Gaudin

Site Address: 52 Ashley Lane London NW4 1PE
Application Number: C16741C/07
Application Type: Conditions Application
Decision: Approve with conditions
Decision Date: 22/11/2007
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Submission of details of condition 3 (materials) pursuant to planning permission C16741/06 dated 23-08-2007.**

Case Officer: Fabien Gaudin

Site Address: 52 Ashley Lane London NW4 1PE
Application Number: C16741E/07
Application Type: Conditions Application
Decision: Approve
Decision Date: 30/11/2007
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Submission of details of condition 8 (Ventilation and extraction equipment) pursuant to planning permission C16741/06 dated 23-08-2006.**

Case Officer: Fabien Gaudin

Site Address: 52 Ashley Lane London NW4 1PE
Application Number: C16741F/07
Application Type: Conditions Application
Decision: Refuse
Decision Date: 28/01/2008
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Submission of details of condition 3 (materials) pursuant to planning permission C16741/06 dated 23-08-2007 for "Demolition of existing house and construction of a two-storey building (with rooms in the roofspace) to provide 9No. self-contained flats. Provision of off-street car parking".**

Case Officer: Fabien Gaudin

Site Address: 52 Ashley Lane London NW4 1PE
Application Number: C16741G/07
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 15/02/2008
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of electricity and gas shelter adjacent to refuse store.**
Case Officer: Fabien Gaudin

Site Address: 52 Ashley Lane London NW4 1PE
Application Number: F/02306/08
Application Type: Conditions Application
Decision: Approve
Decision Date: 11/07/2008
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Submission of details of facing bricks in part pursuance with conditions 3 (materials) of planning permission C16741/06 dated 23/08/2007.**
Case Officer: Fabien Gaudin

Consultations and Views Expressed:

Neighbours Consulted:	42	Replies: 11
Neighbours Wishing To Speak	1	

The objections raised may be summarised as follows:

General Grounds of Objection.

7. The applicant has, in various particulars, blatantly constructed the “as-built” structure with total disregard for the terms of the original grant of planning permission (C16741/06), failing to comply with certain specifications and conditions that were originally imposed by the Planning Authority for good and valid planning reasons. The grant of any retrospective permission for these deliberate deviations from the terms of the permission would tend to bring the Planning Authority into disrepute and be an admission of its toothlessness.

Specific Grounds of Objection

8. Many of the windows, particularly those on the North and South elevations and on the second floor, have been built to a significantly greater height than that shown on the plans in the original permission. The applicant states with regard to another matter “Aesthetically there is little change to the exterior”, but makes no mention of the fact that with regard to this matter there is a very considerable aesthetic change. The proximity to neighbouring buildings means that the much larger windows will present a looming and overlooking presence much to the detriment of the privacy and amenities of the neighbours, including this objector. The larger windows will look directly upon bedroom windows and balconies that have had privacy for some 75 years since the houses were constructed;
9. Whereas the original permission included the Condition (no. 5) that “the proposed window(s) on both side elevations 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... to safeguard the privacy and amenities of occupiers of adjoining residential properties” the new application only specifies opaque glass below 1700mm and windows opening to 200 mm. Coupled with the very much larger as-built windows this would significantly impair the privacy and amenities of the neighbours;
10. The applicant’s Planning Statement states “We have not received any complaints regarding the development nor the changes we are applying for”. This is not exactly true because objectors wrote on-line on 28 July 2011 to the Planning Enforcement Team, complaining *inter alia* that development was not being built according to the planning permission;
11. Furthermore, with regard to the original application, it was stated that the sole reason that neighbours did not object to the development is that we were given reasons to believe, from the size of the windows in the side elevations and from the imposed Condition 5, that adequate steps to safeguard our privacy and amenities were being taken by the Planning Authority. The current application is for the removal of these safeguards.

Internal /Other Consultations:

Traffic & Development -

No objection subject to the original highways conditions and an additional informative.

Thames Water Devt Control -

No objection subject to informative.

Date of Site Notice: 12 January 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site lies on the eastern side of Ashley Road approximately 30 metres from its junction Great North Way. The surrounding area is characterised by detached and semi-detached properties in single-family occupancy to the north and several purpose built blocks of flats to the south, on both sides of the A1.

Proposal:

The application relates to the retention of building used as 9 self-contained flats as built including internal and external alterations as follows:

12. Main entrance converted into a terrace and incorporation of lobby area at front of building into flat 1;
- Internal layout changes to flats 1, 2, 8 & 9;
- Relocation of main entrance to north side of the building;
- Omission of canopy to front door;
- Installation of garden doors to replace bay windows and installation of full sized windows with transparent glass to replace bedroom windows on south elevation to flats 1 & 2;
- Fenestration alteration to all elevations;
- Alterations to the roof form and the sizes of both dormer windows and the first floor rear elevations windows facing Manor Hall Avenue;
- The proposal will now include 7 two bedroom units (2 one bedroom units, each with the addition of a study which could be used as a second bedroom) and 2 three bedroom units.

This application follows the permission granted in 2006 for the demolition of the existing two storey detached house closest to the flatted development of Ashley Court and the erection of a two storey building with rooms in the roof space to accommodate 9 two-bedroom self-contained flats. This scheme also included the provision of 9 off-street parking spaces to the rear accessed via a covered access road.

The developer has now implemented the external envelope of the building.

Planning Considerations:

The 2006 planning permission is a material consideration in the determination of this application, as a result the main issues are considered to be:

- Whether harm would be caused to the character and appearance of the area and street scene as result of the amendments to planning permission C16741/06;
- The effect on the living conditions of the occupiers of neighbouring properties;
- The living conditions of future residents having regard to the provision of amenity space;
- Parking, Access and Vehicle Movements;
- Sustainability Considerations;
- Whether the proposal would result in the community incurring extra educational costs that should be met by the developer;
- Whether the proposal would increase pressures on the services provided by libraries incurring additional costs that should be met by the developer;

- Whether the proposal would increase the demand for health care facilities incurring extra costs that should be met by the developer.

Character of the area and proposed building

The immediate surroundings are characterised by purpose-built flats and houses in single-family occupancy. The proposal would result in the redevelopment of a currently developed site and as such a flattened development is considered acceptable in this location.

During the original application, it was acknowledged that although the then proposed building was larger than the original building on site, care had been taken for the proposal to respect the character of the area and the building's relationship with those adjoining. Although the proposed building would project further than the original house, it was considered to still respect the established building line created by surrounding development. The proposed siting was considered to respect the established pattern of surrounding buildings. The building was also approved with a set of approximately 1 metre away from the boundaries with Ashley Court and properties on Manor Hall Avenue.

The approved front elevation was considered to reflect the surrounding architectural styles and relates well to surrounding buildings. The approved front dormers were considered to result in an appropriate and subordinate features to the roof. The side elevations included the use of different materials with small projections and therefore was not considered to result in blank elevations.

The original approved application, by reason of its siting, bulk and design was considered to have met the objectives of the Council's Three Strands Approach which seeks to preserve the character and openness of lower density suburbs.

The Government is committed to maximizing the re-use of previously developed land to minimize the amount of green field land being taken for development. However, PPS3 also advocates that new housing development of whatever scale should not be viewed in isolation. Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development. Higher densities should not be achieved at the expense of good quality design or the amenity of the surrounding area.

This is further reinforced by Policies D1, D2, D3, D4, D5 and D6 of the UDP which advocate that the design and layout of the proposal should be of a high standard which complements the character of the existing development in the vicinity of the site and maintains a harmonious street scene. Policy D1 advocates that size, height, mass and appearance of the new building should be harmonious with and not over dominate the scale or adversely affect the character of adjacent development.

A number of relatively minor revisions have been carried out to the external appearance of this application and these proposed alterations are not considered to warrant refusing the application considering what has already been approved. As

such the Local Planning Authority's view remains that same that the proposal is appropriate in terms of its design and location, which ensures that the development overall is considered to be compatible with the surrounding area.

Amenity of neighbouring occupiers:

It was considered during the original application that the redevelopment and intensification of use was not expected to detrimentally impact on the amenity of neighbouring occupiers. The side elevations facing surrounding properties have been designed to prevent overlooking. A condition was attached to the original approved application to secure that those windows are obscured glazed and kept permanently shut. Other windows to habitable rooms within the proposed development were provided within recessed areas of the building. It was considered when determining the original application that those windows would not result in overlooking to neighbouring properties or gardens.

It must be noted that the recessed windows have not been built and this has resulted in a change of layout of the top floor which no longer has habitable rooms facing Manor Hall Avenue.

The Local Planning Authority acknowledges objector's concerns about the position of the building but this building is not closer to surrounding properties than the original house and was considered to be of a similar height.

Even though the bulk of the building on site has marginally increased compared to the original building that was on site, it is not considered that it would result in loss of light to surrounding residential properties.

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.

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

The change to the proposal isn't considered to warrant refusing the application considering what has already been approved. The attached condition to the windows requiring these windows at first floor and loft level facing properties on Manor Hall Avenue to be obscure glazed windows is considered to overcome any potential concerns regarding overlooking and the loss of privacy perceived from neighbouring properties from some of these habitable rooms windows.

It is considered that the first floor and dormer windows facing Ashley Close are also to be obscure glazed windows.

The development with this condition is considered to address the concerns of neighbouring occupiers in accordance with adopted policies.

Amenity of future occupiers:

All units would be above the minimum space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan July 2011.

The Local Planning Authority have considered all material considerations such as the type of unit and the location of this development. As a result this proposal is considered to add to the mix of unit types in the area and would still provide adequate internal space to comply with policies H16 of the Adopted UDP (2006).

The stacking of flats/rooms is generally acceptable.

The proposed communal garden to the rear would provide sufficient levels of usable outdoor amenity space for the proposal, in line with UDP policy. Details of landscaping should be required by condition. The proposal also includes small terraces to one of the ground floor flats and all four first floor flats. Those terraces would be set within the building and as such would provide additional outdoor space for the enjoyment of future occupiers without detriment to the residential amenity of neighbouring occupiers.

Parking, Access and Vehicle Movements:

The proposal is acceptable on highways grounds subject to conditions set out above.

Sustainability:

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

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

The Community Infrastructure Levy Regulations 2010:

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

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

The education, library services, health facilities & monitoring fee of 5% contributions have been adjusted following the previously approved application which was secured by Section 106 Agreement.

UDP Policy CS2 indicates that the Council will seek to enter into planning obligations in conjunction with new developments to secure the provision of community and religious facilities. Policy CS8 states that where a residential development creates a need for school places contributions will be secured for such purposes via planning obligations. Policy CS13 states that the Council will seek to enter into planning obligations in conjunction with new residential developments to secure the provision of health and social care facilities.

The purpose of planning obligations is to make acceptable development which would otherwise be unacceptable in planning terms. Circular 05/2005 supports the use of planning obligations to secure contributions towards community infrastructure to mitigate the impacts of new development, 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.

Para. B5 of the Circular sets out five policy tests that must be met by the LPA when seeking planning obligations. In addition, Regulation 122 of the Community Infrastructure Levy Regulations, which came into force on 6 April 2010, makes it unlawful for a planning obligation to be taken into account in determining a planning application if it does not meet the three tests set out in Regulation 122. These statutory tests are based upon three of the five policy tests in Circular 5/2005 at paragraph B5 (tests (ii), (iii) and (iv)).

The recovery of costs for the monitoring of planning obligations is set out in Section 8 (para's 8.3 & 8.4) of the Planning Obligations SPD.

Education needs generated by the development

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

The proposal would provide an additional residential unit that it is considered would generate an increased demand for educational facilities in the area. The calculation of additional demand (SPD para's 4.6-4.14), existing facilities and capacity (SPD para's 5.5-5.12), method of calculating the required contribution (SPD para's 3.1-3.15 and 4.1-4.5), and use of the contributions (SPD para's 5.13-5.14) are set out in the Council's SPD "Contributions to Education" adopted in 2008.

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

To accord with UDP Policy CS8 and the SPD the proposed scheme would require a contribution of £34,211 plus a monitoring fee of 5%.

Contributions to library services

The increase in population resulting from development is expected to place serious pressures on libraries, which are already required to meet all the needs of Barnet's diverse community. Developer contributions are therefore necessary to ensure service provision mitigates the impact of their development activity.

The adopted SPD "Contributions to Library Services" sets out the Council's expectations for developers contributions 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. The SPD provides the calculation of additional demand (para's 4.10-4.12), existing facilities and capacity (para's 1.1-1.4 & 2.5), method of calculation (para's 2.4 & 3.1-3.11), and use of funds (para's 5.1-5.7).

It is considered that a financial contribution towards library services is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this. To accord with UDP Policy CS2 and the SPD the proposed scheme would require a contribution of £1,251 plus a monitoring fee of 5%.

Contributions to Health facilities

The proposal would provide an additional residential unit that it is considered would generate an increased demand for health facilities in the area. The calculation of additional demand / method of calculating the required contribution (SPD para's 6.1-6.4), existing facilities and capacity (SPD para's 5.7-5.18), and use of the contributions (SPD para's 8.1-8.4) are set out in the Council's SPD "Contributions to Health" adopted in July 2009.

It is considered that a financial contribution towards future health care facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this. To accord with UDP Policy CS13 and the SPD the proposed scheme would require a contribution of £11,652 and a monitoring fee of 5%.

The Local Planning Authority acknowledges that the applicant did offer a signed Section 106 Agreement to cover the financial contributions required as part of the previous approval and there are records that payment has received to cover this cost (based on 9 two bedroom units) required:

- Contributions education: £4,347.10;
- Contributions to monitoring fee: £272.

Mindful of this, total sum £44,850.60 for education, library services, health facilities and a monitoring fee of 5% should be secured by Deed of Variation to the existing Section 106 Agreement.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Having received amendments to this application from that originally approved and comparing this to what has been actually constructed on site, it is considered to be to

be improvement from the conditions surrounding residents have been living with.

The attached conditions to this recommendation are considered to address the planning related concerns raised on this application which as a result were not sufficient to constitute a reason for refusal as the principle of the development has already been approved.

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

The Local Planning Authority have considered this current scheme against that previously approved and considered this to have an acceptable impact on neighbours occupiers.

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.

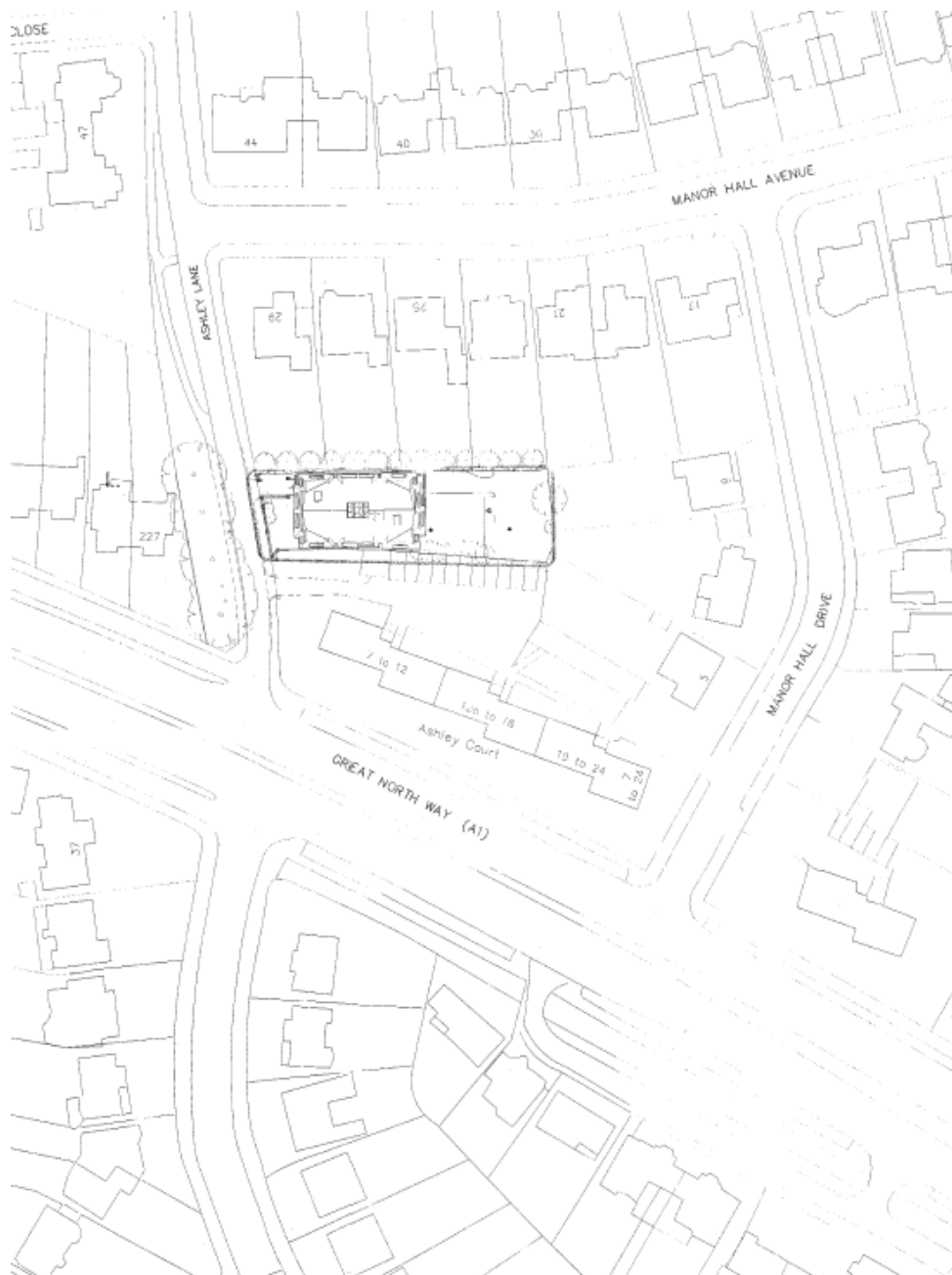
5. CONCLUSION

Having taken all material considerations into account, the proposal as amended design from the original approved scheme would ensure the protection and enhancement of the character and appearance of area in keeping with neighbouring dwellings and commercial buildings in line with UDP policies. It represents an efficient justified use of the land. As conditioned, the proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring developments or be out of context. The proposed development would provide sufficient standards of amenity for future residents of the site. As conditioned, the proposal would meet the council's sustainable objectives. The proposals are acceptable on highways grounds. **APPROVAL** is therefore recommended.

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

SITE LOCATION PLAN: 52 Ashley Lane, London, NW4 1PE

REFERENCE: F/05099/11



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011. All rights reserved. Ordnance Survey Licence number LA100017674.

LOCATION: 8 Ravenscroft Avenue, London, NW11 0RY
REFERENCE: F/04735/11 **Received:** 24 November 2011
WARD(S): Golders Green **Accepted:** 02 December 2011
Expiry: 27 January 2012
Final Revisions:

APPLICANT: Rosh Investments Ltd.
PROPOSAL: Retention of single storey building in rear garden for use as office and storage ancillary to existing HMO.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement, Site Location Plan, 2056 Dwng No 1 (dated 30th November 2011)
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 The use of the outbuilding hereby permitted shall at all times be as storage and an office for the management of the HMO at No 8 Ravenscroft Avenue and occupied ancillary to and in conjunction with the main building and shall not at any time be occupied as a separate unit or primary residential accommodation
Reason:
To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties.
- 3 The outbuilding hereby permitted shall not at any time be fitted with a shower, bath or kitchen facilities.
Reason:
To ensure that the development does not facilitate a use which might prejudice the character of the locality and the amenities of occupiers of adjoining residential properties.
- 4 No windows shall be placed at any time in the rear elevation facing 7 St John's Road or either side elevation facing 6 or 10 Ravenscroft Avenue respectively, without the prior specific permission of the Local Planning Authority.
Reason:
To safeguard the privacy and amenities of occupiers of adjoining residential properties.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
 - i) The proposed development accords with strategic planning guidance and policies as set out in the London Borough of Barnet Unitary Development Plan (UDP) (2006).
In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):
GBEnv1, D2, D4, D5, H27

Supplementary Planning Guidance:
Design Guidance Note 5 - Extensions to Houses - Revised (March 2010)

Local Development Framework:
Core Strategy - CS5
Development Management Policies – DM01, DM02

- ii) The proposal is acceptable for the following reason(s): -
It is considered that the proposal would not unreasonably detract from the residential amenity of neighbouring occupiers. The size, siting and design of the outbuilding is such that it would not have an unacceptable impact on the character of either the host property or surrounding area.

1. MATERIAL CONSIDERATIONS

Relevant Unitary Development Plan Policies:

GBEnv1, D2, D4, D5, H27

Supplementary Planning Guidance:

Barnet Design Guidance Note 5 - Extensions

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.

Core Strategy (Submission Version) 2011:

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 (Submission Draft) 2011:

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:

Planning applications

Site Address: 8 Ravenscroft Avenue London NW110RY
Application Number: C09038B/06
Application Type: Section 191
Decision: Unlawful Development
Decision Date: 12/04/2006
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Continued use of property as 8 multiple occupation bed-sitting rooms and one self contained flat.**
Case Officer: Kevin Waters

Site Address: 8 Ravenscroft Avenue London NW110RY
Application Number: C09038C/06
Application Type: Section 191
Decision: Lawful Development
Decision Date: 18/01/2007
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Use of property as 1 No. house in multiple occupation (comprising 8 No. bedsit units) and 1 No. self contained flat.**
Case Officer: Kevin Waters

Site Address: 8 Ravenscroft Avenue NW11
Application Number: C09038
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 01/07/1986
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension**
Case Officer:

Enforcement Notices

Reference Name C9038D/07/ENF
Description **Enforcement Notice served under Section 171A(1)(a) of the Town & Planning Act 1990. (The conversion of a house in multiple occupation into 7 self-contained units within the last four years.)**

Consultations and Views Expressed:

Neighbours Consulted: 68 Replies: 5
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Overdevelopment of the site
 - Commercial use inappropriate
 - No demand for commercial office space in the area
 - Detrimental to safety and security of the area
 - Undermines ‘family character’

- Increased noise and disturbance due to commercial use
- Increase in traffic due to commercial use
- Shortage of parking as a result of commercial use
- Scale and appearance of outbuilding
- Outbuilding dominates neighbouring gardens
- Overlooking
- Loss of garden space for tenants at No 8

Internal /Other Consultations:

None

Date of Site Notice: 15 December 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

8 Ravenscroft Avenue is a semi-detached Edwardian property set over three floors, including front and rear dormer windows and rooms in the roof space. The street is typified by such substantial, semi-detached pairs, each with its own subtle architectural variations. Many have been sub-divided to form HMO's and self-contained flats, though a number remain in use as single family dwelling-houses. No 8 is currently used as a combination of self-contained units and an HMO. The property has been previously extended to the rear, but continues to benefit from a considerable rear garden of some 15m, currently split between a near part and far part, in which the outbuilding subject to this application sits on a low timber deck approximately 10cms off the ground.

Proposal:

Retention of single storey building in rear garden for use as office and storage ancillary to existing HMO.

Planning Considerations:

The outbuilding subject to this application is clad in horizontal dark-stained timber, standing approximately 2.4m in height with a flat, felt covered roof. It is 4.2m deep and set 50cm off the boundaries to the side and rear. The boundary treatments on all sides consist of low fencing (wall to rear) approximately 1.5m in height, whilst the ground level is roughly consistent throughout the neighbouring properties.

Despite its width, the materials and design of the outbuilding leaves it relatively unassuming, particularly when compared to local rendered, block-built examples. The total overall height of around 2.5m is similarly not considered excessive when compared to the ridge roof of the shed at neighbouring No 6 and the provisions of the General Permitted Development Order 2008 (which affords other neighbouring properties the opportunity to construct far more onerous and inappropriate outbuildings despite the 'family character' of the main dwelling houses). It is also noted that the common use of boundary treatments of a lower height than the 2m

allowed under the General Permitted Order 1995 affords neighbouring occupiers the opportunity to further mitigate the impact of the outbuilding on views from their gardens should they choose.

This is also the case in respect of any perceived overlooking. Although an objection has been raised in respect of overlooking from the timber deck on which the outbuilding is constructed, it should be noted that this is only around 10cm in height and a perspective over the surrounding boundaries would be readily attainable in any case from the natural ground level. If anything, the presence of the outbuilding is likely to restrict views over those boundaries and in addition, a condition will be imposed restricting the future installation of any windows in either the side or rear elevations.

Although the main house has been extended and the garden split in two, the considerable size of the curtilage means that adequate amenity space is retained between these two areas, with some 80m² available. This is also indicative of the fact that the curtilage comfortably accommodates the outbuilding and does not give rise to a cumulative over-development of the site.

Internally the outbuilding is split in to three rooms: a storage space, the HMO management office and a room containing w.c and hand basin. Despite the concerns raised by objectors, the application does not propose the use of the outbuilding as commercial office space and conditions will be appended restricting the use of the office to the management of the HMO at No 8 and preventing the use of the outbuilding for primary living accommodation (in line with the terms of the General Permitted Development Order 2008). As such, it is not anticipated that the office use will result in any significant increase in noise and disturbance, or additional pressure on the availability of parking. Any comings and goings would therefore also be associated with No 8 and so it is not anticipated that any increased risk to the safety and security of neighbouring occupiers would occur.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Addressed in the Planning 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 support the Council in meeting its statutory equality responsibilities.

5. CONCLUSION

The proposal is considered to be in accordance with the policies of the Development Plan, in that it would not have an unacceptable impact on the character of either the host property or surrounding area and would not unreasonably detract from the residential amenity of neighbouring occupiers. It is recommended the application be **APPROVED** accordingly.

SITE LOCATION PLAN: 8 Ravenscroft Avenue, London, NW11 0RY

REFERENCE: F/04735/11



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011.
All rights reserved. Ordnance Survey Licence number LA100017674.

LOCATION: 1025 Finchley Road, London, NW11 7ES
REFERENCE: F/04608/11 **Received:** 12 November 2011
WARD(S): Garden Suburb **Accepted:** 02 December 2011
APPLICANT: Safeland PLC **Expiry:** 27 January 2012
PROPOSAL: Two storey rear extension to form additional office at ground floor level and residential flat at first floor level.
Final Revisions:

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan; 4240 01; 4240 02; 4240 03 RevA.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s) unless otherwise agreed in writing by the local planning authority.
Reason:
To safeguard the visual amenities of the building and the surrounding area.
- 4 No 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".
- 5 The premises shall be used for an office as shown on the hereby approved plans and no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).
Reason:
To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.
- 6 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.
- 7 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.

- 8 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).

- 9 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.

INFORMATIVE(S):

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

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

GBEnv1, GBEnv2, D1, D2, D3, D5, M7, M11, M14, GEMP2, EMP3

Core Strategy (Submission version) 2011:

CS5

Development Management Policies (Submission version) 2011:

DM01, DM02, DM04, DM08, DM11, DM14, DM17.

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

Overall, it is considered that the proposed use of the site would comply with policies and be appropriate for this predominantly commercial area. As conditioned, the use would not impact detrimentally on the amenity of neighbouring residents, businesses or future occupiers of the unit. The proposed building would enhance the character of this part of the Golders Green area and the amenity of neighbouring residents or businesses.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

PPS1, PPS13, PPG24.

The Mayor's London Plan: July 2011:

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

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Relevant Unitary Development Plan Policies:

GBEnv1, GBEnv2, D1, D2, D3, D5, M7, M11, M14, GEMP2, EMP3

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, DM04, DM08, DM11, DM14, DM17.

Relevant Planning History:

Application:	Planning	Number:	F/04896/10
Validated:	07/12/2010	Type:	APF
Status:	DEC	Date:	20/01/2011
Summary:	APC	Case Officer:	Fabien Gaudin
Description:	Demolition of existing garage/ workshop to the rear of 1033 Finchley Road and erection of a 2 storey building including basement to accommodate an office and ancillary residential live-work unit.		

[C08592A/03](#) 1019A Finchley Road London NW117ES Everclear Investments Ltd 07/08/2003 Conversion of flat to be used as 2no. self-contained flats. Conditional Approval 02/10/2003

[C08592B/03](#) Rear of 1019A Finchley Road London NW117ES Everclear Inv. Ltd 07/08/2003 Two storey rear extension to be used as offices. Conditional Approval 22/10/2003 [C08592C/04](#) 1019A Finchley Road London NW117ES Everclear Investments Ltd 10/02/2004 First floor rear extension. Conditional Approval 14/06/2004

C00662E 1029 Finchley Road LONDON NW11 09/06/1988 Two storey rear extension to existing shop Approve subject to Conditions 09/11/1988

C00662F 1029 Finchley Road LONDON NW11 05/09/1995 Erection of first floor rear extension. Approve subject to Conditions 04/10/1995

C00662G 1029 Finchley Road LONDON NW11 08/07/1996 Two storey addition at rear comprising a one bedroom flat at first floor level with a garage at ground floor level. Approve subject to Conditions 15/10/1996

C00595F 1023 Finchley Road LONDON NW11 19/02/1998 First floor rear extension to first floor flat. Refuse 02/06/1998

C00595G 1023 Finchley Road LONDON NW11 09/07/1998 First floor rear extension to first floor flat. Refuse 14/10/1998

Consultations and Views Expressed:

Neighbours Consulted:	67	Replies:	5
Neighbours Wishing To Speak	2		

The objections raised may be summarised as follows:

- Such development would exacerbate the already over-crowded and over-used:
- refuse disposal.
- parking- because the road is de-controlled, many people not residents leave their vehicles for weeks. Residents have great difficulty parking. Further accommodation be it residential or commercial, will exacerbate the situation. This

is a council maintained road and not a service/access road.

- sewage output from the buildings- 6 or 7 calls to the council and water companies.
- Design and Access Statement- the yard provides access to the rear of the ground floor commercial unit, with a separate door
- Loss of amenity- loss of outlook, would make entrance way extremely closed and dark.
-

Internal /Other Consultations:

- Traffic & Development - No objections.

Date of Site Notice: 08 December 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located at the rear of Finchley Road and faces Portsdown Mews. The area is a mixture of commercial and residential uses.

Proposal:

The application relates to a two storey rear extension to form additional office at ground floor level and residential flat at first floor level.

Planning Considerations:

The immediate surroundings are characterised by single storey and two storey buildings with flat roofs to the rear of the commercial uses fronting Finchley Road and a mixture of uses. The proposal would not appear out of context with the surrounding area given the number of other examples of two storey rear additions along Portsdown Mews. As proposed, the scheme would represent an efficient use of the site that would respects the constraint of the site. The proposed building would be no higher than the neighbouring two storey flat roofed building.

PPS1 states that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area should not be accepted. This is reinforced by Policies D1, D2, D3 and D4 of the Adopted UDP (2006) which advocate that the design and layout of proposals should be of a high standard which complements the character of the existing development in the vicinity of the site and maintains a harmonious street scene. The proposed building would align with neighbouring development on the mews. The proposed front and rear building lines are considered acceptable. The proposed footprint would not impact detrimentally on the residential amenity of neighbouring occupiers both of which have benefited from single storey rear additions to the site. The proportions of the building relative to the neighbouring properties would work well and do not appear to have an overbearing appearance.

In considering the impact on the residential amenities of the flats above the

commercial unit it is not considered that the proposed building would result in any appreciable loss of amenity. The proposed building will project minimally above the floor level of the property above and therefore it is not considered there would be any issue of light or outlook from the rear windows of this residential property.

Planning permission was granted in January 2011 at 1033B Finchley Road under application reference F/04896/10 for the demolition of existing garage/ workshop to the rear of 1033 Finchley Road and erection of a 2 storey building including basement to accommodate an office and ancillary residential live-work unit. Therefore the principle of providing both office and residential use on the site has been established as acceptable on this part of the road.

The proposed flat would provide sufficient standards of amenity for future occupiers whilst protecting the amenity of neighbouring occupiers. The residential unit would meet the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan July 2011 and therefore is considered acceptable. There is no on site outdoor amenity space provision, in this town centre location is not considered to warrant refusal for the application particularly given the other developments in the area which are in use as residential but do not provide amenity space provision. Refuse storage has been incorporated into the design

Policy EMP3 (Employment Land – Consolidation) states that the expansion, conversion or redevelopment of premises for uses falling within classes B1, B2, B8 or similar uses will be permitted provided that:

- i. The development would not adversely affect residential amenity or highway and traffic conditions; and
- ii. Would not lead to a significant reduction in employment provided on the site; and
- iii. The resultant trip generation is catered for by the most sustainable means.

The proposed office use is considered to be acceptable.

The highways group support the application. They have advised as follows:

The proposal is for a rear extension to provide additional offices space at ground level and a one bedroom flat at first floor level. No existing parking is available and no new parking is proposed.

Considering that:

- The site is located within a Controlled Parking Zone and with short term Pay & Display parking on High Road fronting the site;
- The site is located within a Town Centre Location and close to local amenities with good public transport accessibility.

The traffic and development team raise no objections to the proposed development.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The traffic and development team have reviewed the application and consider it to be acceptable on highways grounds.

All other planning related matters are considered to be covered in the above appraisal.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

Overall, it is considered that the proposed use of the site would comply with policies and be appropriate for this predominantly commercial area. As conditioned, the use would not impact detrimentally on the amenity of neighbouring residents, businesses or future occupiers of the unit. The proposed building would enhance the character of this part of the Golders Green area and the amenity of neighbouring residents or businesses. The proposals are acceptable on highways grounds.

APPROVAL is recommended.

SITE LOCATION PLAN: 1025 Finchley Road, London, NW11 7ES

REFERENCE: F/04608/11



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011.
All rights reserved. Ordnance Survey Licence number LA100017674.

LOCATION: 4 Hurst Close, London, NW11 7BE

REFERENCE: F/04416/11

Received: 28 October 2011

Accepted: 06 December 2011

WARD(S): Garden Suburb

Expiry: 31 January 2012

Final Revisions:

APPLICANT: Mr & Mrs Miller

PROPOSAL: Single storey flat roofed side extension behind relocated side screen wall; Roof extension with 2 no. side and rear dormers and 1 no. rooflight. Insertion of double doors to rear ground floor. Extend rear paving. Replace existing shed with a larger shed.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement, 04HUR/1, 04HUR/2, 04HUR/3, 04HUR/4 RevC, 04HUR/5

Reason:

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

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

Reason:

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

- 3 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 hereby approved windows shall match the original windows in material and style and be single glazed.

Reason:

To protect the character of the house and the Hampstead Garden Suburb Conservation Area.

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

Reason:

To safeguard the character and appearance of the Hampstead Garden Suburb Conservation Area.

- 6 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.

- 7 Before the building hereby permitted is occupied the proposed windows (including dormer window) in the side elevation 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:

London Plan 2011:

Relevant policies: 7.8

Adopted Barnet Unitary Development Plan (2006):

GBEnv1, GBEnv2, GBEnv4, D1, D2, D5, HC1, HC5, H27.

Supplementary Design Guidance:

Barnet Design Guidance Note 5 – Extensions to Houses

Hampstead Garden Suburb Conservation Area Design Guidance (2010)

Hampstead Garden Suburb Character Appraisals (2010)

Core Strategy (Submission version) 2011:

Relevant policies: CS5.

Development Management Policies (Submission version)2011:

Relevant policies: DM01, DM02, DM06.

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

The design, size and siting of the proposed extensions is such that, subject to condition, they would not impact unacceptably on the residential amenities of neighbouring occupiers and preserve the character and appearance of the host property, street scene, Hampstead Garden Suburb Conservation Area and Area of Special Character.

1. MATERIAL CONSIDERATIONS

The Mayor's London Plan: July 2011:

7.8

Relevant Unitary Development Plan Policies:

GBEnv1, GBEnv2, GBEnv4, D1, D2, D5, HC1, HC5 and H27.

Supplementary Planning Guidance:

Barnet Design Guidance Note 5 – Extensions to Houses.

Hampstead Garden Suburb Conservation Area Design Guidance (2010) and Hampstead Garden Suburb Character Appraisals (2010) – The Council's '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.

Local Development Framework

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.

Core Strategy (Submission Version) 2011:

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:

CS5,

Development Management Policies (Submission Draft) 2011:

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, DM06

Relevant Planning History:

Planning applications

Site Address:	4 Hurst Close LONDON NW11
Application Number:	C13793
Application Type:	Full Application
Decision:	Approve with conditions
Decision Date:	18/10/1999
Appeal Decision:	No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists
Proposal: Alteration to side elevation involving relocation of side door.
Case Officer:

Consultations and Views Expressed:

Neighbours Consulted:	8	Replies: 4
Neighbours Wishing To Speak	0	

The objections raised may be summarised as follows:

- Expansion of ground floor front windows from four to five frames disrupting symmetry of houses in the close
- Effect on access to the Close, parking availability and emergency vehicle access
- Diminishing of the space between properties
- Increase in noise and cooking smells from heightened proximity
- Sensitivity of the close to small changes
- Relocation of side screen wall
- Overlooking from side dormer

Internal /Other Consultations:

HGS CAAC meeting of the 11th January 2012 – ‘Refused: Side dormer destroys homogeneity of the group character. Rear dormer too large and out of context. Window changes approved.’

Date of Site Notice: 15 December 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The property is one of a set of two opposing pairs designed by Parker & Unwin as austere three storey cottages of white painted render over a red brick plinth and a hint of Dutch styling in the line of their gables. To the front, flat top dormers are set in the steep roofs and a long run of shallow casement windows is set high under the eaves. The rear has a gable similar to the front and features a small, angular bay at ground floor level giving access to the garden. The rear roof slope has no dormer, but features a tall brick chimney stack. A further smaller chimney stack sits astride the ridge of the end gable just forward of the centre as viewed from the side elevation.

Hurst Close is a fairly intimate cul-de-sac, the head of which is narrowed by the garden hedges of the corner properties. Beyond this it opens out to reveal the mirrored Parker & Unwin pairs (3-5 & 4-6) and is enclosed by two detached L-shape properties linked by a screen wall and garages.

Proposal:

Single storey flat roofed side extension behind relocated side screen wall; Roof extension with 2 no. side and rear dormers and 1 no. rooflight. Insertion of double doors to rear ground floor. Extend rear paving. Replace existing shed with a larger shed.

Planning Considerations:

The proposal involves the erection of a single storey side extension 1.5m in width and 5m in depth heading back from the existing screen wall and stopping 1m short of the rear building line. It is proposed to be 2.6m to the underside of the eaves and 2.9m to the top of the roof. As such, no change will be visible from the street behind the existing screen wall.

The proposal has been amended during the application process and now involves no change to the existing screen wall (no longer brought forward). The boundary to No 2 is well screened and so the extension will not give rise to any increased sense of enclosure or overlooking. The windows in the side elevation have been amended from full length to small, quartered frames with leaded lights set at the level of the brick plinth (as are the other windows on the ground floor).

The small dormers in the side and rear are considered sufficiently subordinate and, though slightly deeper than that on the front elevation, are suitably scaled to be set comfortably within the proportions of their respective roof slopes. Though no such dormers yet exist at No 6, side and rear dormers are present at Nos 3 & 5 in the mirrored pair. A condition is proposed to be amended requiring obscure glazing and restricted opening to the side dormer to prevent any inappropriate perspectives and relieve any actual or perceived overlooking from within that property.

A single roof light is proposed for the rear elevation, discretely placed in the side of the end gable facing back across the property towards No 6. A condition will be appended to ensure conservation area type roof-lights are used.

At ground floor level in the rear elevation it is proposed to replace the existing fixed window with a further set of French doors, flanked by single casement windows on either side. The design affords no additional width to the glazed area and remains in line with the windows above. Matching materials and window types are proposed. As such, it is not considered inappropriate in this elevation.

An existing area of rear paving, currently in an L-shaped pattern, is proposed to be re-layed and squared off by way of a small area of additional Yorkstone. This is not considered to have any detrimental impact.

An existing small shed in the back corner of the rear garden adjacent to the boundary with No 2 is proposed to be replaced with a new 8' x 6' dark stained timber shed on an extended base. This is only a marginal increase on that which already exists and is considered to bear a similarly negligible impact on the character of the host property or the amenities of the occupiers of No 2.

3. COMMENTS ON GROUNDS OF OBJECTIONS

In addition to that addressed in the report, the side extension is to the main living room and so no heightened impact of cooking smells is anticipated. Similarly, given the design of the extension, the orientation of the buildings and the distance to the rear of No 2, a material increase in noise pollution is also not anticipated.

The additional bedroom to this single family dwelling-house has no anticipated bearing on the availability of on-street parking or on emergency vehicle access.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

The proposal is considered to be in accordance with the policies of the Development Plan and Supplementary Design Guidance, in that it would not have an unacceptable impact on the character of either the host property or this part of the Hampstead Garden Suburb Conservation Area and would not detract from the residential amenity of neighbouring occupiers. It is recommended the application be **APPROVED** accordingly.

SITE LOCATION PLAN: 4 Hurst Close, London, NW11 7BE

REFERENCE: F/04416/11



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011.
All rights reserved. Ordnance Survey Licence number LA100017674.

LOCATION: 10 Hill Rise, London, NW11 6NA
REFERENCE: F/00171/12
WARD(S): Garden Suburb
APPLICANT: Mr Tony Korn
PROPOSAL: Extension to roof including rear dormer window and roof light to facilitate a loft conversion. Replacement of existing doors and windows with new UPVC windows and doors. Minor landscaping alterations to front and rear gardens. Single storey rear extension (Amended description).

Received: 13 January 2012

Accepted: 13 January 2012

Expiry: 09 March 2012

Final Revisions:

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, 091_PLA_DAS (Design & Access Statement), 091_P_PLA_SITE_P, 091_P_PLA_01_EXTG_P, 091_P_PLA_01_P, 091_P_PLA_02_EXTG_P, 091_P_PLA_02_P, 091_P_EL_01_P (Existing Front & Rear Elevations), 091_P_EL_01_P (Proposed Front & Rear Elevations), 091_P_SECT_01_EXTG_P, 091_P_SECT_01_P
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 amenity of the surrounding area and this part of the Hampstead Garden Suburb Conservation Area.
- 4 The hereby approved windows shall match the original windows in material and style and be single glazed.
Reason:
To protect the character of the house and the Hampstead Garden Suburb Conservation Area.
- 5 Before the development hereby permitted commences, details of the materials to be used for the proposed hard-surfaced areas in the front and rear gardens 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 amenity of the surrounding area and this part of the Hampstead Garden Suburb Conservation Area.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
 - i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (UDP) (2006).

In particular the following policies are relevant:

London Plan 2011:

Relevant policies: 7.8

Adopted Barnet Unitary Development Plan (2006):

GBEnv1, GBEnv4, D1, D2, D5, HC1, HC5, H27.

Supplementary Design Guidance:

Barnet Design Guidance Note 5 – Extensions to Houses

Hampstead Garden Suburb Conservation Area Design Guidance (2010)

Hampstead Garden Suburb Character Appraisals (2010)

Core Strategy (Submission version) 2011:

Relevant policies: CS5.

Development Management Policies (Submission version) 2011:

Relevant policies: DM01, DM02, DM06.

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

The design, size and siting of the proposed extension and dormer is such that they would not impact on the residential amenities of neighbouring occupiers and preserve the character and appearance of the host property, Hampstead Garden Suburb Conservation Area and Area of Special Character.

1. MATERIAL CONSIDERATIONS

The Mayor's London Plan: July 2011:

7.8

Relevant Unitary Development Plan Policies:

GBEnv1, GBEnv4, D1, D2, D5, HC1, HC5 and H27.

Supplementary Planning Guidance:

Barnet Design Guidance Note 5 – Extensions to Houses.

Hampstead Garden Suburb Conservation Area Design Guidance (2010) and Hampstead Garden Suburb Character Appraisals (2010) – The Council's '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.

Local Development Framework

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.

Core Strategy (Submission Version) 2011:

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:

CS5

Development Management Policies (Submission Draft) 2011:

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, DM06

Relevant Planning History:

None

Consultations and Views Expressed:

Neighbours Consulted:	12	Replies:	5
Neighbours Wishing To Speak	0		

The objections raised may be summarised as follows:

- uPVC windows unacceptable/unsympathetic to the HGS

Internal /Other Consultations:

- HGS CAAC meeting of the 25th January 2012 – ‘Refused: uPVC glazing unacceptable in HGS. Dormer approved.’

Date of Site Notice: 26 January 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The property is a 1920's two storey white rendered mid-terraced cottage type dwelling with windows fitted with louvred shutters and featuring a two storey bay of significant width but little depth, with hung tiles at first floor and two doors and a small window at ground floor level punctuated by brick columns. The front garden is bound by a low privet and features a central path and a small area of hard surfacing across the front of the house.

To the rear a mirrored shallow two storey bay is rendered to match the rest of the rear elevation. What appears to be a small extension to the kitchen protrudes 0.8m adjacent to the bay and 2.4m across towards the boundary with No 8. It features a dual aspect uPVC window which wraps around the corner of the extension. The uPVC kitchen door sits between this extension and the boundary with No 8. At ground floor level of the bay are French doors flanked by single casement windows also of uPVC. A small roof-light is set in to the rear roof slope. The rear garden features a near patio area, beyond which walled planters give way to a lawn bound by borders and featuring two trees, one behind the planting bed adjacent to the boundary with No 12 and the other in the back corner adjacent to No 8.

No 10 is part of a short terrace also featuring a feature front gable at No 12 and down-swept roofs over integral garages. The surrounding area is characterised by other groups of houses which vary and repeat those stylistic features to create a cohesive street scene.

Proposal:

Extension to roof including rear dormer window to facilitate a loft conversion. Replacement of existing uPVC doors and windows at ground floor level to the rear with new crittal windows and doors. Minor landscaping alterations to front and rear gardens. Single storey rear extension to kitchen (Amended description).

Planning Considerations:

The proposal involves an extension of the small projection to the rear of the kitchen by way of rebuilding so that it encroaches a further 0.7m further towards the boundary with No 8, though remaining 0.3m from the boundary and at a depth of just 0.8m. The increase in the area of the extension is considered to be negligible and is off-set by an improvement in the character of the rear elevation through the replacement of the uPVC windows with a regular formation of crittal type French doors flanked by single casement windows. No overbearing sense of enclosure or loss of outlook to the occupiers of No 8 will result.

A similar improvement will be effected by way of replacement of the existing French doors and windows on the other side of the rear elevation with crittal type to match.

The proposal also involves the replacement of the existing roof-light in the rear elevation with a shallow casement dormer to match that at No 8. No 12 also benefits from a rear dormer of a slightly deeper casement.

It is considered sufficiently subordinate and suitably scaled to be set comfortably within the proportions of the roof slopes. A condition is proposed to be appended requiring details of all proposed window types to ensure appropriate fittings.

Proposed landscaping includes the re-laying of the area of hard-standing to the front with sandstone paving and its slight extension on the side nearest to No 8 to incorporate an area for the standing of bins, screened by hedging. The additional area is considered to be negligible and have no detrimental impact on the character and appearance of the property.

To the rear, the works similarly include the re-laying of the existing patio area with sandstone paving, the possible refurbishment of the existing planters and the formation of a new paved area in the back corner adjacent to the boundary with No 12 for the future siting of a shed (not part of this application). As a considerable proportion of the lawned area will be retained, it is similarly considered to have a limited impact on the character of the host property. A condition is proposed to be appended requiring details of the materials to be used in the hard-surfacing to ensure an appropriate finish.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The objections all relate to the proposed installation of uPVC windows and doors. However, this is the result of an inaccurate development description on the part of the Council at the registration stage as the applicant's own forms, Design & Access statement and plans all indicate that the uPVC is to be replaced with crittal-type windows and doors.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

The proposal is considered to be in accordance with the policies of the Development Plan and Supplementary Design Guidance, in that the extension, dormer and landscaping works would not have an unacceptable impact on character, whilst the changes to the windows would constitute an improvement to the appearance of the host property and this part of the Hampstead Garden Suburb Conservation Area and no part would detract from the residential amenity of neighbouring occupiers. It is recommended the application be **APPROVED** accordingly.

SITE LOCATION PLAN: 10 Hill Rise, London, NW11 6NA

REFERENCE: F/00171/12



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011.
All rights reserved. Ordnance Survey Licence number LA100017674.

LOCATION: Grosvenor Court, Hale Lane, London, NW7 3RY
REFERENCE: H/04522/11 **Received:** 04 November 2011
WARD(S): Hale **Accepted:** 07 November 2011
Expiry: 02 January 2012
Final Revisions:

APPLICANT: Astwood Securities Ltd.
PROPOSAL: Creation of new third floor to provide 6no. new self-contained units (4no. 1-Bedroom flats and 2no. 2-Bedroom flats), creation of 7no. new parking spaces and provision of new bin store area.

RECOMMENDATION: Approve following completion of S106

Subject to a Section 106 Agreement

RECOMMENDATION I:

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (excl. libraries) £8,282.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £834.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £5,576.00**
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £734.60**
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: H/04522/11 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, GC-PP-01 Revision C, GC-PP-02 Revision C, Design and Access Statement.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Before the development hereby permitted is occupied the parking spaces/garages shown on Plan GC-PP-02 Revision C 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.

- 4 No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontage(s) of Hale Lane 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.

- 5 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.

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

Reason:

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

- 7 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.

- 8 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.

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

Reason:

To protect the amenities of future and neighbouring residential occupiers.

- 10 The 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).

- 11 Before the development hereby permitted commences, a Construction Management Plan shall be submitted to and approved 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.

- 12 Other than the balcony areas shown on the approved drawing GC-PP-02C, the roof of the building shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area, without the benefit of the grant of further specific permission in writing from the Local Planning Authority.

Reason:

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

INFORMATIVE(S):

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

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

GBEnv1, GBEnv2, D1, D2, D3, D4, D5, M14, GH1, GH2, H16, H17, H18, CS2, CS8, IMP1 and IMP2

Supplementary Planning Document - Sustainable Design and Construction

Supplementary Planning Document - Contributions to Education

Supplementary Planning Document - Contributions to Libraries

Supplementary Planning Document - Contributions to Health

Supplementary Planning Document - Monitoring Planning Obligations

Core Strategy (Submission version) 2011:

CS5

Development Management Policies (Submission version) 2011:

DM01, DM02

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

The proposed development would have an acceptable impact on the street

scene and would not cause undue impacts on the amenities of the neighbouring occupiers. It complies with all relevant council policy and guidance.

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

- 2 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 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.

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

RECOMMENDATION III

That if an agreement has not been completed by 30/03/2012, that unless otherwise agreed in writing, the Head of Planning and Development Management should REFUSE the application H/04522/11 under delegated powers for the following reason/s:

The proposal does not include a formal undertaking to meet the additional education, health, library, and associated monitoring costs arising as a result of the development, contrary to policies CS2, CS8 and IMP2 of the Adopted Barnet Unitary Development Plan (2006) and Supplementary Planning Document - Planning Obligations, Supplementary Planning Document - Contributions to Health and Supplementary Planning Document - Contributions to Libraries, Supplementary Planning Document - Contributions to Education, Supplementary Planning Document - Monitoring Planning Obligations.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

PPS1 - Delivering Sustainable Development
PPS3 - Housing

The Mayor's London Plan: July 2011

3.4, 7.1, 7.4, 7.6

Relevant Unitary Development Plan Policies:

GBEnv1, GBEnv2, D1, D2, D3, D4, D5, M14, GH1, GH2, H16, H17, H18, CS2, CS8, IMP1 and IMP2

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

Core Strategy (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:	W/11488/A/02
Validated:	10/12/2002	Type:	APF
Status:	DEC	Date:	31/01/2003
Summary:	APC	Case Officer:	
Description:	Erection of replacement balconies to existing block of flats.		

Application:	Planning	Number:	W/11488/E/07
Validated:	13/11/2007	Type:	APF
Status:	DEC	Date:	06/02/2008
Summary:	APC	Case Officer:	Louise Doran
Description:	Demolition of existing garages and erection of single storey building to provide 6no. self-contained residential units.		

Site Address: Land rear of Grosvenor Court, Grenville Place, London, NW7 3RY

Application Number: H/00524/11

Application Type: Full Application

Decision: Approve with conditions

Decision Date: 24/03/2011

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Extension to the time limit for implementing planning permission W/11488/E/07 granted 04/02/08 for 'Demolition of existing garages and erection of single storey building to provide 6no. self-contained residential units.'

Case Officer: Emily Benedek

Consultations and Views Expressed:

Neighbours Consulted:	90	Replies:	6
Neighbours Wishing To Speak	2		

The objections raised may be summarised as follows:

- Impact on traffic, access and parking congestion as currently insufficient parking for existing flats
- Access route too narrow to allow for manoeuvring of vehicles
- Additional flats are overdevelopment
- Extra traffic turning on/off Hale Lane will pose a hazard

- Scale and appearance - not in keeping with other blocks in the area
- Roof construction too high and not compatible with floor to floor height of the building
- Proposal reduces much needed grassed area and loss of landscaped gardens detrimental to residents and children that use it
- Noise and disturbance resulting from use as existing flats have quite thin walls
- Terraces will cause nuisance and loss of privacy
- Loss of light
- Existing litter problems will be exacerbated
- Potential for up to 6 people living in a 2 bedroom flat which could have impact on residents
- Freehold/leasehold issues regarding garages to the rear and separate planning application to develop those garages

Internal /Other Consultations:

- Traffic and Development (H) - It is not possible to have 8 parking spaces in this location as they need to be 6 metres in depth but 7 parking spaces would be acceptable in this location. No objection subject to conditions and informatives.

Date of Site Notice: 10 November 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site relates to a three storey block of flats located on the south side of Hale Lane, at the junction with Grenville Place which is predominantly residential in character. The immediate area comprises a mix of purpose built blocks of flats, detached and semi-detached houses.

Proposal:

The application seeks permission for the creation of a new third floor to provide 6 no. new self-contained units (4 no. 1 bedroom flats and 2 no. 2 bedroom flats), creation of 7 no. new parking spaces and provision of new bin store area. The plans have been amended.

The originally submitted application proposed 3 no. 2 bedroom units and 3 no. 1 bedroom units however the plans have been amended following the reduction in width of the proposed third floor to provide 2 no. 2 bedroom units and 4 no. 1 bedroom units. The extension has been amended so that it is set in by 2.8 metres from each end elevation.

Following comments from the Council's Highways department 7 no. parking spaces, together with 4 bicycle racks will be provided in the front forecourt.

Additional refuse facilities are proposed along the flank elevation of the building adjacent to Chasewood Court.

The new flats will each have private balconies located at the front and rear of the

building.

Planning Considerations:

Grosvenor Court is a three storey residential block located in a prominent location on Hale Lane with parking spaces to the front and garages to the rear. A fourth storey is proposed on the roof extending the full width of the existing block and measuring 11.8 metres in height from the ground level.

There is no predominant building style which characterises the immediate area. Both Grosvenor Court and the neighbouring residential flats in Chasewood Court are three storeys in height as is Trafalgar House, an office block located adjacent to the site. The proposed roof will be no higher than the neighbouring chimney at Chasewood Court and only 1.2 metres higher than its existing pitched roof and will be the same height as Trafalgar House. The proposed third floor will be set in by 2.8 metres on either side of the property, giving a subordinate appearance to the main block and will be located approximately 7 metres away from the neighbouring property, Chasewood Court. On the opposite side the building is located 19 metres away from the nearest neighbouring property. The proposed extension will be set in by 1 metre from the front and rear building line so as not to create a continuous frontage and is not considered to be out of character with the surrounding area. Furthermore, given the relationship to the nearest neighbouring residential property in Hale Lane, the proposed third floor is not considered to have a significant impact on the amenities of the adjoining residential properties.

The proposal comprises 6 no. 1 and 2 bed units with 7 no. additional parking spaces in the front forecourt allocated for these units. The plans have been amended to reduce the number of car parking spaces from 8 to 7 to allow motorists to safely enter and exit these spaces. The site is well served by local bus routes and is within close proximity to Mill Hill Town Centre. The Council's Highways officers have raised no objections to the scheme and given the additional parking spaces provided it is considered that the proposal will not give rise to additional parking congestion.

The unit sizes would comply with the requirements as set out in the Adopted London Plan and private amenity space will be provided through balconies located to the front and rear of the building. Given that there are existing balconies on the rear elevation at the second floor level, it is not considered that the proposed balconies will give rise to increased overlooking or loss of privacy to the occupiers of the neighbouring residential properties. Furthermore, no windows are proposed on either flank elevation which would result in loss of privacy.

Conditions are proposed relating to sound insulation to ensure that there is adequate sound insulation between the existing and proposed units and between the new units in order to ensure that the proposal does not give rise to increased noise and disturbance to the existing and future occupiers of these units.

Financial Contributions

The proposed development would place additional pressures on education, health and library provision in the borough. To accord with the relevant SPD's and policies

CS2, CS8 and CS13 of the UDP, the proposed scheme would require a contribution of £8,282 for education, £5,576 for health, £834 for libraries and £734.60 toward the council's costs of monitoring the proposal and fulfillment of the financial obligations.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Mostly addressed in the above report.

Additional refuse facilities are proposed to contain the litter.

Every application is assessed on its own merits and this application must be considered separately from any other application on site. Leaseholder/freeholder issues are not material planning considerations.

There is sufficient communal amenity space to the rear of the property for the existing units to allow for a small loss of green space at the front of the property in order to provide additional parking spaces.

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: Grosvenor Court, Hale Lane, London, NW7 3RY

REFERENCE: H/04522/11



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011.
All rights reserved. Ordnance Survey Licence number LA100017674.

LOCATION: Winsford Court, 11 Tenterden Grove, London, NW4 1SX
REFERENCE: H/03980/11
Received: 26 September 2011
Accepted: 27 September 2011
Expiry: 22 November 2011
WARD(S): Hendon
Final Revisions:

APPLICANT: Avocado Developments Ltd
PROPOSAL: Alterations to and replacement of bin store to replace existing.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 09023 01.03 Rev. F, 09023 01 Rev. B, Design & Access Statement, 09023 02 Revision F, 09023 01.01.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be implemented in its entirety within three years from the date of this permission.
Reason:
To ensure that the proposal has an acceptable impact on the character and appearance 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 (2006).
In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):GSD,GBEnv1, GBnv2, GParking, ENV13, D1, D2, D3, D4, D5, D6, D9, H16.

Core Strategy (Submission version) 2011: CS5

Development Management Policies (Submission version)2011: DM01

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

The development as altered and retained would have an acceptable impact on the character and appearance of the streetscene and general locality and on the visual and residential amenities of neighbouring occupiers.

- 2 The applicant is advised that the proposed works should be carried out within 2 months of this grant of permission. Failure to do this will result in enforcement action being considered.
- 3 The applicant must ensure that the proposed changes to the bin store and fence 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: 5.3, 7.4, 7.6

Relevant Unitary Development Plan Policies: GBEEnv1, GBEEnv2, D1, D2, D5, D6, D9, H16.

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: 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:

Site Address:	Lido & Winsford, Tenterden Grove, London, NW4 1SX
Application Number:	H/01642/10
Application Type:	Conditions Application
Decision:	Approve
Decision Date:	22/06/2010
Appeal Decision:	No Appeal Decision Applies
Appeal Decision Date:	No Appeal Decision Date exists
Proposal:	Submission of details of Conditions 4 (Levels), 5 (Materials), 16 (Education. Libraries/ Monitoring SPDs) pursuant to planning permission H/00111/09 dated 04/03/09.
Case Officer:	Graham Robinson

Site Address: LIDO & WINSFORD, TENTERDEN GROVE, LONDON, NW4 1SX
Application Number: H/02083/08
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 05/08/2008
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing dwelling and construction of two-storey building (plus basement and rooms in roofspace) for 6 self-contained units with associated amenity space and parking.**
Case Officer: Emily Benedek

Site Address: Winsford Court, 11 Tenterden Grove, London, NW4 1SX
Application Number: H/02157/11
Application Type: Conditions Application
Decision: Approve
Decision Date: 17/08/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Submission of details of Conditions Nos.3 (Visibility); No.5 (Materials - Details); No.6 (Means of Enclosure); No.9 (Landscaping - Details); No.16 (Screening - Details) pursuant to planning permission Ref: H/00111/09 dated: 4/3/2009.**
Case Officer: Graham Robinson

H/00111/09 - Demolition of existing dwelling and construction of two-storey building with roof terrace (plus basement and rooms in roofspace) with gym in basement, for 5 self-contained units with associated amenity space and parking. Amendment to application reference H/02083/08 previously approved on 05/08/2008 to reduce number of units from 6 to 5, alterations to internal layout, increase to rear projection at ground floor level, alterations to elevations with timber banding being replaced by reconstituted stone. - Approved - 04/03/2009.

H/02083/08 - Demolition of existing dwelling and construction of two-storey building (plus basement and rooms in roofspace) for 6 self-contained units with associated amenity space and parking. – Approved – 29/07/2008

Consultations and Views Expressed:

Neighbours Consulted: 28 Replies: 3
 Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- Refuse store is an eyesore which spoils the appearance of the development. It does not need to be higher than bin height, and there should be alternative locations available.
- Height of fence
- Encourages rodents

The plans have been amended and one of the resident who initially objected has advised that they do not object to the revised plans.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

PPS1: Delivering Sustainable Development

The Mayor's London Plan: July 2011: 5.3, 7.4, 7.6

Relevant Unitary Development Plan Policies: GBEnv1, GBEnv2, D1, D2, D5, D6, D9, H16.

Core Strategy (Publication Stage) 2010

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

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

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

Relevant Core Strategy Policies: CS5

Relevant Development Management Policies: DM01, DM02.

Relevant Planning History:

Site Address:	Lido & Winsford, Tenterden Grove, London, NW4 1SX
Application Number:	H/01642/10
Application Type:	Conditions Application
Decision:	Approve
Decision Date:	22/06/2010
Appeal Decision:	No Appeal Decision Applies
Appeal Decision Date:	No Appeal Decision Date exists
Proposal:	Submission of details of Conditions 4 (Levels), 5 (Materials), 16 (Education. Libraries/ Monitoring SPDs) pursuant to planning permission H/00111/09 dated 04/03/09.
Case Officer:	Graham Robinson

Site Address:	LIDO & WINSFORD, TENTERDEN GROVE, LONDON, NW4 1SX
Application Number:	H/02083/08
Application Type:	Full Application

Decision: Approve with conditions
Decision Date: 05/08/2008
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing dwelling and construction of two-storey building (plus basement and rooms in roofspace) for 6 self-contained units with associated amenity space and parking.**
Case Officer: Emily Benedek

Site Address: Winsford Court, 11 Tenterden Grove, London, NW4 1SX
Application Number: H/02157/11
Application Type: Conditions Application
Decision: Approve
Decision Date: 17/08/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Submission of details of Conditions Nos.3 (Visibility); No.5 (Materials - Details); No.6 (Means of Enclosure); No.9 (Landscaping - Details); No.16 (Screening - Details) pursuant to planning permission Ref: H/00111/09 dated: 4/3/2009.**
Case Officer: Graham Robinson

H/00111/09 - Demolition of existing dwelling and construction of two-storey building with roof terrace (plus basement and rooms in roofspace) with gym in basement, for 5 self-contained units with associated amenity space and parking. Amendment to application reference H/02083/08 previously approved on 05/08/2008 to reduce number of units from 6 to 5, alterations to internal layout, increase to rear projection at ground floor level, alterations to elevations with timber banding being replaced by reconstituted stone. - Approved - 04/03/2009.

H/02083/08 - Demolition of existing dwelling and construction of two-storey building (plus basement and rooms in roofspace) for 6 self-contained units with associated amenity space and parking. – Approved – 29/07/2008

Consultations and Views Expressed:

Neighbours Consulted: 28 Replies: 3
 Neighbours Wishing To Speak 1

The consultation period for this application expires on 27/10/2011. Any further comments will be referred to the West Area Planning Sub- Committee.

The objections raised may be summarised as follows:

- Refuse store is an eyesore which spoils the appearance of the development. It does not need to be higher than bin height, and there should be alternative locations available.
- Height of fence
- Encourages rodents

Internal /Other Consultations:

N/A

Date of Site Notice: 06 October 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site relates to a pair of semi detached houses located on the north side of Tenterden Grove which is predominantly residential in character. The area is characterised by large semi detached and detached single family dwelling houses, although directly to the west of the site is Raymead, a three-storey block of 9 no. self-contained units. The land slopes upwards across the site from south to north.

Proposal:

The proposal is for the construction of a new bin store to replace existing.

On the originally approved plans under application reference H/00111/09, the proposed refuse store was to be sited centrally on the site frontage to Tenterden Grove. It has been constructed in a location adjacent to the boundary with Hazelwood, to the east of the site, with a slightly higher roof than approved.

The application has been further amended following requests from officers. The proposed new replacement bin store would be sited between 1m and 1.4m from the boundary with Hazelwood, and would be enclosed by timber panels 1.65m in height. The amended plans indicate that the height of the fence is to be negotiated with neighbouring occupiers, this was shown as being 2m high on the original scheme, and is now shown at a lower height of 1.2m above brick plinth.

Planning Considerations:

The main issues are considered to be:

- *Whether the retention and alterations to the bin store would harm neighbouring amenity*
- *Whether the retention and alterations to the bin store would harm the character and appearance of the locality and streetscene*

Policy context

Policy D1 – High Quality Design

All new development should represent high quality design and should be in keeping with the council's objectives of sustainable development and ensuring community safety.

Policy D2 – Character

The council will encourage development proposals which are based on an understanding of local characteristics, preserve or enhance local character and respect the appearance, scale, bulk, height and pattern of surrounding buildings, surrounding street and movement patterns and the overall character and quality of the area.

Policy D3 – Spaces

The size, shape, position and detailing of spaces created within or around new buildings should enhance the development of which they are part, and should be in keeping with the overall character and quality of the area.

Policy D4 – Over-development

New development should respect the constraints of the site to accommodate development and should not result in over-development.

Policy D5 – Outlook

New developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Policy D6 – Street Interest

To ensure attractive, safe and, where appropriate, vibrant streets, new development should provide visual interest, particularly at street level. Blank walls overlooking streets will be resisted and new development should provide windows to such elevations.

Policy D9 – Designing Out Crime

The council will require all new development to be designed to provide safety and security in the environment and reduce opportunities for crime and the fear of crime. Particular regard shall be given to:

- Ensuring that public areas are overlooked by buildings;
- Increasing natural surveillance in public areas at different times by promoting a mix of land uses in an area;
- Ensuring that main entrances are visible from the street or other public places;
- Ensuring that streets and paths are well and appropriately lit;
- Ensuring that buildings, landscaping and planting do not create dark or secluded areas; and
- Creating clear boundaries between public and private space.

Policy H16 – Residential Development – Character

New residential developments should harmonise with and respect the character of the area within which they are situated and should:

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

Whether the replacement bin store would harm the character and appearance of the locality and streetscene

The site forms a transition between flats and houses within the locality. Whilst it is appreciated that the gardens prior to the development were open, a refuse store in the front garden was part of the terms of the original planning approval under reference H/00111/09. The refuse store would be sited further from the boundary with Hazelwood than the existing and would have a height of 1.65m.

Refuse stores are common features within flatted developments. Providing they are

appropriately designed there is no reason why they should be harmful in planning terms. The applicant is proposing to make some reductions to the size and height of the store constructed on site.

The bin store is visible within the streetscene. In the context of overall development and neighbouring residential houses it is not considered that it appears unduly obtrusive.

Whether the retention and alterations to the bin store would harm neighbouring amenity

The new bin store on site would be sited further away from the boundary with Hazelwood than that existing. There is a timber fence sited between the store and Hazelwood. Though this would be lowered, the refuse store would largely be screened by this fence when viewed from Hazelwood. It is not considered that there would be any undue impact from the use of the area as a refuse store, it is considered that residents should not be subject to undue noise or odour disturbance if refuse is appropriately stored within bins.

It is not considered that the proposed bin store would materially harm the visual or residential amenities of any neighbouring occupier.

3. COMMENTS ON GROUNDS OF OBJECTIONS

- Refuse store is an eyesore which spoils the appearance of the development. It does not need to be higher than bin height, and there should be alternative locations available. - *Addressed in main report. It is not considered that such a reduction would be justified.*
- Height of fence - This is as approved under the terms of planning application H/00111/09
- Encourages rodents - *This would be an environmental health matter, if refuse is appropriately stored there should be no reason why this would be caused.*

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:
NW4 1SX

Winsford Court, 11 Tenterden Grove, London,

REFERENCE:

H/03980/11



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011.
All rights reserved. Ordnance Survey Licence number LA100017674.

LOCATION: 15 Tenterden Drive, London, NW4 1EA
REFERENCE: H/04376/11 **Received:** 24 October 2011
WARD(S): Hendon **Accepted:** 24 October 2011
APPLICANT: Mr & Mrs Bhudia **Expiry:** 19 December 2011
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. **Final Revisions:**

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

The application was deferred at committee on 7th February 2012, to allow members to carry out a site visit.

Site Description and Surroundings:

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

Proposal:

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

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

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

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

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

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

Planning Considerations:

Character and appearance

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

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

Impact on the neighbouring occupiers

In terms of the impact on the adjoining property at number 13, the first floor rear extension has been reduced in depth and width and there would now be no undue impacts on the occupiers as a result of this part of the proposal. The ground floor extension on the boundary with number 13 is deeper than usually considered acceptable, however there is an existing extension at number 13 and the proposal would be no deeper than this. It is therefore acceptable in planning terms.

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

3. COMMENTS ON GROUNDS OF OBJECTIONS

Mainly addressed above.

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

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

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

The proposed development complies with council policy and design guidance.

Approval is recommended.

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

REFERENCE: H/04376/11



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011. All rights reserved. Ordnance Survey Licence number LA100017674.

LOCATION: Danescroft, Brent Street, London, NW4 2QH

REFERENCE: H/04788/11

Received: 29 November 2011

Accepted: 29 November 2011

WARD(S): Hendon

Expiry: 24 January 2012

Final Revisions:

APPLICANT:

PROPOSAL: Erection of 3no. lock-up garages at the rear.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement, Drawing No. 1122.1 (Existing Site Plan), Drawing No. 1122.2 (Existing Elevations), Drawing No. 1122.3 (Proposed Site Plan), Drawing No. 1122.4 (Proposed Plan) and Drawing No. 1122.5 (Proposed Elevations)

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 lock up garages hereby approved, as illustrated on Plan No. 1122.4 (Proposed Plan), shall be used solely for the benefit of the occupants of Danescroft and for no other purpose and permanently retained as such thereafter.

Reason:

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

- 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.

INFORMATIVE(S):

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1; M11

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

The proposed development would not unduly detract from the amenities of residents or the character of the local area.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

PPS1 Sustainable Development and Climate Change

PPG13 Transport
The Mayor's London Plan: July 2011
None directly relevant.

Relevant Unitary Development Plan Policies:

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:

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.

Consultations and Views Expressed:

Neighbours Consulted:	193	Replies: 41
Neighbours Wishing To Speak	0	

The objections raised may be summarised as follows:

loss of parking spaces for Danescroft residents.

Reduced access for cars

Garage will be for commercial use

Inappropriate location

Internal /Other Consultations:

- Traffic & Development - No objection raised.

Date of Site Notice: 08 December 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site relates to 5 adjoining residential blocks of 64 units; to the rear of Danescroft, Brent Street, NW4 2QH. To the rear of the site there is 33 existing garages and areas of open parking.

Proposal:

The application seeks permission for the erection of 3 lock up garages at the of Danescroft, Brent Street.

The proposed garages will be 7.5 metres in width, 5.2 metres in depth and 2.7 metres in height with a flat roof.

Planning Considerations:

The proposed 3 garages would be sited within an existing area of hard standing and as this area is on a slope the proposed garaged will have a height of 2.7 metres on the highest point of the land. The area is characterised by existing garages and an area of hard standing currently used by residents as an area of informal parking.

Informal car parking currently occurs within the area of hardstanding which is accessed by cars driving to the rear of the Danescroft. In view of this it is considered that the creation of the garages would not create undue noise and disturbance above that presently generated.

It is considered that the 3 proposed garages would not detract from the appearance of the block nor unduly impact on the character of the road. Further, the proposed garages, by virtue of their size and siting, would not detract from the living conditions or visual amenities currently enjoyed by residents.

Concerns have been expressed by local residents that the garages if granted permission will be used for commercial purposes and will not provide additional parking for residents. In order to overcome these concerns a condition is recommended to ensure that the proposed garages are only used by residents and their visitors. Planning permission would be required for the use of the parking bays by anyone not resident at the premises, whether subject to a fee or not.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Addressed in main body of the report.

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

Subject to the imposition of a condition that the garages proposed shall only be used by residents of Danescroft, it is recommended that planning permission be **granted**.

SITE LOCATION PLAN: Danescroft, Brent Street, London, NW4 2QH

REFERENCE: H/04788/11



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011.
All rights reserved. Ordnance Survey Licence number LA100017674.

LOCATION: 28 Alexandra Road, London, NW4 2SA

REFERENCE: H/00068/12

Received: 06 January 2012

Accepted: 06 January 2012

WARD(S): Hendon

Expiry: 02 March 2012

Final Revisions:

APPLICANT: Mr N Isaacson

PROPOSAL: Single storey rear extension.

RECOMMENDATION: **Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Drawing No. 1 (Existing & Proposed Floor Plans), Drawing No. 2 (Existing & Proposed Elevations), Drawing No.3 Existing 7 Proposed Side Elevations), Drawing No.4 (Sections sheet 1), Drawing No.5 (Sections Sheet 2)

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.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
 - i) The proposed development accords with strategic planning guidance and policies as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (UDP) (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, 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 appearance of the property and the street scene and on the amenities of the neighbouring occupiers. It complies with all relevant council policy and design guidance

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:
PPS1

The Mayor's London Plan: July 2011
None specific.

Relevant Unitary Development Plan Policies:
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.

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

Consultations and Views Expressed:

Neighbours Consulted:	4	Replies:	4
Neighbours Wishing To Speak	0		

The objections raised may be summarised as follows:
The property is in use an HMO
Loss of light/sunlight

2. PLANNING APPRAISAL

Site Description and Surroundings:

The property to which this application relates is a two storey terrace house located on Alexandra Road which is predominately residential in character.

Proposal:

The application seeks permission for a single storey rear infill extension. The single storey rear extension will have a width of 4.6 metres, a depth of 4.5 metres and a height of 3 metres with a flat roof.

Planning Considerations:

The application site is currently "L" shaped to the rear and the application seeks permission for a single storey rear infill extension which extends 4.5 metres in depth. The proposed extension will not project any further than the existing extension at No. 26 Alexandra Road and extends only 0.5 metres beyond the rear wall of neighbouring property No. 30 Alexandra Road.

It is considered that the proposed extension will not have any significant affect on neighbouring amenities as the rear extension does not extend beyond the extension of No. 26 Alexandra Road and extends only 0.5 metres beyond the rear wall of neighbouring property 30 Alexandra Road.

The proposed extension, given its size, depth and relationship with neighbouring properties, is not considered to result in significant harm to the character and appearance of the property, general locality or the visual and residential amenities of neighbouring occupiers.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Addressed in planning considerations.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

The application is recommended for **APPROVAL**.

SITE LOCATION PLAN: 28 Alexandra Road, London, NW4 2SA

REFERENCE: H/00068/12



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011.
All rights reserved. Ordnance Survey Licence number LA100017674.

LOCATION: 5 Westlinton Close, London, NW7 1PY

REFERENCE: H/05002/11

Received: 15 December 2011

Accepted: 15 December 2011

WARD(S): Mill Hill

Expiry: 09 February 2012

Final Revisions:

APPLICANT: Mr Sultan Alkuwani

PROPOSAL: Conversion of garage into kitchen.

RECOMMENDATION: **Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Drawing No. PMB/11/150/1 (Existing Plans & Elevations) and Drawing No. PMB/11/150/2 (Proposed Plans & Elevations)

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 kitchen hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 5 Westlinton Close

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

INFORMATIVE(S):

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, D2 and H27 and Design Guidance Note No 5: Extensions to Houses, 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.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

PPS 1.

The Mayor's London Plan: July 2011

None specific.

Relevant Unitary Development Plan Policies:

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:

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:

Site history for current landparcel :

35848 - 5 Westlinton Close, London, NW7 1PY

Case Reference: **H/05002/11**

Application:	Planning	Number:	H/03855/11
Validated:	16/09/2011	Type:	HSE
Status:	DEC	Date:	11/11/2011
Summary:	APC	Case Officer:	Emily Benedek
Description:	Extension to roof including front rooflight windows, 1no rear dormer and 1no dormer to each side (totalling 3no dormers) to facilitate a loft conversion.		

Application:	Planning	Number:	W/16165/07
Validated:	19/11/2007	Type:	S63
Status:	DEC	Date:	14/01/2008
Summary:	AP	Case Officer:	
Description:	Retention of conservatory at rear.		

Consultations and Views Expressed:

Neighbours Consulted:	7	Replies:	3
Neighbours Wishing To Speak	0		

The objections raised may be summarised as follows:
The garage will be used for commercial purposes
the only means of access is to the side of the property
Cooking smells and noise and disturbance

2. PLANNING APPRAISAL

Site Description and Surroundings:

The subject property is two storey detached dwelling house located with Westlinton Close which is predominately residential in character.

Proposal:

The application seeks permission for the conversion of a garage into a kitchen.

Planning Considerations:

The proposed conversion of the garage into a kitchen is considered an acceptable addition to the property and would meet the design considerations listed within the aforementioned guidance note. The proposed garage conversion does not include any elevational changes to the property and the proposed kitchen would utilise the existing window and door on the side elevation.

Concerns have been raised in relation to the commercial use of the kitchen and the affect on drainage; therefore a condition has been attached to the permission restricting the commercial use of the kitchen, however the level of drainage use is not expected to be above that used ancillary to the main house.

It is considered that the proposed conversion of the garage to habitable room would not result in unacceptable pressure on the on-street parking in the surrounding roads. It is considered that noise levels would not be raised above standard residential levels.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Addressed in main body of report.

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: 5 Westlinton Close, London, NW7 1PY

REFERENCE: H/05002/11



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011.
All rights reserved. Ordnance Survey Licence number LA100017674.

LOCATION: 15 Russell Grove, London, NW7 3QU
REFERENCE: H/00046/12
WARD(S): Mill Hill
APPLICANT: Mr & Mrs Schlagman
PROPOSAL: Two storey side and part single storey rear extension following demolition of the existing garage.

Received: 04 January 2012
Accepted: 04 January 2012
Expiry: 29 February 2012
Final Revisions:

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan, BBC-216/07-16.02.2011, BBC-216/08-16.02.2012
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 Before the building hereby permitted is occupied the proposed window(s) in the west elevation facing 587 Watford Way 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.
- 5 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the following operation(s) shall not be undertaken without the prior specific permission of the Local Planning Authority .-Insertion of windows in the west elevation facing 587 Watford Way.
Reason:
To safeguard the privacy and amenities of neighbouring occupiers.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
 - i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (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): - The application is considered to have an acceptable impact on the character and appearance of the streetscene and general locality, and would not have a harmful impact on the amenities of neighbouring occupiers.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

PPS1

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: 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

Relevant Planning History:

Site Address: 15 Russell Grove and 587 Watford Way London NW7
Application Number: W03678D/03
Application Type: Full Application
Decision: Refuse
Decision Date: 06/01/2004
Appeal Decision: Dismissed
Appeal Decision Date: 06/01/2004
Proposal: **Demolition of existing buildings and erection of 2 no. part two, part three-storey blocks to provide a total of 14 no. self-contained flats. Basement parking and surface parking for a total of 18 no. cars with associated access onto Russell Grove.**

Case Officer: Lesley Feldman

Site Address: 15 Russell Grove and 587 Watford Way London NW7
Application Number: W03678C/02
Application Type: Full Application
Decision: Refuse
Decision Date: 06/01/2004
Appeal Decision: Dismissed
Appeal Decision Date: 06/01/2004
Proposal: **Demolition of existing buildings and erection of a part two, part three-storey block to provide 14 no. self contained flats. Basement car-parking for 24 no. cars with associated access onto Russell Grove.**

Case Officer: Lesley Feldman

Site Address: 15 Russell Grove London NW7 3QU
Application Number: W03678F/04
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 03/12/2004
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey side and rear extension. Canopy over front entrance.**
Case Officer:

Site Address: 15 Russell Grove London NW7 3QU
Application Number: W03678E/04
Application Type: Full Application
Decision: Withdrawn
Decision Date: 23/09/2004
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Part single/part two-storey rear & side extension with associated roof extension. Erection of single storey front extension to accommodate porch.**

Case Officer:

Site Address: 15 Russell Grove, London, NW7 3QU
Application Number: H/00046/12
Application Type: Householder

Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Two storey side and part single storey rear extension following demolition of the existing garage.**
Case Officer: Graham Robinson

Consultations and Views Expressed:

Neighbours Consulted: 12 Replies: 3
 Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Extension is of substantial size, would have detrimental impact on neighbouring gardens.
- Concerns that the house may be converted to flats in the future
- Removal of trees, loss of greenery and open gardens

Internal /Other Consultations:

N/A

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is a detached dwellinghouse on the west side of Russell Grove, in a predominantly residential area.

Proposal:

The proposal is for a two storey side and single storey rear extension.

The proposed single storey rear extension would be of the same height of 4m as the existing rear extension, and the same depth, 4m. It would infill the existing gap on the side nearest no.13.

The two storey side extension would extend to the boundary with no.587 Watford Way. It would be set back 1m from the boundary at first floor level, set back 1m from the front, with a lower roof.

The side extension has been amended in design following discussion with the case officer.

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 side extension would be set back 1m from the front and side of the property to the front and side. It would have a roof lower than the main roof of the property. In this way it is considered that the first floor side extension would be a subordinate addition to the property.

The proposed extensions would comply with Council Design Guidance on Extensions to Houses and would be a proportionate addition to the dwellinghouse. It would have an acceptable impact on the character and appearance of the site property, streetscene and general locality.

The impact on the neighbouring amenity

The extension would be on the side of the property nearest no.13 Russell Grove. This property has an existing extension which extends approximately 4m from the rear wall of that property. The proposed extension would extend in line with this. It is therefore considered that there would not be a harmful impact on the visual or

residential amenities of the occupiers of this property.

The site property is set well forward of no.587 Watford Way. The applicant has agreed to obscure glaze the windows on this side of the property. It is not considered that the side extension would harmfully impact the outlook of the occupiers of 587 Watford Way from their front windows, given the distance away.

It is not considered that the extension would have a harmful impact on the visual or residential amenities of neighbouring occupiers.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Extension is of substantial size, would have detrimental impact on neighbouring gardens. - *Addressed in main report.*

Concerns that the house may be converted to flats in the future - *Planning applications are assessed on their own merits, a conversion to flats would need planning permission in itself.*

Removal of trees, loss of greenery and open gardens - *There are no protected trees that would be affected by the proposals. The trees referred to could be removed without permission.*

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

The application is recommended for **APPROVAL**.

SITE LOCATION PLAN: 15 Russell Grove, London, NW7 3QU

REFERENCE: H/00046/12



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011.
All rights reserved. Ordnance Survey Licence number LA100017674.

LOCATION: 39A & 39B Flower Lane, London, NW7 2JN
REFERENCE: H/00133/12 **Received:** 10 January 2012
WARD(S): Underhill **Accepted:** 01 February 2012
Final Revisions: **Expiry:** 28 March 2012

APPLICANT:
PROPOSAL: Erection of two detached three storey dwelling houses with garages following demolition of two existing bungalows and garages.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: A145_001 Revision PL01, A145_002 Revision PL01, A145_101 Revision PL01, A145_003 Revision PL02, A145_004 Revision PL01, A145_005 Revision PL01, A145_006 Revision PL02, A145_111 Revision PL02, A145_112 Revision PL02, A145_113 Revision PL02, A145_114 Revision PL02, A145_301 Revision PL01, A145_302 Revision PL01, A145_303 Revision PL01, A145_304 Revision PL01, A145_311 Revision PL02, A145_312 Revision PL02, A145_313 Revision PL02, A145_314 Revision PL02, A145_315 Revision PL02, A145_317 Revision PL02, A145_318 Revision PL02, A145_319 Revision PL02, A145_320 Revision PL02, A145_321 Revision PL02, A145_401 Revision PL02, A145_402 Revision PL02, Design and Access Statement.
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 Flower Lane 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 Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.
Reason:
To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.
- 5 Before the development hereby permitted commences, details of 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.

- 6 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.
- 7 Before the building hereby permitted is occupied the proposed window(s) in the first and second floor flank elevations facing 1 Oaklodge Way, 39a, 39b and 41 Flower Lane shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening, unless otherwise agreed in writing by the Local Planning Authority.
Reason:
To safeguard the privacy and amenities of occupiers of adjoining residential properties.
- 8 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the first and second floor flank and rear elevations facing 1 Oaklodge Way, 39a, 39b and 41 Flower Lane and the University of London Observatory without the prior specific permission of the Local Planning Authority.
Reason:
To safeguard the privacy and amenities of occupiers of adjoining residential properties.
- 9 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.
- 10 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.
- 11 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.
- 12 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.

- 13 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.

- 14 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).

- 15 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, B, C, D and E of Part 1 to Schedule 2 of that Order shall be carried out within the area of 39a and 39b Flower Lane hereby approved without the prior written permission of the local planning authority.

Reason:

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

- 16 No external lighting shall be placed within the curtilage of the property without prior consent from the Local Planning Authority.

Reason: To ensure the proposal does not impact on the London Observatory.

INFORMATIVE(S):

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

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

GBEnv1, GBEnv2, D1, D2, D3, D4, D5, M14, GH1, GH2, H16, H17, H18

Supplementary Planning Document - Sustainable Design and Construction

Core Strategy (Submission version) 2011:

CS4, CS5

Development Management Policies (Submission version) 2011:

DM01, DM02

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 Refuse collection points should be located within 10 metres of the Public Highway, otherwise, unobstructed access needs to be provided to the refuse vehicle on the day of the collection. The development access needs to be designed and constructed to allow refuse vehicles to access the site. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 3 Any highway approval as part of the planning process for the alteration to the existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in Highways Group as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Highways Group, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

PPS1 - Delivering Sustainable Development
PPS3 - Housing

The Mayor's London Plan: July 2011

3.5, 7.1, 7.4, 7.6

Relevant Unitary Development Plan Policies:

GBEnv1, GBEnv2, D1, D2, D3, D4, D5, M14, GH1, GH2, H16, H17, H18

Supplementary Planning Document - Sustainable Design and Construction

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, 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:

There is no relevant planning history.

Consultations and Views Expressed:

Neighbours Consulted:	33	Replies: 6
Neighbours Wishing To Speak	1	

At the time of writing the report the neighbouring objectors were being reconsulted on amended plans. Any additional representations received in respect of the amended plans will be reported in the addendum.

The objections raised may be summarised as follows:

- Proposal will seriously curtail observations from the Observatory to the west
- The inclusion of considerable expanse of glass facing the Observatory will be disastrous
- Trees/shrubbery along border with Nos 37 and 39 Flower Lane should remain untouched
- Over-development of existing bungalows
- Redesign of bungalows into three storey houses inappropriate in this location due to massive increase in height
- Roof line should be much lower to avoid excessive light pollution affecting the Observatory
- Concern about possible loss of undergrowth/trees could add light pollution affecting

the Observatory.

- Plans show large windows facing observatory - once in place and occupied little control over amount and timing of light passing through the windows towards the Observatory
- Request any permitted development rights are removed if development is permitted
- Existing driveway very narrow for building and vehicular access - should be joined with neighbouring day care centre access to make a wider and safer access arrangement
- Concern about fire/ambulance/refuse/Heavy Goods Vehicles access to the properties
- Proposal involves changes to gradient of site and major soil removal exercise which could result in flooding
- Trees are shown on plans are remaining but doubt this will be adhered to
- Concerns regarding construction works outside of normal working hours
- Impact on traffic and road and pedestrian safety
- Proposal would impact on rights of way
- Proposal will double the amount of car parking spaces available
- Owner does not own 39b as contract been with Flower Lane developments
- Width of existing access inappropriate for the development, cars wider than when constructed in 1960s
- Proposal will result in increase in vehicular traffic
- Existing access is dangerous and had a blind corner
- Proposal does not create safe access for pedestrians, cyclists or people with disabilities
- Proposal does not comply with London Fire Authority's latest Fire Safety Guidance Note
- Noise and disturbance from construction work
- No details provided regarding lighting which should be an integral part of the development
- Object to use of permeable materials to pave driveway - deeds state only tarmac to be used and its potential impact
- Noise and disturbance resulting from refuse vehicles accessing the site
- Overlooking and loss of privacy
- Proposal takes no account of requirement to provide adequate drainage to deal with foul and surface water discharge

Internal /Other Consultations:

- Traffic & Development - No objection subject to informatives

Date of Site Notice: 19 January 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site relates to a pair of backland semi-detached bungalows located on the east side of Flower Lane which is predominantly residential in character. The site is accessed via an existing access between Nos 39 and 43 Flower Lane. Located east of the site is the University of London Observatory, to the south is the

Flower Lane resource centre and a pair of detached dwellings are located to the north.

Proposal:

The application seeks permission for the erection of two detached three storey dwelling houses following the demolition of two existing bungalows and garages. The plans have been amended.

The proposed dwellings will measure 11.5 metres in depth, 8.6 metres in width and 10 metres in height with a gabled roof. The plans have been amended to ensure that both properties respect the existing front building line with No 1 Oaklodge Way and will only project 1.5 metres beyond the existing rear building line.

The original application proposed two garages in the front forecourt, however these have been removed from the plans and the main courtyard will be able to accommodate several cars.

The applicant's agent has confirmed that the existing refuse arrangements involve residents bringing their refuse to the entrance with Flower Lane on refuse collection days and this arrangement will remain with the proposal.

Both properties will benefit from private amenity space as well as recessed balconies on the second floor front and rear elevations.

Planning Considerations:

Nos 39a and 39b Flower Lane are a pair of semi-detached properties that are not visible from Flower Lane. The neighbouring backland properties in Oaklodge Way and 41 Flower Lane comprise a mix styles and it is no predominant building style which characterises the immediate area. The plans have been amended with regards to the style of the dwellings creating uniforming gable fronted features to the front and rear elevations. The new dwellings respect the existing eaves and ridge height of the neighbouring property at Oak Lodge Way and is therefore considered to sit comfortably within the existing surroundings.

As amended, the proposed dwellings will respect the existing front building line of the neighbouring property in Oak Lodge Way and will only project 1.5 metres beyond the existing rear building line. Conditions have been recommended to obscure glaze the windows on the first and second floor flank elevations of both properties and restrict the insertion of further windows without prior consent from the Local Planning Authority. The proposed balconies on the rear elevations are recessed to ensure that they do not result in any overlooking to the occupiers of the neighbouring properties and the balconies to the front are located more than 21 metres from the end of the rear gardens of Nos 37 and 39 Flower Lane. Given all of the above it is therefore that the proposed dwellings will have minimal adverse impacts on neighbouring amenity.

As the property falls within direct sight of the University of London Observatory, the concerns raised by this organisation have been taken very seriously. The Council

and applicant's agent have worked very closely with the Observatory to amend the plans. These changes include bringing 39b further forward so that it is 5 metres away from the Observatory and 39a 1.5 metres further forward; creating brise soleil above the first and second floor windows to reduce potential light pollution and ensure the light shines downwards; lowering the fascia on the second floor to reduce potential light pollution from external fixtures and so that it is now level with the balcony doors, reducing the amount of glazing on the second floor rear elevation from 3.5m to 2.2m which will also mitigate against the positioning of bedside table lamps against windows and all external lights to the rear will face downwards. In addition, a condition has been proposed stating that no external lighting should be placed on site without prior consent from the Local Planning Authority. It is considered that these changes will ensure the proposal does not impact on the work carried out by the University of London Observatory.

No changes are proposed to the existing access route in order to gain vehicular, pedestrian, cycle access to the site. As the access is existing and currently services the two existing bungalows, the Council's Highways officers have raised no objection to its width or vehicle manoeuvrability. It is considered that the removal of the garages in the front forecourt provides greater turning space for emergency vehicles should they need to access the site. With regards to refuse, the proposed arrangements will remain as the existing set up. The existing residents of Nos 39a and 39b are required to bring their refuse to the edge of the public highway (between Nos 39 and 41) on refuse collection days and as the refuse vehicles do not currently access the dwellings it is not proposed that they will do so in the future either. Furthermore, given that no changes are proposed to the access route or the number of dwellings in this location, it is not considered that the proposal will have a detrimental impact on pedestrian or highways safety.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Mostly addressed in the above report.

It is proposed that all existing trees will remain on site.

A condition has been proposed relating to hours of construction.

A condition has been proposed relating to levels, although there is no evidence to suggest that the proposal will give rise to increased flooding in the area.

A condition has been proposed relating to the use of materials in the hard and soft landscaped areas.

Rights of way, drainage and noise and disturbance as a result of construction works are not material planning considerations.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

The application is recommended for **APPROVAL**.

SITE LOCATION PLAN: 39A & 39B Flower Lane, London, NW7 2JN

REFERENCE: H/00133/12



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011. All rights reserved. Ordnance Survey Licence number LA100017674.

LOCATION: 1 Graham Road, London, NW4 3DH
REFERENCE: H/04726/11 **Received:** 22 November 2011
WARD(S): West Hendon **Accepted:** 01 December 2011
Final Revisions: **Expiry:** 26 January 2012
APPLICANT: Yellow Holdings Ltd. c/o Smith Lam Architects
PROPOSAL: Demolition of an existing four bedroom dwelling and erection of a two storey block (plus rooms in basement and roofspace), comprising seven flats in total. Formation of communal garden and four off-street car parking spaces.

RECOMMENDATION: Approve Subject to S106

Subject to a Section 106 Agreement

RECOMMENDATION I:

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (excl. libraries) £20,166.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Health £7,384.00**
A contribution towards Health Facilities and Resources in the borough
- 5 **Libraries (financial) £729.00**
A contribution towards Library Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £1,414.00**
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: H/04726/11 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 10-101; 10-102; 10-103; 20-101F; 20-102F; 20-103F; 20-104F; 20-105F; 20-106F; 20-107F.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Before the development hereby permitted is occupied the parking spaces shown on Plan 20-101F 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.

- 4 No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontage(s) of 1 Graham Road 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.

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

Reason:

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

- 6 Before the development hereby permitted commences, details of 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.

- 7 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.

- 8 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.

- 9 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.
- 10 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.
- 11 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.
- 12 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.
- 13 No site works or works on this development shall be commenced before temporary tree protection has been erected around existing trees 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 trees which represent an important amenity feature.
- 14 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.
- 15 The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.
Reason:
To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).
- 16 The internal layout of the proposed flats shall remain as shown on the approved plans unless otherwise agreed in writing by the Local Planning

Authority.

Reason: To protect the amenities of the future occupiers of the units hereby approved.

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, GEnergy, GBEnv1, GBEnv2, GParking, GNonCar, ENV2, ENV13, ENV14, D1, D2, D3, D4, D5, D6, D11, M1, M2, M4, M5, M6, M7, M10, M11, M12, M13, M14, H1, H5, H16, H17, H18, H20, H21, IMP1 and IMP2.
Core Strategy (Submission version) 2011:CS4, CS5

Development Management Policies (Submission version)2011:DM01; DM02; DM03; DM08; DM17
 - ii) The proposal is acceptable for the following reason(s): -
The proposed development is considered to have an acceptable impact on the character and appearance of the area and would not significantly harm the visual or residential amenities of any neighbouring occupier.
- 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, 2nd Floor, Oakleigh Road South, London N11 1NP.
- 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.

RECOMMENDATION III

That if an agreement has not been completed by 5/05/2012, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application H/04726/11 under delegated powers for the following reason:

- The development does not include a formal undertaking to provide financial contributions towards the additional pressure, created by the development, that will be placed on existing library, education and health facilities. Further, it does not include details of how the monitoring of the undertaking will be met. All the above are necessary for the proposal to be acceptable, therefore it is contrary to policies CS8, CS13, IMP1 and IMP2 of the Adopted Barnet Unitary Development Plan (May 2006), policy 8.2 of the London Plan, and the Barnet Supplementary Planning Documents: Contributions to Library Services from Development (February 2008), Contributions to Education from Development (February 2008), Contributions to Health Facilities (July 2009), and Planning Obligations (September 2006).

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

Planning Policy Statement PPS 1 – Delivering Sustainable Development

Planning Policy Statement PPS 3 - Housing

The Mayor's London Plan: July 2011

Policy 1.1 Delivering the Strategic Vision and Objectives for London

Policy 3.3 Increasing Housing Supply

Policy 3.4 Optimising Housing potential

Policy 3.5 Quality and Design of Housing Development

Policy 3.8 Housing Choice

Policy 3.9 Mixed and balanced Communities

Policy 5.1 Climate Change Mitigation

Policy 5.2 Minimising Carbon Dioxide Emissions

Policy 5.3 Sustainable Design and Construction

Policy 5.7 Renewable Energy

Policy 5.10 Urban Greening

Policy 6.13 Parking

Policy 7.1 Building London's Neighbourhoods and Communities

Policy 7.2 An Inclusive Environment

Policy 7.3 Designing out Crime

Policy 7.4 Local Character

Policy 7.6 Architecture

Policy 8.2 Planning Obligations

Relevant Unitary Development Plan Policies:

GSD, GEnergy, GBEEnv1, GBEEnv2, GParking, GNonCar, ENV2, ENV13, ENV14, D1, D2, D3, D4, D5, D6, D11, M1, M2, M4, M5, M6, M7, M10, M11, M12, M13, M14, H1, H5, H16, H17, H18, H20, H21, IMP1 and IMP2.

Supplementary Planning Guidance/Documents:

Sustainable Design and Construction (2007)

Contributions to Education (2008)

Contributions to Libraries (2008)

Contributions towards Health (2009)

Planning Obligations for S106 Agreements (2007)

Affordable Housing (2007)

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, 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; DM03; DM08; DM17

Relevant Planning History:

Application:	Planning	Number:	H/00104/10
Validated:	20/01/2010	Type:	APF
Status:	DEC	Date:	12/04/2010
Summary:	APC		
Description:	Demolition of an existing 4 bedroom dwelling and erection of a 2 storey block of flats with rooms in roof space comprising 2x3 bed, 2x2 bed and 3x1 bedroom flats. Formation of a sub-basement level, communal garden, refuse and 4 off-street car parking spaces.		
Application:	Planning	Number:	H/03274/10
Validated:	12/08/2010	Type:	APF
Status:	APD	Date:	02/09/2011
Summary:	REFUSED DISMISSED ON APPEAL		
Description:	Demolition of an existing 4 bedroom dwelling and erection of a 2 storey block of flats with rooms in roof space comprising 7no self-contained flats. Formation of a basement level, communal garden, associated amenities and 4no off-street car		

parking spaces.

Application:	Planning	Number:	H/04973/10
Validated:	21/12/2010	Type:	APF
Status:	APD	Date:	02/09/2011
Summary:	REFUSED DISMISSED ON APPEAL	Case Officer:	Deirdre Jackman

Description: Demolition of existing dwellinghouse and erection of a two storey building with rooms in the roofspace and basement, comprising seven self-contained flats. Associated amenity space and four off-street car parking spaces.

Consultations and Views Expressed:

Neighbours Consulted:	42	Replies:	3
Neighbours Wishing To Speak	1		

The objections raised may be summarised as follows:

- 7 flats will result in noise and disturbance
- rooms in roof will overlook our house and invade privacy
- parking on Graham rd is limited and 4 off street spaces are proposed for 7 flats
- charging houses into flats is losing the Hendon community
- flats, with multiple residents, will directly overlook garden
- more congestion in an already very congested road
- demolition of the house will be a huge disturbance
- building work will greatly affect family members suffering from asthma and chest related illnesses
- only available light in the upstairs of the neighbouring house is via a large window at the top of the stairs.
- If the house is knocked down the window will be exposed and anyone will be able to look in
- recent development on Graham Rd caused major subsidence issue to neighbouring house
- works will no doubt cause a lot of disturbance and damage to our property
- the proposed building does not fit in with the surrounding area
- Would need to move out of the area if planning goes ahead
- Development contravenes the London Plan and UDP
- plans indicate a flat 6ft from the garden boundary of 369 Hendon Way
- Height proposed will severely affect the amount of sunlight to garden which will not only affect the garden but have a detrimental impact upon family's enjoyment of the garden
- in summer 1/3 of sunlight will be blocked to garden
- windows will overlook property and eliminate privacy
- odour from recycle stores abutting garden will stop enjoyment of garden and attract vermin
- volume of cars will make area more dangerous for pedestrians

Internal /Other Consultations:

- Traffic & Development - 4 car parking spaces are proposed to serve the 7

proposed flats. Parking surveys have been undertaken which show capacity in the available on street bays. Whilst it is preferable that developments can provide adequate parking, in this instance, surveys indicate that under provision will not result in harm on the public highway. No objections are raised to the proposal.

Date of Site Notice: 15 December 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

No 1 Graham Road is a four bedroom, two storey inter war suburban detached house with a two storey front projecting gable feature. The house is sited approx 40m from the junction with Hendon Way.

Graham Lodge is sited opposite the application site and accommodates 18 flats in a 3 storey building with additional accommodation in the roofspace.

No.'s 1, 3 and 5 Graham Road are in single family occupation, whilst no. 7 is in use as 4 flats.

The road level slopes steadily downhill from Hendon Way towards the junction with Allington Road.

The rear garden boundaries of the facing properties on Hendon Way, namely 365-371 Hendon Way, abut the flank boundary of the appeal property. The 2 storey rear wall of the existing dwelling aligns with the boundary between 369 and 371 Hendon Way.

Planning History Summary

Application ref. H/00104/10, submitted in January 2010, sought full planning permission for the "Demolition of an existing 4 bedroom dwelling and erection of a 2 storey block of flats with rooms in roof space comprising 2x3 bed, 2x2 bed and 3x1 bedroom flats. Formation of sub basement level, communal garden, refuse and 4 off street car parking spaces". The application was approved, subject to conditions, on 7th April 2010. The extant approved block would extend approximately 3m along the rear garden boundary of 369, sited approx 1.7m from the boundary.

The plans proposed under planning application reference H/03274/10 increased the rearward projection of the building to approx 6.8m along the rear garden boundary of 369, with the sunken patio to the proposed lower ground floor flat projecting beyond. The building would be sited approx 1.7m from the boundary with the rear garden to 369 Hendon Way, increasing to approx 2.3m.

Following the refusal of this application a revised scheme was submitted (LPA ref H/04973/10) which sought to overcome the objections of the LPA. The rearward projection along the eastern boundary facing 269 Hendon Way was reduced by

1.4m and its height by 1.2m. However, the resulting building was sited 1.2m from the rear garden boundary of 369 Watford Way.

Appeals lodged against the refusal of planning permission for both of these applications were dismissed with the Inspector stating: 'From the rear windows of no 269, the buildings proposed would represent a very considerable loss of outlook compared with the present position. My judgement is that they go too far beyond what has already been approved. ...the new building in either of the current cases would be overbearing'. On loss of sunlight, the Inspector considered the loss of sunlight to 369 Watford Way would be considerable: 'Throughout much of the period from March to September, the period of most significance, it is clear to me that by late afternoon about half the garden would be overshadowed by the new building in both projects, with a significant swathe of additional shadow compared with the project already approved. That adds to the concern I have already expressed about loss of outlook'.

Proposal:

To address the objections raised by the Inspector in dismissing the appeals against the refusal of planning permission for application ref H/00104/10 and H/03274/10, a revised application has been submitted.

The rearward projection along the eastern boundary of the 4 storey block has been marginally reduced by 0.2m from that previously approved, however a lower ground and ground floor rear extension, approx 3.4m in depth, is proposed. On the extant approved scheme the proposed block would be sited approx 1.5m from the facing gardens, as per the existing house. At present the rear of the existing house aligns with the boundary between no's 371 and 369 Hendon Way. The rear building line of the approved block would extend 3m along the rear garden boundary of 369, sited approx 1.7m from the boundary as approved. The application currently under consideration incorporates a proposed 3 storey side addition to the block which would be sited 1.2m from the boundary with a lowered roof which would not accommodate habitable accommodation. Further, the 3.4m deep rear extension would not project above ground level.

Planning Considerations:

To overcome the Inspector's objections, the rearward projection, beyond the approved rear building line, has been reduced to a single storey above ground level. The main issue to assess is whether the application as amended would harm the living conditions of those occupying 369 Watford Way, through being overbearing, causing an unacceptable loss of outlook or loss of sunlight.

It is considered that the proposal as amended would not result in an undue loss of outlook from the rear windows and garden of 369 Watford Way. The height of the additional rearward extension would be approx 3m above the garden level of no 369 (the refused application was 5m to eaves, 6.5m to mansard roof above the neighbouring garden level). It is considered that a ground and lower ground 3.4m deep rear extension to the block sited 1.2m from the boundary with no 369's 15m deep rear garden, would not be unduly overbearing and would not unduly harm the

living conditions of the neighbouring occupiers.

The application site is situated west of the neighbouring garden. Whilst the block would be closer to the boundary than approved, in light of its subordinate roof, the minor reduction in the rearward projection of the 4 storey block, and the reduction in height of the rearward extension, it is considered that the block as proposed would not result in an undue loss of sunlight or outlook to the neighbouring occupiers. Further, whilst the outlook from no 369 would be altered by the development, the change in outlook would not be so harmful as to warrant the refusal of the application.

Section 106 Contributions

Education needs generated by the development

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

The development proposed would provide additional residential units that it is considered would generate an increased demand for educational facilities in the area. The calculation of additional demand (SPD para's 4.6-4.14), existing facilities and capacity (SPD para's 5.5-5.12), method of calculating the required contribution (SPD para's 3.1-3.15 and 4.1-4.5), and use of the contributions (SPD para's 5.13-5.14) are set out in the Council's SPD "Contributions to Education" adopted in February 2008.

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

To accord with UDP Policy CS8 and the SPD the proposed scheme would require a contribution of £29,693.

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 contributions are therefore necessary to ensure service provision mitigates the impact of their development activity.

The adopted SPD "Contributions to Library Services" sets out the Council's expectations for developers contributions 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. The SPD provides the calculation of additional demand (para's 4.10-4.12), existing facilities and capacity (para's 1.1-1.4 & 2.5), method of calculation (para's 2.4 & 3.1-3.11), and use of funds (para's 5.1-5.7).

It is considered that a financial contribution towards library services is justified in

terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this. To accord with UDP Policy CS2 and the SPD the proposed scheme would require a contribution of £729.

Contributions to Health facilities

The appeal scheme would provide additional residential units that it is considered would generate an increased demand for health facilities in the area. The calculation of additional demand / method of calculating the required contribution (SPD para's 6.1-6.4), existing facilities and capacity (SPD para's 5.7-5.18), and use of the contributions (SPD para's 8.1-8.4) are set out in the Council's SPD "Contributions to Health" adopted in July 2009.

It is considered that a financial contribution towards future health care facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this. To accord with UDP Policy CS13 and the SPD the proposed scheme would require a contribution of £7,384.

Monitoring

The recovery of costs for the monitoring of planning obligations is set out in Section 8 (para's 8.3 & 8.4) of the Planning Obligations SPD. A contribution of £1,414 would be required.

3. COMMENTS ON GROUNDS OF OBJECTIONS NOT ADDRESSED IN THE REPORT ABOVE

- An extant permission for 7 flats could currently be implemented
- The relationship, size and siting of the building in relation to no 3 Graham Rd is unamended from the approved extant scheme.
- The refuse store would be enclosed.
- Whilst neighbours concerns regarding car parking are acknowledged, the development would be located within 500m of Hendon Central district centre with its excellent public transport links.
- There are no windows proposed in the east facing flank wall of the proposed block. The roof lights proposed would not facilitate direct overlooking or loss of privacy.
- The development would be subject to consent under the Building Regulations.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

Overall, the proposal is considered to have an acceptable impact on the character and appearance of the locality and would not significantly harm the visual or residential amenities of any neighbouring occupier. It is recommended that the application be **approved**.

SITE LOCATION PLAN: 1 Graham Road, London, NW4 3DH

REFERENCE: H/04726/11



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011.
All rights reserved. Ordnance Survey Licence number LA100017674.

LOCATION: Grassed area adjacent to 27 – 47 Willifield Way, London, NW11 7XU
REFERENCE: TPO/00661/11/F **Received:** 15 November 2011
WARD: GS **Expiry:** 10 January 2012
CONSERVATION AREA Hampstead Garden Suburb
APPLICANT: OCA UK Ltd
PROPOSAL: 1 x Oak (Applicant's ref T1, standing outside 39 Willifield Way) – Remove, 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 removal of 1 x Oak (applicant's ref T1, standing outside 39 Willifield Way), standing in group G1 of Tree Preservation Order, either:

REFUSE CONSENT for the following reason:

The loss of the tree of special amenity value is not justified as a remedy for the alleged subsidence damage on the basis of the information provided.

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 1 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.

Consultations

Date of Press and Site Notices: 24th November 2011

Consultees:

Neighbours consulted: 18 also Hampstead Garden Suburb Trust

Replies: 43 1 support 42 objections including 1 joint letter

The grounds of support can be summarised as:

- Unsited to proximity of houses
- Need coherent tree policy of felling and replacement

The grounds of objection can be summarised as:

- Tree is one of group that predate houses
- Presence of trees influenced design and layout of area
- Tree identified on Parker and Unwin 1911 plan of Hampstead Garden Suburb
- Tree significant to streetscene and ambiance of important thoroughfare
- Mature trees essential to character and appearance of Suburb Conservation Area

- Tree irreplaceable if removed
- Value for screening / privacy
- Importance for wildlife
- Role of tree in filtering pollution and 'lungs of city'
- Tree in good condition
- Alternatives to tree removal
- Absence of conclusive proof that tree implicated in subsidence
- Need to underpin
- Risk of heave
- Damage is slight and the proposed tree removal excessive
- Tree felling is insurance company default position
- Argument based on cost to insurers does not take account of wider costs to environment and community
- Precedent set by Northway Electricity Substation appeal decision
- The Hampstead Garden Suburb Trust submitted their own structural engineer's comments

MATERIAL CONSIDERATIONS

Relevant Recent Planning History:

TCA/00119/11/F – 1 x Oak – fell, at 27 Willifield Way, London NW11 7XU

Notice of Intent - registered 22nd February 2011, Tree Preservation Order made 31/03/11

TCA/00123/11/F – 1 x Thorn – fell, at 29 Willifield Way, London NW11 7XU

Notice of Intent – registered 22nd February 2011, six week notification period expired

TPO/CA/402 – Tree Preservation Order including 4 Oaks at 27 and Land adjacent to 27 – 47 Willifield Way made 31st March 2011 confirmed 16th June 2011 pursuant to a resolution by West Area Planning Sub-Committee on 13th June 2011

TCA/00205/11/F – 1 x Holly – fell, at 41 Willifield Way, London NW11 7XU

Notice of Intent – registered 7th April 2011, six week notification period expired

PLANNING APPRAISAL

1. Introduction

A Tree Preservation Order was made in March 2011 which includes four trees: the Oak at 27 Willifield Way, together with the group of three Oaks in the grassed area in front of 29 – 45 Willifield Way (known locally as 'Lucas Crescent'). The Order was triggered by significant local concern at the proposed removal of an Oak tree standing in the front garden of 27 Willifield Way in connection with alleged property damage at 29 Willifield Way (subject of Notice of Intent TCA/00119/11/F).

The Order was confirmed in June 2011, further to a decision made by the West Area Planning Sub-Committee who agreed that the inclusion of the four Oak trees in a Tree Preservation Order (TPO) was appropriate given their considerable amenity value and historical significance in the layout of the Suburb. The inclusion of the trees in an Order would necessitate a full TPO application for consent for their treatment, and hence the submission of mandatory supporting documentation in accordance with statutory requirements. The application procedure allows for more

detailed consideration of evidence than a Notice of Intent and would allow the Council the option to refuse consent for treatment, if appropriate (subject to the compensation and appeal provisions within the tree preservation legislation).

Although some information proposing removal of the Oak tree at 27 and the closest Oak in the grassed area has subsequently been received from OCA UK Ltd in connection with the alleged property damage at 29 Willifield Way, there is currently insufficient information to allow registration and the application(s) are at present 'incomplete'.

There is also some information from the Hampstead Garden Suburb Trust proposing thinning of the three Oaks in the grassed area, but again there is currently insufficient information to allow registration and the application is at present 'incomplete'.

However, the application subject of this report is for consent to remove a separate Oak, on the northern side of the Crescent's central footpath, in connection with alleged property damage at 39 Willifield Way.

2. Appraisal

Trees and Amenity Value

The subject Oak is the northernmost of the three Oaks growing on the grassed area in front of 29 – 45 Willifield Way, this grassed area is owned by Hampstead Garden Suburb Trust. The Oak subject of this application is approximately 16m in height with a trunk diameter (at 1.5m above ground level) of 86cm; it has been previously lifted and thinned with some localised rot at previous branch removal points, but it appears to be in reasonable condition with no major faults apparent. It stands 11.5m from the front corner of 39 Willifield Way.

The mature Oak is one of a group and is very prominent in the streetscene – being very clearly visible from Willifield Way and parts of Temple Fortune Hill (the subject Oak being the closest to the junction with Temple Fortune Hill). It contributes to the general character and appearance of the Hampstead Garden Suburb Conservation Area. Hampstead Garden Suburb is also within a designated Area of Special Character.

Hampstead Garden Suburb is internationally renowned for the way in which mature landscape features have been incorporated into the built environment. As noted by many of the objectors the Oak appears to be older than the surrounding development (it was originally a field boundary tree) and would have been present at the time the Hampstead Garden Suburb was designed. The retention of trees such as this Oak was an integral part of the design ethos during the development of the Garden Suburb. The Hampstead Garden Suburb Character Appraisal Statement is one of many documents setting out the importance of trees to the character and appearance of the area e.g.:

- "Trees and hedges are defining elements of Hampstead Garden Suburb. The quality, layout and design of landscape, trees and green space in all its forms, are inseparable from the vision, planning and execution of the Suburb".

- “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”.
- “Unwin’s expressed intention, which he achieved, was: ‘to lay out the ground that every tree may be kept, hedgerows duly considered, and the foreground of distant views preserved, if not for open fields, yet as a garden district, the buildings kept in harmony with the surroundings.’”
- “Trees contribute fundamentally to the distinctive character and appearance of the Conservation Area in a number of different ways, including:
 - Creating a rural or semi-rural atmosphere
 - Informing the layout of roads and houses with mature field boundary trees
 - Providing links with pre-development landscape and remaining woodland
 - Creating glades, providing screening and shade, and marking boundaries
 - Framing views, forming focal points, defining spaces and providing a sense of scale
 - Providing a productive, seasonal interest and creating wildlife habitats

The Oaks are former field boundary trees that pre-date the development of the Suburb. The trees were retained and influenced the design and layout of this part of Willifield Way, with 29 – 45 Willifield Way being set back in an arc with very small front gardens to allow for the retention of trees in a grassed area in front of the properties. As the Conservation Area Character Appraisal Statement notes “At Lucas Crescent, the houses are set back behind a semi-circular green which follows the original curve of the old field and thereby preserves the boundary oaks and old hedge which fronts the green.” There are two Oaks either side of the Crescent’s central pathway with the third being between the southern arm of the semi-circular path immediately in front of the houses and 27 Willifield Way. The fourth Oak of the row is in the corner of the somewhat larger front garden of 27 Willifield Way, which slopes up to the road from the house. The trees are marked on an old Suburb map drawn by Parker and Unwin dating from 1911. A house plaque on 39 Willifield Way says ‘1908 A.D.’.

The Oak is considered to be of special amenity value - in terms of its visual contribution to the streetscape; its environmental contribution to e.g. air quality and to wildlife; its value for screening; and its historical significance in the layout of the Suburb. It contributes significantly to the character and appearance of the Hampstead Garden Suburb Conservation Area. The tree is an integral part of the group of mature Oaks, if it was removed any replacement planting would take many years to attain a similar size and stature and its historic attributes would be lost - thus there would be considerable detriment to public amenity for decades and substantial

harm to the character and appearance of the Conservation Area.

The application

The application submitted by OCA UK Ltd was registered on 15th November 2011. The reasons for the proposed removal of the Oak (applicant's reference T1) cited on the application form are:

1. *The above tree works are proposed as a remedy to the differential foundation movement at [39 Willifield Way] 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 £10,000 and £30,000 depending upon whether the tree can be removed or have to remain.*
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 tree is 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 5 January 2011 including Cunningham Lindsey Engineering Appraisal Report dated 22nd November 2010 and CET Safehouse Ltd Site Investigation Reports dated 28 October 2010 and 12 August 2011 (borehole, soil testing, tree root identification)
- level monitoring 17/10/10 - 7/10/11

It should be noted that the trees on the grassed area adjacent to 27 – 47 Willifield Way are owned by Hampstead Garden Suburb Trust and are not Council maintained Highways trees – applicant's point 5 is thus incorrect.

The Council's Structural Engineer assessed the information, initially summarising:

The site investigation results indicate 39 Willifield Way has been affected by subsidence due to tree root action.

No ground heave potential assessment was carried out.

The root analysis identified Oak or Sweet Chestnut roots at the underside of the foundation. Considering the size and proximity of the trees shown on the OCA plan the most likely source of the root sample under the property is the Oak T1.

All the root samples were dead which may indicate the Oak tree is in a poor

condition, it may be worthwhile obtaining an arboricultural expert opinion on this.

It is to be noted that only one decaying Oak root has been identified at underside of the foundation, the other decaying trial pit root was from a shrub, and the root samples from boreholes were too immature to identify (none of the starch tests were positive). In respect of the Structural Engineer's last point, the tree is not in poor condition and it seems likely that the dead root samples are attributable to drainage and path repair works undertaken by the Suburb Trust in October 2010 during which it has been confirmed that some small roots were severed.

However, having visited the site and on receipt of further information including heave assessment, the Council's Structural Engineer noted:

1. The soil values used as the control in the ground heave calculation appear to be from a desiccated sample, the soil suction values are much higher than in other borehole samples in the area and higher than the estimated equilibrium suction profile. Similarly the soil moisture contents appear low for a control sample of London Clay.
2. The initial water content value used in the calculations appears to be incorrect.
3. During our inspection the category of damage appeared to be 2 and not 3 as stated in the C&L report.
4. One of the cracks to the hall wall next to the front door appears to be the result of rotation of the base of the cantilever beam which supports the porch.
5. We understand from the owner that crack monitoring has been regularly carried out but we have not been given the results. Only level monitoring has been provided.

BRE Digest 251 *Assessment of damage in low-rise buildings* includes a 'Classification of visible damage to walls with particular reference to ease of repair of plaster and brickwork or masonry'. It describes category 2 damage as "Cracks easily filled. Recurrent cracks can be masked by suitable linings. Cracks not necessarily visible externally; some external repointing may be required to ensure weather-tightness. Doors and windows may stick slightly and require easing and adjusting. Typical crack widths up to 5mm." Category 3 damage is described as "Cracks which require some opening up and can be patched by a mason. Repointing of external brickwork and possibly a small amount of brickwork to be replaced. Doors and windows sticking. Service pipes may fracture. Weather-tightness often impaired. Typical crack widths are 5 – 15mm, or several of, say, 3mm." The BRE Digest concludes "Category 2 defines the stage above which repair work requires the services of a builder. For domestic dwellings, which constitute the majority of cases, damage at or below Category 2 does not normally justify remedial work other than restoration of the appearance of the building. For the cause of damage at this level to be accurately identified it may be necessary to conduct detailed examinations of the structure, its materials, the foundations and the local clear ground conditions. Consequently, unless there are clear indications that damage is progressing to a higher level it may be expensive and inappropriate to carry out extensive work for what amounts to aesthetic damage."

The Council's Structural Engineer's observations were passed onto the applicant, who was asked to respond to the issues raised. On receipt of the crack monitoring

results (front hall way on right hand side approx. 2m high; period 8/10/10 – 23/12/11), the Council's Structural Engineer noted:

Although the recorded movement shows a slight seasonal trend the movement is very small, the maximum overall movement is 0.67mm. This is much less than the movement recorded by the level monitoring; the closest level monitoring point is number 5 which has a maximum movement of 7.4mm. This indicates there is relatively small differential movement occurring to the house and the internal and external walls are being affected by the tree root action to a similar extent.

Although updated crack and level monitoring to 23/12/11 was provided, no response was received from the applicant in respect of the other matters. The Council's Structural Engineer further noted:

Ground Heave

The C&L calculation showed a maximum ground heave potential of 8mm. Given that the seasonal movement of the building is up to 15mm this does not appear to be an accurate assessment.

Oak Removal

The removal of the Oak tree could be described as a long term solution as ground heave is finite. However, ground heave could take several years to complete and given that the tree pre-dates the house construction it is likely to cause greater damage to the house than currently experienced.

Liability

On the basis of the site investigation results the Oak tree T1 would be implicated in the subsidence damage to 39 Willifield Way.

The Council's Structural Engineer considers that the applicant has considerably underestimated the heave implications of the proposed tree removal. Both the Council's and Hampstead Garden Suburb Trust's Structural Engineers have independently calculated the ground heave potential as closer to 40mm than the applicant's suggested 8mm and disagree with the applicant's contention that 'this is well within the tolerance of the insured property'. The Council's Structural Engineer considers the applicant's heave assessment to be inaccurate and believes that, were the tree to be removed, ground heave could take several years to complete and may result in even greater damage to the house (there may also be implications for other properties).

As the Appeal Inspector noted in his decision in respect of the proposed tree removal at the Northway Sub-station (TPO/00650/10/F) "The purpose of the TPO legislation is that trees of high amenity value should be protected, and it follows that other alternatives should be preferred to felling wherever possible." If underpinning would be required in the light of the heave assessment or because of other factors, the proposed removal of the Oak may be considered excessive.

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. As the Order was made in 2011, the provisions include that compensation shall be payable to a person for loss or damage which, having regard to the application and the documents and particulars accompanying it, was reasonably foreseeable when consent was refused or was granted subject to conditions. Given the date of the Order, it is not possible to issue an Article 5 Certificate confirming that the tree is considered to have 'outstanding' or 'special' amenity value which would remove the Council's liability under the Order to pay compensation for loss or damage incurred as a result of its decision.

In this case the applicant has indicated that "the estimated repair costs are likely to vary between £10,000 and £30,000 depending upon whether the tree can be removed or has to remain."

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'.

In accordance with the Tree Preservation legislation, the Council must either approve or refuse the application i.e. proposed felling. 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 tree 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 the Council's Structural Engineer has noted "On the basis of the site investigation results the Oak tree T1 would be implicated in the subsidence damage to 39 Willifield Way." albeit having significant concerns about heave implications. Hence there may be a compensation liability (the applicant indicates repair works would be an extra £20,000 if the tree is retained) if consent for the proposed felling is refused.

COMMENTS ON THE GROUNDS OF OBJECTION

Matters addressed in the body of the report.

CONCLUSION

The applicant, OCA UK Ltd, arboricultural consultant on behalf of the building insurers of 39 Willifield Way, proposes to fell the northernmost tree of the group of former field boundary Oaks at Lucas Crescent because of its alleged implication in subsidence damage to the property.

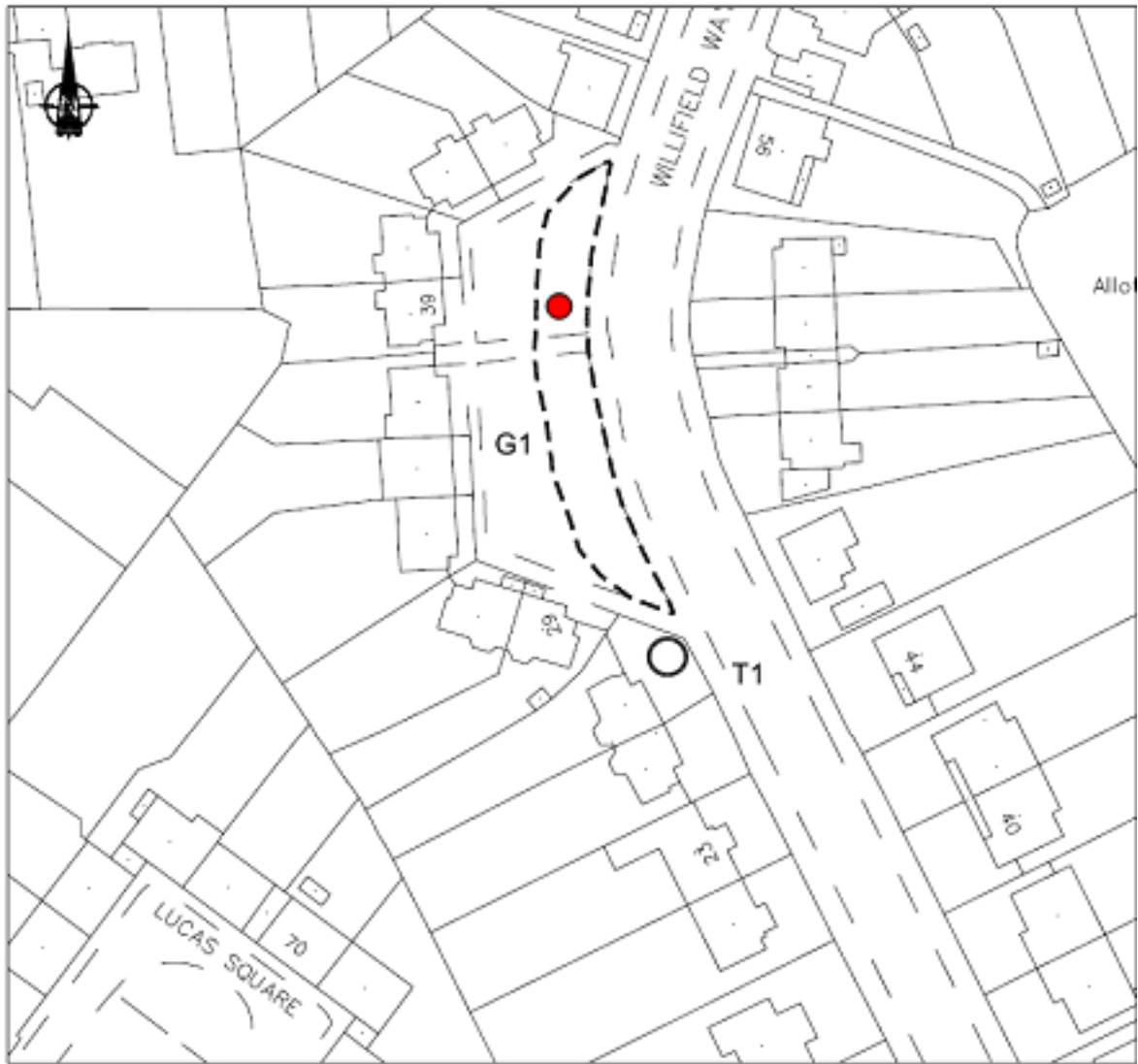
The Council's Structural Engineer has assessed the supporting documentary

evidence and has noted "On the basis of the site investigation results the Oak tree T1 would be implicated in the subsidence damage to 39 Willifield Way." However both the Council's and Hampstead Garden Suburb Trust's Structural Engineers believe that the applicant has considerably underestimated the heave potential of the proposed tree removal and have significant concerns about heave implications.

The proposed felling of the Oak would be significantly detrimental to the streetscene and would fail to preserve or enhance the character or appearance of the Hampstead Garden Suburb Conservation Area.

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 Oak is refused (or granted conditionally) - the applicant indicates repair works would be an extra £20,000 if the tree is retained.

However, given the public amenity value of the tree and its importance to the character and appearance of the Hampstead Garden Suburb Conservation Area, it may be considered that the proposed felling is not justified as a remedy for the alleged subsidence damage on the basis of the information provided, particularly in the light of the Structural Engineer's concern about heave.



© Crown Copyright. All rights reserved. London Borough of Barnet. OS Licence No LA100017674 2012