

MEETING

HENDON AREA PLANNING COMMITTEE

DATE AND TIME

THURSDAY 30TH MAY, 2019

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

TO: MEMBERS OF HENDON AREA PLANNING COMMITTEE (Quorum 3)

**Membership to be Confirmed Following the meeting of
Annual Council on Tuesday 21 May 2019.**

Andrew Charlwood – Head of Governance

Governance Service contact: hendon@barnet.gov.uk

Media Relations Contact: Gareth Greene 020 8359 7039

ASSURANCE GROUP

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ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the previous meeting	5 - 8
2.	Absence of Members	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests	
4.	Any Item(s) the Chairman decides are urgent	
5.	Report of the Monitoring Officer (If any)	
6.	Addendum (if applicable)	
	Please note that the order in which the items are listed below may not reflect the order they will be heard as this may be subject to change.	
	Edgware Ward	
7.	143 Edgwarebury Lane, Edgware, HA8 8ND - 19/1504/HSE	To Follow
	Hale Ward	
8.	SweetTree Fields Marsh Lane London NW7 4EY - 19/0581/RCU	9 - 32
	Hendon Ward	
9.	62 Brent Street London NW4 2ES - 19/0517/FUL	33 - 42
	Mill Hill Ward	
10.	39A-39B Flower Lane London NW7 2JN - 18/7114/FUL	43 - 72
11.	22B The Broadway London NW7 3LL - 19/1131/FUL	73 - 82
12.	11 Eleanor Crescent London NW7 1AH - 19/1607/HSE	83 - 90
	West Hendon	
13.	35 Brent Park Road London NW4 3HN - 19/1320/RCU	91 - 106
14.	79 Station Road London NW4 4PH - 19/0663/HSE	107 - 116
15.	Any Item(s) the Chairman decides are urgent	

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Decisions of the Hendon Area Planning Committee

16 April 2019

Members Present:-

AGENDA ITEM 1

Councillor Brian Gordon (Chairman)
Councillor Elliot Simberg (Vice-Chairman)

Councillor Gill Sargeant
Councillor Nizza Fluss

Councillor Ammar Naqvi
Councillor Helene Richman

Apologies for Absence

Councillor Golnar Bokaei

1. MINUTES

The Chairman of the Committee, Councillor Brian Gordon welcomed all attendees to the meeting and explained the procedure for speakers.

RESOLVED that the minutes of the previous meeting held on 27 March 2019 be agreed as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

Apologies were received from Councillor Golnar Bokaei.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY AND NON PECUNIARY INTERESTS (IF ANY)

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

The Committee noted the Addendum under the relevant agenda item.

6. PLANNING ENFORCEMENT AND PLANNING COMMITTEE APPEALS UPDATE - 2018

The Chairman introduced the report which was noted.

It was RESOLVED that the Committee noted the Planning Enforcement and Planning Committee Appeals Update for the year 2018.

7. 82 KINGS CLOSE LONDON NW4 2JT - 19/0278/FUL

The Planning Officer presented the application.

An oral representation was made by the Agent for the Applicant.

Following discussion of the item, the Chairman moved to vote on the recommendations in the cover report, which was to approve the application subject to a section 106 agreement and the conditions in the report.

The votes were recorded as follows:

For	5
Against	0
Abstentions	1

The Committee therefore RESOLVED:

- 1. To approve the application subject to completion of a section 106 agreement and imposition of the conditions as outlined in the officer's report.**
- 2. To grant delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations as set out in the officer report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).**

8. 4 GREEN LANE LONDON NW4 2NN - 19/0865/S73

The Planning Officer presented the Application.

An oral representation in objection to the application was made by Miss Geraldine Fainer.

An oral representation was made by the Agent, Mr Joe Henry on behalf of the Applicant.

Following discussion of the item, the Chairman moved to vote on the recommendations in the cover report, which was to approve the application subject to conditions in the report.

The votes were recorded as follows:

For	4
Against	1
Abstentions	1

The Committee therefore RESOLVED TO APPROVE the application subject to conditions as outlined in the officer's report.

9. 94 AUDLEY ROAD LONDON NW4 3HB - 19/0080/FUL

The Planning Officer presented the Application.

An oral representation in objection to the application was made by Mr Richard Best.

An oral representation was made by the Agent on behalf of the Applicant.

The Chairman moved a motion which was seconded by Councillor Richman to delegate to the Planning Officer authority to impose an additional condition for obscure glazing on some windows.

Votes on the motion were recorded as follows:

For	5
Against	0
Abstentions	1

The motion was declared carried.

Following discussion of the item, the Chairman moved to vote on the recommendations in the cover report, addendum and additional condition which was to approve the application subject to conditions.

Votes were declared as follows:

For	5
Against	1
Abstentions	0

The Committee therefore RESOLVED TO APPROVE the application subject to conditions in the officer's report, addendum and the additional condition delegated to the Planning Officer.

10. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 8.20 pm

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Location **SweetTree Fields Marsh Lane London NW7 4EY**

Reference: **19/0581/RCU**

Received: 31st January 2019

Accepted: 31st January 2019

Ward: Hale

Expiry 28th March 2019

Applicant: Mr Sweetbaum

Proposal: Use of agricultural land for care farming with retention of ancillary buildings, structures, pathways and access road (RETROSPECTIVE APPLICATION)

AGENDA ITEM 8

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

Proposed Site Layout Drawing No 50 Rev B
Received 15 April 2019

Statement of Community Involvement dated January 2019
Received 7 February 2019

Farm Workers Welfare Elevation Drawing 38 Rev A
Infirmary Elevation Drawing No 30 Rev A
Landscape and Visual Analysis Drawing No EDP4381/01
Livestock Pens Drawing No 34 Rev A
Shed 1 Feed/Equipment Elevation Drawing No 36 Rev A
Shed 2 Feed/Equipment Elevation Drawing No 37 Rev A
Shed 3 Garden Tools Elevation Drawing No 39 Rev A
Stable Elevation Drawing No 31 Rev A
Store Elevation C and D Drawing No 33 Rev A
Store Elevation A and B Drawing No 32 Rev A
Toilet Elevation Drawing No 35 Rev A
Woodchip Store Drawing No 40 Rev A
Existing Drainage Provision prepared by Craypath Limited dated January 2017
Preliminary Ecological Appraisal dated August 2017
Farm Management Plan Dated January 2019
Statement of Activities and Objectives
Location Plan Drawing No 01 Rev A
Planning Statement dated January 2019
Arboricultural Report AR/56217 dated January 2018

Received 31 January 2019

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 The yurt and decking and accessible toilet (as shown on Drawing No 42 Rev A, Drawing No 43 Rev A, and Drawing No 41 Rev A and Drawing No 50 Rev A) must be removed from the site as shown on the Proposed Site Layout Drawing No 50 Rev B within four months of the date of approval and permanently retained as such thereafter.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 3
 - a) Within three months of the date of this decision, details of livestock grade fencing to prohibit stock/animals from entering the woodland area, gullies, and ponds shall be submitted to and approved in writing by the Local Planning Authority.
 - b) the development shall be implemented in accordance with the details approved as part of this condition and these areas shall not be used for care farm activities (excluding the Infirmary in the woodland) except for activities specifically designed for ecological or biodiversity enhancements to these areas.

Reason: To ensure that the development represents high quality design and meets the objectives of development plan policy as it relates to woodland and biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan, Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), and Policies 7.19 and 7.21 of the London Plan (2016).

- 4 The details comprising a scheme of measures to enhance and promote biodiversity at the site as redeveloped as detailed in the hereby approved Farm Management Plan dated January 2019 shall be implemented in full in accordance with the approved details within 12 months of the approval.

Reason: To ensure that the development represents high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan (2016).

- 5 The premises shall be used for care farming (sui generis) and for 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 care farming use hereby permitted shall be used only by clients, workers, volunteers and others explicitly listed on the hereby approved Farm Management Plan dated January 2019 and shall not be used by the general public or corporate entities.

The maximum number of clients, support staff and volunteers permitted on site at any one time shall be 35 people provided always that the maximum number of clients is no more than 20 people.

There shall be no more than 45 people on site at any one time (including farm workers, clients, volunteers, client support staff and all other visitors).

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 and nearby residents, in accordance with Policy DM01 and DM04 of the Local Plan Development Management Policies DPD (adopted September 2012)

- 7 The site shall not be open to clients and carers before 9am or after 6pm Mondays to Fridays, before 9am and 5pm Saturdays, and before 10am and after 2pm on Sundays and Bank Holiday.

No deliveries, works by external contractors or use of power tools shall be carried out before 8am or after 6pm Mondays to Fridays, before 8 am and after 2pm on Saturdays, and not at all on Sundays or Bank Holidays.

Reason: To ensure that the use does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

- 8 The maximum number of livestock units on the site at any one time shall be 6.742. Livestock shall be restricted to sheep, lambs, chickens, goats, donkeys, ducks, rabbits and pigs, provided always that the maximum number of pigs shall be 3 and the pigs must be fully enclosed at all times. The agreed calculation of livestock units per animal is as defined in the Planning statement dated January 2019.

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 and nearby residents, in accordance with Policy DM01, DM04 and DM16 of the Local Plan Development Management Policies DPD (adopted September 2012), and policies 5.11 and 7.19 of the London Plan (2016).

- 9 No sheep dipping shall be undertaken on any part of the site.

Reason: To ensure that the development meets the objectives of development plan policy biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan, Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), and Policies 7.19 and 7.21 of the London Plan (2016).

- 10 Vehicle refilling is not permitted except on hard standing areas.

Reason: To ensure that the development meets the objectives of development plan policy biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan, Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), and Policies 7.19 and 7.21 of the London Plan (2016).

- 11 a) Within six months of this approval a parking management plan/ statement and service/ delivery management plan shall be submitted to and approved in writing by the Local Planning Authority. The service/delivery management plan shall detail how to prevent multiple vehicles servicing the site at once and how it will be ensured that the impact of service vehicles in the future will be minimalised.

b) The development shall thereafter be implemented in accordance with the details approved.

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 in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

- 12 a) Within four months of the date of this decision, details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.

c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2016.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged

with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The application site is located on the north of Marsh Lane, behind the rear of properties on this road. The site is mainly enclosed by residential development along Marsh Lane to the South and Glenwood Road to the West, and covers 6.42 hectares.

To the northeast, the site abuts another farm which operates independently. The area towards to the northeast forms part of the Mill Hill Conservation Area. The only area of the site which lies within the Conservation Area is a relatively small section of the entrance of the site.

The site has a single access point which is secured by metal gates, in between the Rising Sun pub (statutory listed building) and York Lodge, Highwood Hill, NW7 4HA.

The site is located on land which is designated as Green Belt.

The site benefits from two certificates of lawfulness applications which confirm the lawful use as agricultural land.

The site levels fall significantly from South to North, the site is well treed and predominantly open with some field enclosures.

The applicant has stated that SweetTree Fields Farm was established in 2013 and used for farming where care farming programmes are offered to those with "learning disabilities, brain injuries, dementia and mental health needs living in the local community". The site and its use was initially sponsored by SweetTree Home Care Services and after 2014, SweetTree Farming for All, a new Community Interest Company (CIC) was established which combined the care farming expertise of Farming for All CIC and the community care and support experience of SweetTree Home Care Service.

2. Relevant Site History

Reference: 17/7627/RCU

Address: Sweet Tree Fields Farm Marsh Lane London NW7 4LG

Decision: Refused

Decision Date: 22.06.2018

Description: Use of agricultural land for care farming with retention of ancillary buildings, structures and pathways (RETROSPECTIVE APPLICATION)

Reasons:

1. The proposed development by way of the intensification of the use and activities taking place on the site and the introduction of a site wide road network would detract from the openness of the green belt land and as a result, the scheme would be contrary to the purposes and objectives of including land within the green belt. The proposed development would also harm the character and visual amenity of the site and wider area, contrary to the National Planning Policy Framework and policies DM01 and DM15 of the Adopted Local Plan Development Management Policies Development Plan Document (2012).

2. The intensification of the use of the site for agriculture would increase the amenity harm arising for the adjoining residential neighbours particularly in relation to noise, dust, odour and security, contrary to policies DM01 and DM04 of the Adopted Local Plan Development Management Policies DPD (2012).

Reference: 15/02578/FUL

Address: Sweet Tree Fields Farm Marsh Lane London NW7 4LG

Decision: Withdrawn application

Decision Date: 29.09.2015

Description: Erection of single storey outbuilding

Reference: H/00483/13

Address: Sweet Tree Fields Farm, (Formally Bruno's Field), Land At Rear Of Glenwood Road And Marsh Lane, London, NW7

Decision: Lawful

Decision Date: 13.03.2013

Description: Continued use as agricultural land.

Reference: H/00484/13

Address: Sweet Tree Fields Farm, (Formally Bruno's Field), Land At Rear Of Glenwood Road And Marsh Lane, London, NW7

Decision: Lawful

Decision Date: 13.03.2013

Description: Continued use as agricultural land.

3. Proposal

The applicant seeks planning permission for the retention of the agricultural land for care farming including the retention of ancillary buildings, structures and pathways.

The ancillary buildings (all structures are single storey in height) relating to the care farming are as follows:

- An infirmary for the sick lambs with an area of 20sqm. At present this is located within the area identified as woodland.
- Farm shelter with an area of 176.4sqm;
- Composting Toilet with an area of 3.3sqm;
- Woodchip store with an area of 36.4sqm (not enclosed);
- Shed 1 with an area of 8.3sqm;
- Shed 2 with an area of 7.3sqm;
- Shed 3 with an area of 3.4sqm;
- Store with an area of 27.4sqm including a covered walkway;
- Stable with an area of 25.8sqm including a 5.2sqm covered walkway;

The applicant has provided details of the activities that take place on site including daily horticultural therapy for those attending the site, and daily animal husbandry programmes involving sheep and lambing, rabbits, donkeys, chickens and goats. The applicant has stated that the diversity in the attendees including referrals from special needs schools, families, Barnet Social Services, third party referrals and those discharged from hospitals. The care farming activities operate 7 days a week.

The submitted Farm Management Plan details that the visitors on the site include SFF clients, support workers, carers/ parents, volunteers and workers including those servicing the farm. The applicant has proposed that between 15-20 care farm users (clients) would be on site at any one time, arriving at 10am and leaving between 3:30 and 4:40pm. In addition, there are approximately 15 support workers or volunteers (normally 1 or 2 support workers per client) on the site. There are between 6 and 10 members of staff employed by SweetTree Farming for All.

The proposal will be for a maximum of 45 people on site. The hours of use proposed are: 9am-6pm Mondays to Fridays, 9am- 5pm Saturdays and 10am-2pm Sundays and Bank Holidays.

On average, there are 15 non-farming related vehicles accessing the site and 5 additional vehicles for servicing.

The animal inventory detailed in the Farm Management Plan stipulates an indicative list of animals and stock numbers as follows:

- 30 ewes;
- 15 lambs;
- 20 chickens;
- 3 rabbits;
- 2 ducks;
- 8 goats;
- 2 donkeys;
- 3 pigs.

The proposal has been amended in the course of the application to remove the yurt, accessible toilet, decking and pathway from the plans, reduce the opening hours to no earlier than 9am, reduce the maximum number of people to be on site to 45 persons and clarify details of the proposal.

4. Public Consultation

Consultation letters were sent to 500 neighbouring properties.

270 responses have been received, comprising 79 letters of objection, 190 letters of support and 1 letter of comment.

The objections received can be summarised as follows:

Green Belt

- Green belt destruction/ inappropriate development in the Green Belt;
- Green Belt should be protected;
- Concern for long term effects of overdevelopment;
- Opening floodgate to further unwanted development such as housing;
- Other areas where this work could be carried out;
- No case for very special circumstances;
- Proposal hinges on social benefit however there is a nearby farm which provides a similar social benefit/ the same outcome can be achieved in a different location (city farms);
- Use incongruous with Green Belt.

Use

- Mill Hill Neighbourhood Forum opposes to any use of the land that is not purely agricultural.
- Out of town location in an unsustainable location;
- Unlawful structures are unsightly.

Conservation Area

- Impact the proposed development will have on the area as a site of interest for nature conservation through the suggested changes in character and setting;
- Impact on the character and setting of conservation area.

Amenity

- Strong concern regarding the impact on the beauty and serenity of the site due impacts on views;
- Loss of privacy and opportunity to overlook including the enjoyment of green space;
- Dangerous of trespassing to neighbours gardens;
- Loss of views;
- Noise- disturbance created through increase in noise and public footfall;
- Noise from animals;
- Activity early in the morning/ late in the evening;
- Unhygienic conditions;
- Increase in activity on the site.

Ecology

- Loss of wildlife/ site is designated Site of Borough Importance for Nature Conservation. Every effort should be made to conserve wildlife.
- Protected species on the site;
- Restriction on the use of pesticides;
- Ecological appraisal does not consider the habitats already lost or degraded by the structures or the introduction of the roads;
- Introduction of pigs would be detrimental to habitats;
- The need for some structures has not been justified;
- No measure to prevent surface water flooding.

Highways

- Traffic congestion; concern for traffic increase and parking facilities;
- A transport statement should be provided to assess impact;
- Effects on pedestrian movement and safety.

Other

- Small step towards more development on the site/ intention to construct housing;
- Works carried out without consent;
- This application should not be considered because the enforcement notice is in effect and the committee has already refused a similar scheme;
- What will happen to the site if the Sweet Tree cannot operate on the land;
- Problems of sewage due to the number of animals;
- Restriction on any lighting.

Representations received can be summarised as follows:

- Social benefits; provides an important social purpose offering the local community the chance to meet, mix and socialise in a neutral environment;
- Farm allows students to mix with animals and learn transferable skills;
- Increases employment;
- Small scale relative to the site;
- Educational benefits; opportunity for all ages and abilities to develop valuable life-skills e.g. cooking and gardening.
- Biodiversity benefits; enhance & preserve biodiversity habitats (wetland, woodland and grass).
- Prevention; prevents land from becoming derelict and unsightly.
- No similar facilities in the area;
- Many of the objections focusing on the possible further development of the site however this is not relevant;
- Farm itself is a carefully constructed and environmentally sympathetic facility which takes every care to minimise environmental impact.

The Mill Hill Conservation Area Advisory Committee provided comments:

The Committee discussed the application by Sweet Tree Fields to regularise their unauthorised developments in January 2018 and opposed it very strongly, on the grounds of damage to the Green Belt and to the area's status as a site of Borough importance for Nature Conservation. Nothing has happened since then to change our views. The committee wish enforcement action be taken as soon as possible to remove the unauthorised structures and prevent any further new ones. We therefore vigorously oppose this latest application 19/0581/RCU.

The Council's Adult Social Services were consulted however no comments were received. In addition, the Council's Highways and Arboricultural Consultant were consulted. Following clarifications, the proposal was considered by both to be acceptable subject to conditions. The report will detail below the highways and arboricultural assessment separately.

The applicant has also prepared a statement of community engagement detailing consultation activities which took place prior to the making of the application. These responses do not form part of the consultation results outlined above but applicants are encouraged to work with the community before making planning applications.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local 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 National Planning Policy Framework (NPPF) was published on 24 July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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.

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS7, CS9, CS10, CS11, CS13
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM13, DM15, DM16, DM17

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Mill Hill Character Appraisal

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the use is appropriate for the Green Belt;
- Whether harm would be caused to the character and appearance of the street scene and the wider locality including the Mill Hill Conservation Area;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to traffic and parking
- Whether harm would be caused to existing trees, landscaping and ecology.

5.3 Assessment of proposals

Principle of care farming and impact on the openness of the Greenbelt

Section 9 of the National Planning Policy Framework (NPPF) sets out the Government's approach to protecting Green Belt Land, and the Council's Planning Policy DM15 of the Core Strategy reiterates the NPPF's requirements.

Paragraph 79 of the NPPF indicates that openness is an essential characteristic of the Green Belt. Furthermore, paragraph 80 stipulates that the Green Belt serves the following principals: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In addition, the NPPF outlines in Paragraph 89 that new buildings in the Greenbelt are inappropriate, with the exception of (in part) a limited number of scenarios to this general approach.

The NPPF advocates that inappropriate development should not be approved except in very special circumstances, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly

outweighed by other considerations. The NPPF makes it clear that substantial weight should be given to any harm to the Green Belt and exceptions of appropriate buildings include buildings for agriculture.

London Plan policy 7.16 states that the strongest protection should be given to London's Green Belt, in accordance with national guidance. Inappropriate development should be refused, except in very special circumstances. Development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance.

Policy DM15 of the Development Management Policy DPD reiterates the NPPF's requirements and states that development in the Green Belt will only be acceptable where they are essential facilities for appropriate uses which do not have an adverse impact on the openness of the Green Belt. The Council's Policy (DM15) also states that the construction of new buildings within the Green Belt, unless there are very special circumstances, will be inappropriate, except for...agricultural purposes. The supporting text to the policy confirms that appropriate development in the Green Belt includes development for agriculture.

A material change of use has occurred at SweetTree Fields farm with the introduction of 'care farming'. The farm utilises agricultural activities to educate participants with special needs and mental health issues about farming, conservation, gardening and horticulture and helping participants develop life skills. It is clear, the primary focus of the site has shifted with the 'care' element of the farm being the primary objective, albeit utilising its position as a working farm to provide this unique care opportunity. In this regard, a change of use has occurred and therefore a retrospective planning application has been made to regularise this use.

In evaluating the appropriateness of the site for care farming, it is important to consider the lawful position of the site and what comparison can be drawn from a lawful use with that of the proposed use. As detailed in the planning history section above, the lawful use of the site is as agricultural land (this has been established by two certificates of lawfulness applications). A working farm could lawfully be established with a similar range of animals. Likewise, a lawful agricultural use would have permitted development to construct certain structures as required for agricultural use provided these do not harm the character of the area. The structures proposed for retention in the current application appear reflective of the type and form of structures which may be expected with a lawful agricultural farm and in this regard the proposal appears very similar in impact to the lawful fallback position.

There are a number of existing structures on the site and it must be noted that some of these existing structures do not relate directly to farming on the site. These are specifically the yurt and associated decking. These structures have not been included as part of this application for retention. However, the applicant has committed to removing these structures as they are considered harmful to the openness of the area and are not agricultural buildings. A condition has been included to require removal of the yurt, decking and accessible toilet and pathway. The structures that the applicant is seeking to retain are listed in section 3 above and include farm shelter, infirmary for the sick lambs, 3no sheds, stores, woodchip store and stable. It is considered that these structures are reflective of and required for the lawful agricultural use of the site. The toilet, whilst not directly essential for the agricultural use of the land, is an essential facility for workers on the land. Regardless that the use of the site as existing is care farming as opposed to solely an agricultural use, the buildings to be retained could all be justified for agricultural purposes and therefore in this regard, there would be little difference from the lawful use of the site and the use of the site for care

farming. Considering all of this, it is not considered that these structures would constitute unacceptable development within the Green Belt.

In terms of the impact of the proposal on the openness of the area, the NPPF makes it clear that an essential characteristic of Green Belts is their openness. Open means the absence of development, irrespective of the degree of visibility of the land in question from public vantage points. When considering the proposed development, the scale of the structures is relatively modest and reflective of the agricultural use. The structures are single storey and comparable to other ancillary outbuildings located in residential gardens in the area. The siting of these structures is generally centred towards the south, along the periphery of the site. This maintains the majority of the site as open farmland. There are a few livestock pens and a shed in the centre of the site however these are low in height and paired together beside the circulation path, maximising the area left for open paddock. On balance, it is not considered that the structures have a material impact on the openness of the site and the site retains views to the large number of trees, meadows, pastures and cultivated areas. The site, when viewed with the collective of structures would appear as an agricultural farm, which is considered by the NPPF to be an appropriate use within the Green Belt.

In terms of the paths, whilst these have formalised the land to some degree, the applicant has demonstrated that these are required for the operation of the farm. There are two types of access across the site; the main route is shorter and used for non-farming vehicles to access the site from Marsh Lane and is compacted crushed white concrete. This access route would likely be required whether the site is in use for a care farm or agricultural use. The secondary access routes are woodchip paths through the paddocks. These paths are used by farming vehicles (including tractors) and clients to access across the site. The paths have been constructed to reduce the impact of farming vehicles directly on the grass which, particularly in wet conditions can damage the grass growth. On balance, the paths, whilst formalising the land are reflective of the agricultural use, and do not harm the openness of the site.

It is noted that a previous retrospective planning application 17/7627/RCU to regularise the care farming has been refused. An enforcement notice has also been served on the unauthorised use of the site as a care farm requiring the use to cease (ENF/00355/17).

The previous refused scheme was refused on the grounds that:

1. The proposed development by way of the intensification of the use and activities taking place on the site and the introduction of a site wide road network would detract from the openness of the green belt land and as a result, the scheme would be contrary to the purposes and objectives of including land within the green belt. The proposed development would also harm the character and visual amenity of the site and wider area, contrary to the National Planning Policy Framework and policies DM01 and DM15 of the Adopted Local Plan Development Management Policies Development Plan Document (2012).
2. The intensification of the use of the site for agriculture would increase the amenity harm arising for the adjoining residential neighbours particularly in relation to noise, dust, odour and security, contrary to policies DM01 and DM04 of the Adopted Local Plan Development Management Policies DPD (2012).

It is important that any scheme to be considered must take into consideration the previous planning history. The previous reasons for refusal centre on the impacts associated with the use but do not necessarily imply any in principle objection to the use of the site for care farming. Officers consider that care farming would not be inappropriate development within the Green Belt and consider that the changes that are proposed in this scheme compared

to the previously assessed scheme, can adequately resolve any impacts to the openness of the green belt, and character and visual amenity of the site and wider area.

In refusing the last scheme, the intensification of the use and activities taking place as well as the introduction of a site wide road network were considered harmful. The development was also considered to harm the character and visual amenity of the site and wider area. This application seeks to regularise the use with additional restrictions. To address the concerns raised regarding the intensification of the use, the applicant has proposed to reduce the opening hours through the week and Saturdays from 8am previously proposed to 9am. The number of people able to be on site at any time has also been reduced from a previously proposed 55 people to no more than 45. The condition will explicitly limit the people associated with the 'care farming' aspect to no more than 35 people with the remaining 10 people being farm workers. It is expected that even a lawful agricultural use would require farm workers on site. As the acceptability of this proposal centres on the change from agriculture to care farming, the change in intensification should focus on that of the clients, visitors and support staff which set this apart from a usual agricultural use. Furthermore, the condition explicitly states no more than 20 clients can be present at any one time. This reflects that some clients require more support staff than others. Where more demanding clients are present, the farm would have a reduced client number as more carers are needed. This reduction in numbers is significant. It is only the clients who attend the farm that generate any income. The farm has also explained that clients would typically spend the day at the farm. Therefore, a restriction of 20 clients does represent the expected maximum capacity for the farm per day. It is not expected that the turnover of clients or care staff in a day would exceed more than 35 people. These conditions have evolved to better manage the intensification of the use and respond to the previous concerns raised.

It is important to clarify the 'road network'. There is one access road into the site to allow for workers and visitor drop offs. The majority of the network is made up of circulation woodchip paths designed to reduce impacts to the grassland. In terms of structures, there is an existing yurt, access pathway, decking and accessible toilet to be removed from the site as part of this scheme. This represents a positive change to the existing situation.

The application seeks to retain the existing vegetative screening around the site. A condition is also recommended to require a detailed landscape management plan both for the existing vegetation and to set out enhancements to the landscaping of the site in the long term. The removal of the largest structures on the site currently- the yurt and decking on the rise of the site, will also significantly improve the existing view of the site and restore its open, rural character.

Officers consider there are now material changes proposed to the intensity of use, operation of the site and number of structures and pathways within the site which have improved the acceptability of the scheme. These changes have responded to the previous reason for refusal and conditions are suggested to ensure the future management of the farm is undertaken with the reductions as proposed.

The care farming use utilises the agricultural activities to educate clients with special needs and mental health issues, and the immersive programme allows clients to develop everyday skills. The application does not propose the retention of any structures other than those reflective of the agricultural use. It is considered that the care farming, given the links to the agricultural use is appropriate for the site and is acceptable in principle.

The Council acknowledges that the proposed use would have positive benefits in creating opportunities for vulnerable citizens, with protected characteristics under the Equality and Disabilities Act, and weight should be given to these circumstances. A significant level of

support has been shown for the proposal by members of the public, many of whom quote the exceptional work the farm does to helping people with special needs.

Considering all of the above, the use of the site for care farming, and retention of agricultural structures and paths is considered in line with the aims and objectives of the Green Belt and purposes of including land within it. The NPPF states that agricultural use is an exception to inappropriate development in the Green Belt. The continued use of the site will reflect the character and openness of the Green Belt and officers consider that the proposal is acceptable in this regard.

Impact on the character of the area and on the character of the Conservation Area

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

In addition to the NPPF, Policy CS5 of the Core Strategy states that the Council "will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design". In addition to this, Policy DM01 of the Council's Development Management Policies 2012 states that "development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets... development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused".

The entrance of the site is located within the Mill Hill Conservation Area; although the remainder of the site falls outside of this designation. The previous reason for refusal stated 'the proposed development would also harm the character and visual amenity of the site and wider area.' The proposed buildings are low level and of an agricultural nature in keeping with the lawful land use. It is considered that a lawful agricultural use of the site would also include low level structures such as those as existing in the site and therefore there is little visual impact as a result of the care farming use. There is no public visibility of the buildings from the streetscene given the setting, access and topography and therefore in this regard the existing structures, which are proposed to be retained as part of this application, are considered to have an acceptable impact on the rural character of this section of Mill Hill.

There are no changes proposed to the vegetation around the site which provides a useful screening around the site. The applicant has also committed to a landscape management plan which will provide details on the long term management of the existing trees as well as details on proposed enhancement planting around the site. This will help ensure the site retains the woodland which is characteristic of the site. It is also noted that this application sets a condition for the removal of the Yurt and decking, accessible toilet and pathway from the site. The removal of these structures are considered a positive improvement for the site.

Impact on the amenities of neighbours

Any scheme will be required to address the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the

protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The previous application for the site was refused as: The intensification of the use of the site for agriculture would increase the amenity harm arising for the adjoining residential neighbours particularly in relation to noise, dust, odour and security, contrary to policies DM01 and DM04 of the Adopted Local Plan Development Management Policies DPD (2012).

In assessing the current scheme, officers have given consideration to the previous reason for refusal and consider changes have been made to the scheme that address the points raised above.

The current proposal has attracted a significant level of public interest. Comments both in support and in objection have been received. It is noted, there was widespread support for the application with the objections being made from immediate neighbours. The applicant has also outlined a community engagement programme undertaken prior to submitting the current application. To respond to the concerns raised by objectors and to address the previous reason for refusal, a number of changes have been made.

The previous assessment has been concerned with the intensification of the use of the site for agriculture and the increased amenity harm to neighbouring occupiers. The current proposal has reduced the number of stock on the site to less than 7 livestock units (approximately 83 animals). It must be acknowledged that there is no planning restriction that can be placed on the number of animals on site under the lawful use. Therefore, a benefit of the proposed application will be to set controls on the numbers and types of stock to occupy the site. This is appropriate given that the application is for a sui-generis use encompassing agricultural activities.

It is accepted that there will be an increase in the level of activity compared to a lawful use as agricultural land. The last scheme proposed to set a condition limiting the total number of people on site at any one time to be no more than 55 people. This has been reduced to no more than 45 people with additional controls on the number of clients and support staff. This reduces both the intensity of the use as well as reducing any noise impacts to neighbouring properties. To further improve the impacts on the neighbouring properties, a slight reduction to the hours of commencement has been sought. This provides a slightly later start time for clients to be on site to try and address the perceived noise impacts. By targeting the start time, this would have the most positive impact in terms of addressing the use when the background noise is likely to be the lowest (early morning) and could also have a positive impact in terms of perceived traffic and travel flows.

Environmental Health officers were consulted on the proposal to investigate whether there had been any known noise complaints recorded for this site. Two complaints have been made between 2016-2018 regarding the use of vehicles outside of hours. Both complaints were closed as there were no controls covering when the owner was allowed to use a vehicle and the nuisance was not at a statutory nuisance level. Environmental Health officers therefore recommend that a condition setting controls on the hours of use for the farm would be beneficial. It is understood the care farm has been operating for a number of years and the absence of any formal noise complaint suggests that the impact of the activity in terms of noise is reasonably low.

Whilst there would be up to the 45 people on site, it is not considered that this is unacceptable to the visual and aural amenities of neighbouring occupiers; the size of the

farm has been considered as well as the dispersion of the structures and activities across the site.

The access road adjacent to York Lodge and the Rising Sun Pub is the sole access road into the site. Whilst the level of activity has increased from the lawful position by virtue of the care farming use and the requirement to drop off/ collect clients, it is considered that this impact is intermittent and on balance not considered to result in unacceptable levels of noise and disturbance to neighbouring occupiers.

The occupiers on Glenwood Close and Worcester Crescent (to the west and northwest of the site respectively) are situated a considerable distance from the general farming activity. The woodland area is to be retained and will be fenced off from any stock or care farming activity except for the infirmary. The infirmary is situated within the woodland and relies on a house at 54 Worcester Crescent for electricity. The infirmary is used to temporarily house lambs during lambing. Not all lambs require the infirmary and its use is not frequent. It is generally used only in lambing season for lambs that are poorly and require hand feeding. For the remainder of the year, the infirmary is used as a spare shed and has freezers to store produce. The woodland offers a visual and acoustic barrier to these residential properties. A number of conditions have been suggested ensuring the woodland is fenced off from activities.

The existing structures are arranged generally around the centre and south of the site, adjacent to the boundaries with no.115 and 117 Marsh Lane. As mentioned, the structures are single storey in height and given the topography and distance are not considered to result in direct overlooking into the gardens of neighbouring occupiers. Concerns have been raised with the security of the site. Some of the structures are located adjacent to the boundary with the neighbouring properties. It is important to note that it is not uncommon for low level outbuildings within residential gardens to be located adjacent to a residential boundary. This could also be the case with the lawful use of the site for a farm. In terms of security for the site, it must be acknowledged this is not a residential property. Whether in use for a care farm or ordinary farm, the site will be vacant in the evenings. Officers do not consider there is any valid additional security impact to neighbouring properties created as a result of the site being occupied for a care farm compared to a lawful agricultural farm. Therefore officers do not consider there is grounds to refuse to allow this application for this reason.

The applicant has provided details with regards to the number of occupiers, vehicular movements within the site and the number and type of animals; several of these details have been conditioned to allow a suitable level of control over the activity on the site. On balance, it is considered that the level of activity when controlled by the recommended conditions, would ensure that the use does not result in unacceptable levels of noise and disturbance to neighbouring occupiers.

Traffic and parking

The Council's Highways officers have reviewed the information submitted and considers that subject to conditions requiring a parking management plan and service management plan, the use is acceptable on highways grounds. The comments provided by the Highways officer are provided below.

The applicant's information has detailed that there are normally between 10-15 cars parked on the site at any one time. Cars servicing or delivering goods to the farm access the site within working hours.

Non-farming vehicles are restricted to hard-standing roads.

The applicant has detailed that most clients (between 15 and 20 at any one time) travel by car and are dropped off by carers or support workers, most of which do not stay on the site. The hours of arrival are approximately 10am and between 3:30 and 4:40pm for departure.

Site Operation/ Road Safety & Parking

The information submitted shows that the existing situation is well monitored and considered. There are passing bays and a well monitored and managed site access and car park. Which ensures pedestrian vehicle conflict is kept to a minimum around the site and around and in the access. In terms of road safety within the site, in the access and on the immediately surrounding highway network, it is considered that the use based on the total number of people is acceptable.

As stated above, the parking area is well thought out and operates well. It is suggested that going forward a parking management plan/ statement is conditioned to ensure that this continues throughout the usage of the development/ site; this has been attached to the recommendation.

Delivery/ Servicing

Officers consider that suitable details have been submitted on this matter. The level of trip generation by the types of vehicles associated with the agricultural and care farming use are unlikely to impact on the surrounding highway network. However to ensure this practice remains going forward a service/ delivery management statement will be conditioned. This should capture a number of principles to will reduce the likelihood of multiple vehicles servicing the site at once and ensure the impact of service vehicles in the future will be minimalised.

Journey Planning Advice

Using information displayed on trip generation data bases to assess the level of trips associated with the existing use and given the small size of the development (in agricultural terms) the level of trip generation would be minimal.

It has been recommended that to ensure minimal disruption to the local highways network, the applicant is advised to provide journey planning advice on their website; this journey planning advice should also contain a few details on the layout and operation of the access and the site to ensure the efficient use of the site continues. This has been added as an informative to the recommendation.

Summary

Highways officers consider that the applicant has provided sufficient information to ensure the continuation of use will not generate a significant impact on the performance and safety of the surrounding highway network, the proposed conditions will ensure the site continues to operate in an efficient manner in the future. Given the lawful use of the site as agricultural land and the relatively modest size of the farm, it is reasonable to assert that this application

does not represent an intensification of use in terms of highways activity. Subject to conditions, the use is considered to be acceptable on Highways grounds.

Trees and Ecology

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

Trees make an important contribution to the character and appearance of the borough. Trees which are healthy and are of high amenity value can be protected by the making of a Tree Preservation Order (TPO) under the Town and Country Planning Act 1990. Tree Preservation Orders can help to protect trees from inappropriate treatment and prevent their removal, as permission must first be sought from the council to carry out most types of tree surgery.

Several of the trees are covered by a Tree Preservation Order (TRE/HE/49).

The Council's Arboricultural officer has undertaken a site visit and has reviewed the submitted information and raises no principle objection to the proposal. The arboricultural officer has, through the previous application, had extensive discussion with the applicant on the Farm Management Plan.

No trees are proposed to be removed. The Arboricultural Report provided by the applicant was reviewed by the Council's Arboriculturalist. The report noted that there are no proposed specific tree protection measures required for the use and as such the use and agricultural activities would not have any future impact on protected trees; the findings have been agreed by the Council's Arboriculturalist. Works on the site will be based on risk management principles to prevent damage to trees.

The NPPF advocates that the planning system should contribute to and enhance the natural and local environment including "protecting and enhancing valued landscapes" and "minimising impacts on biodiversity".

Policy 7.19 of the London Plan advocates that on Sites of Nature Conservation, development proposals should "give sites of borough and local importance for nature conservation the level of protection commensurate with their importance". In addition, policy 7.19 E states:

"When considering proposals that would affect directly, indirectly or cumulatively a site of recognised nature conservation interest, the following hierarchy will apply:

1. avoid adverse impact to the biodiversity interest
2. minimize impact and seek mitigation
3. only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts, seek appropriate compensation."

Policy DM16 stipulates that "when considering development proposals the Council will seek the retention and enhancement, or the creation of biodiversity". In addition, "where development will affect a Site of Importance for Nature Conservation and/or species of importance the council will expect the proposal to meet the requirements of London Plan Policy 7.19E."

In terms of ecology, Sweet Tree Farm formally known as Bruno's Field is designated a Site Of Borough Importance for Nature Conservation (SINC) the citation for the nature reserve is briefly described as:

"This steeply sloping site has a varied topography. On higher ground there are dry areas, while lower down there are areas of bog crossed by several small streams. The field has typical pasture herbs, a scattering of mature trees and a wide variety of birds."

SINCs support a wide variety of fauna that may commute to and from the site. Bird and invertebrate species are particularly important in most of the sites. The flora is also species-rich.

One of the key elements of the reserve is the pasture herbs within the fields, these plants are at risk from over grazing and trampling by livestock. The stocking levels and stock management must make active management decisions to ensure that these herbs are allowed to thrive on the site. For example Pigs should be avoided as they will root up plants and destroy the herbs and grass in the fields; the use of chemical (salt based) fertilisers and herbicides are detrimental to these plants and water courses, their use must be strictly limited or band from the reserve. Pesticides should also be avoided at all times as they will affect the bio-diversity of the insect populations effecting bat foraging, feeding birds and water courses.

The applicant has submitted a preliminary ecological appraisal which evaluates the ecological value of the site and assesses the ecological impacts of the scheme, including identifying possible ecological enhancements that could be incorporated into the development. The document details that the site has been divided into seven habitats, which could support opportunities for particular habitat species. The document states :

"The proposals for the site will not affect any woodland on site or opportunities associated with the SINCs in the local area, therefore no direct or indirect impacts are anticipated. The woodland on site should be managed appropriately in the long term, with a suitable buffer incorporated"

The report details that there may be high opportunities for roosting bats and birds' nests within the area of the woodland. To preserve the ecological and biodiversity opportunities of the woodland, this area has been conditioned so it shall not be used for any activities associated with the care farming use to protect the ecological value of the woodland (with the exception of the infirmary). Furthermore, several trees on the site were identified as providing good habitats for several species, however no works are being carried out near these trees. A condition requiring a plan setting out the fencing details for this area is recommended. This will ensure there will be no stock in the area.

In addition, the Farm Management Plan details ecological measures which will be required to be carried out; a condition has been attached requiring this. The applicant has also stated that herbal ley covers have been planted to create a more diverse ward with nitrogen fixers and improved infiltration rates. The farm do not use chemical fertilisers, putting only lime,

organic matter and homemade compost in the soil. The applicant has confirmed there will be no sheep dipping on the site. This will be conditioned to ensure compliance.

The farm has 3 pigs that will be placed within one of the goat enclosures. The pigs will be restricted to the penned area. Pigs have been identified to be problematic for the ecology of the area therefore restricting their number and location of their enclosure is necessary to preserve the remainder of the area. The pigs will rely on hay to be bought into the site, reducing the pressure on the farm to provide for these animals. The pigs are an important part of the farm and the intention is to have a diverse array of animals with different needs and characteristics which the clients can learn from in different ways.

It is therefore considered that if managed appropriately the use would not have a significant impact on the ecology of the site. The applicant has proposed an ecological protection plan which seeks to preserve the ecological value of the site. On balance, given the limited number of buildings, commitment to exclude stock from the gully and woodland, limitations on number of animals and commitment to planting and ecological enhancements, it is considered that the proposal would have a suitable impact on the ecology of the site.

5.4 Response to Public Consultation

Planning related objections have been addressed in the report above.

There is an enforcement notice in force which requires the use of the site for care farming to cease and for the structures to be removed from the site. The notice gave a compliance period until 4th May 2019 for the applicant to comply. Although the compliance date has passed, the applicant has demonstrated commitments to local education providers made before the notice was served. Enforcement officers have therefore negotiated an adjustment to the terms of the notice.

A number of objections have been received which call into question the validity of the current application and whether the LPA can determine this application retrospectively with respect to the enforcement notice being in place.

There are powers for the LPA under section 70C of the Town and Country Planning Act to refuse to determine an application in particular circumstances. The act enables the LPA to 'decline to determine an application for planning permission... for the development of any land if granting planning permission for the development would involve granting, whether in relation to the whole or only part of the land to which a pre-existing enforcement notice relates, planning permission in respect of the whole or any part of the matters specified in the enforcement notice as constituting a breach of planning control.' A number of objectors consider that the application should not be determined. However, the LPA may choose to consider a subsequent application and has done so. Officers consider there are material changes made to the scheme to address the previous reasons for refusal which deserve consideration.

The consideration of this application does not prejudice the LPA's ability to enforce the enforcement notice once the compliance period is over.

6. Equality and Diversity Issues

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to pay regard to

the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

Equality duties require Authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different equality groups. It is an opportunity to ensure better decisions are made based on robust evidence.

Section 149 of the Act states that:

(1) A public authority must, in the exercise of its functions, have due regard to the need to-

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-

- (a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different to the needs of persons who do not share it;
- (c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(3) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular steps to take account of disabled persons' disabilities.

(4) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-

- (a) Tackle prejudice, and
- (b) Promote understanding

(5) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(6) The relevant protected characteristics are-

- Age;
- Disability

- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

It is considered that the applicant is within a protected group (disability). It is acknowledged that the proposals would benefit several individuals with learning difficulties, brain injuries and mental health issues within the site.

S149 (5) of the Act requires that the Council have due regard to the need to:-

'(5) having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:-

- (a) Tackle prejudice and
- (b) Promote understanding'

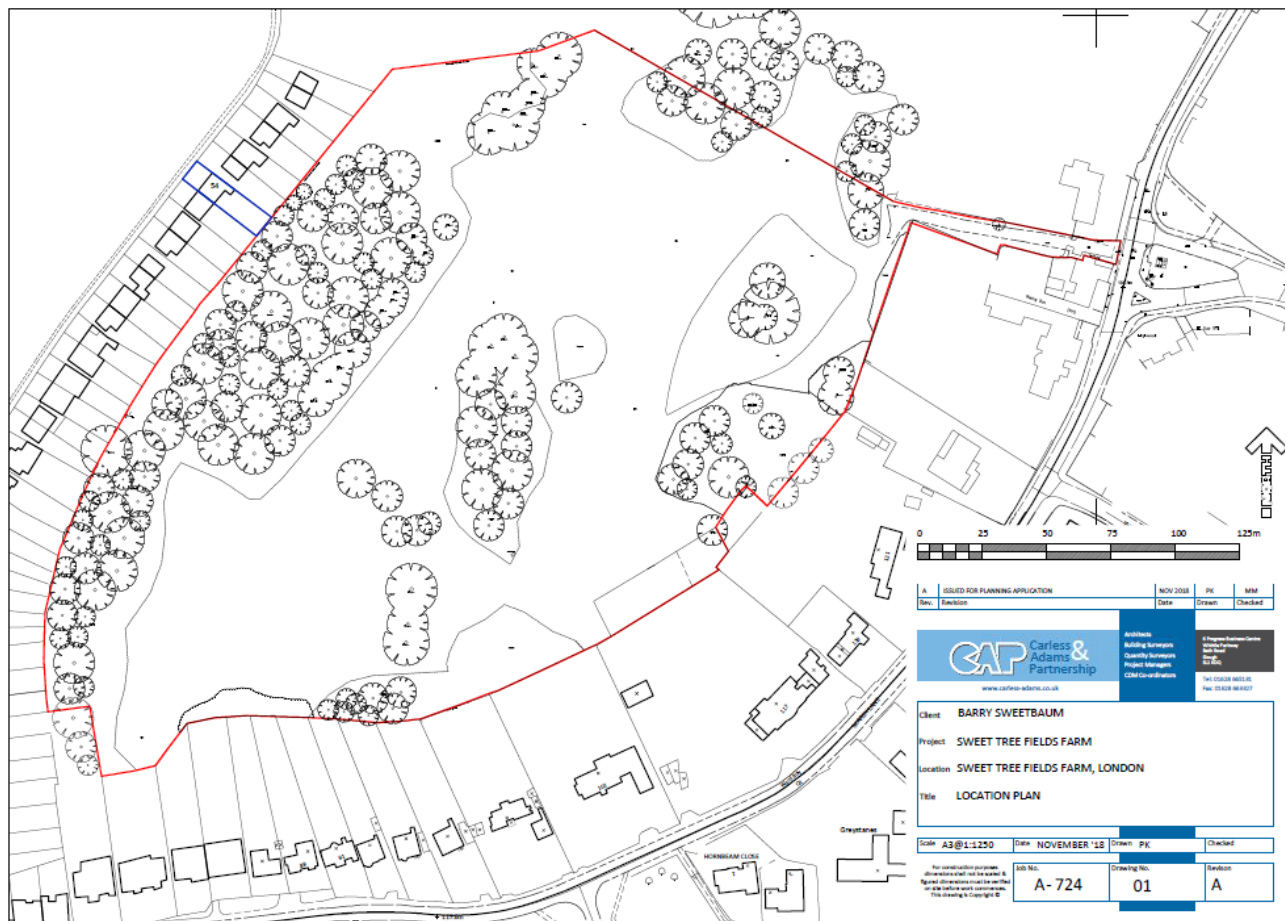
It is considered that the planning application itself provides an opportunity for an understanding of disabilities to be promoted.

In determining this planning application the Local Planning Authority must have due regard to the equalities impacts of the proposed redevelopment of the site on those persons protected under the Equality Act 2010. This Act requires the Local Planning Authority to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.

The potential equality impacts have been highlighted above. Any equalities impacts have also to be analysed in the context of the overall planning merits of the scheme and the benefits it will confer particularly the specific group of individuals.

7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



A		SIGNED FOR PLANNING APPLICATION		NOV 2008		PK	MM
Site	Section	Date	Drawn	Checked			
Carless & Adams Partnership www.carless-adams.co.uk				Architects Building Services Quantity Surveys Project Managers CDM Co-ordinators Tel: 01248 860135 Fax: 01248 860137			
Client: BARRY SWEETBAUM							
Project: SWEET TREE FIELDS FARM							
Location: SWEET TREE FIELDS FARM, LONDON							
Title: LOCATION PLAN							
Scale: A3@1:1250		Date: NOVEMBER '15		Drawn: PK		Checked:	
<small>No construction or other changes should be made to this drawing without the written consent of the author. It is the responsibility of the user to ensure that the drawing is used in accordance with its intended purpose.</small>				Add No: A-724		Drawing No: 01	
				Section: A			

Location **62 Brent Street London NW4 2ES**

Reference: **19/0517/FUL**

Received: 30th January 2019
Accepted: 30th January 2019

AGENDA ITEM 9

Ward: **Hendon**

Expiry 27th March 2019

Applicant: **Mr D Kohali of Safardi Minyan at Heichal**

Proposal: **Single storey rear extension following demolition of the existing rear extension (Retrospective Application)**

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

- Site Location Plan;
- Block Plan;
- Pre-Existing Plan Rear Extension, Drawing No.431-60;
- Proposed Plan Rear Extension, Drawing No.431-61;
- Pre-Existing and Proposed Section AA, Drawing No.431-64;
- Pre-Existing and Proposed Front Elevation of the Rear Extension, Drawing No.431-63;
- Pre-Existing and Proposed Side Elevation of Rear Extension, Drawing No.431-63;
- Pre-Existing and Proposed Rear Elevation, Drawing No.431-65.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 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 boundary treatment shall match those within the approved plans.

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 Prior to the first use of the extension, copies of a Pre-completion Sound Insulation Test Certificate 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). The development shall then be maintained in compliance with the Certificate.

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The application site relates to a detached property currently in use as a Synagogue and community centre on Brent Street. This is situated in the ward of Hendon. This part of Brent Street to the south of the junction with Queens Road is predominantly residential with some community uses. The adjacent building at 64 Brent Street is also a community centre. The building at 62 Brent Street extends the full depth and width of the street and wraps around the rear of 64 Brent Street and along the rear boundary of properties at Golders Rise.

The property is not listed or situated within a conservation area.

2. Site History

Reference: 18/4089/FUL

Address: 62 Brent Street, London, NW4 2ES

Decision: Approved subject to conditions

Decision Date: 18th September 2018

Description: Replacement of timber fence with hedge and dwarf wall

Reference: 17/6080/FUL

Address: 62 Brent Street, London, NW4 2ES

Decision: Refused

Decision Date: 2 February 2018

Description: Retention of wooden enclosure to the front of the property (Retrospective Application)

Reference: H/05950/14

Address: 62 Brent Street, London, NW4 2ES

Decision: Approved subject to conditions

Decision Date: 11 December 2014

Description: Variation of condition 1 (Approved Plans) pursuant to planning permission H/00939/14 dated 30/04/2014 for "Alterations to roof including replacement and increase of ridge height, 1 no. front roof-light, 1no. dormer to both sides and 2no. rear dormers to facilitate a loft conversion to the existing synagogue. Omission of existing front entrance and installation of new window to match existing. Single storey front/side extension following demolition of existing garage and creation of new front entrance". Alterations to include increase height and width of the roof and increase width of the rear dormers.

Reference: H/00939/14

Address: 62 Brent Street, London, NW4 2ES

Decision: Approved subject to conditions

Decision Date: 30 April 2014

Description: Alterations to roof including replacement and increase of ridge height, 1 no. front roof-light, 1no. dormer to both sides and 2no. rear dormers to facilitate a loft conversion to the existing synagogue. Omission of existing front entrance and installation of new window to match existing. Single storey front/side extension following demolition of existing garage and creation of new front entrance.

Reference: H/04830/11

Address: 62 Brent Street, London, NW4 2ES

Decision: Approved subject to conditions

Decision Date: 5 June 2013

Description: The demolition of buildings at 62-64 Brent Street and construction of a new synagogue and community centre at ground and first floors with residential unit on second floor.

Reference: W10557C/00

Address: 62 Brent Street, London, NW4 2ES

Decision: Approved subject to conditions

Decision Date: 27 June 2000

Description: Increase in height of roof of building to give the appearance of an additional floor. Alterations to the front elevation.

Reference: H/00912/09

Address: 62 Brent Street, London, NW4 2ES

Decision: Refused

Decision Date: 3 June 2009

Description: Demolition of existing synagogue and erection of new two storey synagogue plus rooms in the basement and 2No. flats in the roof space. Associated parking.

Reference: W10557E/03

Address: 62 Brent Street, London, NW4 2ES

Decision: Refused

Decision Date: 4 June 2003

Description: Demolition of existing building and erection of new two-storey building plus basement with associated changes to parking.

Reference: H/03856/09

Address: 62 Brent Street, London, NW4 2ES

Decision: Refused

Decision Date: 15 December 2009

Description: Demolition of existing synagogue and erection of new two storey synagogue plus rooms in the basement and 2No. flats in the roof space. Associated parking.

Reference: W10557D/00

Address: 62 Brent Street, London, NW4 2ES

Decision: Approved subject to conditions

Decision Date: 23 April 2001

Description: Increase in height of roof of building to give the appearance of an additional floor, single-storey side extension and alterations to front elevation.

3. Proposal

This application seeks permission for a single storey rear extension following the demolition of the existing rear extension (retrospective application).

The extension has the following measurements:

- Height of 2.7m;
- Projection rearwards of between 3.3m (behind No.62 Brent Street) and 5.7m (positioned to the rear of 64 Brent Street);
- A total width of 18.6m.

Access to the extension is provided internally through the existing main synagogue building at 62 Brent Street. There is also a fire escape which provides an emergency access route via 64 Brent Street.

On the date of the site visit, the extension was externally complete, and internal works were being undertaken to provide a level access floor from the new extension to the existing synagogue.

4. Public Consultation

Consultation letters were sent to 38 neighbouring properties.

6 responses have been received, comprising of 6 objections which are summarised below:

- Effecting the value of neighbouring properties;
- Reducing quality of life for neighbours;
- Loss of light to neighbouring gardens;
- Materials not in keeping/unsightly;
- Maintenance of the building;
- Potential noise created by use of extension;
- Land encroachment;
- Safety concerns;
- Existing extension did not benefit from planning permission;
- Highways pressures;
- Extension already under construction;
- The presence of air conditioning units;

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local 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 National Planning Policy Framework (NPPF) was published on 24 July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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.

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- 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 the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Assessment of proposals

5.3 Main issues for consideration

Principle of Development

Policy DM13 states that new community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties.

Policy CS10 states that the council will work with our partners to ensure that community facilities including schools, libraries, leisure centres and pools, places of worship, arts and cultural facilities, community meeting places and facilities for younger and older people, are provided for Barnet's communities.

The proposals would enhance existing community facilities within the borough and this is supported by policy.

Character and Appearance

The extension as built is located towards the north of the main site and north of Brent Street which borders the sites southern boundary. The proposal is a contemporary design that would utilise a similar material to the existing building (white render). It would be visible mainly from the rear of properties situated on The Approach (E of the site) and Golders Rise (NE of the proposal site). The extension is not visible from the street scene as it is positioned behind 62 and 64 Brent Street which are one to two storeys.

Other minor alterations to the adjoining existing part of the building would be largely internal. The internal floor level of the extension has been raised to be of a consistent level to the internal floor level of 62 Brent Street. The extension would be accessed internally by existing doorways at 62 Brent Street. There is an additional door which faces towards the rear of 64 Brent Street which is to be used as emergency access. A window is proposed in the SE elevation of the proposal facing towards the site boundary at ground floor level.

The existing building was timber clad and in disrepair, internally this area of the synagogue was not easily accessible to some users of the synagogue and therefore the raising of ground level allows easier accessibility of this part of the site.

It is assessed that the demolition of the single storey extension and the implementation of an extension following broadly the same footprint of a structure of higher standard and usability, is a complimentary addition to the existing synagogue and enhances the existing building and its surroundings. The proposal is therefore assessed as acceptable on character grounds.

Whether harm would be caused to the living conditions of neighbouring residents

Policy DM01 expects that development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Furthermore, the Council's Residential Design Guidance SPD outlines that extensions should not be unduly overbearing or prominent and should normally be subordinate to the existing dwelling.

The proposal follows broadly the same footprint as the previous extension at the site. The new extension differs in the following ways:

1. Stepped away from the rear boundary and NW boundary with the rear amenity space at 66 Brent Street;
2. Closer to the boundary with the rear amenity spaces of the properties on Golders Rise;
3. Increased width of the extension to the NE of the site;
4. The height of the extension would remain consistent with the existing structure apart from an increase of height on the boundary with No.66 Brent Street from 2.6m to 2.7m.

There were concerns raised by consultees regarding the size of the structure and the impact of the height and the materials being out of keeping with the structure that was present currently. Due to the small change in height of the extension bordering the rear amenity space of No.68 and the materials being consistent with the main building, it is assessed that the structure would not be visually harmful to neighbouring occupiers compared with the previous structure in terms of its size and materials.

It is noted that the neighbouring site at No. 64 benefits from a courtyard area which adjoins the proposed extension. Due to the previous structure which was in-situ and the positioning of the new extension within a similar footprint next to the courtyard area (not extending further into the courtyard), it is not considered that the proposal would have a detrimental impact on the users of this property, particularly as this is not a residential property and appears to be in use as a D1 class use from planning history.

A condition is recommended to ensure that the rooms within the extension are provided with adequate noise insulation in order to ensure that there is will be disturbance for neighbouring occupiers from the closer proximity of meeting rooms to the adjacent residential properties.

5.4 Response to Public Consultation

Representations received:

Loss of light:

Due to the positioning of the extension towards the rear of the neighbouring properties and in the same location as the existing extension, it is assessed that the demolition of the existing extension and the implementation of a new extension would not result in a loss of light to the properties and the gardens which border the proposal site. There has been an increase in the overall height of the extension by 0.1m. It is assessed that this would not lead to a detrimental loss of light to neighbouring properties and gardens.

Value of properties:

This is not a material planning consideration.

Building maintenance:

Concerns have been expressed regarding the maintenance of the building due to its proximity to the neighbouring boundary fence to the north of the site. Building maintenance is not a material planning consideration.

Encroachment:

Concerns regarding landownership are not a material planning consideration.

Safety concerns:

Concerns regarding fire safety have been raised, this is not a planning related issue.

Highways:

The extension as applied for is positioned to the rear of the site to replace an existing extension, and does not lead to an intensification of the current use or an increase in use. Therefore, it is assessed that increased highways issues would not arise from the development.

History of previous permission:

The previous extension was granted approval under LPA references W10557D/00: *"Increase in height of roof of building to give the appearance of an additional floor, single-storey side extension and alterations to front elevation,"* and LPA reference W10557A for *"Single storey rear extension."* Both applications were decided under delegated powers.

Extension already being constructed:

The Town and Country Planning Act does not prevent unlawful development taking place, but provides the mechanism for regularising it through the submission of a retrospective planning application. When the officer visited the site works had commenced but were not fully complete/extension was not in use.

6.0 Equality and Diversity Issues

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

7.0 Conclusion

Having taken all material matters into account, it is considered that the application would not have an adverse effect on the character and appearance of the host dwelling, the street scene and the wider locality and is therefore recommended for approval.



Location **39A-39B Flower Lane London NW7 2JN**

Reference: **18/7114/FUL**

AGENDA ITEM 10
Received: 28th November 2018

Accepted: 31st January 2019

Ward: Mill Hill

Expiry 28th March 2019

Applicant: .

Proposal: Erection of 2no three-storey buildings including a lower ground level to provide 4no self-contained semi-detached dwellings. Four car stackers to front of dwellings providing 8 car parking spaces. Provision of refuse and cycle store. Associated changes to landscaping. (amended description).

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

Proposed Site Plan Drawing No 1081 P02B
Proposed Section and Elevation Drawing No 1081 P09C
Proposed Second Floor Plan Drawing No 1081 P06C
Roof Plan Drawing No 1081 P07C
Materials Plan Drawing No 1081 P10A
Lower Ground Floor Plan Drawing No 1081 P03D
Proposed First Floor Plan Drawing No 1081 P05C
Proposed Elevation Drawing No 1081 P08C
Proposed Front Courtyard View 2 Drawing No 1081 P12B
Proposed Front Courtyard view Drawing No 1081 P11B
Existing Site Plan and Section Drawing No 1081 P01A

Design and Access Statement rev D
Transport Statement November 2018
Root Protection Table
Arboricultural Report 030539
Light Pollution Appraisal Report

Received 28 November 2018

Cross Section Drawing No A-175-002 Rev PO
Received 18 January 2019

Upper Ground Floor Plan Drawing No A-100-001
Diagram of Proposed Car Stacking Lift System Drawing No A-175-003 Rev PO
Received 29 April 2019

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 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 Notwithstanding the details shown, 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 character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 4 Before the development hereby permitted commences on site, details of all external lighting (to include the number, power, lux levels and controls) shall be submitted and approved in writing by the Local Planning Authority. Any external lighting placed within the curtilage of the property hereafter shall be in accordance with these approved details and report "Environmental Appraisal of the lighting proposed at 39A and 39B Flower Lane" WSP - May 2012.

Reason: To ensure the proposal does not impact on the University of London Observatory by way of excessive light pollution in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policies DM01 and DM04 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 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 in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 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 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 London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012

- 7 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 in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 8 Before the building hereby permitted is first occupied the proposed window(s) in the ground floor side elevations facing each proposed dwelling 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.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 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 safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 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. The landscaping scheme

shall incorporate retention of existing trees and planting of additional coniferous trees along the boundary with the University of London Observatory.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

- 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 in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

- 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 safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 13 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 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: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 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 privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 16 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 safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 17 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 18 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 19 Before the development hereby permitted is first occupied, the parking for cars and cycles shown on Drawing No 1081P04C and the access to the parking area shall be provided. 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 London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012

- 20 a) Before the development hereby permitted is first occupied, 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.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 21 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 22 The property shall be used as self-contained units as shown in the hereby approved drawings under Class C3 and no other purpose (including any other purpose in Class C3 or C4 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.

- 23 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the

construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise dust, noise and vibration pollution.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy 5.21 of the London Plan (2011).

- 24 Prior to the occupation of the development, a Maintenance Agreement for the operation of the car lifts must be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2019 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please

visit

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>
for further details on exemption and relief.

- 3 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.
- 4 Any highway approval as part of the planning process for the alteration to the existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in 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.

Officer's Assessment

1. Site Description

The application site relates to a vacant plot of land sited behind Flower Lane, the pre-existing use of the site was as a pair of semi-detached bungalows, the area is largely 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 2 storey dwellings are located to the north.

The site is not a conservation area or a listed building. There are no trees subject by a Tree Preservation Order or any ecological designation. The A41 is situated a short distance to the east.

2. Site History

Planning Number: 17/5641/FUL

Address: 39A Flower Lane, London, NW7 2JN

Date: 27.10.2017

Summary: Approved subject to conditions

Description: Erection of two detached three storey dwellings with basement level. Associated refuse and recycling store

Planning Number: H/00133/12

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

Date: 20/06/2012

Summary: Approved subject to conditions

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

Planning Number: H/06020/13

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

Date: 05/02/2014

Summary: Approved subject to conditions

Description: Non-material amendment to planning permission H/00133/12 dated 12/06/2012. Amendments include alterations to window size/location and change of external facing material to brick.

Planning Number: H/01485/14

Address: Site of 39A Flower Lane, London, NW7 2JN

Date: 23/05/2014

Summary: Approved subject to conditions

Description: Erection of two detached three storey and basement dwellings.

3. Proposal

The application relates to the erection of 2no three-storey buildings including a lower ground level to provide 4no self-contained semi-detached dwellings. Associated car parking in the form of 4 car stackers is proposed to the front of the dwellings.

Each pair of semi-detached dwellings will measure approximately 15.2 metres in depth, 9.6 metres in width and 11 metres in height with a gabled roof and eaves height of 6.4m. Each

dwelling has a width of approximately 4.7 metres. There will be a 1.6m step in the front and rear building line between the two properties as there is a stagger in the building line.

Each property will benefit from basement level accommodation comprising of a bedroom and reception room. At second floor, each dwelling has an internal terrace set into the roof.

There is approximately 20 metres from the front elevation to the boundary with the rear of 39 Flower Lane and 6 metres from the front elevation to the rear of the existing garage which is outside of the application site.

All properties will benefit from generous private garden amenity space which includes an area of sunken terracing at lower ground floor and level paving at ground floor. The garden is directly accessed from ground floor, across a walkway overhanging the sunken terrace. The garden is also accessed from lower ground floor via steps from the sunken terrace.

Refuse stores are proposed to the front of the site and a cycle store proposed to the rear of the site accessed between the two buildings.

4. Public Consultation

Consultation letters were sent to 51 neighbouring properties. 11 responses have been received, comprising 11 letters of objection.

The objections received can be summarised as follows:

- The application is invalid as the applicant is not a registered company or legal entity. This means conditions put on the application could not be enforceable.
- The bin store and parking spaces obstruct the rights of ways of other properties.
- The transport report is inaccurate. It does not give exact distances and does not consider the traffic generated from the neighbouring garage over the right of way. This garage is going to be used for a motorcycle club and the traffic is going to be increased. The turning circles are shown for a 2006 Mercedes which is inaccurate for later Mercedes models. The assessment is based on old data which does not consider the 'amazon phenomenon'
- The sewerage pipes will not be able to cope with this development.
- Access road is inadequate and inappropriate narrow single lane driveway for more properties
- Access road needs to be merged with the access to Flower Lane Resource Centre.
- Vehicles, ambulance, fire and council bin carts will not be able to access the site.
- Obstruction on public pavement when vehicles gain access.
- Loss of privacy/overlooking - Screening needs to be incorporated. The roof terrace will overlook neighbouring properties.
- There should be a requirement to protect and retain trees to the rear.
- No details of proposed access road and should consider drainage and permeability.
- This development could result in subsidence for neighbouring properties particularly as it involves basement level.
- The plans show narrow areas between the boundaries and buildings which will become no mans land and be overgrown with weeds, attracting vermin.

The scheme was re-consulted following amendments to the plan and description of the proposal.

An additional 5 comments were received. It is noted that these 5 comments supplemented previous representations and do not alter the overall number of objections received to the scheme.

- The developer has advised that the Council have already recommended the scheme for approval. In which case, why re-consult?
- The addition of car stackers are unsuitable and wholly inadequate parking provision for 4 large family dwellings. The top car needs to be removed to access the underground parking space creating only 4 accessible parking spaces and not 8. This is not enough.
- There is no permission to park anywhere else in front of the development.
- Visitors and residents will have to park in Flower Lane in the event the stackers malfunction/break down.
- No health and safety or operation and maintenance information has been provided in relation to the car stackers.
- The introduction of car stackers constitute a material change to the planning application.
- Danger to children, visitors, animals etc falling into the stackers
- Flooding by heavy rain would render the stackers unusable.
- Risk of vermin breeding at the bottom of the pit
- Fire engine turning circles coincide with the area of the car stackers and engines won't be able to turn around. Previous planning applications acknowledged that the forecourt cannot accommodate a fire tenders turning circle. In 2014 the committee declined to approve a more limited development for 39a/b (H/01485/14) for this reason.
- The car lifts will be noisy for neighbouring properties.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local 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 National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM08, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposal provides a satisfactory level of accommodation for future occupiers;
- Impact of development on highways;
- Sustainability

5.3 Assessment of proposals

Planning permission has previously been granted at the site for two new three storey buildings. Permission was granted in 2014 under application H/01485/14 which included the provision of basement accommodation following an earlier approval for the erection of two new dwellings which did not include basement level accommodation. More recently, permission has been granted for 2 new residential houses. This permission has not been implemented but is still valid.

The proposal now seeks to use a similar building footprint to create 2 pairs of semi-detached dwellings. The creation of two additional single family dwellings is not considered to change the character of the area or the way it functions. The site will still function as a predominately residential location consisting largely of single family dwellings.

Impact on the character of the area

The 2012 National Planning Policy Framework states that 'the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. In addition to the NPPF, Policy CS5 of the Core Strategy states

that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'. In addition to this, Policy DM01 of the Council's Development Management Policies 2012 states that 'development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets' development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused'.

The area surrounding the application site characteristically features a mixture of two storey, semi ' detached and detached residential dwellings. The previously existing properties 39a and 39b Flower Lane (which have been demolished) were a pair of semi-detached bungalows that were not visible from Flower Lane. The neighbouring backland properties in Oak Lodge Way (two storey) and 41 Flower Lane (Flower Lane Resource Centre) comprise a mix of styles and there is no predominant building style which characterises the immediate area.

The proposed dwellings would feature gable fronted roofs to their front and rear elevations. The new dwellings respect the existing eaves and ridge height of the neighbouring property at Oak Lodge Way. The proposed dwellings are considered to relate satisfactorily to the immediately adjacent buildings and the development is considered to sit comfortably within the existing surroundings. The building footprint is not significantly altered from the approved 2017 footprint for two detached dwellings. The proposal for two pairs of semi-detached properties, which maintain the same character, design and scale of the approved detached dwellings. Pairs of semi-detached dwellings are a feature of Flower Lane. The proposed dwellings are therefore considered to sufficiently maintain the character and appearance of the property and surrounding area.

The impact on the amenity of neighbouring occupiers

Policy DM01 of the Development Management Policies 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

The proposed dwelling nearest to 1 Oak Lodge Way respects the existing front building line of that property and will only project approximately 1.5 metres beyond the existing rear building line at a distance of approximately 3m from the flank elevation. No first floor windows are proposed facing this property and conditions have been recommended to restrict the insertion of further windows without prior consent from the Local Planning Authority. The proposed ground floor window facing 1 Oak Lodge Way is set at a height that occupants should not overlook the neighbouring property. This is due to the levels between the two sites and relies on a boundary fence between the two properties.

The proposal includes internal terraces set into the roof level which are accessed at second floor level. These terraces are small and not designed as primary sitting out areas considering each dwelling also has extensive garden to the rear. The applicant has provided a cross section showing the relationship of the roof terrace with the neighbouring property. Number 1 Oak Lodge Way is the nearest residential property to the proposed development. Balconies and terraces must be positioned carefully to ensure these do not affect the privacy of neighbouring properties. It is noted concerns have been raised about the inclusion of the roof terraces and potential for overlooking. Consideration has been given in the design of these roof terraces to ensure there is no overlooking. The terrace is cut into the roof and a 1.7 metre boundary enclosure is proposed around the terrace. When standing on the level of the terrace, this wall restricts outlook to above eye level, ensuring views from the terrace

are oblique and not directly toward any windows or garden of the neighbouring property. It is considered the terrace has been designed sensitively and does not adversely impact on the amenity of neighbouring occupiers. It is not large enough to be likely to cause any noise and disturbance close to neighbouring windows either.

The rear elevation has rear facing windows but the garden depth is generous and these windows will not result in harmful overlooking. It is noted the recessed rear balconies from the approved scheme has been removed.

Windows are proposed at second floor level in the front elevation (facing westwards). This is no different from what was consented originally. The windows in the front elevation are over 21 metres from the end of the rear gardens of Nos 37 and 39 Flower Lane and far exceed the Residential Design Guidance recommended distances for windows of habitable rooms to be set back 10 metres from a neighbouring garden. The distance retained between the proposed western façade and the windows of number 37 Flower Lane is approximately 65m away from the windows of No. 37 Flower Lane (for Houses 1 and 3) and 64 metres for houses 3 and 4. Furthermore, the existing vegetation screens the development and the arboricultural proposal sets out that this screen is to be retained. Thus it is considered that there will be no negative impact upon the residential amenity of number 37 Flower Lane.

Given all of the above it is considered that the proposal would not impact adversely on the privacy of adjoining residents to an extent that would warrant the refusal of the application on these grounds.

The footprint of the proposed dwellings closely follows the footprint of the consented 2017 proposals. It is not considered to be materially different than what was previously consented. There is a marginal 0.5 metre increase in building heights but given the distances from neighbouring buildings it is not considered the height would increase the impact of the development on neighbouring properties to any harmful degree.

In terms of comings and goings from the access road and impact of this on the nearest residential property at 39 Flower Lane, it is noted that the previously existing use of the site was as two residential bungalows and garages. The current proposal would increase the use of the site from 2 to 4 separate residential units. However, it is not considered the increased use of this site and the associated movements along the access would result in any substantial harm in terms of noise and disturbance to the neighbouring occupants.

In terms of the impact of the proposed dwellings on the operation of University of London Observatory, the observatory has previously raised concerns to development here on the basis that the observatory is involved in long term research observations of extra-solar planets, which requires brightness changes of the order of 1 to 2% in the host stars to be monitored on a regular basis.

Diffuse and scattered background light from the houses particularly the upper floors and roof skylight style windows may reasonably be expected to swamp the subtle variations in brightness and raise the existing threshold of the local sky background to a level which will inhibit effective observation.

The last report stated 'As the property falls within direct sight of the University of London Observatory, the concerns raised by the organisation were taken very seriously and resulted in several changes to the previously approved scheme. The current application reflects these changes. The applicant has submitted a supporting statement which states "regarding the lighting report, it is evident from the report already submitted that the basement will have

no impact in terms light nuisance. Paragraph 5.1.5 of the existing report states that "The top of the ground floor windows will be approximately 1.5m below the ground level of the observatory and therefore can be discounted as having potential to cause a direct source of light nuisance to the observatory". Given that the top of the basement windows are approximately 4.5m below the ground level of the observatory, it is self evident that these too can be discounted as having potential to cause light nuisance". Based on these considerations, it is considered that subject to conditions, the amount of light from the development is unlikely to be greater than that from other buildings in the vicinity and will not impact adversely on the Observatory.'

The applicant has submitted a lighting assessment to accompany the application. The report states 'In our opinion therefore, there will be limited potential for adverse light pollution from the proposed development beyond the existing level typical of a built up suburban location and from the previously consented level to impede on the operation of the University of London Observatory.'

The London Observatory were invited to comment on the proposal. The observatory commented that their concerns would lie with the amount of illumination from the proposed dwellings. The observatory noted the positive aspects of the scheme that have been made to mitigate any light impacts. It was noted that most of the vegetation would not be modified. The light pollution appraisal report also makes reference to external lighting to be covered to allow horizontal lighting without drastically increasing the light pollution. No windows are placed in the top level on the east side.

The observatory commented that the presence of mid-roof patio features would possibly generate a substantial amount of lighting. The observatory was concerned that the sides of the terrace are panelled in glass which would constitute east facing windows. Light from east facing windows would impact substantially on west facing activities from the Observatory. In regard to the roof terraces, these have only north or south outlook and are enclosed on the east and west. The internal glass panels would not impact on the observatory as the exterior south elevation has no openings. The submitted light report prepared by the applicant states 'the inclusion of these two inset roof terraces will be unlikely to cause issued to the observatory as they will not have a direct line of site to the observatory'.

One concern raised was whether the choice of light paving bricks would diffuse downward light substantially. The applicant has accepted a condition requiring the materials of the external finishes including paving and colour choice will be considered with regard to light spill to the observatory. The applicant has also responded stating 'Certain building materials can result in reflecting light, the British Standard Lighting for buildings - Part 2: Code of practice for daylighting (BS8206-2) provides us with some guidance on approximate reflectance levels of certain materials (Annex A, page 33). For instance, white glazed brickwork has a reflectance of 0.7, portland stone 0.6, concrete 0.4 (snow has a reflectance of 0.8 to give you a level to compare to). However, given the design of the proposed houses and materials being used, I would not expect this to significantly impact the observatory. In terms of suggested materials which will have a lower impact: darker brickwork, corrugated surfaces, and no glossy finishes will all reduce the reflectivity. It should also be noted that weathering, dirt, and moisture will also have a natural impact on the reflectivity of materials.'

The Observatory has raised no objection to the scheme provided conditions are in place to manage vegetation, light and any future windows.

The impact on the amenity of future occupiers

In terms of the amenity for future occupiers, the LPA would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. The London Plan, Barnet's DM02 and Sustainable Design and Construction SPD (2016) sets out the minimum space requirements for residential units. The floor and garden areas meet the standards for dwellings of this size and occupancy.

There are ground floor windows in the side elevation of the two internal facing flank walls. These windows are positioned so that the windows do not look directly at one another. The cycle stores have been moved in consultation in officers. Access for the cycle stores is provided internally between the two buildings. The ground floor windows of each of House 2 and 3 shall be obscurely glazed to avoid overlooking and a loss of privacy for these occupiers.

Since the previously consented scheme, the design of the buildings has been amended and now includes internal terraces to allow for windows in bedroom 4 to have some degree of outlook and natural light. This improves the amenity for these occupiers. The roof terraces facing internally are separated. The design of the terrace with a 1.7 metre wall to screen the terrace restricts any views for future occupiers toward one another.

Barnet's Local Plan expects that sufficient and functional space should be provided for all new homes and flats wherever possible. The Sustainable Design and Construction SPD advises of the required outdoor amenity space standards. The terraces and garden for each dwelling exceeds guidance and would be more than sufficient to meet the needs of the future occupiers.

The impact on highway safety and providing a sufficient parking allocation

The proposal is for the erection of 4x5 bedroom dwellings with provision of 8 parking spaces accommodated by 4 car stackers. The site is within a Public Transport Accessibility Level (PTAL) of 4 which is considered as good accessibility. The parking provision is in accordance with the parking standards as set out in the Development Management Policy DM17.

The scheme has been revised to introduce four car stackers. Each car stacker will provide 2 parking spaces; one underground and one surface park. When a driver approaches the stacker and needs to use the ground/upper space, the car will drive onto the space provided as normal. If the driver needs to use the lower space, they will activate a demand on approaching the car stacker which will lift and the car will drive into the lower platform. The car will then be lowered underground and the stacker returned to the default position. The lower space can be accessed with or without a car in the upper space thereby minimising any need to move cars for access. The car stackers will be independent of one another and one stacker would be allocated to each household to minimise any disruption in the event of a malfunction.

A condition is recommended to require a car parking management and maintenance plan to be submitted and approved by the Council. This would need to set out the process in the event of a malfunction including response times.

The car stackers have been introduced to the scheme by the applicant in order to address concerns raised by neighbours about encroachments into the Right of Way area. The

scheme was previously assessed by Highways officers and acceptable with the original provision of 8 ground floor parking spaces without car lifts.

Car lifts have become a more common feature of higher density schemes to provide car parking more efficiently. Although a different site and materially different scheme, there has been a recent appeal decision within West Hendon regarding the use of a car stacker which provides a useful comparison to the subject scheme. In an appeal decision APP/N5090/W/18/3213362 the Inspector comments 'Parking stackers are an increasingly common and easy to use system particularly in London and therefore, despite concerns to the contrary, I can see no reason why future residents would opt to park on-street in avoidance of the stacker system'. The Inspector concluded 'that the car stacking system would not be detrimental to highways safety and the free flow of traffic and pedestrians and would be in compliance with Policy CS9 of the Barnet Core Strategy 2012 (which amongst a number of key principles, seeks developments which provide safe, effective and efficient travel) and Policy DM17 of the Barnet Development Management Policies 2012 (which amongst a number of criterion, seeks developments to adhere to parking standards).'

The above appeal decision sets a clear directive that car stackers can be an appropriate means to providing off-street parking. There are material differences between the schemes. However in this instance there are four car stackers each serving only one household as opposed to one car stacker for 7 units. This reduces any impact in the event of a malfunction. The site is also accessed from a shared accessway. Cars waiting for the stacker to rise before parking are not impacting on highways traffic.

Highways officers have reviewed the information provided for the car stacker system. A condition is recommended requiring a maintenance plan to be submitted amongst other conditions but officers are satisfied the development would not have a detrimental impact on highways safety or function.

The vehicular access to the proposed development is via a narrow access approximately 4m wide. In the last approved scheme officers considered '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.'

Highways officers have considered the proposed scheme and have taken into consideration that the site access was approved under previous application Ref. No. 17/5641/FUL for 2x4+ bedroom units. In addition, officers note the following:

- o The proposals include using the existing access modified to include a gate and access control system to prioritise inbound vehicles and avoid conflict between cars entering and exiting the Site.

- o Fire tenders are able to access the property with the width of the access greater than the minimum gate width stated in the London Fire Guidance.

Concerns have been raised by respondents in relation to the access of the site to emergency services. 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. The developer will need to provide details on fire vehicle access as part of any Building Regulations application.

The proposed access arrangement is acceptable on highway grounds.

It is proposed that the refuse collections would typically take place once a week and be the same for the consented and proposed schemes. LBB Refuse Collection Team were consulted and have recommended that the residents will be expected to bring the bins to the back of the footway as per the current arrangement on the collections days.

Details of the strategy for refuse collection will be secured by way of condition. This will set out where bins will be placed on collection days. Previously the site was occupied as two bungalows and as such it is not considered that the introduction of new residential units will give rise to new concerns with the refuse strategy.

It is proposed that cycle parking will be provided in accordance with London Plan (March 2016) standards with 2 spaces per dwelling.

The proposal is recommended for approval on highways grounds subject to the conditions which will be included.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition is attached to ensure compliance with these Policies.

The applicant's design and access statement states 'the proposed development will commit to the Energy Hierarchy as set out in London Plan policy 5.2, reducing carbon dioxide emissions through the energy efficient design of the site, buildings and services. The proposals will aim to achieve carbon zero where fully possible, with sustainability measures including higher levels of insulation and air tightness, as well as the use of energy efficient appliances.

The proposals will seek to achieve carbon emission savings through levels of insulation and air tightness and installation of energy efficient appliances. The scheme is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy.

In terms of water consumption, a condition is attached to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

5.4 Response to Public Consultation

As stated in the arboricultural statement submitted with the planning application 'all recommended tree works considered necessary for health and safety reasons or to facilitate the development will be agreed with the Local Planning Authority and undertaken in accordance with the planning conditions attached to the planning consent.' It is recognised that the conifer (T35) and mixed species group of trees (G34) are important to be kept in

situ as a visual screen to neighbouring properties to the west of the site. This is stated within the arboricultural statement. Apart from removal of the sycamore and ash trees from group G34, which is deemed necessary to improve, but not impact upon the look of the group, the visual amenity and privacy protection afforded by these trees to number 37 Flower Lane will remain intact.

Conditions to deal with the potential light overspill onto the London Observatory will be included in the event that the application is approved.

Sewage is considered through the building regulations and not in the determination of a planning application.

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. The area is not one identified by the Environment Agency as at risk of flooding. Likewise the excavations for the car stacker are not considered to raise any risk of flooding to this area given this is not a flood prone site.

Concerns have been raised regarding the basement. Planning consent 17/5641/FUL obtained permission for basement level construction. Under this new proposal the proposed basement depth is kept same i.e. one storey in depth and is not considered substantially deep.

Concerns have been raised during re-consultation that the developer has already secured an approval from the Council. The application is still pending and the final decision will be made by committee. The scheme is recommended for approval by officers. At the time of re-consultation, the scheme had already been assessed by officers who were supportive of the scheme. The changes made to the scheme since the initial submission have largely been made to respond to comments raised by neighbours regarding the ROW and parking. The developer has included car stackers to the scheme to reduce any reliance on the shared ROW for parking. The scheme was re-consulted seeking the public views on the latest amendments.

A number of concerns have been raised regarding the car stackers. The car stackers provide 8 off-street parking spaces in line with Council policies. This level of off-street parking is considered sufficient to accommodate parking demand for a development of this size and given the level of parking provided, there should be no overspill demand on the public highway.

The addition of the car stackers is considered a material change to the application. Therefore the application was re-consulted with the revised plans and description. There is no permission to park anywhere else in front of the development.

A condition is recommended to require a maintenance manual which will set out the measures taken by the owners in the event of a car lift malfunction.

A comment was received concerned with fire engine turning circles coinciding with the area of the car stackers and engines won't be able to turn around. Reference was made to a previous scheme H/01485/14 being refused for a similar reason but on search of this planning application, the scheme was approved.

A concern was raised with the potential noise impact of the car lifts. The lifts will operate temporarily.

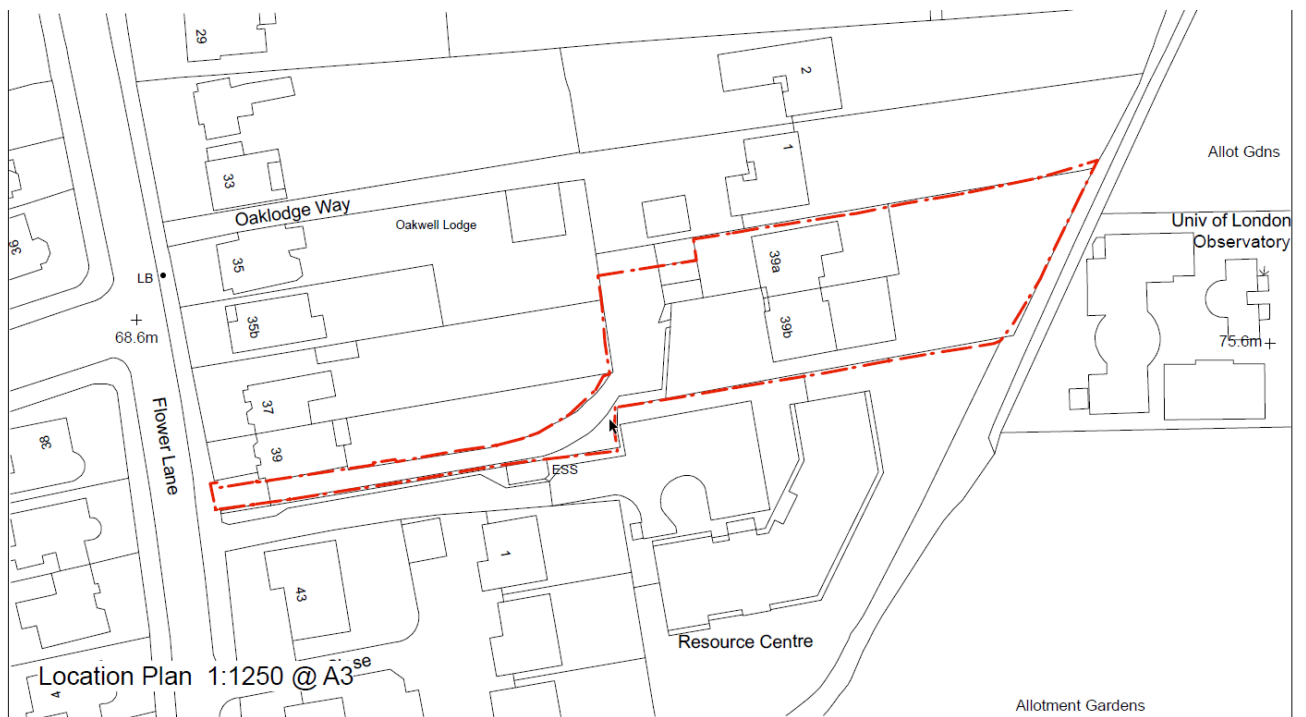
The remaining concerns raised have been addressed in the considerations above.

6. Equality and Diversity Issues

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

7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



Appeal Decision

Site Visit made on 3 January 2019

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision Date: 02 May 2019

Appeal Ref: APP/N5090/W/18/3213362

27 & 29 Neeld Crescent, Hendon, London NW4 3RP

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Neeld Crescent Limited against the decision of the London Borough of Barnet.
 - The application, ref. 18/1327/FUL, dated 28 February 2018, was refused by notice dated 5 July 2018.
 - The proposal is for the Demolition of No.29 Neeld Crescent and alterations to side elevation fenestration to No.27 Neeld Crescent; the erection of a two-storey building including excavation and creation of a lower ground floor level and mansard roof with rooms in the roof space to provide 7no self-contained flats; the provision of 7 parking spaces, amenity space, cycle storage and refuse and recycling storage and associated alterations to hard and soft landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for the Demolition of No 29 Neeld Crescent and alterations to side elevation fenestration to No 27 Neeld Crescent; the erection of a two-storey building including excavation and creation of a lower ground floor level and mansard roof with rooms in the roof space to provide 7no self-contained flats; the provision of 7 parking spaces, amenity space, cycle storage and refuse and recycling storage and associated alterations to hard and soft landscaping at 27 & 29 Neeld Crescent, Hendon, London NW4 3RP in accordance with the terms of the application, Ref 18/1327/FUL, dated 28 February 2018 subject to the conditions attached as an appendix to this decision.

Application for costs

2. An application for costs was made by Neeld Crescent Limited against the London Borough of Barnet. This application is the subject of a separate Decision.

Procedural Matters

3. Since submission of the appeal the National Planning Policy Framework 2012 (The Framework) has been superseded by the 2019 version. I consider the appeal on this basis and refer only to the updated Framework within my decision.

4. I have used the site address that is contained on the Council's Decision notice rather than the Planning Application form as this more accurately describes extent of the appeal site.

Main issue

5. The main issue is the effect of the development upon highway safety.

Reasons

6. The appeal property is located on a residential street within the outer suburbs of London and has a Public Transport Assessment Level (PTAL) of 4 which is considered to be 'good' accessibility.
7. Neeld Crescent, like many urban residential streets suffers from on-street parking congestion on both sides of the road which impedes simultaneous two-way flow. The result being that vehicles often have to stop momentarily to give way to traffic coming in the opposite direction. However, based on the appellant's surveys it appears that traffic volumes are fairly low and driven speeds are well under the 30mph speed limit. I have not been made aware of a poor accident record and therefore I deduce that that despite its deficiencies, Neeld Crescent operates satisfactorily without any significant safety issues.
8. In order for the proposed development to comply with parking requirements, a total of 7 spaces are proposed which satisfies the Council's requirement of between 4-9 spaces and is accepted by the Highway Authority. Whilst I note comments from third parties that there is a belief that each apartment would generate the need for 2-3 vehicles, no evidence has been submitted to support this claim. I disagree that this would be the case, and given the high PTAL score, the provision of 7 spaces is adequate to cater for this development.
9. A Transport Statement¹ has been submitted to support the application which states that the stacking system is highly unlikely to cause issues to highway safety and the free flow of traffic. It also states that in those infrequent cases where two vehicles arrive at the same time one car would use a dedicated waiting space whilst the other would need to use on-street parking or the space on the road in front of the driveway whilst the other user is loading their vehicle. Third party respondents believe that one waiting bay is not enough, however the transport statement is robust in its analysis that one waiting bay is appropriate.
10. I acknowledge the Council's comments that during peak times if the waiting bay is full that vehicles may need to wait in the designated waiting space (which is not a dedicated parking bay), or on-road. However, I am not persuaded that the latter would be a frequent event. Even if this was the case, any on-street parking would be ephemeral in nature and would not lead to unacceptable impacts to highway safety.
11. I also note comments from the Council with regards to uncertainty with the operation of the stacker system when the vehicle exits the system and

¹ Caneparo Associates, 29 Neeld Crescent Transport Assessment, February 2018
<https://www.gov.uk/planning-inspectorate>

whether there is a need to get out of the car and send the lift back down. There are also comments about whether the Appellant has factored increased waiting times as a result of loading children, luggage, groceries and safety checks. Whilst typically these units are automatic, and timings may be slightly more than the 60-90 seconds as quoted by the Appellant as a result of these additional influences, I disagree that it would be to the extent of 5 minutes (as suggested by third party respondents) and this additional time would be unlikely to severely cause delays which would mean a large number of vehicles are displaced to on-street parking.

12. Parking stackers are an increasingly common and easy to use system particularly in London and therefore, despite concerns to the contrary, I can see no reason why future residents would opt to park on-street in avoidance of the stacker system.
13. Visibility from the Appeal site to the pedestrians utilising the footpath is adequate and quite typical for this context, and I therefore consider the scheme satisfactory in this respect.
14. I also note concerns with regards to the unit breaking down and the maintenance of the unit. The Appellant has provided the car stacker's reliability figures and the quick response and call out time in the case of a fault which is based upon past installations, which at best, would be a rare occurrence.
15. Given the above mentioned factors, I conclude that the car stacking system would not be detrimental to highway safety and the free flow of traffic and pedestrians and would be in compliance with Policy CS9 of the *Barnet Core Strategy* 2012 (which amongst a number of key principles, seeks developments which provide safe, effective and efficient travel) and Policy DM17 of the *Barnet Development Management Policies* 2012 (which amongst a number of criterion, seeks developments to adhere to parking standards).

Other Matters

16. The Appellant claims the Council has been inconsistent in its decision making with reference to a planning approval for 5 self-contained flats at no.48 Neeld Crescent². However, on the information before me I note that the details of the scheme are different to the appeal case in terms of scale and off street parking provision. I am not convinced that this is an analogous scheme and therefore only give this example limited weight in this decision.
17. I note concerns with regards to the new apartment building blocking views and causing overlooking into neighbouring gardens from windows and balconies. The main impacts to living conditions are to No31 and No27 which are on opposite sides to the appeal property and 25 Rundell Crescent which is to the rear. Given that the windows to the sides of either dwellinghouse serve a landing and bathroom, the majority of windows proposed on the side elevations of the scheme would be unlikely to cause any detrimental overlooking issues. However, one of the windows to the northern elevation would have direct views to the rear garden and partial views to the

² Barnet Council Planning Ref:17/5441/FUL
<https://www.gov.uk/planning-inspectorate>

neighbouring windows but is requested via condition to be obscurely glazed to overcome these concerns. With regards to balconies, adequate privacy to the neighbouring occupiers can be given via details of privacy screens to the balconies by way of condition which will address overlooking concerns. Whilst the proposed building has a larger footprint than the existing building, I do not consider that adverse impacts would be caused to living conditions as a result of the building impeding or resulting in a loss of views.

18. I also note concerns from third party respondents with regards to noise generated during the construction. This can be adequately controlled via a construction management plan which specifies requirements in terms of hours of operation, and mitigation measures for noise and air pollution which may arise as a result of the demolition and construction of the scheme.
19. There are also comments with regards to the proposed scheme fitting into the character and appearance of the area, with mention of the mansard roof being out of character. The area is quite varied in building style with a mix of dwellings and flatted schemes which range from two and three storeys with different roof forms, which whilst the majority are hipped and gabled, there are examples of mansard roofs present. The proposed building is of a similar height to the existing dwelling which is to be demolished and its size and proportions are generally in adherence to the varied character of the area. I am satisfied that the design of the proposed scheme adequately adheres to the local character of the area and that conditions seeking the approval of materials and landscaping treatment will assist the proposed scheme in adopting the qualities of local character and local distinctiveness.
20. I also note comments with regards to flats causing a loss in property value for the remaining dwellinghouses, and that there is a need for parking restrictions, pavement corrections and road resurfacing along Neeld Crescent. These are not planning considerations and I have therefore given limited weight to these matters in this decision.
21. Whilst I appreciate that there are concerns with regards to the loss of family housing and the creation of further flats, the predominant character of this particular street is one that is varied and mixed with the proposed scheme not causing adverse detriment to the housing mix or character of this locality.

Conclusion and Conditions

22. For these reasons and having considered all matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be allowed and planning permission granted, subject to the conditions set out below.
23. I refer to the conditions specified by the Council in their Statement of Case if the appeal was to be allowed and have considered them in accordance with the Planning Practice Guidance (PPG). It is noted that each of the proposed pre-commencement and prior to occupation conditions were agreed with the Agent for the Appellant in reply to a Regulation 2(4) Notice of The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 which was issued by the Planning Inspectorate on 28 December 2018 and responded by the Agent for the Appellant by email dated the 31 December

2018. I consider these pre-commencement and pre-occupation conditions necessary, except where specified below.

24. In addition to the standard condition on timescales, I have imposed a condition specifying the relevant drawings as this provides certainty. However, I have made corrections where references were incorrect, and removed duplication of the Proposed West (front) elevation with both Revisions B and C were listed as approved, where it should only be Revision C.
25. Conditions requiring a construction management plan and timings for demolition and new build are necessary to manage the effect of construction on the living conditions of the occupants of neighbouring properties. In order to protect living conditions of neighbouring occupiers, conditions requiring obscure glazing and privacy screening are required. There is a need for conditions with regards to the approval of materials, cycle storage, waste storage in order to ensure the development blends appropriately into the character and appearance of the area and provides necessary infrastructure and circulation routes for proposed occupants.
26. Conditions requiring the installation of carbon reduction measures, water meters and water saving measures are necessary in the interests of energy and water efficiency. Noise conditions are necessary in the interests of the living conditions of future and neighbouring occupants during and after works have taken place. The condition with regards to the provision of the car stacker system with 7 spaces before occupation is necessary to avoid impacts to the free flow of traffic and highway safety concerns of Neeld Crescent. I note that the condition does not state the provision of a demarcated waiting bay which also is necessary to include within this condition. The condition limiting the use to Class C3a (residential) is necessary given that different uses within the same use class may cause a need to further assess the parking implications of the development.
27. The suggested condition 18 which seeks a pre-commencement condition with regards to a noise report, is adequately covered by suggested condition 17 which seeks that noise is below a certain level, negating the need for suggested condition 18. I disagree that suggested condition 11 which requests a landscaping plan showing hard and soft surfacing is required given that this is adequately shown on the approved site plan. The suggested condition 6 which requires a maintenance agreement for the operation of the car lifts is not related to planning and therefore would not meet the tests of the Planning Practice Guidance. As such this condition is deleted. The suggested condition No12 which details the requirement for the approval of highway designs for the access is covered by highways legislation and is therefore unnecessary.
28. The suggested condition No 20 on the retention of the layout of the residential units repeats the provisions of condition No 1 and therefore is unnecessary. Similarly, the suggested condition No22 which limits the hours of operation during construction would repeat the provisions of the Construction Management Plan which will specify this which is suggested condition No5 and therefore is unnecessary. The suggested conditions 15

and 21 requiring compliance with Building Regulations is also unnecessary and not related to planning. These are all deleted.

29. Given the above comments, I have reordered and re-numbered the conditions as shown in the appendix to this decision.

J Somers

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 3029(PLA)211 Rev C, 3029(PLA)112, 3029(PLA)214, Rev A, 3029(PLA)213, Rev A, 3029(PLA)113, 3029(PLA)300, 3029(PLA)002, Rev A, 3029(PLA)212, Rev A, 3029(PLA)111, Rev A and 3029(PLA)110, Rev A.
3. No development above slab level shall take place until details of the materials to be used for the external surfaces of the building and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the materials as approved under this condition.
4. Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.
5. No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:
 - i. hours of operation, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - v. noise mitigation measures for all plant and processors;
 - vi. details of contractor's compound and car parking arrangements;
 - vii. details of a community liaison contact for the duration of all works associated with the development.
6. Before the development hereby permitted is first occupied, 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.

7. Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority. The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.
8. Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.
9. Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.
10. Before the building hereby permitted is first occupied the proposed window(s) in the first floor side elevation facing 31 Neeld Crescent shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.
11. Before the development hereby permitted is occupied the waiting bay shall be demarcated and 7 car parking spaces as indicated on the approved plans including the access to the parking spaces shall be provided and shall not be used for any purpose other than parking and/or operation of vehicles in connection with the approved development.
12. The level of noise emitted from the 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.
13. The property shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 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).

Location **22B The Broadway London NW7 3LL**

Reference: **19/1131/FUL**

Received: 26th February 2019

Accepted: 27th February 2019

Ward: Mill Hill

Expiry 24th April 2019

Applicant: Mr Franchi

Proposal: Roof extension involving new green roof and insertion of front and rear windows and new side gable window

AGENDA ITEM 11

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
CS01/TP/01 Existing and Proposed Ground Floor Plan and Location Plan
CS01/TP/02 Existing and Proposed Front and Rear Elevation
CS01/TP/03 Existing and Proposed Side Elevation
CS01/TP/04 Existing and Proposed Section A-A
CS01/TP/05 Streetscene Elevation Front and Rear
CS01/TP/06 Existing and Proposed Roof and Proposed First Floor Plan
CS01/TP/07 Site Location Plan

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 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).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 The green flat roof hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The application site relates to a one-storey detached residential dwelling situated to the rear of a parade of commercial shops on the south side of The Broadway, Mill Hill. The property was initially in use as an office (B1), however this was changed to a residential unit (C3) under Prior Approval on 10.10.2018, under application ref. no 18/3177/PNO.

To the rear, the application site abuts a service road which lies adjacent to a row of terraced properties on Brockenhurst Gardens, to the south. Given the siting of the application site, the host dwelling receives a degree of obscurity from the public domain.

The character of the general locality is largely mixed, consisting of commercial premises along The Broadway, two-storey residential properties along Brockenhurst Gardens and examples of self-contained flats in the immediate vicinity.

The application site is not situated within a conservation area, contains no listed buildings and is not subject to any other relevant planning restrictions.

2. Site History

Reference: 18/3177/PNO

Address: 22B The Broadway, London, NW7 3LL

Decision: Prior Approval Required and Approved

Decision Date: 10 October 2018

Description: 1 Change of use from Class use B1 (office) to Class Use C3 (residential) to provide 1 unit

Reference: W02868H/02

Address: 22B The Broadway, London, NW7 3LL

Decision: Refused

Decision Date: 23 July 2002

Description: Loft extension incorporating a mansard roof involving an increase in roof height, front facing dormer windows, also alterations to roof of rear extension involving a decrease in height to form a flat roof.

Reference: W02868G/01

Address: 22B The Broadway, London, NW7 3LL

Decision: Refused

Decision Date: 13 December 2001

Description: Loft extension to rear, creating mansard roof with rear dormer windows.

Reference: W02868J/03

Address: 22B The Broadway, London, NW7 3LL

Decision: Deemed Refusal (Appeal)

Decision Date: 13 May 2004

Description: Alterations to roof including mansard style extension and new flat roof over rear to provide additional office space at first floor level.

3. Proposal

Planning permission is sought for a roof extension involving new green roof, raising the height of the main roof ridge, to incorporate a gambrel roof design. Insertion of front and rear roof windows and 2no. new side gable windows.

The maximum height of the existing dwelling measures 4.60 metres, when measured to the highest point of the roof ridge and eaves height of 3.2 metres. Within this application, the roof would be raised to a maximum height of 5.35 metres, incorporating a gambrel green roof design.

The changes to the fenestration include:

- 3no. roof windows to the front roof slope.
- 1no. roof window to the rear roof slope.
- 1no. side gable window on the east elevation.
- 1no. side gable window on the west elevation.

4. Public Consultation

The Local Planning Authority notified ten adjoining properties and received five objections and 4 comments in support of the application.

Summary of comments include;

- o No objections to the development - no significant loss of light/outlook will occur.
- o Positive contribution to local area.
- o Reduce crime and anti-social behaviour.
- o Good use of space.
- o Minimal external alterations.

Summary of objections include;

- o Privacy concerns.
- o Detrimental to amenity of neighbouring occupiers.
- o Fire hazard.
- o Overlooking.
- o Overbuilt service lane.

5. Planning Considerations

5.1 Policy Context

Revised National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local 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 Revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The Revised NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The Revised NPPF retains a presumption in favour of sustainable development.

This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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.

The Mayor's Draft London Plan

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- 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 the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which

can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

Impact on Character

Any proposed scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both Barnet Local Plan), 7.4 and 7.6 (both London Plan). DM01 helps to protect Barnet's Character and amenity stating that development should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Barnet's Residential Design Guidance outlines that additional, useable space can sometimes be create by converting roof space, providing this is carried out sympathetically. Within this application, the highest point of the existing roof is to be increased in height by 0.75 metres, to incorporate a gambrel green roof design. Given the modest height increase it is not found that the development would result in demonstrable harm to the character of the original property or general locality.

Following the benefit of a site visit and an examination of aerial photography it was noted that the character of the surrounding buildings is largely mixed and given the siting of the application site, positioned to the rear of No.22 The Broadway, abutting a service lane and Brockenhurst Gardens to the rear, the property receives a degree of obscurity from the public domain, which mitigates impacts onto the character of the locality, which is itself largely mixed.

On the north and south elevations of the roof, the application proposes natural Spanish slates. Given that these materials would match the existing it is considered that this element would adequately integrate with the original dwelling.

With regard to the introduction of the green roof element, proposed on both the gambrel roof and flat roof, whilst it is acknowledged that similar roof styles do not exist in the immediate vicinity. Green roofs by nature, have minimal maintenance and are considered environmentally friendly. Given that the application site is sufficiently enclosed by No.22 The Broadway to the north west, and Brockenhurst Gardens to the south east, the introduction of this roof form although unusual, by virtue of its siting, is not found to adversely impact the largely mixed character of the surrounding area.

Barnet's Residential Design Guidance outlines that windows on roof slopes should be carefully positioned in order not to impact detrimentally or disfigure the appearance of a building. It goes on to suggest that it is preferable to position these windows on rear roof slopes.

Within this application, 3no. roof windows are proposed on the front roof slope of the dwelling and 1no. roof window on the rear roof slope.

Whilst the Design Guidance suggests it is preferred if windows proposed on roof slopes are positioned to the rear of properties, this is likely to be designed to minimise the perceived visual impact of these windows on the streetscene. As highlighted previously, the application site is obscured from the public domain and as such the impact of the proposed roof windows on the character of the local area is considered de minimis.

Taking into consideration the siting of the application site which is sufficiently enclosed by surrounding buildings, coupled with the perceived subordinate nature of the works it is considered that the proposal would not result in detrimental harm to the character of the host dwelling, streetscene or wider locality in compliance with Policy DM01 of Barnet's Local Plan 2012.

Impact on neighbouring Amenity

It will be important that any scheme addresses the relevant development plan policies including DM01 (of the Barnet Local Plan), 3.5 (of the London Plan) and the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance.' In respect of the protection of the amenities of neighbouring occupiers, this will include taking a full account of all neighbouring sites.

The application site exists to the rear of No.22 The Broadway, which forms a row of commercial premises residing on The Broadway. To the rear, the application site abuts a service road, which itself backs on to a row of terraced properties relating to Brockenhurst Gardens. To the east, the application site shares a common boundary with No.24 The Broadway. To the west, the host site shares a boundary with No.20 The Broadway and the store at the rear of No.16 The Broadway.

In reference to the increased maximum roof height of the dwelling, given the minor increase of less than a metre it was considered that only the properties within the immediate vicinity of the application site would be affected, should this proposal garner approval. The nearest buildings to the application site, namely the store at the rear of No.16 The Broadway and the outbuilding to the rear of No.24 The Broadway are not currently in use as dwellinghouses and appear to be garages/store rooms that do not benefit from windows. This is significant in that the marginal roof height increase would not result in a loss of light or outlook to windows serving a habitable room, given the nature of the surrounding buildings. Thus, it is not found, by virtue of its scale, mass, bulk and siting, that the proposal would result in any

demonstrable harm to the amenity of neighbouring occupiers by way of a loss of light or outlook.

The rear elevations of Nos. 12 and 14 Brockenhurst Gardens, exist approximately 18.0 metres from the proposed development. Given this substantial separation distance, coupled with the vegetation which exists on the shared boundary with the service road and that the proposed windows are to be fixed obscure glazed, it is not found that the proposed alterations to the roof height and insertion of 3no. rear windows on the roof slope would result in a detrimental loss of light, outlook or give rise to harmful levels of overlooking.

With regard to the proposed side gable window on the west elevation, as mentioned previously the buildings which lie adjacent to the proposed development, to the west, are not in use as dwellinghouses and thus do not benefit from windows. As such, it is not found that the introduction of this window would lead to a loss of privacy.

To the east of the application site, No.26 The Broadway benefits from a two-storey rear building which adjoins to the row of commercial premises on The Broadway. This building benefits from windows on its west elevation, at both ground and first floor. However, given the height of this building in comparison with the positioning of the proposed side gable window on the east elevation of the host property, coupled with the separation distance of approximately 9.0 metres it is not found that the introduction of this gable window would result in a detrimental loss of privacy to this neighbouring occupier.

As part of the flat roof would be covered with vegetation, it is imperative that access to this roof to be used as a roof garden is completely restricted. Thus should this proposal garner approval, a condition will be applied to the development to ensure that the roof should only be used in connection with the repair and maintenance of the building and should at no time be converted or used as a balcony, roof garden or similar amenity or sitting out area. This condition is required to ensure that the amenities of neighbouring occupiers of adjoining properties are not compromised by way of overlooking.

In assessment, it is considered the proposed developments do not demonstrate significant amenity concerns regarding loss of light, privacy or outlook and is therefore compliant with policy DM01 of Barnet's Local Plan 2012.

5.4 Response to Public Consultation

Privacy concerns.

Addressed within the main body of the report.

Detrimental to amenity of neighbouring occupiers.

Addressed within the main body of the report.

Fire hazard.

This was not considered a material planning consideration when assessing this application. However, given the subordinate nature of the works to the property it was not considered that the proposed development would result in a fire hazard.

Overlooking.

Addressed within the main body of the report.

Overbuilt service lane.

Given the modest scale of alterations to the dwelling, it is not considered that the development would contribute to the overbuilt service lane.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.



Location **11 Eleanor Crescent London NW7 1AH**

Reference: **19/1607/HSE**

Received: 18th March 2019

Accepted: 19th March 2019

Ward: Mill Hill

Expiry 14th May 2019

Applicant: Mr & Mrs Williams

Proposal: Conversion of existing garage into habitable room, insertion of new window and entrance door to replace garage door. Removal of existing front porch. Replacement of existing rear extension pitched roof with flat roof including green roof. Alterations to front and rear window openings and changes to fenestration [amended description]

AGENDA ITEM 12

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

Site location plan;

189/010 RevA;

189/015 RevA;

189/020 RevA;

189/021 RevA;

189/025 RevA;

189/080 RevB;

189/081 RevB;

189/085 RevB;

189/090 RevB;

189/091 RevB;

189/095 RevB.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 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 Notwithstanding the green roof as detailed in the submitted plans hereby approved, the materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 The flat roof hereby permitted to the existing rear extension shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The host dwelling is a detached property situated on Eleanor Crescent, NW7 1AH. It does not lie within a conservation area and is not a locally or statutory listed building.

2. Site History

Reference: W00195M

Address: 11 Eleanor Crescent, NW7

Decision: Approved subject to conditions

Decision Date: 18.02.1977

Description: Change of use to garden.

Reference: W00195T

Address: 11 Eleanor Crescent, NW7

Decision: Approved subject to conditions

Decision Date: 16.11.1979

Description: Single storey rear extension.

3. Proposal

This application seeks planning permission for conversion of existing garage into habitable room, insertion of new window and entrance door to replace garage door; removal of existing front porch; replacement of existing rear extension pitched roof with flat roof including green roof; alterations to front and rear window openings and changes to fenestration.

The proposal as original submitted included the creation of a roof terrace above the proposed flat roof extension. This has been removed from the proposal by the applicant and replaced with a Juliette balcony to the rear dormer window.

4. Public Consultation

Consultation letters were sent on 21.03.2019 to 4 neighbouring properties. A total of 13 responses objecting to the application were received by the end of the consultation period. They can be summarised as follows:

- The proposed roof terrace [in the original plans] will negatively impact the amenity of neighbouring occupiers by causing overlooking to neighbouring gardens and windows and leading to a loss of privacy.

- The proposed roof terrace would be out of keeping with the local character.

The Mill Hill Preservation Society provided the following comment:

- The proposed roof terrace would have a detrimental effect on the privacy of neighbours and would be out of character with the row of houses on Eleanor Crescent.

An additional period of consultation was carried out on 07.05.2019 due to amendments to the scheme to remove the proposed roof terrace. No additional comments were received during this additional consultation.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local 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 revised National Planning Policy Framework (NPPF) was published in 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

The host dwelling is a detached property which forms part of a row of 6 detached properties with similar architectural styles on Eleanor Crescent in Mill Hill ward. The properties have single storey double garages to the front which project forwards of the front elevation of the dwelling. Ground levels at the site slope down sharply towards the rear garden, allowing the dwellinghouse to benefit from a basement level to the rear. The host dwelling also benefits from an existing single storey rear extension with a pitched copper roof. This has a depth of approximately 5 metres from the original rear wall.

The proposed development involves the conversion of the existing double garage into habitable space. The existing window on the front elevation would be replaced with a larger casement window in painted timber. The front entrance door would also be relocated from the front elevation to the flank wall of the existing garage and additional windows added to this elevation, replacing the garage door. The existing front porch would be removed. A new timber canopy is proposed above the new front entrance door measuring 0.65 metres in depth by 1.8 metres in width.

The proposed development also involves the replacement of the existing rear extension pitched copper roof with a flat roof including green roof. It would also involve the addition of juliette balconies to the rear existing dormer window and various other alterations to fenestration.

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality.

Paragraph 131 of the NPPF states that 'in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.' Thus, any proposal should respect the local character and either preserve or enhance it. This is compliant with policies DM01 and CS05 of the Local Plan DPD.

The proposed conversion of the double garage to habitable rooms would not involve any increase in the footprint of the dwelling or any extension forward of the front elevation. Although it would involve the loss of the existing garage door and its replacement with a front entrance door and windows, this is not considered to be detrimental to the appearance of the host dwelling or the local character. The removal of the existing front porch is found to be acceptable.

The alterations to the existing rear extension likewise do not involve any increase in the footprint of the dwelling or any additional extension rearward. The change from the existing pitched roof to a new flat roof is not found to be harmful to the appearance or local character. The addition of a green roof across the extent of the roof of the single storey extension is supported.

The proposal has been amended to remove the proposed roof terrace and replace with juliette balconies to the existing rear dormer window. The amended proposal is found to be acceptable in terms of its impact on the character and appearance of the host dwelling.

The proposed development is therefore found to comply with Policies DM01 and DM02 of Barnet's Local Plan.

- Whether harm would be caused to the amenity of neighbouring occupiers.

Policy DM01 of the Local Plan states that any schemes must protect the amenity of neighbouring residents. It is necessary to assess the impact of all new development on neighbouring amenity, including impact on light, outlook, privacy and causing a feeling of overbearing.

The proposed development would not increase the footprint or scale of the existing dwelling. As such, it would not cause a loss of light, outlook or an increased sense of overbearing to neighbouring occupiers. The amended proposal no longer includes a walk on roof terrace, mitigating concerns of loss of privacy and overlooking to neighbouring gardens and windows. The proposed development is therefore found to protect the amenity of all neighbouring occupiers, in accordance with Policy DM01 of Barnet's Development Management Policies.

5.4 Response to Public Consultation

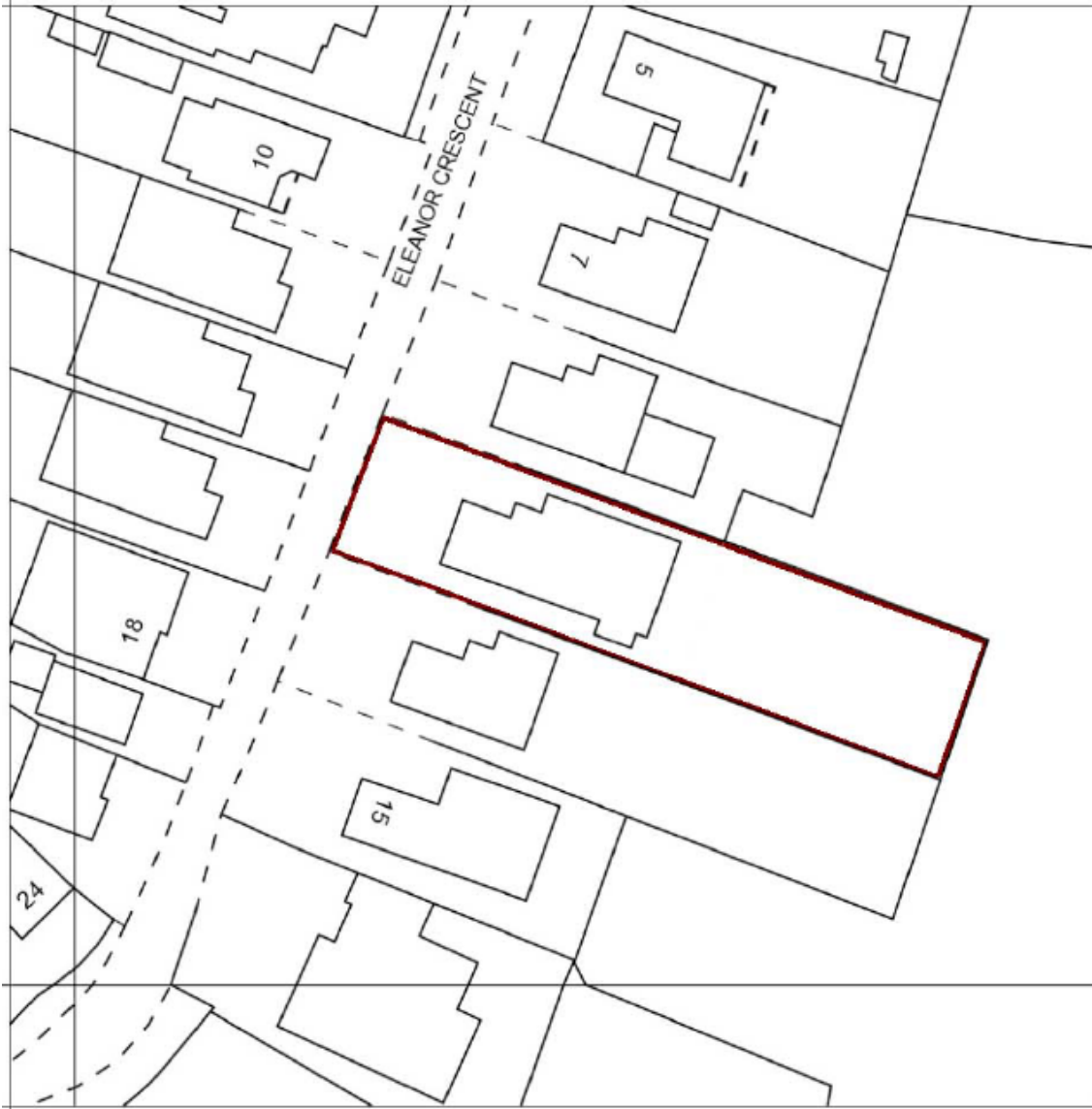
- The proposed roof terrace [in the original plans] will negatively impact the amenity of neighbouring occupiers by causing overlooking to neighbouring gardens and windows and leading to a loss of privacy.
 - The proposed roof terrace would be out of keeping with the local character.
- The Mill Hill Preservation Society provided the following comment:
- The proposed roof terrace would have a detrimental effect on the privacy of neighbours and would be out of character with the row of houses on Eleanor Crescent.
- These concerns are addressed in the above appraisal. The amended proposal has responded to these concerns by removing the roof terrace from the proposal.

6. Equality and Diversity Issues

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

7. Conclusion

The proposal is not considered to conflict with the requirements of the Development Plan and is therefore recommended for approval.



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Location **35 Brent Park Road London NW4 3HN**

Reference: **19/1320/RCU**

Received: 6th March 2019

Accepted: 15th March 2019

Ward: West Hendon

Expiry 10th May 2019

Applicant: Mr G Yogaratnam

Proposal: Change of use of the property from a single family dwelling (Class C3) to a House in Multiple Occupation (HMO) (Class C4) for 5 people. (Retrospective Application)

AGENDA ITEM 13

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

- Site Location Plan;
- Existing and Proposed Floor Plans and Elevations, Drawing No.KS/2016/01; and
- First Floor Plan, Drawing No.KS/2016/01 Rev -.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 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 House of Multiple Occupation hereby approved must be occupied by no more than 5 persons at any time.

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 All HMOs must comply with the requirements of The Management of Houses in Multiple Occupation (England) Regulations 2006 or in the case of an HMO falling within Section 257 of the Housing Act 2004, the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007.

Further information concerning these Regulations can be found at:

<http://www.legislation.gov.uk/ukxi/2006/372/contents/made>

http://www.legislation.gov.uk/ukxi/2007/1903/pdfs/ukxi_20071903_en.pdf

- 3 HMO standards also includes means of escape, structural fire protection, automatic fire detection, emergency lighting and firefighting equipment and in the usual course of events, the current Building Regulations will have been satisfied with respect to these matters. Please note that standards refer to the LACORS 'Guidance on fire safety provisions for certain types of existing housing' which are applied in relation to licensing and other Housing Act functions, usually after consultation with the London Fire Brigade. A copy of this document can be obtained as follows:

ISBN 978-1-84049-638-3

Printed by: Newman Thomson Ltd,
1 Jubilee Road, Burgess Hill, West Sussex,
RH15 9TL

Or on line at <https://www.cieh.org/media/1244/guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf>

- 4 The Air Quality Stage 4 Review and Assessment for the London Borough of Barnet and further reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set healthbased air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from a source of poor air quality.

For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The

report should be written in accordance with the following guidance: 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, May 2015); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007) 5) London Local Air Quality Management Technical Guidance LLAQM.TG(16), 6) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014) and 7) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions'.

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

Officer's Assessment

1. Site Description

The application site is a mid terrace property on the northern side of Brent Park Road. While this and surrounding streets are predominantly residential, the entrance to Brent Cross shopping centre is less than 400m away and 600m from West Hendon Broadway to the west. The site is located within the Cricklewood Regeneration Area. The application site is not a listed building and is not located in a conservation area.

The property has been in use as an HMO since September 2018. The street comprises a number of flat conversions and other HMOs throughout. The property has gone through a series of a few minor changes with a single storey rear extension and a rear dormer window added to the original dwelling.

The property is located in a Controlled Parking Zone..

2. Site History

Reference: 16/0632/PNH

Address: 35 Brent Park Road, London, NW4 3HN

Decision: Prior Approval Not Required

Decision Date: 4 March 2016

Description: Single storey rear extension with a maximum depth of 6metres from the original rear wall. Eaves height of 3 metres and maximum height of 3.3 metres

Reference: 16/1860/HSE

Address: 35 Brent Park Road, London, NW4 3HN

Decision: Application Received

Decision Date: No Decision Made.

Description: Proposed single storey rear extension

Reference: 16/1863/192

Address: 35 Brent Park Road, London, NW4 3HN

Decision: Lawful

Decision Date: 14 April 2016

Description: Single storey rear extension

Reference: 16/1860/192

Address: 35 Brent Park Road, London, NW4 3HN

Decision: Application Returned

Decision Date: No Decision Made.

Description: Single storey rear extension

3. Proposal

The application proposes the retrospective planning permission for the change of use of the property from a single-family dwelling (C3) to a House in Multiple Occupation (HMO) (Class C4) for 5 people. The use of the property as an HMO commenced in September 2018, while a licence was granted in February 2019.

4. Public Consultation

Consultation letters were sent to 65 neighbouring properties.

1 response has been received, comprising 1 letters of objection, 0 letters of support and 0 letters of comment.

The objections received can be summarised as follows:

- The property is already in use as a HMO and is illegal.
- Concerns regarding current occupancy numbers of the HMO which seem to be greater than the five in occupation.
- Additional vehicles increasing parking pressures on Brent Park Road;
- HMO detrimental to the character of the road which mainly comprises family accommodation; and
- Increased noise and disturbance to neighbouring occupiers.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local 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 revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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.

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- 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 the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- i. The principle of HMO in this location
- ii. The Impact on the appearance and character of the area
- iii. The impact on the amenities of neighbouring occupiers
- iv. Whether the proposal provides satisfactory living accommodation for future occupiers

- v. Parking and highways
- vi. Refuse and recycling storage

5.3 Assessment of proposals

The principle of HMOs in this location

Policy DM09 of Barnet's Development Management Policies states that 'Proposals for new HMO will be encouraged provided that they meet an identified need, can demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area, are easily accessible by public transport, cycling and walking and meet the relevant housing standards for HMO'.

The applicant has provided some supporting evidence to demonstrate that the proposed HMO meets an identified need and is suitably located despite its location outside of a town centre. The supporting evidence submitted includes:

- Planning Statement (received by the LPA on 12th April 2019).

The statement provides details of the site's proximity to key town centre facilities and its accessibility by all modes of passenger transport. The statement also indicates by way of its proximity to universities, schools, shopping facilities (as a place of employment) and therefore the need to accommodate those who are in low paid employment or education.

However, the information provided does not highlight the number of HMOs within the vicinity of the application site as a way of demonstrating that the area has an obvious need for low cost accommodation.

Nevertheless, the presence of other HMOs in the area does not necessarily demonstrate an identified need for HMO type accommodation in this location particularly, given HMOs were allowed under permitted development prior to the implementation of an Article 4 in May 2016 and therefore are present across the borough. It is acknowledged that there are institutions which would attract a demand for low cost accommodation within a close distance to the application site. However, it is considered that the examples provided such as Brent Cross, which is in close proximity to the proposal property, could be used as a justification for the suitability of any number of HMO applications. Therefore, while it is important to demonstrate need and the applicant has to a degree, it is not sufficient alone to substantiate the suitability of the application site for a HMO.

Weight has been given to the location of the application site which is deemed in addition to the identified need. The location has a poor level of accessibility. It has a PTAL rating of 0 which is the lowest PTAL rating. However there has been an allocation of parking spaces to the front of the property and Brent Cross (which benefits from numerous modes of public transport) is in walking distance from the proposal site. Indeed the bus station which is a strategic transport hub particularly for the North London bus network is within 5 - 10 minutes walk.

Weight has been given to the mixed character of the application site. As aforementioned, the application site is surrounded by single family dwellings, conversions into flats and retail uses. Based on the mixed character of the area surrounding the application site, it is not deemed that the introduction of a HMO would harmfully alter the character of this section of Brent Park Road.

In February 2019, planning permission was granted at appeal (APP/N5090/W/18/3204546) for the use of 84 Brent Park Road as an HMO for five people (conditioned). The Council refused the application on a number of reasons including need, character of the area (amenity impact) and accessibility. The Inspector advises of the following in his assessment:

"Whilst there is no evidence that the property is registered with the University, the fact that it is being used by students would appear to me to demonstrate a need. Moreover, students from the University commonly live in the Hendon area as noted in the explanation to Policy DM09 and by a local estate agent. The need to demonstrate links with local education establishments applies to the building of new student housing, not the creation of small HMOs. In general terms there appears to be a need for HMOs in the Borough, as indicated by the explanation to Policy DM09 and the requirement of the policy itself to resist their loss."

It is noted that this application is a retrospective planning application insofar as the use of the building as an HMO commenced prior to the planning application being submitted or assessed. The licence was also issued before the application was made. The use commenced less than four years ago and after the introduction of an Article 4 direction preventing the change of use of single dwelling houses in the use class C3 to a small HMO in the use class C4.

It is not illegal to undertake development that requires planning permission before the grant of planning permission. Section 73a of the Town and Country Planning Act (1990) facilitates the ability of developers to retrospectively apply for development already commenced and for a local planning authority to entertain the application in order to make a decision. Illegality arises from the failure to comply with the requirements of an enforcement notice which has been served to rectify the breach. It is of great significance to advise that the application's retrospective status should have no bearing on the material considerations relevant to the assessment or diminish the extent to which an application may be compliant with adopted Development Plan policy.

In summary, it is considered that the principle of a HMO at the application site is acceptable given the mixed character of this section of Brent Park Road. The information provided to evidence an identified need has been given less weight than the above, but is sufficient to demonstrate there is a need for low cost accommodation in this location. Furthermore, it is not considered that harm would be caused to the character of this section of Brent Park Road and given there is sufficient space for off-street parking, and local amenities and transit stops are within walking distance, it is not expected that the amenity of neighbouring occupiers will be harmed as a result of the proposed HMO use.

The Impact on the appearance and character of the area

The proposal does not propose any alterations by way of external changes or extensions.

It is acknowledged that Brent Park Road benefits from a mixture of single family dwellings, flats and HMOs, according to Council Tax VOA records and planning application history. No. 57 exists as studio flats and No. 124, 83 and 89 are all listed as flats from VOA records. Furthermore, No. 72, 87, and 95 benefit from previous planning permission approving the conversion of the dwelling into flats where there was no apparent issue of converting a single dwelling. Furthermore, No. 96 currently exists as a HMO for 6 persons from Council Tax VOA records however, this fails to benefit from permission approving the conversion of the HMO. 84 Brent Park Road has been allowed for conversion to a HMO at appeal in 2019.

This would be compliant with DM01 as the proposals would preserve local character of the area and the conversion of a dwelling would be appropriate due to the character of the area consisting of varying types of properties. As such, it would be considered that the existing character of Brent Park Road is a varying types of housing and therefore, it would not be found that the conversion of the property from a single dwelling to a small student HMO would have a detrimental impact on the character of the surrounding area.

The impact on the amenities of neighbouring occupiers

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

Whilst a maximum of 5 people, consisting of occupants forming different households may generate additional activity, such as the general coming and going of people and their visitors, and in the use of the rear outdoor space, the increase in activity likely from the proposal would not impact neighbouring properties to a detrimental level. These noise levels and levels of general disturbance are only likely to increase from increased occupancy by a small degree due to the relatively low number of people occupying the property in relation to bedroom space.

In granting planning permission through the appeal at 84 Brent Park Road, the Inspector advised that:

"The use of the property as a small HMO would not lead to an imbalance in the mix of housing types or change the residential character of the area. The property and garden are well maintained. Reference has been made to anti social behaviour at the property and in the area. However, provided occupants acted in a neighbourly manner, the comings and going of five people and potentially more intensive occupation of the modestly sized dwelling should not significantly affect the living conditions of nearby residents. There is no inherent reason why a well managed five person HMO should materially harm the character and amenities of the area.

Furthermore, due to the existence of other flats and a HMO in the surrounding area, which would contribute to increased activity levels, it is not found that the addition of this proposal would have significant harm on the neighbouring amenities.

As such, it is not found that enlarging the HMO would be detrimental to the amenities of the surrounding residential sites. The proposals would be contrary to Policies DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

Parking and Highways

The proposal is for retrospective change of use of the existing 3 bed single family dwelling, into a 4 bed HMO with the ground floor lounge being converted into a bedroom.

The car parking requirement for 4x1bed units within a PTAL 0 site, which means that it has the worst public transport accessibility, is 3 car parking spaces. The applicant has not made any mention of car parking provision. The 3 spaces would potentially overspill onto the public highway.

The property is within walking and cycling distance of the university. Although the PTAL score is zero, there are a range of bus routes available from Brent Cross shopping centre which is a few minutes walk away, including some that pass Middlesex university. The shopping centre provides a range of services as well as the opportunity for part time employment. Hendon Rail and tube stations and Brent Cross tube station are also within walking distance. Despite the PTAL score, the location is reasonably accessible by public transport, cycling and walking.

Refuse and recycling storage

Refuse storage is provided outside of the property which is considered to be acceptable.

5.4 Response to Public Consultation

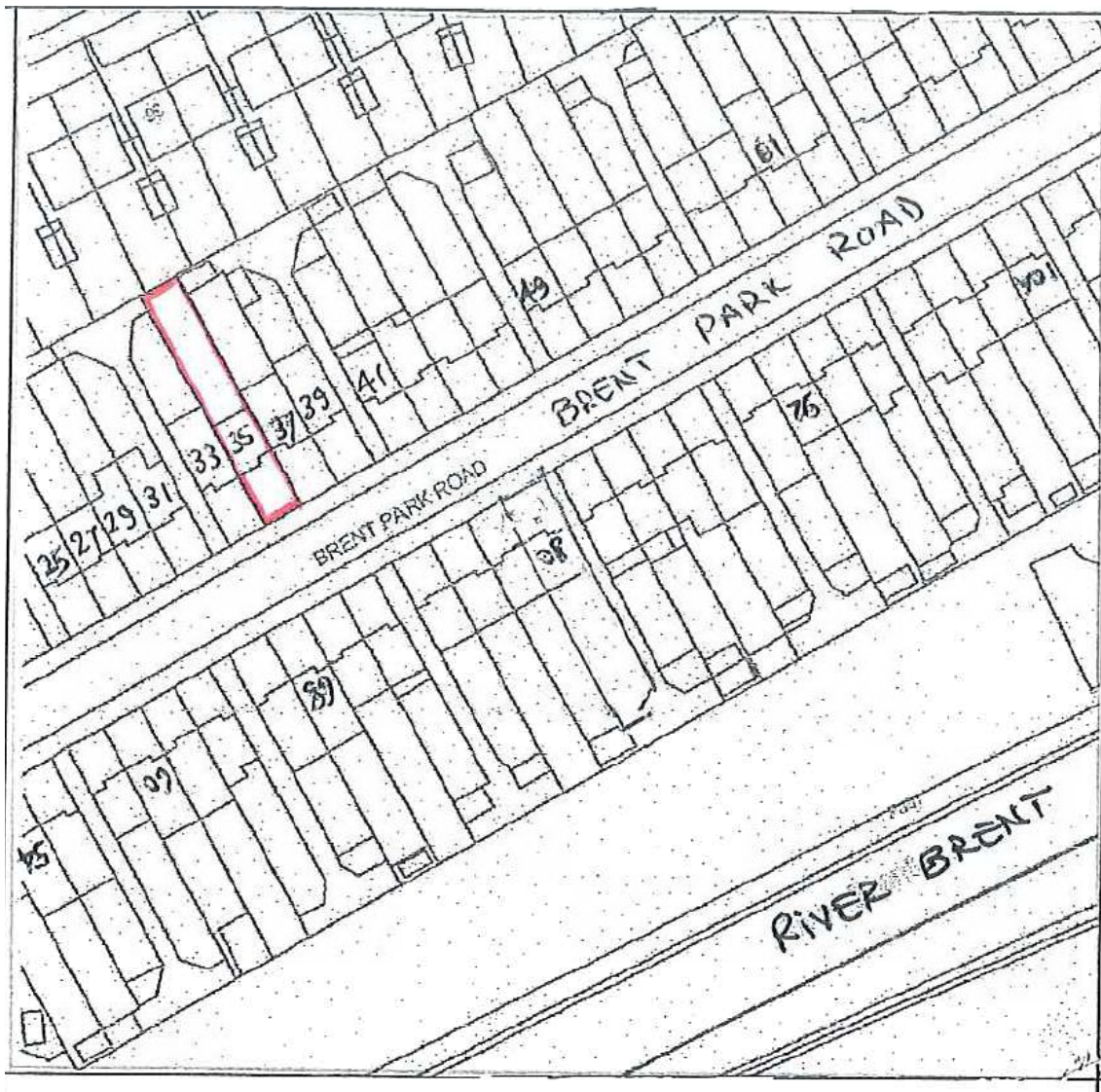
Addressed in the main body of this report.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



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Appeal Decision

Site visit made on 11 December 2018

by Mark Dakeyne BA (Hons) MRTPI

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

Decision date: 7 February 2019

Appeal Ref: APP/N5090/W/18/3204546

84 Brent Park Road, Brent Cross, London NW4 3HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Zia Hussain against the decision of the Council of the London Borough of Barnet.
 - The application Ref 18/0943/FUL, dated 13 February 2018, was refused by notice dated 10 April 2018.
 - The development proposed is change of use from residential to small student house in multiple occupation (HMO).
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use from residential to small student house in multiple occupation (HMO) at 84 Brent Park Road, Brent Cross, London NW4 3HP in accordance with the terms of the application, Ref 18/0943/FUL, dated 13 February 2018, and the following approved plans Proposed Floor Plans Drawing No: 2015/10-01, Proposed First Floor and Loft Plans Drawing No: 2015/10-02 and Proposed Elevations Drawing No: 2015/10-03, subject to the following conditions:
 - 1) No more than 5 persons shall be resident at the property at any one time.
 - 2) 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 point of collection, shall be submitted to the local planning authority within 3 months of the date of this decision. The approved details shall be implemented in full within 3 months of their approval by the local planning authority. The facilities shall be retained as approved thereafter.

Reasons

2. The main issue is the acceptability of the use taking into account the need for HMOs, the impact on the surrounding area and accessibility by non-car modes.
3. Brent Park Road, despite its proximity to Brent Cross Shopping Centre, the North Circular Road and the start of the M1, is a relatively quiet residential street. The road comprises two-storey dwellings mainly grouped in short terraces of four. The appeal property is one of the middle dwellings in such a terrace. Some of the properties in the road are in use as flats and HMOs but there are also many single-family dwellings.

4. Policy DM09 of Barnet's Development Management Policies Local Plan (DMP) (2012) seeks to encourage HMOs provided that they meet an identified need, do not have a harmful effect on the character and amenities of the surrounding area, are easily accessible by public transport, cycling and walking, and meet the relevant housing standards for an HMO.
5. The appellant states that the appeal property is already being used by five students who attend Middlesex University. There is nothing in the information before me to contradict this statement. My site visit, which included an internal inspection of the property, confirmed that the dwelling appeared to be occupied by students. Whilst there is no evidence that the property is registered with the University, the fact that it is being used by students would appear to me to demonstrate a need. Moreover, students from the University commonly live in the Hendon area as noted in the explanation to Policy DM09 and by a local estate agent. The need to demonstrate links with local educational establishments applies to the building of new student housing, not the creation of small HMOs. In general terms there appears to be a need for HMOs in the Borough, as indicated by the explanation to Policy DM09 and the requirement of the policy itself to resist their loss.
6. The use of the property as a small HMO would not lead to an imbalance in the mix of housing types or change the residential character of the area. The property and garden are well-maintained. Reference has been made to anti-social behaviour at the property and in the area. However, provided occupants acted in a neighbourly manner, the comings and goings of five people and potentially more intensive occupation of the modestly sized dwelling should not significantly affect the living conditions of nearby residents. There is no inherent reason why a well-managed five-person HMO should materially harm the character and amenities of the area.
7. The property is within walking and cycling distance of the University. Indeed, I saw what appeared to be students walking from the nearby area in the direction of the University. Although the PTAL¹ score is zero, there are a range of bus routes available from Brent Cross Shopping Centre which is a few minutes' walk away, including some that pass the University. The shopping centre provides a range of services as well as the opportunity for part-time employment. Hendon Rail and Tube Stations and Brent Cross Tube Station are also within walking distance. Despite the PTAL score, the location is reasonably accessible by public transport, cycling and walking.
8. Internally the property has a good standard of fittings and furniture with a reasonably sized communal kitchen and living area. The space and layout are acceptable for five occupants. The property is licensed as an HMO and would appear to meet the relevant housing standards.
9. In conclusion the use would be acceptable taking into account the need for HMOs, the impact on the surrounding area and accessibility by non-car modes. The development would comply with Policy DM09 which is the most important policy for determining the application. There is no conflict with Policies CS NPPF, CS1 and CS5 of Barnet's Core Strategy (2012) which are strategic in nature dealing with sustainable development, housing and economic growth and local character. Moreover, DM01 and DM07 of the DMP would be complied

¹ Public Transport Accessibility Level

with as local character would be preserved and there would be no loss of residential accommodation.

10. Like many other properties in the street, the frontage provides parking for two cars and space for the storage of refuse and recycling bins. Taking into account the number of occupants, the type of accommodation and the accessibility of services and facilities by non-car modes, the development would be unlikely to result in more than two cars. If additional cars did arise, some on-street parking is available for residents provided a permit is obtained. There is no evidence before me to suggest that the area is one where parking stress exists which would warrant excluding occupants from obtaining a permit.
11. I have considered the conditions suggested by the Council taking into account the advice within the National Planning Policy Framework and Planning Practice Guidance. A condition limiting the number of occupants is necessary as a more intensive use would have different impacts. A condition requiring details of bin storage is needed as the area to the rear shown on the plans may not be practical as it would not be easily accessible to occupants or those collecting the bins.
12. There is no need for time limit or plans conditions as the use is already being carried out. A condition requiring compliance with Part E of the Building Regulations would duplicate other controls. It would not be reasonable to require water efficiency and carbon dioxide emission measures to be retrofitted to an existing building which is to remain in residential use as the relevant policies appear to be aimed primarily at new residential development.
13. For the reasons given above the appeal should be allowed.

Mark Dakeyne

INSPECTOR

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Location **79 Station Road London NW4 4PH**

Reference: **19/0663/HSE**

Received: 5th February 2019

Accepted: 6th February 2019

Ward: West Hendon

Expiry 3rd April 2019

Applicant: Mrs Jenny Yeo

Proposal: Single storey rear extension

AGENDA ITEM 14

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

PL/01A Site Plan

PL/02A Existing and Proposed Ground Floor Plan

PL/03A Existing and Proposed First Floor Plan

PL/04A Existing and Proposed Roof Plan

PL/05A Existing Front and Existing and Proposed Rear Elevation

PL/06A Existing and Proposed East and West Side Elevation

PL/07A Existing and Proposed Section AA

Site Location Plan

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 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).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 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.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 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 or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation(s), of the extension(s) hereby approved, facing No. 77 Station Road.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The application site contains a two-storey semi-detached dwelling located on the east side of Station Road, in the West Hendon ward. The host property benefits from an existing two-storey rear projection which is served by a pitched roof, sited adjacent to Talbot Crescent. To the south west, the host dwelling directly adjoins No.77 Station Road, to the north east the application site borders Talbot Crescent.

The general locality is largely characterised by similar, two-storey semi-detached dwellings benefitting from amenity space to the rear, although a block of self-contained flats exist at No.65-71 Station Road.

The host property benefits from parking within the front curtilage of the dwelling, and amenity space to the rear. The application site is not situated within a conservation area, contains no listed buildings and is not subject to any other relevant planning restrictions.

2. Site History

Reference: 19/0664/192

Address: 79 Station Road, London, NW4 4PH

Decision: Lawful

Decision Date: 6 March 2019

Description: Roof extension involving hip to gable, rear dormer window and 2no front facing rooflights and new side gable window

3. Proposal

Planning permission is sought for the erection of a single storey rear extension at No.79 Station Road, London.

Within the original submission, the applicant proposed a maximum depth of 5.5 metres, adjacent to Talbot Crescent, reducing to a depth 3.5 metres within 2.0 metres of the shared boundary with No.77. Following an assessment, the original depth of the rear extension was amended, and is outlined below.

The proposed rear extension would measure a depth of 3.5 metres from the original rear wall and width of 7.9 metres, extending full width of the rear elevation of the host property. The rear extension would measure a maximum height of 3.5 metres and eaves height of 3.0 metres.

4. Public Consultation

The Local Planning Authority notified four adjoining properties and received one objection:

Summary of the comment includes;

- o Loss of light
- o Overhanging out of the curtilage of the application site
- o Overbearing
- o Visually obtrusive
- o Detrimental to neighbouring occupiers.

The application was called into Committee by Councillor Richman as concerns were raised regarding the impact of the proposed extension on the neighbouring property.

5. Planning Considerations

5.1 Policy Context

Revised National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local 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 Revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The Revised NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The Revised NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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.

The Mayor's Draft London Plan

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for

adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- 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 the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

Impact on Character

Any proposed scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both Barnet Local Plan), 7.4 and 7.6 (both London Plan). DM01 helps to protect Barnet's Character and amenity stating that

development should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Barnet's Residential Design Guidance SPD states, single storey rear extensions need to ensure that they do not look too bulky and prominent compared to the size of the main building and garden in which they relate. It goes on to outline that a depth of 3.5 metres is normally considered acceptable for a single storey rear extension on a semi-detached dwelling. As mentioned previously, the host dwelling benefits from an existing non-original two-storey projection located adjacent to Talbot Crescent, measuring a depth of 0.5 metres taken from the original rear wall. At ground floor, the proposed extension would extend to a depth no greater than 3.5 metres from the original rear wall of the property, this includes the depth of the existing rear projection and as such the proposal is in compliance with the aforementioned design guidance.

Given the siting of the application site, occupying a corner plot, the proposal would be viewable from Talbot Crescent. However, given that the extension proposes materials to match the existing property, coupled with the modest mass, scale and bulk of the extension, the impact of the proposal on the established character of the host property, streetscene and general locality is considered de minimis.

Following an examination of aerial photography and historical planning records it has been noted that several properties on Station Road have benefitted from similar extensions to the rear. Therefore, it is not found that the principle of a single storey rear extension would be of detriment to the character of the surrounding area.

By virtue of its mass, scale, bulk and design, the proposal is considered to result in a sympathetic, subordinate form of development which respects the proportions of the host dwelling and adequately integrates into the host property's residential character. In assessment, it is considered the proposal does not cause detrimental harm to the host dwelling or the locality of Station Road and therefore, the proposal is compliant with Policy DM01 of Barnet's Local Plan 2012.

Impact on neighbouring Amenity

It will be important that any scheme addresses the relevant development plan policies including DM01 (of the Barnet Local Plan), 3.5 (of the London Plan) and the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance.' In respect of the protection of the amenities of neighbouring occupiers, this will include taking a full account of all neighbouring sites.

To the south west, the host dwelling directly adjoins No.77 Station Road, to the north east the application site borders Talbot Crescent, the nearest dwelling to the north east is No. 81 Station Road

In reference to the proposed single storey rear extension, the Residential Design Guidance outlines that the depth and height must not result in a significant sense of enclosure, loss of outlook or light to the principal habitable rooms of neighbouring properties.

With regard to the adjoining property at No.77 Station Road, following the benefit of a site visit it was noted that dwelling does not benefit from extensions to the rear. As such, the proposal would extend rearward of the rear building line of this dwelling by 3.5 metres, extending to a maximum height of 3.5 metres.

Following the benefit of a site visit it was noted that a window exists at ground floor on the rear elevation on No.77 Station Road. Following an assessment of the plans submitted within the planning application relating to No.77 Station Road under ref no. (17/6893/HSE), to the best of the Local Planning Authorities knowledge, the aforementioned window on the rear elevation of No.77 Station Road serves a habitable room. Given that the proposal suitably complies with the Residential Design Guidance, officers are of the opinion that the proposal would not result in an unacceptable loss of light to a habitable room, outlook or increased sense of overbearing to the detriment of the amenity of the adjoining occupiers at No.77 Station Road.

The nearest property to the north east of the application site is situated approximately 16.7 metres from the side flank wall of the host property. Given this substantial separation distance between the host dwelling and No.81 Station Road, it is not found that the proposal would unduly harm the amenity of these neighbouring occupiers.

In addition, no additional windows have been proposed on the flank walls of the proposed rear extension, and as such it is not found that the privacy of the neighbouring dwellings would be significantly comprised by way of overlooking.

The proposed extension does not appear to be overbearing or unduly obtrusive and care has been taken to ensure that it does not result in harmful loss of privacy by overlooking adjoining neighbours. In assessment, it is considered the proposed development does not demonstrate significant amenity concerns regarding loss of light, privacy or outlook and is therefore compliant with policy DM01 of Barnet's Local Plan 2012.

5.4 Response to Public Consultation

Loss of light

Addressed within the report

Overhanging out of the curtilage of the application site

The proposed plans do not indicate that the proposal would exist at any point, outside of the curtilage of the application site.

Overbearing

Addressed within the report

Visually obtrusive

Addressed within the report

Detrimental to neighbouring occupiers.

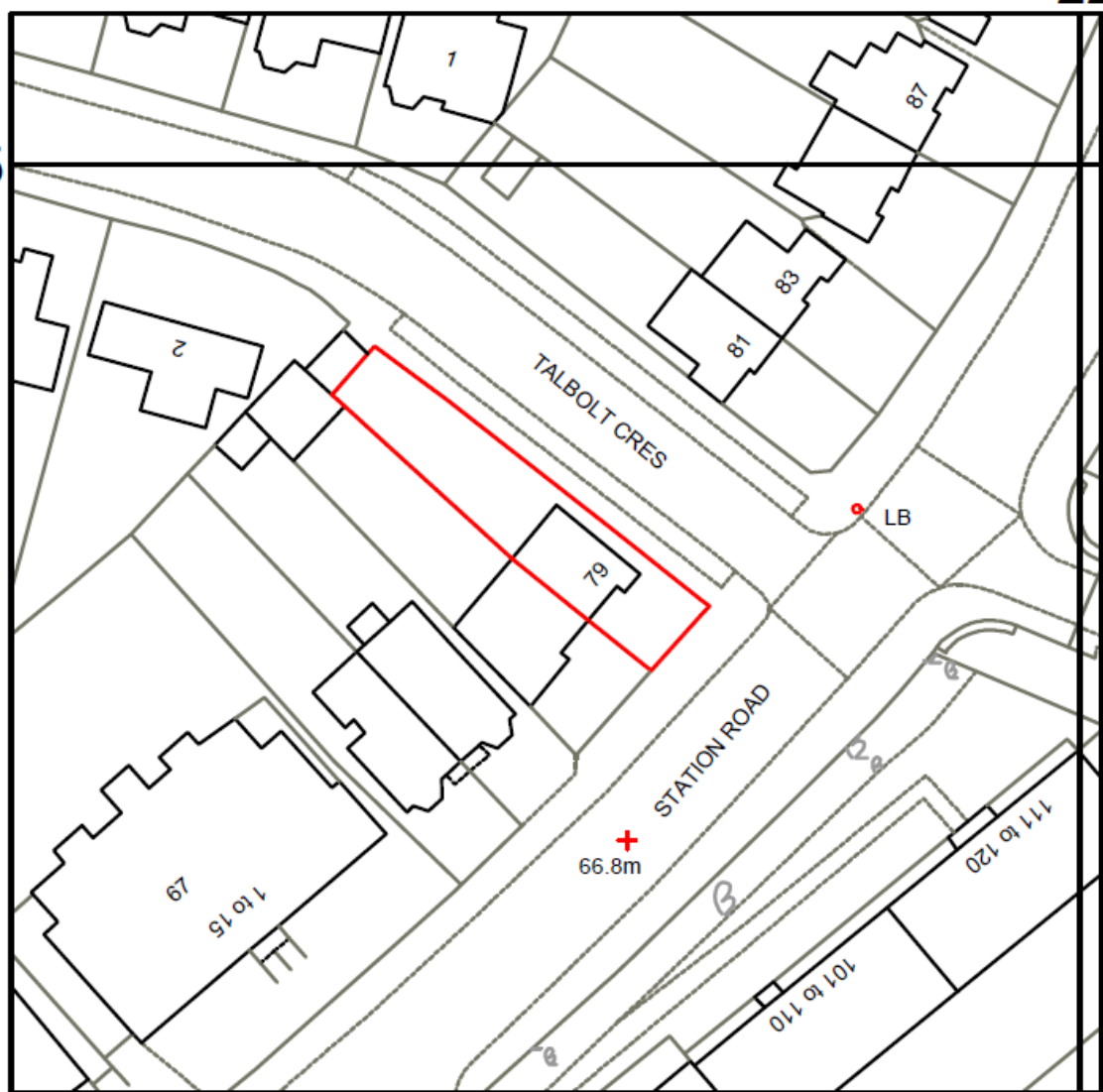
Addressed within the report

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.



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