

MEETING

WEST AREA PLANNING SUB-COMMITTEE

DATE AND TIME

TUESDAY 8TH MAY, 2012

AT 6.30 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, NW4 4BG

TO: MEMBERS OF WEST AREA PLANNING SUB-COMMITTEE (Quorum 3)

Chairman: Councillor Maureen Braun (Chairman),
Vice Chairman: Councillor Eva Greenspan (Vice-Chairman)

Councillors

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

Substitute Ward Members

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

You are requested to attend the above meeting for which an agenda is attached.

Aysen Giritli – Head of Governance

Governance Services contact: Paul Frost - 0208 359 2205

Media Relations contact: Sue Cocker 020 8359 7039

CORPORATE GOVERNANCE DIRECTORATE

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FACILITIES FOR PEOPLE WITH DISABILITIES

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

Do not stop to collect personal belongings

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

LOCATION: 1-10 & 11-19 Silkstream Parade, Watling Avenue, Edgware, Middx, HA8 0EL **AGENDA ITEM 7a**

REFERENCE: H/00398/12 **Received:** 31 January 2012

Accepted: 31 January 2012

WARD(S): Burnt Oak **Expiry:** 27 March 2012

Final Revisions:

APPLICANT: Arch Property Investment Ltd

PROPOSAL: Proposed new storey above existing residential units to include 5 no.1 bedroom flats at 1-10 Silkstream Parade and 4 no. 2 bedroom units at 11-19 Silkstream Parade.

RECOMMENDATION: Approve Subject to Unilateral Undertaking

RECOMMENDATION I:

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (excl. libraries) £14,341.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £1,251.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £8,746.00**
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £1,216.90**
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: H/00398/12 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 081230/01, 081230/02, 081230/03, 081230/04, 081230/05 Revision A, 081230/06, 081230/07 Revision A, 081230/08, 081230/09 Revision A, 081230/10 Revision A, 081230/11 Revision B, 081230/12 Revision B, 081230/13 Revision A, Planning Application Supporting Statement and Design and Access Statement, Preliminary Flood Risk Appraisal dated September 2006, Proposed Street Elevation.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Notwithstanding the details shown on the submitted drawings, No development shall commence until a plan showing the parking layout for 9

spaces and how parking would be managed on site is submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details and retained as such thereafter.
Reason: To safeguard highway safety.

- 4 Before the development hereby permitted commences details of privacy screens to the proposed balconies shall be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter shall be permanently maintained and retained in accordance with the approved details.

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

- 5 The construction of the drainage system shall be carried out in accordance with details submitted to and approved in writing by the Planning Authority before the development commences.

Reason: To prevent the pollution of the water environment.

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

Reason:

To safeguard the visual amenities of the locality.

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

Reason:

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

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

Reason:

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

- 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.

Reason:

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

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

approved by the local planning authority.

Reason:

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

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

Reason:

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

- 12 Before the building hereby permitted is occupied the proposed window(s) in the south-west and north-east flank elevations of the buildings approved 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.

- 13 Neither the proposed extension to the block at no.1-10 Silkstream Parade nor the extension to No.11-19 Silkstream Parade shall be occupied until work on the other remaining block has commenced.

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

INFORMATIVE(S):

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, GBEnv3, Env9, D1, D2, D3, D5, D6, D9, M13, M14, CS2, CS8, CS13, H5, H6, H16, H17, H18, H20, H21, IMP2

Watling Estate Conservation Area Character Appraisal Statement.

Supplementary Planning Documents;

- Sustainable Design and Construction
- Planning Obligations
- Education Contributions
- Contributions to Library Services
- Contributions to Health Services

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

The proposal would not have a significant impact on the character and appearance of the Conservation Area or the visual and residential amenities of occupiers of surrounding properties.

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

- 2 The additional plans accompanying this application are:- Appendix A Development Proposals, Preliminary Flood Risk Appraisal dated September

- 2006, Flood Risk Assessment dated May 2007, Culvert Inspection Report.
- 3 The Environment Agency hereby informs the applicant of the following -
Under the terms of the Water Resources Act 1991, our prior written consent is required for any discharge of sewage or trade effluent into controlled waters (e.g. watercourses and underground waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters, Such consent may be withheld.

Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Watling Ditch.

Advice to Applicant

Native planting

Planting should be of native species only. Planting locally native species in landscaping is essential to benefit local wildlife and to help maintain the region's natural balance of flora. Native insects, birds and other animals cannot survive without the food and shelter that native plants provide - introduced plants usually offer little to our native wildlife. Local plants are the essence of regional identity and preserve the character of the British landscape. Local plants are adapted to local soils and climate, so have low maintenance requirements. In addition, planting locally native plants helps to prevent the spread of invasive plants in the region. For further information, please contact the Biodiversity section of the Environment Agency.

Swifts

The applicant should explore opportunities for installing swift bird nesting features in this development. Swifts (*Apus apus*) normally thrive in cities and towns, but recent studies show that these birds are declining in England. The inaccessibility of modern buildings means that swifts can not colonise new or refurbished developments. Permanent features that swifts will nest in require no maintenance or cleaning and are inexpensive. The organisation London's Swifts can advise on nest-place location, design and installation. They can be contacted via www.londons-swifts.org.uk or on 020 7794 2098.

Bird/bat boxes in buildings

Bird nesting and bat roosting sites should be built into the development by incorporating ledges, crevices and boxes to compensate for those that have been destroyed previously. Providing nest boxes is an important way of maintaining and enhancing biodiversity in sites, because many new developments do not provide suitable nesting habitat. Please contact the Conservation section of the Environment Agency if you would like to discuss this further.

- 4 The applicant is advised to contact London Underground regarding the construction of the development before carrying out any works.
- 5 The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £14,245.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development 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 will be sent a 'Liability Notice' that will provide 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, this is also available from the Planning Portal website.

The Community Infrastructure Levy 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 statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk

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

RECOMMENDATION III

That if an agreement has not been completed by 08/08/2012, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application H/00398/12 under delegated powers for the following reasons:

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

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

National Planning Policy Framework

The Mayor's London Plan: July 2011 3.5, 5.3, 6.1, 7.4, 7.6

Relevant Unitary Development Plan Policies: GBEEnv1, GBEEnv2, GBEEnv3, D1, D2, D3, D5, D6, D9, M13, M14, CS2, CS8, CS13, H5, H6, H16, H17, H18, H20, H21, IMP1, IMP2, HC1

Core Strategy (Submission Version) 2011

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

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

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS3, CS4, CS5

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

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM11, DM17

Relevant Planning History:

Application:	Planning	Number:	H/00776/09
Validated:	06/03/2009	Type:	APF
Status:	DEC	Date:	01/05/2009
Summary:	REF	Case Officer:	Graham Robinson
Description:	Provision of an additional storey above Nos 1-10 to provide 5x1 bed flats plus additional storey above Nos 11-19 to provide 4x2 bed flats.		

Application: Planning
Validated: 24/08/2009
Status: DEC
Summary: REF
Description: Provision of an additional storey above Nos 1-10 to provide 5x1 bed flats plus additional storey above Nos 11-19 to provide 4x2 bed flats.

Number: H/03010/09
Type: APF
Date: 07/12/2009
Case Officer: Graham Robinson

Application: Planning
Validated: 19/04/2002
Status: APD
Summary: W
Description: Provision of additional 2 storeys (1 within the roofspace) to provide 5 x two bedromed maisonettes above Nos.1-10 Silkstream Parade and 4 x two bedromed maisonettes above Nos.11-19 Silkstream Parade.

Number: W/05445/F/02
Type: APF
Date: 15/07/2002
Case Officer: Lesley Feldman

Application: Planning
Validated: 30/10/2002
Status: APD
Summary: DIS
Description: Provision of an additional storey above Nos 1-10 to provide 5x2 bed flats plus additional storey above Nos 11-19 to provide 4x2 bed flats.

Number: W/05445/G/02
Type: APF
Date: 26/03/2003
Case Officer: Lesley Feldman

Application: Planning
Validated: 22/05/2006
Status: DEC
Summary: APC
Description: Installation of new ATM in existing shopfront.

Number: W/05445/J/06
Type: APF
Date: 17/07/2006
Case Officer:

Application: Planning
Validated: 14/03/2008
Status: APD
Summary: DIS
Description: Provision of an additional storey to provide four x2-bedroom flats with balconies. Demolition of building to rear and provision of associated car parking.

Number: W/05445/N/08
Type: APF
Date: 12/12/2008
Case Officer: Louise Doran

Application: Planning
Validated: 14/03/2008
Status: DEC
Summary: APC
Description: Demolition of storage building at rear. (CONSERVATION AREA CONSENT)

Number: W/05445/P/08
Type: CAC
Date: 09/05/2008
Case Officer: Louise Doran

Site Address: 1-10 & 11-19 Silkstream Parade, Watling Avenue, Edgware, Middx, HA8 0EL

Application Number: H/01013/11
Application Type: Full Application
Decision: Refuse
Decision Date: 11/4/2011
Appeal Decision: Dismissed
Appeal Decision Date: 11/4/2011

Proposal: Provision of an additional storey above Nos 1-10 to provide 5x1 bed flats plus additional storey above Nos 11-19 to provide 4x2 bed flats.

Case Officer: Graham Robinson

Consultations and Views Expressed:

Neighbours Consulted:	90	Replies: 4
Neighbours Wishing To Speak	1	

Councillor Farrier has requested that the item is heard by the West Area Planning Sub Committee.

The objections raised may be summarised as follows:

- Loss of sunlight and consequent impact on well-being
- Residents unlike to use refuse storage
- Health issues associated with overcrowding , pollution
- Impact on crime
- Loss of pitstop building would be disruptive to church and community activities
- Is development necessary with 10,000 new homes in Colindale Area
- Flood Risk Assessment is out of date.
- Developer has no intention of implementing permission.
- Impact on disabled residents
- Storage of materials and construction traffic
- No consultation
- No discussion with owners regarding removal of pitstop building and impact on local community of removal of this facility
- Overpopulation of area an congestion
- Parking congestion
- Proposal would harm local environment
- Access will cause damage to neighbouring properties
- Parking would conflict with servicing behind shops.
- Loss of light and overshadowing
- Proposal would detract from conservation area, distorting balance and harmony, detracting from the form of the existing buildings as a result of its scale massing and height.
- Devaluation of property
- Loss of wildlife
- Noise and disturbance from use
- Noise and disturbance during construction
- Impact on drains
- Impact on parking during construction
- Emergency Access
- Footings not designed for three storey building
- Proposal would remove a valuable storage resource and would be disruptive to the nearby church and flats.

The applicant has signed certificate B to indicate that they have served notice on any owner of the site under Article 12 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

Internal /Other Consultations:

- Environment Agency - No objection
- Traffic and Development (H) - No objection

Date of Site Notice: 09 February 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application relates to two 2 storey buildings with retail units at ground floor and flats above. To the rear the block has a lower ground floor creating a third storey although this is not apparent from Watling Avenue. The site is locally listed and is within the Watling Estate Conservation Area.

Proposal:

The application seeks permission for the provision of an additional storey above Nos 1-10 to provide 5x1 bed flats plus additional storey above Nos 11-19 to provide 4x2 bed flats.

Planning Considerations:

The application is identical to that previously refused by members at the Hendon Area Sub-Committee on 07/12/2009 under reference H/01013/11, except that a unilateral undertaking providing education, libraries and health contributions forms part of the application.

Planning History

Application H/01013/11 was recommended for approval by officers but refused by the Hendon Area Sub Committee on the grounds that:

- i) The proposed development by reason of its size, siting and design would be detrimental to the appearance of these locally listed buildings, the streetscene and the character and appearance of this part of the Conservation Area contrary to policies GBEnv1, GBEnv2, D1, D2, H16 and HC15 of Barnet Adopted Unitary Development Plan (2006).
- ii) The development does not include a formal undertaking to meet the extra education and libraries services costs together with associated monitoring costs arising as a result of the development, contrary to Policies CS2, CS8 and IMP2 of the Adopted Barnet Unitary Development Plan 2006, and Supplementary Planning Document - Planning Obligations, Supplementary Planning Document - Contributions to Education, Supplementary Planning Document - Contributions to Libraries.

A subsequent appeal against this refusal was dismissed by the Planning Inspectorate, but only on the grounds that no legal undertaking was provided with the appeal to provide education, health and libraries contributions.

Character and Design

The blocks are a pair of art deco buildings where attention to design detail results in good proportions and appearance. Although somewhat run down in appearance, the original features still exist and the blocks contribute significantly to the character and appearance of this part of the conservation area.

The revised scheme would result in an additional storey to both blocks. The block at 1-10 Silkstream Parade would be inset from the rear of the block by 1m in order to reduce the impact on properties on Park Croft. Whilst this difference in widths of the blocks would be somewhat visible from distance to the west and east along Watling Avenue, the imbalance would be minor. It is considered that the proposal would preserve and enhance the character and appearance of the Watling Estate Conservation area and that of the general locality and streetscene.

The appeal inspector commented in relation to the identical scheme refused permission by the Committee under the reference H/01013/11 as follows:

'I conclude that the proposal would make a positive contribution to the street scene and would enhance the character and appearance of the Conservation Area. The development would satisfy the objectives of Policies GBEnv1, GBEnv2, D2, HC1, HC15 and HC16 of the London Borough of Barnet Unitary Development Plan.'

Furthermore, the previous inspector determining application W05445G/02 shared the view that the proposals would enhance the appearance of the conservation area.

Given the context of the inspectors' previous comments relating to an identical scheme it is considered that refusal in terms of the impact on the character and appearance of the conservation area would be unreasonable.

It is considered that the proposal respects the scale and proportions of the existing building and therefore, given previous decisions, the proposal is acceptable in this regard.

Impact on neighbouring amenity

The application shows the top storey of the block set back by 1m at second floor level from the rear to properties on Park Croft. It is considered that the impact on the front windows of properties on Park Croft would not be materially harmful in terms of loss of outlook.

The block above 11-19 Silkstream Parade is 40m's at its nearest point from the house at 8 Gervase Rd. To protect privacy it would be possible to provide screening along the top of the parapet wall flanking the proposed balconies. This could be secured by condition if planning permission were to be granted. Given the separation distances involved and the oblique angles of view, it is considered that the proposed block at 11-19 Silkstream Parade would not appear over dominant or unduly detract from the outlook, or privacy of nearby residents on this side of Watling Avenue.

Amenity Space

No communal amenity space was provided in the previous refused application or that dismissed on appeal. The Inspector considered that the provision of even a minimal element of amenity space is an important factor in making a dwelling a pleasant place to live. Policy H18 of the Unitary Development Plan indicates that proposals in town centres may be exempted from the requirement to provide specified levels of amenity space, if alternative amenities are provided. The current application proposes rear private balconies with an area of approx 8 sq. metres. It is considered that given the town centre location, the small private amount of amenity space proposed is sufficient to address the concerns of the Inspector and satisfy policy H18.

Parking

The rear of the site currently consists of informal parking and servicing. It is proposed to demolish an existing outbuilding to the rear of the block 11 to 19 to enable additional space and a more formalised parking arrangement. The original appeal was dismissed on the basis of parking however, in that case no parking was proposed. Within the current application 9 spaces are proposed, 4 adjacent to 1-10 Silkstream Parade and 5 adjacent to 11-19 Silkstream Parade, where the former 'Pitstop' building is located. It is considered in light of the provision, and the site's accessibility that this would be acceptable.

The refuse collection point is near to the public highway and this is acceptable.

Flooding

The site is located within flood zone 2. The environment agency have previously confirmed that they do not have any objection to the proposal.

Sustainability Issues

The National Planning Policy Framework has been introduced since the previous appeal. It carries a presumption in favour of sustainable development. It defines sustainable development as development...'*living within the planet's environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.*'

The development includes safeguards to minimise flood risk. It would present an opportunity to improve the appearance of these two buildings within the conservation area, through redevelopment. It would provide additional housing units. It is considered that it would provide sustainable economic benefits in this way whilst not harming the local environment. It would also not have any undue social impacts.

Section 106 Items:

The application would require a contribution of £14,341 towards additional education costs, £1,251 towards additional library costs, and £8,746 towards health contributions, arising as a result of the development, and £1,216.90 towards associated monitoring costs.

A unilateral undertaking has been submitted and this forms part of the application and is considered to address this issue.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Generally addressed in report.

Residents unlike to use refuse storage - *Refuse storage would need to be provided and this could reasonably be provided within the site.*

Health issues associated with overcrowding , pollution - *It is not considered that the proposals would have unacceptable pollution impacts.*

Impact on crime - *It is not considered that the proposals would materially increase risk of crime in the locality.*

Loss of pitstop building would be disruptive to church and community activities - *This building has most recently been used for storage purposes. Planning permission now exists to use the building for youth clubs and activities, but has not yet been implemented. There is therefore no building used for these purposes on site, and therefore, the application could not be refused on these grounds. Moreover, it is not clear that the permission could be implemented as the Church do not appear to be the sole owners of the site.*

Is development necessary with 10,000 new homes in Colindale Area? - *The proposals would comply with Council policy in that it would provide additional dwelling units. There is no reason that dwellings should not be provided in this area.*

Flood Risk Assessment is out of date. - *This is noted however the environment Agency have been consulted and have no objection to the scheme.*

Developer has no intention of implementing permission. - *The developer is under no obligation to implement any grant of planning permission.*

Impact on disabled residents - *The impact on disabled residents has been considered and the proposals would not have any specific harmful impacts on disabled residents.*

No consultation - *Consultation was undertaken with residents in accordance with the Council's statutory obligations and code of practice*

No discussion with owners regarding removal of pitstop building and impact on local community of removal of this facility - *Whilst conservation area consent has been granted for its demolition previously, this would not confer any sort of right of ownership.*

Overpopulation of area and congestion - *It is not considered that the density of the proposed scheme would be harmfully out of character within the area. The parking provision is considered acceptable.*

Proposal would harm local environment - *It is not considered that the environmental performance or impacts of the proposal would be materially harmful.*

Access will cause damage to neighbouring properties - *Damage during construction is a civil matter between the parties involved.*

Parking would conflict with servicing behind shops. - *The parking layout is considered acceptable, it is not considered that the parking spaces would prevent the servicing of commercial properties on Silkstream Parade.*

Devaluation of property - *Not a material planning consideration.*

Loss of wildlife - *It is not considered that the proposal would significantly harm wildlife or biodiversity on the site.*

Noise and disturbance from use - *It is not considered that the proposal would materially harm neighbouring amenity through the impact in terms of noise or disturbance to neighbouring properties.*

Noise and disturbance during construction - *Not a material planning consideration*

Impact on drains - *This is primarily a building regulations issue, it is not considered that the proposal would harmfully increase flood risk.*

Impact on parking during construction - *It is not considered that the development would have a harmful impact on parking during construction, given that the bays would not be in use at this time construction materials need not be stored in a place that would disrupt existing parking. Noise and disturbance during construction is not a planning consideration.*

Emergency Access - *This is a building regulations matter.*

Footings not designed for three storey building - *This is a building regulations issue, and the proposals would need to comply with the building regulations.*

4. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities. It is noted that a resident has commented that the proposals would make it difficult to park on Park Croft and would have to walk their disabled child to Orange Hill Road. There are no current parking restrictions on Park Croft and cars can currently park in this area. The proposals show 5 parking spaces within the area behind the existing building at 1-10 Silkstream Parade and this is acceptable in principle. There are currently no disabled bays on Park Croft. It is considered that the proposals would not impact the disabled resident harmfully through the highways impact of the scheme.

5. CONCLUSION

The application is recommended for **APPROVAL**.

SITE LOCATION PLAN:
Edgware, Middx, HA8 0EL

1-10 & 11-19 Silkstream Parade, Watling Avenue,

REFERENCE:

H/00398/12



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LOCATION: 124-128 Granville Road, London, NW2 2LD

REFERENCE: F/03325/11

Received: 08 August 2011

Accepted: 09 August 2011

Expiry: 08 November 2011

WARD(S): Childs Hill

Final Revisions:

APPLICANT: F E Powell & M T Proudlock

PROPOSAL: Demolition of existing B1 building. Erection of a new 4 storey building to accommodate 12no self-contained flats including amenity space and 7no parking spaces to the rear.
(OUTLINE)

RECOMMENDATION: Approve Subject to Unilateral Undertaking

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (excl. libraries) £32,598.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £1,668.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £9,406.00**
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £2,183.70**
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: F/03325/11 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: E[-]100, E[-]100 Rev: D, E[-]101, E[-]101 Rev: E, E[-]102, E[-]201 Rev:D, a letter from Dutch and Dutch and a Design and Access statement.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.
Reason:
To ensure a satisfactory appearance to the development.
- 3 Plans and particulars of the reserved matters referred to in Condition 2 above, relating to the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

- Reason:
To ensure a satisfactory appearance to the development.
- 4 Application for the approval of the reserved matters must be made before the expiration of three years from the date of this permission.
- Reason:
To comply with Section 92 of the Town and Country Planning Act, 1990.
- 5 The development to which this permission relates must be begun not later than two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- Reason:
To comply with Section 92 of the Town and Country Planning Act, 1990.
- 6 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.
- 7 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.
- Reason:
To safeguard the visual amenities of the locality.
- 8 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.
- Reason:
To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway.
- 9 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.
- Reason:
To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

- 10 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason:

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

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

Reason:

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

- 12 The dwelling(s) shall achieve a Code Level 4 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 4 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

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

- 13 Before the development hereby permitted is occupied the proposed parking spaces within the parking area as shown in Drawing No. P[-]100 Rev: A submitted with the planning application shall be provided and the access to the parking spaces will be maintained at all time.

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

- 14 A Construction Management Plan must be submitted to and approved by the Local Planning Authority. This document following approval must be complied with.

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

- 15 Before the building hereby permitted is occupied the proposed window(s) in the side elevations facing 122 and 130 Granville Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

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

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

INFORMATIVE(S):

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

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

In particular the following policies are relevant:

The Mayor's London Plan: July 2011: 3.5, 5.3, 5.4, 6.13 and 7.6.

Adopted Barnet Unitary Development Plan (2006): GSD, GBEnv1, GBEnv2, GBEnv5, GParking, GH1, GH2, GEMP1, GEMP4, ENV12, ENV13, EMP2, EMP7 D1, D2, D3, D4, D5, D8, D9, D11, M4, M8, M11, M12, M13, M14, H16, H17, H18, H21, CS2, CS8, IMP1 and IMP2.

Core Strategy (Submission version) 2011: CS4 and CS5.

Development Management Policies (Submission version)2011: DM01, DM02, DM08 and DM17.

ii) The proposal is acceptable for the following reason(s): - Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions the proposal would be in accordance with the Council's policies and guidelines, are appropriately designed, would not prejudice highway safety or convenience and would not cause unacceptable harm to the amenities of the area or any neighbouring properties. The contributions are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

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

N11 1NP.

- 3 Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.
- 4 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.
- 5 Your attention is drawn to the fact that this decision is subject to a section 106 Planning Obligation.
- 6 The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £32,597.60.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development 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 will be sent a 'Liability Notice' that will provide 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, this is also available from the Planning Portal website.

The Community Infrastructure Levy 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 statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk.

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31st May 2012 the Acting Assistant Director of Planning and Development Management REFUSE the application ref: F/03325/11 under delegated powers for the following reasons:

The proposed development does not include a formal undertaking to meet the costs of extra education, libraries, health and social care facilities and associated monitoring costs arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet supplementary Planning Documents - Contributions to Education (2008), Libraries (2008), Health (2009) and Monitoring (2007) and policies CS8, CS2, CS13, IMP1 and IMP2 of the Adopted Unitary Development Plan (2006).

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011: 3.5, 5.3, 5.4, 6.13 and 7.6.

Relevant Unitary Development Plan Policies: GSD, GBEnv1, GBEnv2, GBEnv5, GParking, GH1, GH2, GEMP1, GEMP4, ENV12, ENV13, EMP2, EMP7 D1, D2, D3, D4, D5, D8, D9, D11, M4, M8, M11, M12, M13, M14, H16, H17, H18, CS2, CS8, IMP1, IMP2

Core Strategy (Submission version) 2011

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

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

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

Relevant Core Strategy Policies: CS4 and CS5

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

day-to-day decision making.

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

Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM14 and DM17.

Relevant Planning History:

Application:	Planning	Number:	F/01657/08
Validated:	27/05/2008	Type:	APF
Status:	DEC	Date:	05/12/2008
Summary:	APL	Case Officer:	Fabien Gaudin
Description:	Replacement of existing B1 unit with new mixed use 4 storey building comprising B1 use on ground and part first floor (349 sq.m) and a total of 7 residential units on first, second and third floors.		

Application:	Planning	Number:	F/01703/10
Validated:	18/06/2010	Type:	APO
Status:	DEC	Date:	13/08/2010
Summary:	REF	Case Officer:	David Campbell
Description:	Demolition of existing B1 building. Erection of a new 4 storey building comprising B1 use on ground floor and a total of 9 flats on the first second and third floors. (Outline)		

Application:	Planning	Number:	F/01710/10
Validated:	30/04/2010	Type:	CON
Status:	DEC	Date:	27/08/2010
Summary:	AP	Case Officer:	David Campbell
Description:	Submission of details of conditions 2 (Levels), 3 (Materials) and 5 (Refuse) pursuant to planning permission reference F/01657/08 dated 05/12/2008.		

Application:	Planning	Number:	F/03585/10
Validated:	03/09/2010	Type:	APO
Status:	DEC	Date:	29/10/2010
Summary:	APC	Case Officer:	David Campbell
Description:	Demolition of existing B1 building. Erection of a new 4 storey building comprising B1 use on ground floor and a total of 9 flats on the first, second and third floors. (OUTLINE)		

Consultations and Views Expressed:

Neighbours Consulted:	272	Replies:	7
Neighbours Wishing To Speak	1		

The objections raised may be summarised as follows:

- Parking/ Increase in congestion
- The postcode is wrong
- Granville Road is built up enough already
- Overlooking
- Developments on other sites could not be constructed.
- Increase in density.

Internal /Other Consultations:

- Thames Water Devt Control - No objections.
- Traffic & Development - No objections.
- Property Services (valuers) - No objections.

Date of Site Notice: 25 August 2011

2. PLANNING APPRAISAL

Site Description and Surroundings: The application site is located on Granville Road within Childs Hill ward. Granville Road is a mixed street comprising Victorian terraces at the lower end, light industrial units in the centre and blocks of flats at the upper end.

The application site has been cleared, but was previously occupied by a two storey building used by a construction company for office space and storage. There is an existing access through to a parking area at the rear of the building.

To the rear the site adjoins the boundary of Childs Hill Park. To the south the site adjoins 122 Granville Road, a commercial premises that shares the same front building line as the existing building at 124-128 Granville Road. The other adjacent site (130 Granville Road) is set back from the front of the application site by 14 metres.

Proposal: The application is for the demolition of the existing B1 building. Erection of a new 4 storey building to accommodate 12no self-contained flats including amenity space and 7no parking spaces to the rear. This is an outline application with only appearance, layout and scale being considered. Access and landscaping are reserved.

The existing premises were previously used as a construction company headquarters and building depot with a mix of office space and storage of building equipment with 7 staff and a number of temporary tenants.

7 parking spaces are provided. Parking spaces will be allocated to 2/3 bedroom units. No parking is provided for the one bedroom units. One of the spaces will be designed for disabled use.

Planning Considerations:

Existing Employment Use

The site has a current employment use. Council Policy seeks to protect employment sites and generally resists their re-development for non-employment uses. There is currently 358 square metres of B1 floor space, a letter from Dutch and Dutch Estate Agents has been submitted with the application which states that it is unlikely that the office space could be let out.

Policy GEMP4 says:

The council will seek to retain land that meets strategic requirements for small, medium and large scale industrial users. If there is no realistic prospect of the re-use of a site purely for employment purposes, mixed use development for employment and housing will be a priority.

Policy EMP2 says:

The other sites apart from those listed in Table 10.2 that are used, or have last been used, for class B1, B2, B8 or similar industrial uses, the council will not grant planning permission to redevelop or change them to non-industrial or non-business uses. Exception will only be made where there is no realistic prospect of re-use in the short, medium and long term, or of redevelopment for industrial purposes. In these cases, the priority for re-use will be a mixture of small business units with residential uses.

Council Policies seek to retain employment generating land within the borough; *"...where there is a reasonable prospect of productive use, there will be a similar protection afforded against loss to non-industrial and non-business use. This protection will apply to slightly less desirable sites that could, or do, provide affordable premises for small firms and growing business sectors. Such a site may be redeveloped or re-used if there is no interest expressed in its use as an industrial site in its current form for a period of at least 18 months, and it has been actively marketed for such re-use or redevelopment..."*. The applicants have submitted marketing details for the site which demonstrate that a marketing exercise has been carried out without success. It is considered that given that other flats have already been approved on site, it is not considered that there would be any harm in allowing additional residential units at the expense of office space given the location of the site and the size of the unit available. It is also not considered that the loss of the office space will significantly harm job opportunities in the local area. It is also considered that the scheme as a whole will be more viable, and that the site would benefit more for more residential units than offices which would potentially be left unoccupied. Every case is site specific and it is considered that the overall delivery of the scheme and specific circumstances of the scheme render the additional residential units acceptable. It may not always be acceptable to accept the loss of employment floorspace but at the same time each application has to be assessed on its own merits.

Paragraph 51 of the NPPF states, 'Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.'

In this case, the applicants have submitted a feasibility report for the B1 units, which the council's Property Services Team have confirmed demonstrates there is no market for a B1 use in this area. The loss of employment is therefore considered to be acceptable.

Design

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

The NPPF has been adopted since the grant of the previous consent. The relevant sections are as follows:

Paragraph 49 of the NPPF states that “Housing applications should be considered in the context of the presumption in favour of sustainable development”.

The government consider that “there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – ... by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation
- a social role – ... by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment ... ”

In paragraph 21, the government encourages the effective use of land by reusing land that has been previously developed (brownfield land).

Paragraph 56 states “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”.

It is considered that the application complies with the above sections of the NPPF.

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

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

Policy GBEnv1 of the adopted *Unitary Development Plan* is a general policy stating

that the Council will protect and enhance the quality and character of the Borough's built and natural environment.

Policy GBEEnv2 of the adopted *Unitary Development Plan* is a general policy including the statement that the Council will require high quality design in all new development in order to enhance the quality of the Borough's built and open environment, to utilise environmentally friendly methods of construction, to improve amenity, to respect and improve the quality of environment of existing and future residents.

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

Policy D2 of the adopted *Unitary Development Plan* is a Design policy stating that the Council will encourage development proposals which are based on an understanding of local characteristics, preserve or enhance local character and respect the appearance, scale, bulk, height and pattern of surrounding buildings, surrounding street and movement patterns and the overall character and quality of the area.

The proposed development would be higher than the previous building, but due to the mixed nature of the area in terms of type and size of buildings, it is not considered to be unacceptable. The top floor has been set back to help reduce the impact of the additional mass and bulk. The building is also set back from the foot way to allow for a small area of landscaping and bin storage.

The footprint of the proposed building is in keeping with the existing consent and is considered to be acceptable. The bulk, siting, scale and general proportions of the proposed building would be in character with the surroundings and sit comfortably within the site. The proposal is not considered to cause harm to the character and appearance of the street scene or wider area. The external appearance of the building is similar to the scheme which has been previously approved.

Proposed Residential Units

All the flats comply with the London Plan's space standards and as such the layout is considered to be acceptable. Private amenity space is provided in the form of balconies and parking is located at the rear of the site.

Refuse and re-cycling storage is to be provided at the front of the site. A condition is attached to this decision requesting further details of refuse and re-cycling enclosures to be submitted to the Local Planning Authority for approval.

A condition has also been attached to ensure the soundproofing between the units is sufficient to prevent loss of amenity in terms of noise between the flats.

There are therefore no objections on these grounds.

Neighbouring Amenity

Policy H17 of the Adopted Unitary Development Plan (2006) requires a minimum distance of 21 metres in new developments between facing windows to habitable rooms to avoid overlooking - the proposed buildings accord with this policy. To the rear the site faces Childs Hill Park and to the front a car park for Beech Court. Habitable windows are proposed to the side elevations and again these comply with the policy.

Balconies are proposed for all the flats. It is recognised that this type of development can often be unacceptable due to facilitating overlooking, however, in this instance due to the location of the proposed building with no neighbours to the front or rear and commercial premises to either side, the balconies are considered to be acceptable.

Policy D5 of the adopted *Unitary Development Plan* is a Design policy states that new developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. It is considered that given the commercial nature of the surrounding uses, the application is acceptable in terms of policy D5 also.

Amenity Space

Council Policy H18 refers to amenity space standards. For flats the requirement is 5 square metres of space per habitable room. All the proposed residential units each benefit from amenity space in the form of private balconies which exceed the required area. Although the preference is for usable space in the form of a garden, the Adopted UDP (2006) states in relation to amenity space provision for flats "*...where there is no significant overlooking, garden space may be substituted for in the form of balconies*".

It should also be noted that the site is within very close proximity of additional public amenity space - Childs Hill Park. Adequate amenity space is considered to be provided.

Parking/ Access

Parking provision of between 7 to 15.5 parking spaces is required to meet the Parking Standards as set out in the UDP 2006. The parking provision is at the lower end of the range however, taking into consideration the following:

- The site is located within walking distance of town centre and local amenities
- The site is within a PTAL Score of 3 and within walking distance of public transport facility such as Golders Green bus station and underground train station.

There are no objections from the council's Traffic and Development Team. The application is therefore considered to be acceptable on parking and access grounds.

Sustainability

Sustainable development is a key priority of Central Government and the Council.

Any new major residential development in Barnet is expected to meet Code Level 4 of the Sustainable Homes. A condition has been attached to ensure that this is the case.

Affordable Housing

Policy H8 on Affordable Housing Commuted Payments, states, 'on sites which are suitable for the provision of an element of affordable housing, the council may exceptionally accept the provision off-site housing, or a commuted payment instead of such provision.'

Development Management Policy DM08, on affordable housing contributions states, that 'subject to viability a more flexible approach to affordable housing delivery will be permitted where the number of additional units is between 10 and 15 units. All new development providing 15 or more units will be required to achieve on-site, subject to viability, a minimum of 30% affordable housing. Further details on financial contributions in lieu of on site provision will be provided in a Supplementary Planning Document.'

The applicants have submitted a Viability report which states that affordable housing both on site or in the form of a commuted sum is not viable for the site. This has been confirmed as acceptable by the council's Property Services team. No contribution towards affordable Housing is therefore being sought for the application.

Section 106 Contributions

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

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

Under Policy CS8 of the Adopted UDP (2006) the council will seek to secure a financial contribution through a Section 106 Agreement for future education needs generated by the development in the Borough. The financial sum is dependant on the number and type of units proposed and is calculated in line with the council's Supplementary Planning Document on Contributions to Education. A sum of £32,598 would satisfy this requirement.

Policy CS2 of the Adopted UDP (2006) states that the council will seek to enter into planning obligations, where appropriate, in conjunction with new developments, to secure the provision of community and religious facilities. A contribution will be sought for the provision of library services in the borough in line with the council's Supplementary Planning Document on Contributions to Library Services. A sum of £1,668 would satisfy this requirement.

Policy CS13 of the Adopted UDP (2006) states that the council will seek to enter into planning obligations, where appropriate, in conjunction with new developments, to secure the provision of healthcare facilities. A contribution will be sought for the

provision of healthcare services in the borough in line with the council's Supplementary Planning Document on Contributions to Health Facilities from Development. A sum of £9,408 would satisfy this requirement.

The delivery of the planning obligation from the negotiations stage to implementation can take considerable time and resources. As the Council is party to a large number of planning obligations, significant resources to project manage and implement schemes funded by planning obligation agreements are required. The Council therefore seeks the payment of a financial obligation towards the costs of undertaking the work relating to securing the planning obligations. The amount of contribution being sought would depend upon the final scheme. In February 2006 Cabinet approved a Supplementary Planning Document (SPD) for Planning Obligations. A sum of £2,183.70 would satisfy the monitoring requirement.

The total amount payable would therefore be £45,857.70 which is to be secured by a unilateral undertaking.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The grounds of objection have been addressed below:

- The council's Traffic and Development Team have no objections in terms of parking
- The Local Planning Authority is not able to change the postcode
- Granville Road is considered to be able to accommodate a development of this scale, in addition to the ones which exist already.
- The adjoining properties are in commercial use, so it is not considered the application could be refused on the grounds of overlooking.
- Future developments on other sites are not a material consideration. The application must be determined on its own merits.
- It is not considered that the increase in density is harmful or inappropriate.

4. EQUALITIES AND DIVERSITY ISSUES

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

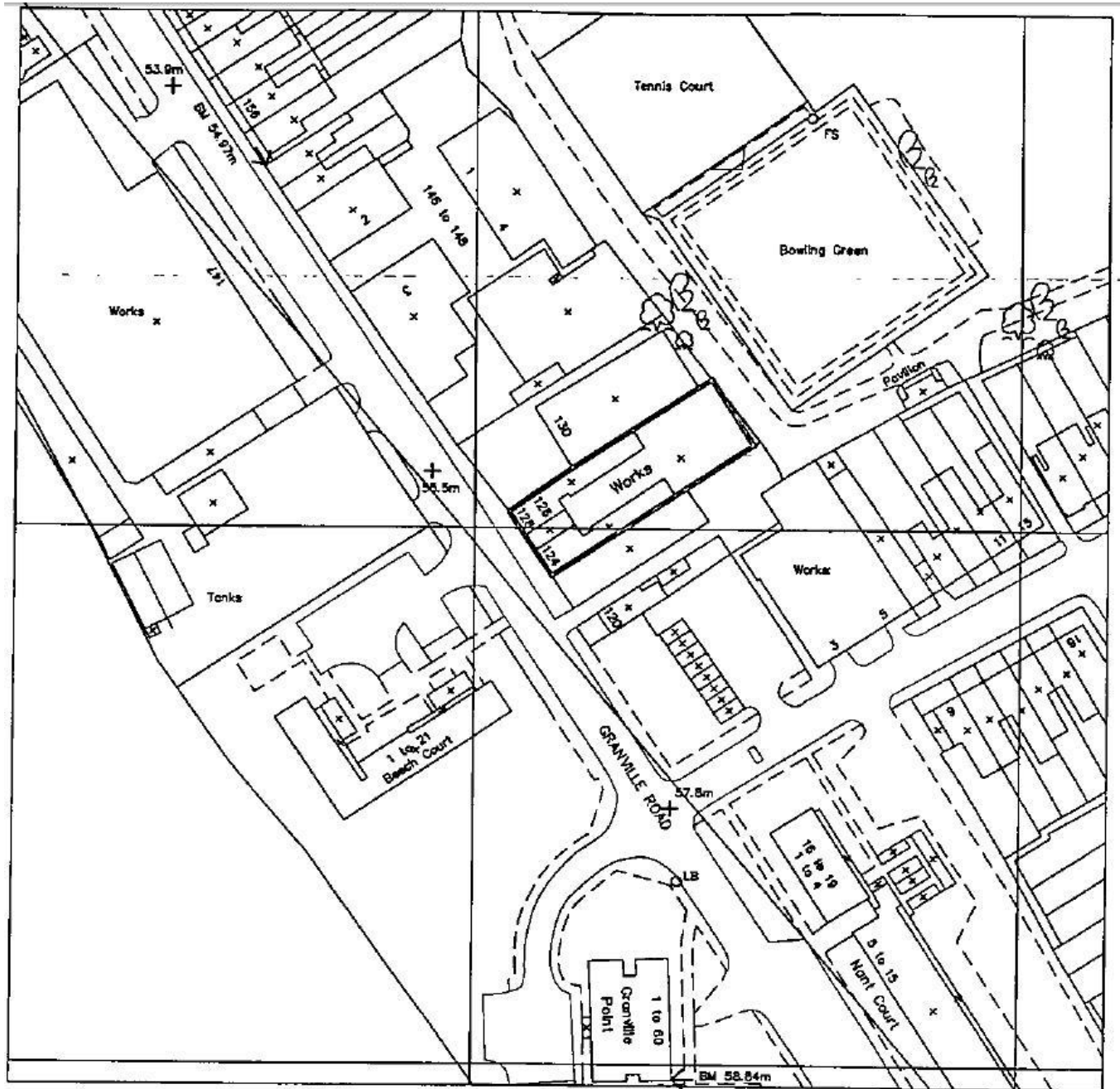
5. CONCLUSION

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions the proposal would be in accordance with the Council's policies and guidelines, are appropriately designed, would not prejudice highway safety or convenience and would not cause unacceptable harm to the amenities of the area or any neighbouring properties. The contributions are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

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

SITE LOCATION PLAN: 124-128 Granville Road, London, NW2 2LD

REFERENCE: F/03325/11



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LOCATION: 8 The Vale, London, NW11 8SG
REFERENCE: F/00349/12

Received: 30 January 2012
Accepted: 30 January 2012
Expiry: 26 March 2012

AGENDA ITEM 7c

WARD(S): Childs Hill

Final Revisions:

APPLICANT: ATZ Properties Ltd
PROPOSAL: Variation of conditions 1 and 3 of planning permission F/00400/10 dated 09/03/10 for 'Demolition of existing dwelling and erection of a two storey building plus basement and rooms in roof space to accommodate 3 self contained flats.' Variation to include alterations to parking layout and approved plan numbers.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: PL-001; PL-002; PL-003 January 2012; PL-004RevA; pl-005RevA; PL-006RevA.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Before the development hereby permitted is occupied the parking spaces/garages shown on Plan PL-003 January 2012 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.
Reason:
To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area.
- 4 Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.
Reason:
To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.
- 5 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.
Reason:
To safeguard the visual amenities of the locality.
- 6 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with

the approved details before the development is occupied.

Reason:

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

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

Reason:

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

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 15 A Construction Management Plan must be submitted to and approved by the Local Planning Authority before the development starts on site.

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

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

Reason:

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

- 17 The roof of the lower ground and ground floor 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.

INFORMATIVE(S):

1. You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location. In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

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

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

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

GSD, GBEnv1, GBEnv2, GBEnv3, D1, D2, D3, D4, D5, M14, H2, H16, H18, H21, CS2, CS8, CS13, IMP1, IMP2.

Core Strategy (Submission version) 2011:

CS5, CS9.

Development Management Policies (Submission version)2011:

DM01, DM02, DM17

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

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

- 3 Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The Council of the London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via email: street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

- 4 In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team as part of the crossover application. The outcome of this assessment cannot be prejudged. Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Highways Group, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP
- 5 The applicant is advised that in case if any modifications are proposed to the existing access off the public highway then it will be subject to a detailed investigation by the Highways Group. This may result in alterations to the existing on-street controlled parking bays. Any alterations to on-street parking bays will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process. Any modification works including relocation of any existing street furniture would need to be done by the Highway Authority at the applicant's expense. You may obtain advice and an estimate for this and any associated work on public highway from the Chief Highways Officer, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework March 2012:

The determination of planning applications is made mindful of Central Government advice and the Development Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The basic question is whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

'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 sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to

do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

The Mayor's London Plan: July 2011

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

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

Relevant Unitary Development Plan Policies:

GSD, GBEnv1, GBEnv2, GBEnv3, D1, D2, D3, D4, D5, M14, H2, H16, H18, H21, CS2, CS8, CS13, IMP1, IMP2.

Core Strategy (Submission version) 2011

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

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

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

Relevant Core Strategy Policies:

CS5, CS9

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

The Council submitted its LDF Development Management Policies Submission Stage document in September 2011. Therefore weight can be given to it as a

material consideration in the determination of planning applications.

Relevant Development Management Policies:

DM01, DM02, DM17.

Relevant Planning History:

Site history for current landparcel :

26201 - 8 The Vale, London, NW11 8SG

Case Reference: **F/00349/12**

Application: Planning **Number:** C/16389/A/06
Validated: 09/10/2006 **Type:** APF
Status: DEC **Date:** 05/02/2007
Summary: APC **Case Officer:** Kevin Waters
Description: Conversion of garage to habitable room. Ground and first floor infill side extension to side with No. 10 The Vale. Single storey rear extension with existing first floor extension widened and moved away from boundary with No. 6 The Vale. Repositioning of front entrance. Alteration of roof including rear dormer windows to facilitate loft conversion.

Application: Planning **Number:** C/16389/05
Validated: 16/09/2005 **Type:** APF
Status: WDN **Date:** 21/10/2005
Summary: WIT **Case Officer:** Kevin Waters
Description: Conversion of garage into habitable room. Two-storey infill side extension. Single storey rear extension and first floor side extension, repositioning of front entrance. Alteration to roof including rear dormer window to facilitate a loft conversion.

Application: Planning **Number:** F/00400/10
Validated: 27/01/2010 **Type:** APF
Status: DEC **Date:** 11/03/2010
Summary: APC **Case Officer:** Elizabeth Thomas
Description: Demolition of existing dwelling and erection of a two storey building plus basement and rooms in roof space to accommodate 3 self contained flats.

Application: Planning **Number:** F/00425/12
Validated: 07/02/2012 **Type:** CON
Status: REG **Date:**
Summary: DEL **Case Officer:** Elizabeth Thomas
Description: Submission of details of conditions 4 (Levels), 6 (Refuse) and 8 (Landscaping) pursuant to planning permission F/00400/10 dated 09/03/10.

Application: Planning **Number:** F/02048/10
Validated: 20/05/2010 **Type:** CON
Status: DEC **Date:** 04/08/2010
Summary: AP **Case Officer:** Elizabeth Thomas
Description: Submission of details of conditions (4) (Levels), (5) (Materials), (6) (Refuse), (7) (Ventilation), (8) (Landscaping details), (11,12) (Noise), (17) (Extension roof), pursuant to planning permission (F/00400/10) dated (09 March 2010).

Application: Planning **Number:** F/03849/10
Validated: 28/09/2010 **Type:** CON
Status: DEC **Date:** 14/10/2010
Summary: AP **Case Officer:** Fabien Gaudin
Description: Submission of details of Condition 14 (Education/ Libraries/ Health Obligations) pursuant to planning permission F/00400/10 granted 09/03/10.

Application: Planning **Number:** F/04303/09

Validated: 30/11/2009 **Type:** APF
Status: WDN **Date:** 22/01/2010
Summary: WIT **Case Officer:** Elizabeth Thomas
Description: Demolition of existing dwelling and erection of a two storey building plus basement and rooms in roof space to accommodate 3 self contained flats.

Application: Planning **Number:** F/05055/10
Validated: 13/12/2010 **Type:** CON
Status: DEC **Date:** 20/01/2011
Summary: AP **Case Officer:** Elizabeth Thomas
Description: Submission of details of condition 11 (Noise Emission from Plant) pursuant to planning permission F/00400/10 dated 09/03/10.

Consultations and Views Expressed:

Neighbours Consulted: 36 Replies: 3
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- Loss of parking spaces. Serious impact on the controlled parking zone.
- Parking spaces are not going to be any safer than already approved on original scheme.
- Proposed parking it looks like a commercial estate.
- Damage to tree in front of the property.
- Other worry is that they have already done changes which was not allowed on the original plan.
- Proposed bin enclosure on already raised ground will make loss of light.
- Hard and soft landscaping has not been carried out as per approved plan which were designed to match adjacent properties in style.

It was decided at the April West Area Planning Sub Committee that the application should be deferred for further highways advice. Further advice has been provided by the highways officer and is addressed in the below report.

Date of Site Notice: 09 February 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a large detached building which has been laid out into 3 self contained flats. The property falls within the Childs Hill ward and does not fall within a conservation area.

Proposal:

The variation of conditions 1 and 3 of planning permission F/00400/10 dated 09/03/10 for 'Demolition of existing dwelling and erection of a two storey building plus basement and rooms in roof space to accommodate 3 self contained flats.' Variation to include alterations to parking layout.

Planning Considerations:

The traffic and development team have reviewed the amended drawings and are satisfied with the proposed parking layout. The main difference with the application is the orientation of the car parking spaces. Cars will now be parked adjacent to the road rather than parallel. The same level of car parking is proposed as the previous layout and therefore the proposal is still in compliance with policies that require adequate parking provision for new development. The overall appearance of the front is considered to be acceptable and would not result in harm to the character of the streetscene.

The provision of the new crossover and the extension of the existing crossover would be subject to an investigation by highway officers. The site is within a controlled Parking Zone (CPZ) and therefore any alterations to the existing CPZ bays would be subject to public consultations.

As there is also a tree on public footway fronting the development site, the provision of the crossover will be subject to consultation and approval by the council's highway tree section before any works can take place.

All other matters remain as per the previous approval.

The application was deferred for further highways advice the highways officer has re-assessed the proposal for 3 car parking layout with two separate crossovers. There is no objection subject to the detailed investigation by the crossover team and provided that the tree section is agreeable to allowing the proposed works on footway in such close proximity of the existing tree.

Observations show that car parking spaces perpendicular to the kerb similar to the proposed is already in existence and in operation in The Vale on other properties in the vicinity of the site. Vehicles parked in these spaces often reverse out on to The Vale. Therefore the proposed parking is not dissimilar to the existing arrangement on The Vale therefore I have no objection to the proposed parking layout on highway grounds.

3. COMMENTS ON GROUNDS OF OBJECTIONS

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

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

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

residential amenities of neighbouring occupiers. This application is in keeping with Council Policies and Guidelines and is therefore recommended for **APPROVAL**.

SITE LOCATION PLAN: 8 The Vale, London, NW11 8SG

REFERENCE: F/00349/12



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LOCATION: Dukes House, 13 Dollis Avenue, London, N3 1UD
REFERENCE: F/00610/12 **Received:** 17 February 2012 **AGENDA ITEM 7d**
Accepted: 17 February 2012
WARD(S): Finchley Church End **Expiry:** 13 April 2012
Final Revisions:

APPLICANT: Gaiapa ltd
PROPOSAL: Erection of a 4 storey block of 7 flats with associated parking and refuse storage and bicycle storage at level 1, following demolition of existing block (converted house) of 5 flats and garages.

RECOMMENDATION: Approve Subject to Unilateral Undertaking

RECOMMENDATION I:

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (inc. libraries) £15,598.00**
A contribution towards Education Facilities and Library Facilities in the borough.
- 4 **Libraries (financial) £278.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £3,364.00**
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £962.00**
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: F/00610/12 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan - Loc01; 3296-1; 3296-2; 11/733/P01A; 11/733/P02A; 11/733/P03; 11/733/P04B; 11/733/P05C; 11/733/P06C; 11/733/P07B; 11/733/P08B; 11/733/P09A; 11/733/P10A; 11/733/P12C; 11/733/P14A; 11/733/P16; 11/733/P17B; 11/733/P18B; 11/733/P19B; 11/733/P20; TCC/1104/24/TPP Rev B.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 A 'Demolition and Construction Management Plan' must be submitted to and approved by the Local Planning Authority prior to commencing any construction

or demolition works. This document following approval must be complied with in full.

Reason:

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

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

Reason:

To ensure a satisfactory appearance to the development.

- 5 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.

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To safeguard the visual amenities of the locality.

- 8 No siteworks or works on this development shall be commenced before a method statement detailing precautions to minimise damage to trees with Tree Preservation Orders within the adjoining rear gardens to the application site (Reference: TPO-FI-3) and the front garden area of the application site (Reference: TPO-CA70) in accordance with Section 7 of British Standard BS5837: 2005 *Trees in relation to construction - Recommendations* is submitted to and approved in writing by the LPA and the development shall be carried out in accordance with such approval. This document should expand on the principle of the points made within the arboricultural method statement as shown on TCC/1104/24/TPP Rev B. date stamped 19 September 2011.

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

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

Reason:

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

- 10 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.
Reason:
To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.
- 11 The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.
Reason:
To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).
- 12 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.
Reason:
To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway.
- 13 Before the building hereby permitted is occupied, the proposed refuse enclosures for recycling containers and wheeled refuse bins shown on Plan 11/733 P17B shall be provided and shall be permanently retained.
Reason:
To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.
- 14 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.
Reason:
To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.
- 15 Before the development hereby permitted is occupied the parking spaces shown on Plan 11/733/P17B shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.
Reason:
To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area.
- 16 Before the building hereby permitted is occupied the proposed windows in the side elevations facing Holmwood, Dollis Avenue & 15 Dollis Avenue shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

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

INFORMATIVE(S):

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

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

In particular the following policies are relevant:

National Planning Policy:

National Planning Policy Framework

London Plan (2011):

3.4, 3.5A, 3.5B, 7.4A

Adopted Barnet Unitary Development Plan (2006):

GBEnv1, GBEnv2, D1, D2, D3, D4, D5, H1, H2, H16, M11, M13, M14, CS2, CS8, CS13, IMP1 and IMP2.

Local Development Framework:

Core Strategy Policies (Submission version) 2011 – CS4, CS5.

Development Management Policies (Submission version) 2011 – DM01, DM06, DM14.

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

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

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

2 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.

3 Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The Council of the London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from:

<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf>

or requested from the Street Naming and Numbering Team via email: street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

- 4 In case if any modification is proposed or required to the existing access off the public highway then it will be subject to a detailed investigation by the Crossover Team in Environment and Operations Directorate. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of any existing street furniture. This would need to be done by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on public highway from the Crossover Team in Environment and Operations Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.
- 5 Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.
- 6 The applicant is advised that any future applications for the creation of additional units on the site are unlikely to be considered favourably by the Council.
- 7 The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £40,242.65.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development 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 will be sent a 'Liability Notice' that will provide 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, this is also available from the Planning Portal website.

The Community Infrastructure Levy 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 statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk.

RECOMMENDATION III

That if an agreement has not been completed by 31/05/2012, that unless otherwise agreed in writing, the Acting Assistant Director of Planning & Development Management should REFUSE the application F/00610/12 under delegated powers for the following reasons:

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

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework 2012:

The determination of planning applications is made mindful of Central Government advice and the Development Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The basic question is whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

'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 sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

The Mayor's London Plan July 2011:

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

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

Policy 3.4 of the London Plan states that development should optimise housing output for different types of location taking into account local context and character, the design principles set out in Chapter 7 of the London Plan and public transport capacity.

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

Policy 3.5B indicates that the design of all new housing developments should enhance the quality of local places taking into account, amongst other things, physical context, local character and density. Table 3.3 sets out minimum space standards for new dwellings.

Policy 7.4A states that, development should have regard to the form, function, and structure of an area, place or street, and the scale, mass and orientation of surrounding buildings. The policy goes on to say at 7.4B that buildings should provide a high quality design response that, amongst other things, is informed by the surrounding historic environment.

The Mayor for London has introduced a Community Infrastructure Levy. This applied from 1 April 2012 to most developments in London where the application is determined by the Local Planning Authority.

Within Barnet the levy will be charged at a rate of £35 per square metre of net additional floorspace.

Relevant Unitary Development Plan Policies:

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

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

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

Relevant policies: GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D11, D13, H1, H2, H16,

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

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

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

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

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

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

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

Core Strategy (Submission version) 2011:

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

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

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy policies to this case: CS4, CS5.

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

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management policies to this case: DM01, DM06, DM14.

Relevant Planning History:

Dukes House, 13 Dollis Avenue, London, N3 1UD

Application:	Planning	Number:	F/02433/11
Validated:	09/06/2011	Type:	APF
Status:	DEC	Date:	04/11/2011
Summary:	APL	Case Officer:	Junior C. Moka
Description:	Erection of a 4 storey block of 7 flats with associated parking and refuse storage and bicycle storage at level 1, following demolition of existing block of 5 flats and garages.		

19 Dollis Avenue, London, N3 1DA

Application:	Planning	Number:	F/02524/11
Validated:	17/06/2011	Type:	APF
Status:	DEC	Date:	26/09/2011
Summary:	APC	Case Officer:	Junior C. Moka
Description:	Conversion of existing detached dwelling into 3No. self contained flats.		

14 Dollis Avenue London N3 1TX

Application: Planning **Number:** F/01970/11
Validated: 16/05/2011 **Type:** APF
Status: DEC **Date:** 13/07/2011
Summary: APC **Case Officer:** David Campbell
Description: Demolition of existing dwelling and erection of 2no detached dwellings with integral garages, basement accommodation, and rooms in roofspace. Erection of ancillary 2no single storey outbuildings to accommodate private swimming pools. Associated landscape alterations at front and rear garden, and amenity space.

14 Dollis Avenue London N3 1TX

Application: Planning **Number:** F/00793/08
Validated: 08/05/2008 **Type:** APF
Status: DEC **Date:** 30/07/2008
Summary: APC **Case Officer:** Alissa Fawcett
Description: Erection of two dwelling houses with internal garages.

14 Dollis Avenue London N3 1TX

Application: Planning **Number:** C/16371/A/06
Validated: 04/04/2006 **Type:** APF
Status: APD **Date:** 30/05/2006
Summary: DIS **Case Officer:** Karina Sissman
Description: Demolition of existing house, garages and ancillary buildings and construction of a three-storey building (with rooms in roofspace) to provide 7no. self-contained flats. Basement parking for 12 cars. (Amended description)

14 Dollis Avenue London N3 1TX

Application: Planning **Number:** C/16371/B/06
Validated: 07/08/2006 **Type:** APF
Status: APD **Date:** 26/09/2006
Summary: W **Case Officer:** Karina Sissman
Description: Demolition of existing house, garages and ancillary buildings and construction of a three-storey building (with rooms in roofspace) to provide 6No. self-contained flats. Basement parking for 12 cars.

14 Dollis Avenue London N3 1TX

Application: Planning **Number:** C/16371/05
Validated: 26/08/2005 **Type:** APF
Status: APD **Date:** 12/10/2005
Summary: DIS **Case Officer:** Karina Sissman
Description: Demolition of existing house, garages and ancillary buildings and construction of a 3-storey building (with rooms in roofspace) to provide 9 self-contained flats. Basement parking for 12 cars.

Consultations and Views Expressed:

Neighbours Consulted: 33 Replies: 22

*Please note that one of the replies is a letter of support that has requested to speak at a committee and another reply represents a petition with 72 signatures objecting to this application.

The objections raised may be summarised as follows:

1. The proposed new building is out of keeping with the visual appearance of the area which is an established residential area and there is no precedent for a development of this size;
2. Overlooking resulting in a loss of our privacy;
3. The new building will overshadow the neighbouring gardens preventing the use and enjoyment of these amenity spaces;
4. Too much glazing in the rear elevation and the presents of balconies resulting in overlooking and the perception of overlooking;
5. The perception of overlooking also applies to obscure glazed windows in side elevations;
6. The change in the roof design from a multiple roofs to a large single roof will completely dominate to this side of the road;
7. The perception of overlooking has been considered in a number of appeal cases in Cardiff City, Hounslaw, Merton LB, Salisbury and Cannock. This was also considered in a court of appeal case in *Geha v SOS*. 29/11/93 where they upheld the decision of the concept of an impression of overlooking was a rational and meaningful one;
8. Unacceptable scale, bulk, massing and design;
9. The size of the proposed building is out of scale with the existing and neighbouring properties both in terms of height (four stories) and overall size;
10. The application should be rejected due to its bulk, mass and encroachment on garden areas, contrary to the UDP;
11. The increase in the number of dwellings will increase the traffic and car pollution in the area from additional residents, their visitors and tradesmen;
12. The property originally held two houses, which were subsequently converted to five flats;
13. The proposal for a further increase to the number of dwellings will adversely affect the traffic and air quality in the neighbourhood;
14. The demolition and construction process presents potential hazards in the form of building dust, noise pollution and movement of heavy machinery in a residential street, where there are many children resident;
15. Concerns that a development of this size and the construction process will cause harm to the various trees under Tree Preservation Orders, during the construction phase and on an on-going basis;
16. The design and assess statement and planning statement dated June 2011 hasn't been subject to any update from the previous application now the subject of a judicial review;
17. The proposal description of the development is misleading - as the existing building is a converted house and not a block a flats;
18. Contrary to National Planning Policy Statement PPS3 "Housing", paragraph 16 when accessing the design of quality of an application;
19. Contrary to Mayor's London Plan July 2011 (2.6, 3.5, 7.4, 7.6) & Unitary Development Plan (GBEnv1, GBEnv2, D1, D2, D3, D4, D5, H16) policies;

20. Contrary to the emerging Core Strategy & Development Management policies (CS5, DM01);
21. Contrary to the council's "Three Strands Approach";
22. The dismissed decisions at 14 Dollis Avenue must be considered in the determination of this application - where character reasons for dismissing the appeal were noted;
23. Previous refusal from a house to a block of flats at 14 Dollis Avenue and other appeal decisions at no's 40-42 (in 1989 & 1997), Hendon Avenue c/o Dollis Avenue (in 1994);
24. The front building line has been moved 9 metres closer to the road than that of the existing (from 28 metres away to 19 metres away, result in a movement of 9 metres);
25. Increase of 3 on site car parking spaces from 5 to 8;
26. Building footprint has increased by approximately 212.36 sqm (222.72 sqm to 435.08 sqm);
27. Approximately 95-100% increase in footprint;
28. Potential Damage to other properties;
29. Noise and disturbance during construction;
30. Concerns about the safety of children within the area;
31. Deep excavation is not in character with the area as this is a clay area which is unstable;
32. Inappropriate use of the area;
33. Loss of garden;
34. Lack of private amenity spaces;
35. Concerns about on street parking increasing in the area as a result of the development.

Internal /Other Consultations:

Traffic & Development -

The application is recommended for approval on highways grounds subject to conditions and informatives.

Date of Site Notice: 23 February 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

Dollis Avenue is an attractive tree lined road in a well established residential area, consisting mainly of two or sometimes three storey, medium to large sized houses, the density of the frontage is offset by the depth and size of both front and rear gardens and vegetation, particularly trees, within and around them. There are four purpose built blocks of flats in the road (including Georgian Court, Laxi Court, Brunswick House and The Lintons) and converted dwellings including (no's. 23, 33, 52, recent approval at 19) with the majority of properties of a similar architectural style.

13 Dollis Avenue is a large detached converted property located within the Finchley Church End Ward. The property is set back from the common front building line of

the majority of properties on this side of Dollis Avenue. There are a number of trees with Tree Preservation Orders within the adjoining rear gardens to the application site (Reference: TPO-FI-3) and the front garden area of the application site (Reference: TPO-CA70).

The existing property is made up of 3x 3 bedroom flats and 2x 2 bedroom flats.

Proposal:

The proposal relates to the erection of a 4 storey block of 7 flats with associated parking and refuse storage and bicycle storage, following demolition of existing converted property (5 flats) and garages.

The application has been submitted as a result of a judicial review submitted against the previous application approved by the West Sub Committee as per the addendum and committee report dated 6 October 2011 subject to the completion of a Section 106 Legal Agreement.

This application is an identical proposal to the application previously approved. The only addition to this application from that previously approved is the inclusion of documents showing a survey of the existing building from all elevations to allow for a greater comparison when considering this proposal.

Planning Considerations:

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

The main issues are considered to be:

- Policy Context including NPPF (National Planning Policy Framework)
- Whether harm would be caused to the character and appearance of the area and street scene;
- The living conditions of future residents within the development having regard to the provision of amenity space;
- The living conditions of existing & future residents within neighbouring properties having regard to overlooking, privacy and outlook;
- Trees & Landscaping;
- Parking, Access and Vehicle Movements;
- Whether the proposal would result in the community incurring extra educational costs that should be met by the developer;
- Whether the proposal would increase pressures on the services provided by libraries incurring additional costs that should be met by the developer;
- Whether the proposal would increase the demand for health care facilities

incurring extra costs that should be met by the developer.

Policy Context:

The proposed development is considered to be compliant with national policy (NPPF), the London Plan, and local policy within the UDP. The general message of Section 6 of the NPPF 'Delivering a wide choice of high quality homes' advises that Local Planning Authorities should enable the provision of good quality new homes in suitable locations.

Paragraph 53 states that "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area". As the site is considered to be front garden land to 13 Dollis Avenue it does not fall within the definition of previously developed land. However, in itself that does not necessarily preclude development on the site. The site is in a sustainable location and development of it would conform with the requirement in the NPPF.

The immediate surroundings are characterised by purpose-built flats and houses converted into residential units as well as properties in single family occupancy. The site has a PTAL score of 2. The proposed density of 47.3 units per hectare and 182 habitable rooms per hectare meets the London Plan density matrix value of policy 3.5 (35-65 units per hectare and 150-200 habitable rooms per hectare)

Proposed siting, character and appearance:

The proposed footprint would respect the character and pattern of buildings in this part of Dollis Avenue and allow for sufficient gaps in between the site and surrounding buildings. The front building line has been moved 7.6 metres forward and 4.6 metres to the rear to align with the rearward projection to the of the existing two storey wing. The ridge of the building again aligns with that of existing in the main. The only exception is over the lift shaft and stairwell areas.

In light of this increase in bulk, mass and scale, it is considered that the proposed footprint would relate well to surrounding dwellings in position and form. Overall, it is considered that the size, height, mass and appearance of the building would be harmonious with and not over dominate the surrounding scale or adversely affect the character of the locality.

The proposed design replicates elements from the existing and the neighbouring dwellings and as such respects the general proportions of the surrounding urban fabric.

Amenity of future occupiers:

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

The proposed development also provides sufficient amounts of usable outdoor

space for the enjoyment of future occupiers. The current scheme proposes a communal garden to the rear and additional private space in the form of enclosed balconies and terraces which is in line with policy. The communal garden would provide an acceptable quality of outdoor amenity space. A detailed landscaping with details of planting types and heights are to be required by condition.

The proposed intensification of use from five units to seven is not expected to result in a detrimental loss of amenity for occupiers of this part of Dollis Avenue or future occupiers of the adjacent neighbouring dwellings.

Amenity of existing/future neighbouring occupiers:

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

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

It is considered given the distance between the proposed building and Holmwood, Dollis Avenue & 15 Dollis Avenue, that it would not detract from the amenities of adjoining occupiers in terms of the loss of light, outlook or privacy. There are windows on both side elevations but all are to be conditions to be obscure glazes.

It is also considered that due to the nature of the design of the balconies, which are inset from the main building line, the significant natural screening in neighbouring gardens, and the distances between neighbouring properties there would not be any significant overlooking into neighbouring properties.

Trees & Landscaping:

The trees in this road are an important part of the character of the street and their retention is critical to any development. The trees on the street also offer a relief from the buildings and act as a screen for the buildings.

The site and surrounding sites has a number of trees that are protected by Tree Preservation Orders. The proposed scheme has to take account of the trees and be in accordance with BS5837:2005. Even if a scheme were shown on plan to not encroach onto the Root Protection Areas of the trees etc, there is a concern as to how a scheme of this nature could actually be built given the limited working space etc; without harming the trees. A Demolition and Construction Management Plan and arboricultural method statement will be required expanding on the principle of the points made within the arboricultural method statement as shown on TCC/1104/24/TPP Rev B. date stamped 19 September 2011.

Parking, Access and Vehicle Movements:

There are 5 existing parking spaces on site. A total of 8 car parking spaces (including one disabled car parking space) are being provided. The parking provision is in accordance with the Parking Standards set out in the Unitary Development Plan 2006 and there are no highways objections.

The Community Infrastructure Levy Regulations 2010:

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

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

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

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

The purpose of planning obligations is to make acceptable development which would otherwise be unacceptable in planning terms. Circular 05/2005 supports the use of planning obligations to secure contributions towards community infrastructure to mitigate the impacts of new development, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

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

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

Education needs generated by the development:

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

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

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

To accord with UDP Policy CS8 and the SPD the proposed scheme of 7 residential units (net increase of 2x 3 bedroom units) would require a contribution of £15,598 plus a monitoring fee of 5%.

Contributions to library services:

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

The adopted SPD "Contributions to Library Services" sets out the Council's expectations for developers contributions to the provision and delivery of a comprehensive and efficient library service, with the aim of opening up the world of learning to the whole community using all media to support peoples educational, cultural and information needs. The SPD provides the calculation of additional demand (para's 4.10-4.12), existing facilities and capacity (para's 1.1-1.4 & 2.5), method of calculation (para's 2.4 & 3.1-3.11), and use of funds (para's 5.1-5.7).

It is considered that a financial contribution towards library services is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this. To accord with UDP Policy CS2 and the SPD the proposed scheme would require a contribution of £278 plus a monitoring fee of 5%.

Contributions to Health facilities:

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

It is considered that a financial contribution towards future health care facilities is

justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this. To accord with UDP Policy CS13 and the SPD the proposed scheme would require a contribution of £3,364 and a monitoring fee of 5%.

The education, library services, health facilities & monitoring fee of 5% contributions will be secured by Section 106 Agreement.

3. COMMENTS ON GROUNDS OF OBJECTIONS

In relation to points 1, 6, 8, 9, 10, 18, 19, 20, 21, 24, 26, 27 and 34, it is considered that the proposal complies with National, London Plan and Council policies. It is accepted that the proposed building would be sited 7.6 metres forward (not 9 metres, as the objection states) but this would align with the established front building line created by neighbouring properties and sit more comfortably with the streetscene.

In relation to points 2, 3, 4, 5 and 7, it is considered that the proposal has been designed to respect the amenities of neighbouring occupiers. It is considered that, as conditioned, the proposal would have an acceptable impact on the amenity of neighbouring occupiers.

In relation to points 11, 14 and 30, the attachment of condition 3 to this recommendation is considered to safeguard this position.

In relation to points 12 and 16, this is not considered to change the way in which the application should be determined by the Local Planning Authority.

In relation to point 13, after having discussions with both the council's Highway and Environmental Health teams, it was considered there would be no additional harm to air quality level and traffic conditions in the area as a result of the development.

In relation to point 15, it is true that many of the trees have Tree Preservation Orders and detailed consideration for the protection of these trees have been of the upmost importance during the determination of this application to ensure that the trees remain of sufficient amenity value to the street and to the site itself. The attachment of conditions 4, 5, 6, 8 and 9 to this recommendation are considered to safeguard this position.

In relation to point 17, the Local Planning Authority has made a small amendment to this description of the proposed development upon receipt of this point of objection to clarify the proposal.

In relation to points 22, 23 and 32, the most recent appeal decisions relating to 14 Dollis Avenue have been considered in the determination of this application. These dismissed appeals were for proposals relating to the demolition of an existing single family dwelling house and the construction of a three-storey building with 7 & 9 self-contained flats respectively. However, this application site currently has 5 self contained flats and the principle of increasing this number to 7 self contained flats is not considered to be harmful. It is considered that proposed density would be acceptable. Different types of tenure do not necessarily make bad neighbours.

In relation to point 25, it is considered that this has been addressed in the 'Parking, Access and Vehicle Movements' section of the report.

In relation to point 28, this is a civil matter and not a material planning consideration.

In relation to point 29, the attachment of condition 14 to this recommendation is considered to safeguard this position by restricting the hours of work.

In relation to point 31, it is considered given the arrangement of the properties within Dollis Avenue, the proposed design of the lower ground floor as a result of the excavation would not be obtrusive in the street scene. This element of the proposal would not be visible from ground level of any of the surrounding dwellings.

In relation to point 33, it is considered the proposal complies with NPPF Paragraph 53 and all other relevant policies.

In relation to point 35, after having discussions with the council's Highway team, it is considered that this proposal would comply with Council policies.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

Having taken all material considerations into account, it is considered that the proposed development would be in keeping with the character and appearance of the surrounding area. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring developments and would provide good quality residential accommodation which is short supply. It is recommended that the application be **APPROVED** subject to conditions.

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

SITE LOCATION PLAN: Dukes House, 13 Dollis Avenue, London, N3 1UD

REFERENCE: F/00610/12



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LOCATION: 34 Village Road, London, N3 1TJ

REFERENCE: F/00819/12

Received: 02 March 2012

Accepted: 02 March 2012

Expiry: 27 April 2012

WARD(S): Finchley Church End

Final Revisions:

APPLICANT: Mr O Samme

PROPOSAL: Single storey rear extension. Insertion of window at ground floor side elevation to match existing. Extension to roof including insertion of rooflight and rear dormer to facilitate a loft conversion.

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement, Sustainability Checklist, Site Location Plan, Drawing No. 98/2/1 (Existing Floor Plans), Drawing No. 98/2/2 (Location Plan & Existing Elevations), Drawing No. 98/2/3 (Existing Sections), Drawing No. 98/2/4 (Proposed Floor Plans), Drawing No. 98/2/5 Rev B (Proposed Elevations), Drawing No. 98/2/7 Rev A (Proposed Front Elevation), Drawing No. 98/2/6 (Proposed Sections) Drawing No. TH1 Trees and Hedges Reason:

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

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

Reason:

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

3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason:

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

4 The rooflights hereby approved shall be of a "conservation" type of maximum dimensions 460mm x 610mm (with a central, vertical glazing bar), set flush in the roof.

Reason:

To safeguard the character and appearance of the Conservation Area.

INFORMATIVE(S):

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv4, D1, D2, D3, D5, HC1, HC5, H27;

Core Strategy (Submission version) 2011:

Relevant policies: CS5

Development Management Policies (Submission version)2011:

Relevant Policies: DM01, DM14, DM15

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

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework 2012

The determination of planning applications is made mindful of Central Government advice and the Development Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The basic question is whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

'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 sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

The Mayor's London Plan: July 2011

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

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

Relevant Unitary Development Plan Policies:

GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D5, D13, HC1, H27.

Core Strategy (Submission version) 2011

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents

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

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

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS5

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

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies:

DM01, DM02, DM14, DM15

Relevant Planning History:

Site Address: 34 Village Road LONDON N3

Application Number: C13347

Application Type: Full Application

Decision: Approve with conditions

Decision Date: 17/12/1998

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: **Single storey rear extension. Loftconversion with dormer window to rear, rooflight to side and rooflight to side offront gable. New window in side elevation.**

Case Officer:

Consultations and Views Expressed:

Neighbours Consulted: 6 Replies:4

Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

1. Object as everyone on the road objects. This neighbour has been unsupportive so does not deserve our support for their application.

2. The Velux window at the front of the property would have a negative effect on the conservation area.
3. will destroy the character of the property.
4. the new window on the side elevation will overlook the garden and glazed side door resulting in a loss of privacy
5. The window on the flank elevation of the window will overlook the the rear garden and will result in a loss of privacy
6. the Velux on the side would clearly be seen from the green and would have a negative effect on the conservation area.
7. The Velux window on the front will harm the character of the conservation area and set a precedent.
8. Loss of privacy due to ground floor side window. The applicant has not stated the size of the window. the velux window at the front and sidewill set a precedent. The new manhole will would be visible and cause disturbance.

Internal /Other Consultations:

Finchley Conservation Area Advisory Committee
Object to velux roof light on side elevation.

Conservation and Design: No objection due to limited visibility of proposed rooflight (it is noted that this does not set a precedent in the conservation area).

Date of Site Notice: 15 March 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a semi-detached dwelling on Village Road which is a conservation area.

Proposal:

The application seeks permission for a single storey rear extension. Insertion of window at ground floor side elevation to match existing. Extension to roof including insertion of rooflight and rear dormer to facilitate a loft conversion.

The same alterations were approved in 1998 (see planning history above).

Planning Considerations:

The proposed rear extension would be 2.8 metres deep and would have a pitched roof that replicates the angles and style of the main roof of the house. The single storey rear extension will have a window on the flank elevation facing number 33 Village Road approximately 3.6 metres away from the boundary. It is therefore considered that the proposed single storey rear extension and flank window will not have any significant effect on neighbouring amenities.

The proposed dormer would meet the requirements of Design Guidance 5. Its fine finish would ensure that it result in an attractive addition to the roof. The proposed

side rooflight is not considered to be particularly prominent on the street scene or affect neighbouring amenities. The proposed rooflight on the front gable would be recessed 1.4 metres from the front wall of the house. Front rooflights can have a detrimental impact on the streetscene and it is noted that they are not a common feature on Village Road. However, it is considered that in this case, the rooflight would not be easily visible from the street because it would be located within a recessed area between the two gables of the pair of semi-detached houses.

The rooflights are of a conservation type which is considered acceptable.

The proposal would not detrimentally impact on the qualities of the building and protect the character of the group of houses of which it forms part and the Village Road Conservation Area. It would preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene and conservation area.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Addressed in the main body of the report.

4. EQUALITIES AND DIVERSITY ISSUES

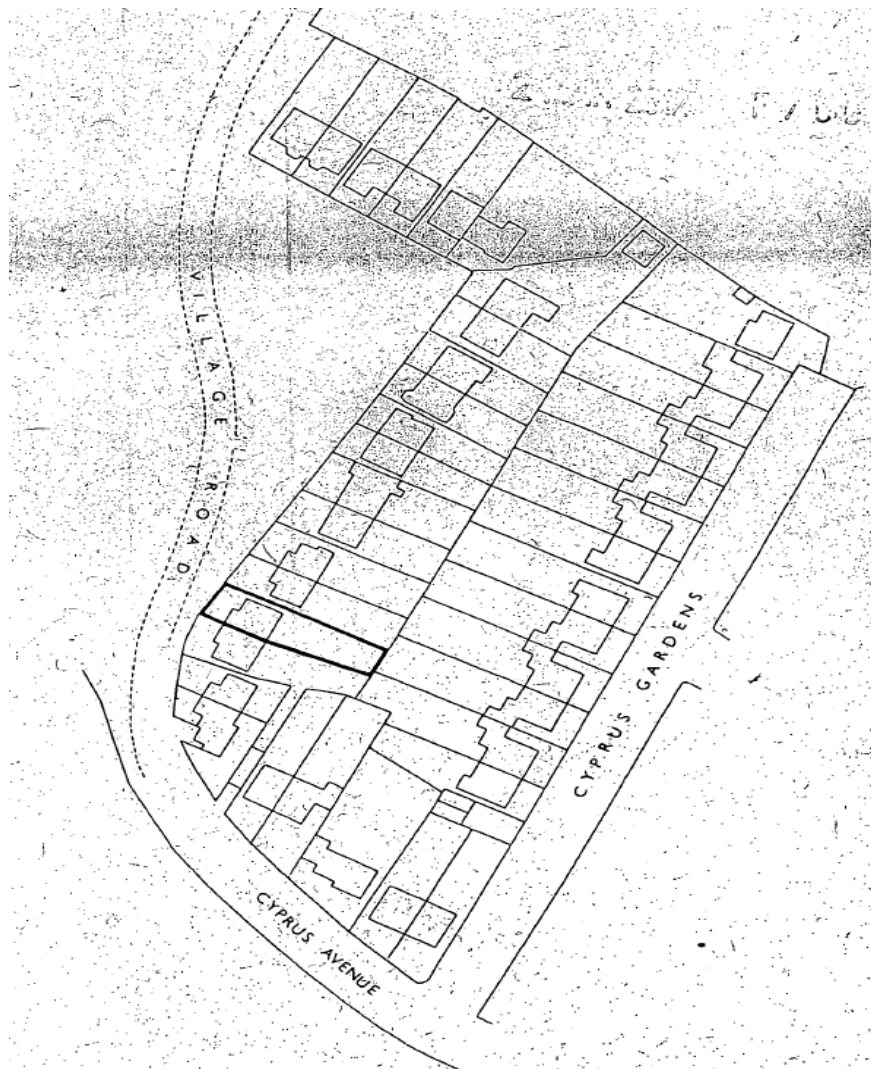
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

The application is recommended for **Approval**.

SITE LOCATION PLAN: 34 Village Road, London, N3 1TJ

REFERENCE: F/00819/12



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LOCATION: 53 Ashley Lane, London, NW4 1PJ

REFERENCE: F/01012/12

Received: 14 March 2012

Accepted: 14 March 2012

Expiry: 09 May 2012

WARD(S): Finchley Church End

Final Revisions:

APPLICANT: Vintoni Development

PROPOSAL: Extension to the time limit for implementing planning permission F/00945/09 granted 20/05/09 for 'Erection of two storey detached dwelling house with rooms in basement and roof space.'

RECOMMENDATION: Approve Subject to Unilateral Undertaking Subject to a Section 106 Agreement

RECOMMENDATION I:

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (excl. libraries) £11,949.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £244.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £2,016.00**
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £710.45**
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: F/01012/12 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Design & Access Statement; AL/01; AL/03; AL/14; AL/NH/01; AL/NH/02; AL/NH/04.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.
Reason:

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

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

To safeguard the visual amenities of the locality.

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

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

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

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

- 7 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order) the building(s) hereby permitted shall not be extended in any manner whatsoever.
Reason:

To ensure that the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties.

- 8 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.
Reason:

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

- 9 The use of the basement hereby permitted as part of this application shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate dwelling unit.
Reason:

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

- 10 A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning

Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

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

- 14 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 & E of Part 1 to Schedule 2 of that Order shall be carried out within the area of dwelling hereby approved.

Reason:

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

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

Reason:

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

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

Reason:

To safeguard residential amenity.

- 17 Before the development hereby permitted is occupied, parking spaces shall be provided in accordance with Plans AL/03 and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development.

Reason:

To ensure that adequate and satisfactory provision is made for the parking of

vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policies M11, M13 and M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

- 18 Before the permitted development commences details of the refuse collection arrangements shall be submitted to and agreed by the Local Planning Authority.
Reason:

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

INFORMATIVE(S):

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D11, D13, H1, H2, H16, M11, M13, M14, CS2, CS8, CS13, IMP1 and IMP2.

Core Strategy (Submission version) 2011: CS4, CS5.

Development Management Policies (Submission version)2011: DM01, DM06, DM14.

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

Having taken all material considerations into account, it is considered that the proposed development would be in keeping with the character and appearance of the surrounding area. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring developments and would provide good quality residential accommodation. The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

- 2 The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £12,063.45.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development 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 will be sent a 'Liability Notice' that will provide 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, this is also available from the Planning Portal website.

The Community Infrastructure Levy 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 statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk

- 3 Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The Council of the London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from:

<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf>

or requested from the Street Naming and Numbering Team via email:

street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

- 4 In case if any modification is proposed to the existing access of the public highway then it will be subject to a detailed investigation by the Highways Group. The proposed modification works including relocation of any existing street furniture would need to be done by the Highway Authority at the applicant's expense. You may obtain advice and an estimate for this and any associated work on public highway from the Chief Highways Officer, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.
- 5 In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team as part of the crossover application. The outcome of this assessment cannot be prejudged.
- 6 Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition,

excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the on site provision of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.

- 7 The applicant advised that if the development is carried out, where possible, the applicant should seek to improve the existing pedestrian visibility splays at either side of the vehicular crossover by providing vertical clear visibility over 0.6 metres.
- 8 **The application hereby approved relates solely to the erection of a two storey detached dwelling house with rooms in basement and roof space as applied for on the planning application form.**

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework 2012

The determination of planning applications is made mindful of Central Government advice and the Development Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The basic question is whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

'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 sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

The Mayor's London Plan: July 2011

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

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

Policy 3.4 of the London Plan states that development should optimise housing output for different types of location taking into account local context and character,

the design principles set out in Chapter 7 of the London Plan and public transport capacity.

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

Policy 3.5B indicates that the design of all new housing developments should enhance the quality of local places taking into account, amongst other things, physical context, local character and density. Table 3.3 sets out minimum space standards for new dwellings.

Policy 7.4A states that, development should have regard to the form, function, and structure of an area, place or street, and the scale, mass and orientation of surrounding buildings. The policy goes on to say at 7.4B that buildings should provide a high quality design response that, amongst other things, is informed by the surrounding historic environment.

The Mayor for London has introduced a Community Infrastructure Levy. This applied from 1 April 2012 to most developments in London where the application is determined by the Local Planning Authority.

Within Barnet the levy will be charged at a rate of £35 per square metre of net additional floorspace.

Relevant Unitary Development Plan Policies:

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

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

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

Relevant policies: GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D11, D13, H1, H2, H16, M11, M13, M14, CS2, CS8, CS13, IMP1 and IMP2.

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

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

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

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

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

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

Core Strategy (Submission Version) 2011

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's

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

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS4, CS5.

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

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM06, DM14.

Relevant Planning History:

Site Address: 53 Ashley Lane London NW4 1PJ
Application Number: C17142/07
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 01/08/2007
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing house and erection of 3 No. four bedrooms houses.**

Case Officer: Fabien Gaudin

Site Address: 53 Ashley Lane, London, NW4 1PJ
Application Number: 01038/10
Application Type: Householder
Decision: Approve with conditions
Decision Date: 10/05/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey side extension following demolition of existing garage and utility room. Construction of new bay windows at ground and first floor level to front elevation. Single storey side extension fronting the Hendon Golf Course. Alterations and extensions to roof including side and rear dormer windows. New front porch. (Addition from Planning permission F/00943/09 - basement with audio visual and laundry rooms).**

Case Officer: Junior C. Moka

Site Address: 53 Ashley Lane NW4
Application Number: W01711A

Application Type: Outline Application
Decision: Approve with conditions
Decision Date: 28/03/1984
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of three detached houses with integral garages.**
Case Officer:

Site Address: 53 Ashley Lane, London, NW4 1PJ
Application Number: 02610/10
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 03/09/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of single garage to front. Installation of electric gate and railings to front of property.**
Case Officer: Junior C. Moka

Site Address: Land adjacent to 53 Ashley Lane, London, NW4 1PJ
Application Number: F/04085/11
Application Type: Full Application
Decision: Refuse
Decision Date: 13/12/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of a new two storey detached single family dwelling house with a basement and rooms in the roofspace.**
Case Officer: Junior C. Moka

Site Address: 53 Ashley Lane, London, NW4 1PJ
Application Number: 00943/09
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 13/05/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey side extension following demolition of existing garage and utility room. Construction of new bay windows at ground and first floor level to front elevation. Single storey side extension fronting the Hendon Golf Course. Alterations and extensions to roof including side and rear dormer windows. New front porch. (Amended Description)**
Case Officer: Junior C. Moka

Site Address: 53 Ashley Lane, London, NW4 1PJ
Application Number: 00945/09
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 20/05/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of two storey detached dwelling house with rooms in basement and roof space.**
Case Officer: Junior C. Moka

Consultations and Views Expressed:

Neighbours Consulted: 25 Replies: 3
Neighbours Wishing To Speak 0

Internal /Other Consultations:

Development Team, Highways Group

3 Parking spaces are being proposed in total comprising 1 garage in each of the property and 1 additional off street parking space for the existing property. However, the site can accommodate more than 3 parking spaces therefore the parking provision is in accordance with the parking standards set out in the UDP 2006.

A new vehicular crossover is proposed for the new property and the existing crossover is retained for the existing property.

Although the Design and Access Statement refers to provision for the refuse storage and collection, it is not shown on the attached drawings. The refuse collection point must be within 10 metres of the public highway and at ground level.

The applicant will be required to submit a construction management plan before starting work.

Recommendation:

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

Date of Site Notice: 29 March 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a currently a plot of land with a 1930s house and a large garden to the north. This part of Ashley Lane is a dead end and the application site is the last on this side of the road. There is a relatively recent housing development opposite around a mews street. Ashley Lane is characterised by different types of houses of different styles and periods including recent developments at 47 Ashley Lane and opposite the site.

Proposal:

The proposals relate to the extension to the time limit for implementing of planning permission F/00945/09 granted 20/05/09 for 'Erection of two storey detached dwelling house with rooms in basement and roof space.'

Planning Considerations:

Planning permission was granted in 2009 for the development of the site, this was conditioned with a three year time limit, this time limit is close to expiry and as such the application is to extend the time limit. There have been no significant material changes to the application site since the previous approval that would warrant a different recommendation.

The following issues must be addressed in view of circumstances or policies that have changed since the 2009 permission was granted:

- Barnet Supplementary Planning Document - Contributions to Health Facilities from Development (2009)

Since the previous approval the SPD- Contributions to Health Facilities from Development (2009) has been introduced. The SPD supplements policies of Barnet's *Unitary Development Plan* (UDP), adopted in 2006. This document does not introduced new policies. This SPD will be taken into account as a material planning consideration when planning applications are being considered. A contribution to health care as a result of development is now required.

This is to be secured by unilateral undertaking along with obligations to education, libraries and monitoring.

Policy Changes:

- Core Strategy (Publication Stage) 2010

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

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

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

Relevant policies include CS1, CS5, CS6, CS8, CS9, CS10, CS11, CS13, CS15,

DM01, DM04, DM11, DM13, DM14 and DM17. The introduction of the Core Strategy is not considered to warrant a different recommendation on the application, the proposal is still considered to be in compliance with policy.

- London Plan 2011

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

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

Policy 3.4 Optimising Housing Potential- states that 'taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in table 3.2. Development proposals which compromise this policy should be resisted. The proposal complies with the standards set out in the density matrix of table 3.2.

Policy 3.5 of The London Plan requires minimum internal space standards for new residential development as set out in table 3.3, the new house proposed complies with these requirements.

The residential element of the development is now expected to be built at Code Level 4 of the Code for Sustainable Homes and the original condition has been amended accordingly.

- National Planning Policy Framework (2012)

The NPPF has superseded all previous PPGs and PPSs.

Paragraph 49 of the NPPF states that "Housing applications should be considered in the context of the presumption in favour of sustainable development".

The government consider that "there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – ... by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation
- **a social role** – ... by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment ... "

In paragraph 21, the government encourages the effective use of land by reusing

land that has been previously developed (brownfield land).

Paragraph 56 states “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”.

The general message of Section 6 of the NPPF 'Delivering a wide choice of high quality homes' advises that Local Planning Authorities should enable the provision of good quality new homes in suitable locations.

Paragraph 53 states that "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area". As the site is considered to be garden land to 53 Ashley Lane it does not fall within the definition of previously developed land. However, in itself that does not necessarily preclude development on the site. The site is in a sustainable location and development of it would conform with the requirement in the NPPF.

It is considered that the application complies with the above sections of the NPPF.

- Barnet Supplementary Planning Document - Contributions to Education (2010)

This document supersedes the council's previous supplementary planning guidance, *Education Contributions from Residential Development (2000)*. This SPD has been prepared as part of the Local Development Framework. The Local Development Framework is made up of a 'folder' of separate documents that will together, in time, fully replace the *Unitary Development Plan*.

The education requirements will be secured by unilateral agreement.

Other changes on site:

Since the 2009 approval, a garage has been built at 53 Ashley Lane. When determining the garage application, officers took into account the extent permission for a new house on the application site and considered that both the garage and the house could be implemented without detriment to the character of the area.

The remainder of the assessment remains as per 2009.

The potential of the site to accommodate further development was recognised at the time of granting permissions in the 1980s and in 2007 and in view of the recent planning history on surrounding sites it is still considered acceptable in the current policy context.

The nature of the development is not in itself considered to harm the residential character of the area. It is noted that the area is characterised by detached dwellings.

The design of this dwelling is considered to complement the variety of styles of

properties on this part of Ashley Lane and the general locality on Ashley Close and Woodtree Close. The straight lines and edges, and traditional fenestration finishes are a common feature of existing buildings. The proposed design is considered to blend in effectively with the surrounding area where there are different styles of buildings. A small design change would help add interest within the streetscene.

The integration of the garage within the ground floor footprint would result in a subordinate addition to the property which would respect the character of properties on this part of Ashley Lane and Woodtree Close.

The height of the proposed building has been designed to correspond to the ridge height of the previously approved work (F/00943/09) at 53 Ashley Lane to 49 Ashley Lane by the junction with Ashley Close. The proposed side and rear dormer windows within this roof design would result in subordinate additions to the application site which would be in character with the surrounding properties on Ashley Lane as the locality is characterised by similar styled roofs. The principle of the side and rear dormer windows proposed are considered acceptable. The dormers proposed are considered to be of an appropriate size and siting.

The site has a significant level change. There is a change of about 5m from one end of the site to the other as you move towards the boundary of Hendon Golf Course. It is considered that the basement has been designed in a way in which will not be obtrusive in the street scene. It is considered that to the majority of neighbours, the basement will be almost invisible. The lightwell located to the front of the property, under the proposed kitchen window will be screened by landscaping to ensure that this remains the case.

The basement is proposed for purposes ancillary to the main dwelling and the application is conditioned accordingly. The proposal is not considered to cause harm to the character and appearance of the area. The proposal is considered not to impact detrimentally on the residential amenity of neighbouring occupiers. The development is not considered to represent an overdevelopment of the application site.

A large garden will be provided to the rear of both the existing and the new dwelling. This meets the council's minimum standards. Given that the buildings will be occupied as 4 bed dwellings and family homes, the amenity space standards that apply to houses are considered to be applicable in this instance. The development is considered to provide an acceptable level of amenity.

The applicant has not highlighted their commitment to delivering a sustainable project. The Design & Access Statement does not demonstrate that a reduction in carbon emissions through on-site generation will be achieved and does not commit the proposal to achieving certification from the council's preferred environmental assessment schemes. Therefore, the proposal fails to meet the council's objectives of sustainable development set out in the adopted Sustainable Design & Construction SPD (June 2007) and Barnet's Adopted Unitary Development Plan (2006). However, this is to be enforced by an attached EcoHomes or Code for Sustainable Homes condition.

Highway:

The Highways Group originally advised that the parking provision is in accordance with the Parking Standards set out in the UDP and that the proposal is acceptable on highways grounds subject to the conditions attached above.

The Community Infrastructure Levy Regulations 2010:

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

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

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

The purpose of planning obligations is to make acceptable development which would otherwise be unacceptable in planning terms. Circular 05/2005 supports the use of planning obligations to secure contributions towards community infrastructure to mitigate the impacts of new development, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

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

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

Education needs generated by the development:

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

The proposal would provide an additional residential unit that it is considered would generate an increased demand for educational facilities in the area. The calculation

of additional demand (SPD para's 4.6-4.14), existing facilities and capacity (SPD para's 5.5-5.12), method of calculating the required contribution (SPD para's 3.1-3.15 and 4.1-4.5), and use of the contributions (SPD para's 5.13-5.14) are set out in the Council's SPD "Contributions to Education" adopted in 2010.

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

To accord with UDP Policy CS8 and the SPD the proposed scheme requires a contribution of £11,949 plus a monitoring fee of 5%.

Contributions to library services:

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

The adopted SPD "Contributions to Library Services" sets out the Council's expectations for developers contributions to the provision and delivery of a comprehensive and efficient library service, with the aim of opening up the world of learning to the whole community using all media to support peoples educational, cultural and information needs. The SPD provides the calculation of additional demand (para's 4.10-4.12), existing facilities and capacity (para's 1.1-1.4 & 2.5), method of calculation (para's 2.4 & 3.1-3.11), and use of funds (para's 5.1-5.7).

It is considered that a financial contribution towards library services is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this. To accord with UDP Policy CS2 and the SPD the proposed scheme would require a contribution of £244 plus a monitoring fee of 5%.

Contributions to Health facilities:

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

It is considered that a financial contribution towards future health care facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this. To accord with UDP Policy CS13 and the SPD the proposed scheme would require a contribution of £2,016 and a monitoring fee of 5%.

The education, library services, health facilities & monitoring fee of 5% contributions will be secured by Section 106 Agreement.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Nil

4. EQUALITIES AND DIVERSITY ISSUES

The proposal should accord with building control accessibility requirements.

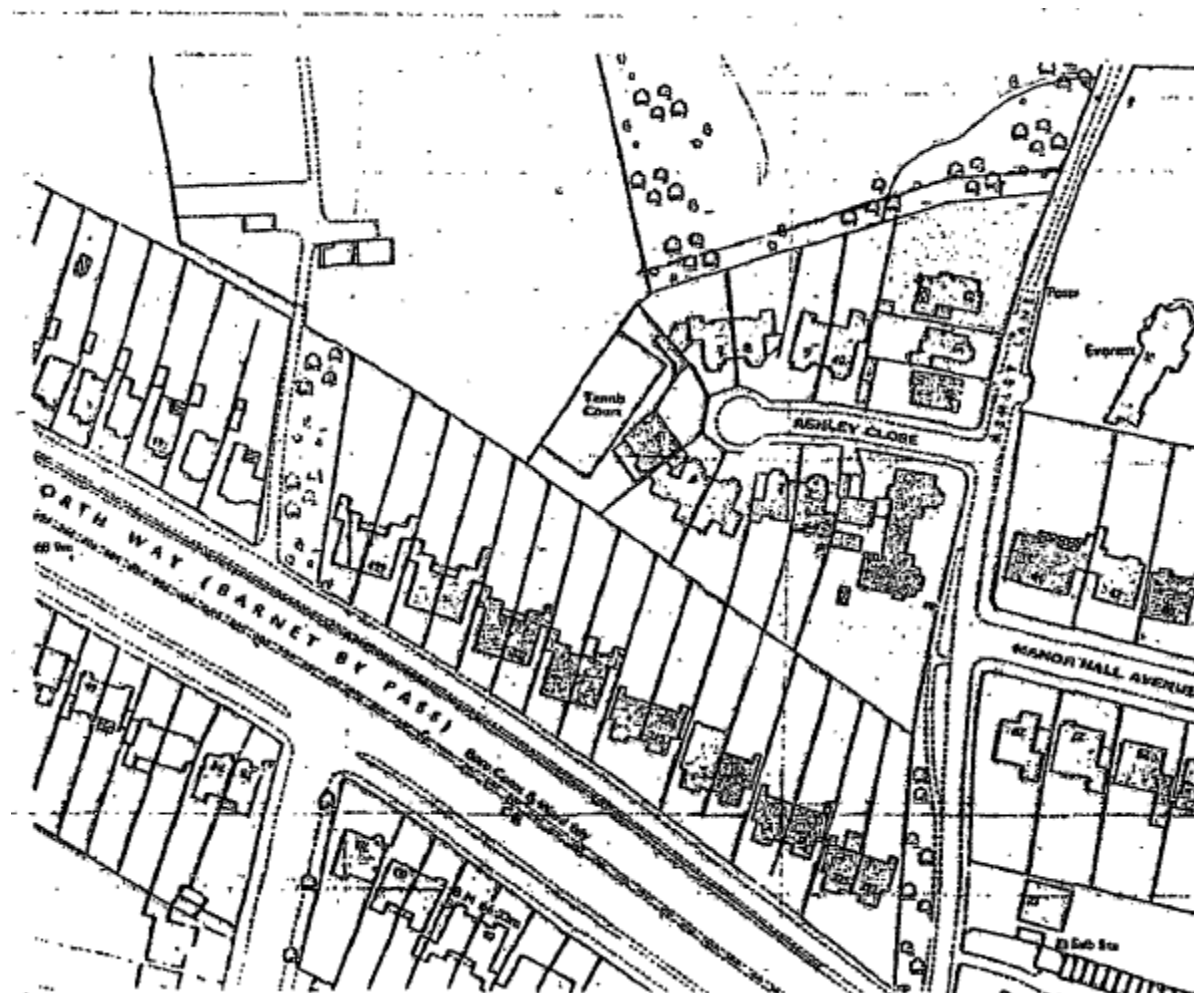
5. CONCLUSION

Having taken all material considerations into account, it is considered that the proposed development would be in keeping with the character and appearance of the surrounding area. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring developments and would provide good quality residential accommodation. It is recommended that the application be **APPROVED** subject to conditions.

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

SITE LOCATION PLAN: 53 Ashley Lane, London, NW4 1PJ

REFERENCE: F/01012/12



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LOCATION: Garages to the rear of 1-12 Gloucester Court, Golders Green
Road, London, NW11 9AA **AGENDA ITEM 7g**

REFERENCE: F/05000/11 **Received:** 15 December 2011
Accepted: 15 December 2011

WARD(S): Golders Green **Expiry:** 09 February 2012
Final Revisions:

APPLICANT: Z A S Investments

PROPOSAL: Partial demolition and conversion of existing garages to the rear of Gloucester Court into 2no residential units. Alterations to include new front wall, windows and door with a new roof (Amended description).

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, Design and access statement, Drawings EMP/1, EMP/2, EMP/3, EMP/4; Chain of emails from applicant (Mr Zevy Shainfeld), dated 05/03/2012.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).
Reason:
To safeguard the visual amenities of the building and the surrounding area.
- 4 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.
Reason:
To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.
- 5 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.
Reason:
To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the floor plan layout as shown on the hereby approved plans must not be changed.
Reason:
To safeguard the amenities of neighbouring occupiers and the general locality.
- 7 The 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.

- 8 No windows or doors other than those expressly authorised by this permission shall be constructed in any elevations of the self contained units hereby approved facing the neighbouring properties.

Reason: To safeguard the privacy and amenities of the occupiers of the adjoining properties.

- 9 Before the building hereby permitted is occupied a sample of the proposed windows in the elevation facing Gloucester Court shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

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

- 10 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 & E of Part 1 to Schedule 2 of that Order shall be carried out within the area of the dwellinghouse hereby approved without the prior written permission of the local planning authority.

Reason:

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

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

Reason:

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

INFORMATIVE(S):

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

GBEnv1, GBEnv2, D1, D2, D3, D4, D5, CS2, CS8, CS13, IMP1, IMP2, GMon, GH1, H2, H16, H18, H23, H26, H27, M11, M13 and M14.

Core Strategy (Submission version) 2011:

CS5.

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

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

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

- 2 Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The Council of the London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from:

<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf>

or requested from the Street Naming and Numbering Team via email:

street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

1. MATERIAL CONSIDERATIONS

National Planning Policy:

The relevant sections of the National Planning Policy framework are as follows:

Paragraph 49 of the NPPF states that "Housing applications should be considered in the context of the presumption in favour of sustainable development".

The government consider that "there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – ... by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation
- **a social role** – ... by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment ... "

In paragraph 21, the government encourages the effective use of land by reusing land that has been previously developed (brownfield land).

Paragraph 56 states “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”.

It is considered that the application complies with the above sections of the NPPF.

The Mayor's London Plan: July 2011

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

Relevant Unitary Development Plan Policies:

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

Supplementary Planning Guidance:

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

Supplementary Planning Document on Contributions to Education (2008).

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

Supplementary Planning Document on Contributions to Health and Social Care (2009).

Core Strategy (Submission Version) 2011:

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

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

Policy: CS5.

Relevant Core Strategy Policies:

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

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

Relevant Development Management Policies:

DM01, DM02, DM08, DM17.

Relevant Planning History:

Site Address: Garages to the rear of 1-12 Gloucester Court, Golders Green Road, London, NW11 9AA
Application Number: F/04319/10
Application Type: Full Application
Decision: Refuse
Decision Date: 16/12/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Conversion of existing garages to the rear of Gloucester Court into 2no self-contained studio flats.
Case Officer: Fabien Gaudin

Consultations and Views Expressed:

Neighbours Consulted:	84	Replies: 23
Neighbours Wishing To Speak	0	

The objections raised may be summarised as follows:

- Overlooking, loss of privacy
- Noise and disturbance
- Loss of view
- Loss of property value
- Construction works
- Overcrowding
- Inaccurate information
- Environmental impact – waste disposal facilitates, impact on sewage
- No change in the proposal since the previous refusal
- Blocking the fire escapes at the rear of Gloucester Court
- Shortage of street parking, garage availability and affordability
- Introduction of gas and electricity – fire hazard
- Security issues
- Pollution and congestion
- Studios proposed are one bedroom – no idea how many people will be accommodate
- No turning space between garages and external stairs – cars are parked outside

the garages

- The applicant has not carried out consultation in regard to the conversions of the garages, residents general view was that the conversion would not be a good idea
- No effort has been made to bring the garages into use for car parking or storage purposes
- Unsuitable location
- No amenity provision
- Restricted access for emergency services
- Landlord has intentionally not maintained the garages - eyesore
- Garage 10 is owned by a separate party
- Legal ownership issues in regard to the garages
- Current leases have a clause that the garages are to be used only for purpose of garaging and not be converted
- Appearance of the proposal

Internal /Other Consultations:

- Traffic & Development - No objection.

Date of Site Notice: 22 December 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a row of garages to the rear of Gloucester Court in Golders Green. The rear of the main building at Gloucester Court is used as access to some of the flats.

Proposal:

The proposals relate to the conversion of the existing garages to the rear of Gloucester Court into 2 self-contained studio flats. There will be external alterations which include the insertion of windows and doors to the external appearance of the garages. There will be partial demolition of the garages, which includes the roof to ensure that the building is compliance with building regulations.

Planning Considerations:

Character:

The proposed external alterations are considered acceptable. They would not harm the character of the area which is mixed.

Amenity:

There was a previous application (F/04319/10) at the application site for *conversion of existing garages to the rear of Gloucester Court into 2no self-contained studio flats*

which was refused in December 2010 on the grounds that the scheme did not provide acceptable levels of amenity standards and that there were issues of overlooking from outside into the proposed habitable rooms. The current planning application has addressed the Council's previous concerns and is not considered to be acceptable.

The application is in line with the National Planning Policy Framework (2012) which states that the government encourages the effective use of land by reusing land that has been previously developed (brownfield land). The garages are considered to fall under brownfield land and thus the proposal is considered to be acceptable.

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

In relation to the first issue (overlooking) for which the previous application was refused, it is considered that the applicant has now demonstrated that there will not be any issues of overlooking or loss of privacy. The agent has provided details within the Design and Access Statement which includes a film to be applied to the windows to prevent issues of overlooking and loss of privacy, this will be a permanent non removable material. The agent has confirmed that the glazing manufacturer will provide a sealed double glazed unit with the privacy film inserted between the glazing at the manufacturing stage. This is a permanent solution and cannot be removed for the lifetime of the windows.

Therefore, the proposed units along the access to flats on Gloucester Court would not give rise to unacceptable levels of overlooking from existing residents onto the habitable rooms of the proposed self contained units.

In addition, the vast majority of the existing flats on Gloucester Court have their rear windows and doors fitted with obscured glass, thus there would be no overlooking from the occupants of the existing flats to the future occupiers of the proposed self contained flats.

Although the site is within an area identified as being deficient in open space, there is a park within a walking distance and the proposed units will have other locational advantages in being close to transport and services as a result of its edge of town centre location. Therefore, the Local Planning Authority does not consider that this in itself would be a sufficient reason to refusal.

Planning application (C/16786/06 – October 2006) at No. 20-31 Gloucester Court was approved for two self contained flats which is in extreme proximity to the application site. The officer's report stated that *"although the proposal does not include the provision of external amenity space, it is considered that, in this location, such development may be acceptable. In this particular case, the site is within a short distance walk to Golders Hill Park which provides good standards of amenity."*

It is not considered that the conversion would result in a demonstrable harm to the immediate area which will be detrimental to the character and appearance of Golders Green.

Highways:

The proposal is for the conversion of existing lockup garages at the rear of Gloucester Court and to provide 2 self contained studio flats. The garages have been unused and vacant for a long time.

There are also difficulties with the access to the garages as it is narrow (less than 2ms wide) and it is difficult for cars to manoeuvre from Gloucester Gardens due to an existing old side extension which partly blocks the access road. Cars cannot turn into the access road easily due to poor visibility.

In view of several factors including the location of the site and the following:

- The proposal is for a conversion
- The site is within a CPZ

Taking into consideration the above on balance the proposal is acceptable on highways grounds.

Contributions:

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

3. COMMENTS ON GROUNDS OF OBJECTIONS

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

4. EQUALITIES AND DIVERSITY ISSUES

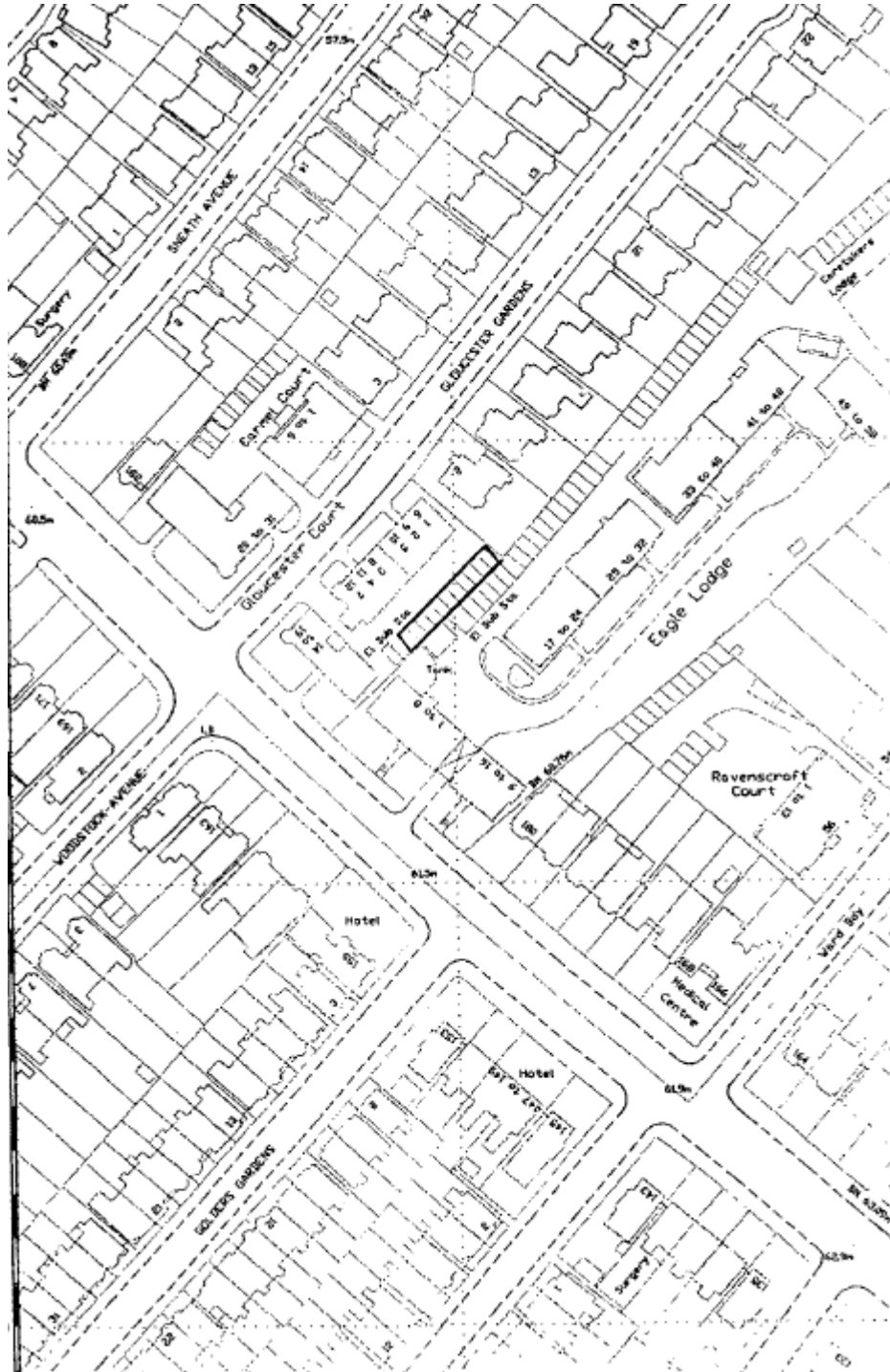
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

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

SITE LOCATION PLAN: Garages to the rear of 1-12 Gloucester Court, Golders Green Road, London, NW11 9AA

REFERENCE: F/05000/11



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LOCATION: 8 Cumbrian Gardens, London, NW2 1EF

REFERENCE: F/00671/12

Received: 18 February 2012

Accepted: 20 February 2012

Expiry: 16 April 2012

WARD(S): Golders Green

Final Revisions:

APPLICANT: Property Ideal Ltd

PROPOSAL: Part two-storey, part single storey side extension extensions and conversion of existing garage into habitable room. First floor rear extension. Conversion of single dwelling house in to three self contained flats.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: CG11-PP-EX-01; CG11-PP-02 RevA.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).
Reason:
To safeguard the visual amenities of the building and the surrounding area.
- 4 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.
Reason:
To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed in the elevations of the extension hereby approved facing the neighbouring properties, unless agreed in writing by the Local Planning Authority.
Reason: To safeguard the privacy and amenities of the occupiers of the adjoining properties.
- 6 The floor plan layout and rear garden amenity area as shown on the hereby approved plans must not be changed without the prior written permission of the local planning authority.
Reason:
To safeguard the amenities of neighbouring occupiers and the general locality.
- 7 Prior to the occupation of the units a copy of the Pre-completion Sound Insulation Test Certificate of Part E of the Building Regulations 2000 (or any

subsequent amendment in force at the time of implementation of the permission) shall be submitted to the Local Planning Authority and shall indicate at least 3 decibels above the Performance Standard.

Reason:

To protect the amenities of future and neighbouring residential occupiers.

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

Reason:

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

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

Reason:

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

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
- i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).
In particular the following policies are relevant:
Adopted Barnet Unitary Development Plan (2006): GBEEnv1, GBEEnv2, D1, D2, D3, D6, CS2, CS8, CS13, IMP1, IMP2, GMon, GH1, H16, H18, H23, H26, H27, M14
Supplementary Planning Document on Sustainable Design and Construction (June 2007).
Supplementary Planning Document on Contributions to Education (2008).
Supplementary Planning Document on Contributions to Library Services (2008).
Supplementary Planning Document on Contributions to Health and Social Care (2009).
Design Guidance Note 7 - Residential Conversions.

Core Strategy (Publication Stage) 2010: Policy CS5, DM01, DM02, DM06.

- ii) The proposal is acceptable for the following reason(s): -
The conversion of the property into eight self contained flats and proposed extension is considered acceptable, in character with the surrounding area. The proposal would protect the character of this part of Golders Green and respect the setting of nearby buildings. The proposal would provide acceptable standards of amenity for future occupiers and respect the amenity of existing neighbouring occupiers. The application is acceptable on highway grounds.

- 2 Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The Council of the London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from:

<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf>

or requested from the Street Naming and Numbering Team via email:

street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

- 3 The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £792.05.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development 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 will be sent a 'Liability Notice' that will provide 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, this is also available from the Planning Portal website.

The Community Infrastructure Levy 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 statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework (2012):

The determination of planning applications is made mindful of Central Government advice and the Development Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The basic question is whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

'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 sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

The Mayor's London Plan: July 2011:

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

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

Relevant Unitary Development Plan Policies:

GBEnv1, GBEnv2, D1, D2, D3, D6, CS2, CS8, CS13, IMP1, IMP2, GMon, GH1, H16, H18, H23, H26, H27, M14

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

Supplementary Planning Document on Contributions to Education (2008).

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

Supplementary Planning Document on Contributions to Health and Social Care (2009).

Design Guidance Note 7 - Residential Conversions.

Core Strategy (Submission version) 2011

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development

Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

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

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

Relevant Core Strategy Policies:

CS4, CS5, CS9.

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

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

Relevant Development Management Policies:

DM01, DM06, DM14.

Relevant Planning History:

Site history for current landparcel :

79140 - 8 Cumbrian Gardens, London, NW2 1EF

Case Reference: **F/00671/12**

Application:	Planning	Number:	F/00671/12
Validated:	20/02/2012	Type:	APF
Status:	REG	Date:	
Summary:	DEL	Case Officer:	Elizabeth Thomas
Description:	Part two-storey, part single storey side extension extensions and conversion of existing garage into habitable room. First floor rear extension. Conversion of single dwelling house in to three self contained flats.		

Application:	Planning	Number:	F/03852/11
Validated:	14/09/2011	Type:	192
Status:	DEC	Date:	15/11/2011
Summary:	LW	Case Officer:	Elizabeth Thomas
Description:	New front porch. Single storey rear extension. Single storey outbuilding in the rear garden ancillary to the main house. Roof extension including hip to gable with rear dormer window to facilitate a loft conversion.		

Consultations and Views Expressed:

Neighbours Consulted: 56 Replies: 4
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Clutter the road with more cars.
- More noise.
- Drainage problems.
- Work has already been started without permission.
- Overlooking and loss of privacy.
- The appearance of the area would be ruined and the area is family orientated.
- Traffic and parking would be a great problem.
- Concerned builders are working at 7, drilling and banging. Not fair on neighbours in the area with small children.
- Object to another house being turned into flats. Many in the road already or single rooms lets.
- The effect on traffic flow, parking and access for the emergency services have already been in play last year when a fire engine could not gain access to our road.
- Mains pipe for all amenities was laid to accommodate small houses built especially for small families.
- Salubrious and beautiful Golders Green Estate is fast growing into a slum.
- Only a certain percentage of the original house/garden area is permitted to be built on.
- There is no overhead buildings allowed to ground floor extensions.
- Enlarged and improved properties have ruined pavements for others. The registered owners of these properties should be made to repair/make payment for the damage caused to public property caused by personal building works. When persons fall who pay the compensation.

Internal /Other Consultations:

Date of Site Notice: 01 March 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application property is a semi detached dwelling located in the Golders Green ward. The property falls in a predominately residential location and does not fall within a conservation area. A certificate of lawfulness has been issued for various extensions to the property including a new front porch. Single storey rear extension. Single storey outbuilding in the rear garden ancillary to the main house. Roof extension including hip to gable with rear dormer window to facilitate a loft conversion.

Proposal:

The proposal relates to a part two-storey, part single storey side extension extensions and conversion of existing garage into habitable room. First floor rear extension. Conversion of single dwelling house in to three self contained flats.

Planning Considerations:

Principle of self contained units

The principle of converting the premises into three self contained flats would not harm the residential character of the area and would not represent the over intensive use of the property. There are examples of conversion permissions in the Golders Green Estate as follows:

- 54 Cumbrian Gardens - 3 flats in 2007
- 34 Pennine Drive - 2 flats in 2010
- 77 Pennine Drive - 2 flats in 2009
- 71 Pennine Drive - 2 flats in 2011
- 57 Cleveland Gardens - 2 flats in 2011
- 10 Cleveland Gardens - 2 flats in 2011
- 145 Cheviot Gardens - 2 flats in 2011
- 5 Cheviot Gardens - 2 flats in 2007
- 80 Cheviot Gardens - 3 flats in 2009
- 76 Cotswold Gardens - 2 flats in 2011
- 56 Cotswold Gardens - 2 flats in 2009
- 124 Cotswold Gardens - 2 flats in 2007
- 44 Cotswold Gardens - 2 flats in 2011

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

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

Within Chapter 2 of the Core Strategy, which is a material consideration in the determination of this application, the Council state the following:

"The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of

established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flatted accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate."

The proposal is not considered to be out of character within its context and would not result in harm to the surrounding area.

Living conditions of future occupiers

The proposed units comply with the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan July 2011. The proposal is considered to provide adequate internal space for the future occupiers.

Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This will be enforced by condition.

Living conditions of neighbouring occupiers

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

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

The proposed extensions to the property are considered to be acceptable and appropriate. The extensions proposed will not result in an overdevelopment of the site and are considered to harmonise well with the existing property. There are other examples in the surrounding area where two storey side extensions have been implemented and therefore this element of the proposal is not considered to be harmful to the streetscene. By virtue of the bulk, design, size, height and siting of the proposed extensions it is not considered that there will be any loss of amenity to the neighbouring residential occupiers.

Other matters

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

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012. The proposal would be liable to pay the Mayoral CIL contributions.

The provision of 3 parking spaces meets the Council's maximum standards.

3. COMMENTS ON GROUNDS OF OBJECTIONS

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

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

Having taken all material considerations into account, the proposed development would be in keeping with the character and appearance of the surrounding area and in a design which is considered to be in keeping with neighbouring dwellings. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring properties or be out of context. Given its street context, the bulk and mass of the proposed development is considered acceptable. The application is recommended for **APPROVAL**.

SITE LOCATION PLAN: 8 Cumbrian Gardens, London, NW2 1EF

REFERENCE: F/00671/12



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LOCATION: 137 Hendon Way, London, NW2 2NA

REFERENCE: F/00728/12

Received: 22 February 2012

Accepted: 21 February 2012

Expiry: 17 April 2012

WARD(S): Golders Green

Final Revisions:

APPLICANT: Business Centrum limited

PROPOSAL: Conversion of property into 3 self-contained units and associate parking.

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site & Location Plan; Design & Access Statement; Plan No's: HW137-PP-04; HW137-PP-01-EX Rev A; HW137-PP-02-PR Rev A.

Reason:

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

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

Reason:

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

3 Before the development hereby permitted is occupied the proposed parking spaces within the parking area as shown in Drawing No. HW137-PP-02-PR Rev A submitted with the planning application shall be retained and the access to the parking spaces will be maintained at all time.

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

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

Reason: To protect the amenities of future and neighbouring residential occupiers.

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

Reason:

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

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

Reason: To protect the amenities of future and neighbouring residential occupiers.

7 Before occupation of the self contained units details of divisions of the rear garden shall be submitted to and approved in writing by the local planning

authority

Reason: To protect the amenities of future occupiers.

INFORMATIVE(S):

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

Adopted Barnet Unitary Development Plan (2006):

GBEnv1, GBEnv2, D1, D2, D3, D4, D5, CS2, CS8, CS13, IMP1, IMP2, GMon, GH1, H2, H16, H18, H23, H26, H27, M11, M13 and M14.

Core Strategy (Submission version) 2011:

CS5.

Development Management Policies (Submission version)2011:

DM01, DM02, DM08, DM17.

- ii) The proposal is acceptable for the following reason(s): -
The conversion of the property into three self contained flats is considered acceptable, in character with the surrounding area. The proposal would protect the character of this part of Golders Green. The proposal would provide acceptable standards of amenity for future occupiers and respect the amenity of existing neighbouring occupiers. The proposal is acceptable on highways grounds.
- 2 Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The Council of the London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from:

<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf>

or requested from the Street Naming and Numbering Team via email:

street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

- 3 The applicant is advised that the access to the property is from Transport for London Road Network (TLRN) therefore TfL should be consulted in case any amendments are required to the access.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework (2012):

The relevant sections of the National Planning Policy framework are as follows:

Paragraph 49 of the NPPF states that “Housing applications should be considered in the context of the presumption in favour of sustainable development”.

The government consider that “there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – ... by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation
- **a social role** – ... by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment ... ”

In paragraph 21, the government encourages the effective use of land by reusing land that has been previously developed (brownfield land).

Paragraph 56 states “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”.

It is considered that the application complies with the above sections of the NPPF.

The Mayor's London Plan: July 2011

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

Relevant Unitary Development Plan Policies:

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

Supplementary Planning Guidance:

Design Guidance Note No. 5 – Extensions to Houses.

Design Guidance Note No. 7 - Residential Conversions.

Supplementary Planning Document on Sustainable Design and Construction (June

2007).

Supplementary Planning Document on Contributions to Education (2008).

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

Supplementary Planning Document on Contributions to Health and Social Care (2009).

Core Strategy (Submission Version) 2011:

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

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

Policy: CS5.

Relevant Core Strategy Policies:

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

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

Relevant Development Management Policies:

DM01, DM02, DM08, DM17.

Relevant Planning History:

Site Address:	137 Hendon Way NW2
Application Number:	C00935
Application Type:	Full Application
Decision:	Approve with conditions
Decision Date:	26/05/1966
Appeal Decision:	No Appeal Decision Applies
Appeal Decision Date:	No Appeal Decision Date exists
Proposal:	Rear extension to lounge and garage. 22' x 9' x 10' high.
Case Officer:	

Site Address: 137 Hendon Way London NW2

Application Number: C00935A
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 30/08/1966
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Rear extension to lounge and garage.**
Case Officer:

Site Address: 137 Hendon Way, London, NW2 2NA
Application Number: F/03304/11
Application Type: Section 192
Decision: Lawful Development
Decision Date: 14/02/2012
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey side extension with obscure glazing to side elevation. Conversion of garage into habitable room. Wrap around rear/side dormer window to extend existing loft conversion. Proposed ancillary outbuilding in rear garden. Porch.**
Case Officer: Neetal Rajput

Consultations and Views Expressed:

Neighbours Consulted: 29 Replies: 5
Neighbours Wishing To Speak 3

One letter of support which - did not want to sign the petition. The application site will be a very attractive property at the end of the building works and can only see that it will be used for letting purposes which is what London is all about.

There was also a petition received which had 25 signatures against the proposal.

The objections raised may be summarised as follows:

- Appears that 12 bathrooms are being assembled in the remaining part of the garden, plus 16 associated toilets.
- Effect on water facilities, sewage and drainage in the area with the construction of flats.
- Construction of 16 flats and necessary vehicles on Hendon Way.
- Parking issues.
- Carelessness could cause an accident with the increase footprint of vehicles.
- A lot of foxes in the garden.
- Residents homes in the area are being converted into language schools.
- With building regulations the gardens are constantly vanishing and No. 137 has been built right upto the adjoining house.
- If nothing is done, the application will set a precedent for the area.
- Hendon Way is already congested and we do not need more one family moving into one house.
- If there is going to be 3 families living in No 137 Hendon Way, there may be up to 6 cars in that one address.
- This will increase the risks of accidents as car comes in and out of the drive as Hendon Way is already a very busy arterial dual carriageway. Moreover, house

- number 137 and 139 share exit and drive in, this will caused even more congestion around the area that could lead to increase risks of accidents.
- The scale and development is of 137 is impacting in the surrounding area because the width of the house is the only one that is different to the other houses along this stretch of Hendon Way. This is because the side extension is the full width of the garage from the back of the house right up to the front door.
 - The drive of 137 is already shortened because of the width extension of the house. This will cause more congestion which will extend to our side of the drive. This in turn will cause hustle which will lead to arguments amongst the neighbours.
 - Houses along Hendon Way are all "one family" home. Increase families will lead to increase noise and disturbance to the existing noisy Hendon Way.
 - This extension has also caused loss of light to us. This will have great impact on our health as we both suffer from "Seasonal Affective Disorder".
 - This development is super imposing. It is overlooking into our garden and our privacy to enjoy our garden will be greatly affected.
 - Given information that internal alteration has already started to make the 3 units into 12 units!
 - The garden at the back has also been dug up and by the looks on the way it have been done, it seems that there is going to be at least 3 separate units that will be built. This will affect our privacy even more.
 - There may be as many as 30 people living in what is suppose to be a "one family home". This can cause increase crime to the area and is totally unacceptable.
 - Devious new owner with submitting plans for 'Lawful Development' – conversion is now 75% completed.
 - The latest building is converting the three self contained units into 12 separate units in the house with another 4 self contained units in the garden.
 - Increase of 30 people – noise and disturbance, anti social and inappropriate behaviour – common problem in houses which has multi-occupancy.
 - Multi-occupancy – increase in flooding and risks of fire. Is there Health and Safety rules in place.
 - Plan for 3 parking spaces is tight – public lamp post and entrance to the parking is getting narrow.
 - Immediate neighbour does not want to use their car for three cars in and out.
 - Scale and appearance of the outbuilding which uses three quarters of the garden should not be allowed even if it is for storage - will have 4 self contained units. Impact of neighbouring properties will be disastrous as there will be strangers walking about in the garden, overlooking the neighbours.
 - Privacy of the gardens will be lost.
 - By now we have had the time to read the information as it is provided in the booklet "Communities and Local Government - Permitted Development for Householders - Technical guidance. Pages 25 & 26. THE BUILDING IS AN UNLAWFUL DEVELOPMENT.
 - For over 80 plus years all the houses on Hendon way were and still are mostly one family Houses.
 - The extension has already caused loss of light to immediate neighbours.
 - By now that the works have been done for the extension of the building have

- made it to look so bulky and big and ugly.
- Passage from the main house to the garden flats is attached to neighbours fence – noise.
 - Illegal extensions.
 - An extractor hole which is for toilet ventilation – one foot away from children's room – how is this possible to be permitted.

Internal /Other Consultations:

- Traffic and Development (F&GG):

The proposal is for the conversion of an existing 4 bedroom house comprising of 1 x 1 bedroom unit and a 2 x 2 bedroom residential units. 3 existing parking spaces in the frontage of the property are being retained.

The access to the converted properties is via the existing access of Hendon Way.

The parking provision therefore meets the Parking Standards set out in the UDP 2006.

The applicant is advised that any amendments to the access would require approval from Transport for London as Hendon Way is part of Transport for London Road Network (TLRN) therefore TfL should be consulted.

Recommendation:

In principle the above proposal is acceptable on highways grounds subject to the comments above and the following condition and informative.

Date of Site Notice: 01 March 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a residential semi-detached property on Hendon Way. The site falls within the Golders Green ward and is outside any of the Borough's Conservation Areas. Hendon Way is part of a residential street where a number of properties have had alterations and there are a number of converted properties.

Proposal:

The application is for the conversion of the property into three self contained units and associated parking. **No extensions are proposed. All the works are internal**

Originally an outbuilding in the rear garden was shown on the proposed plans, the agent has confirmed that this is being demolished.

Planning Considerations:

It is not considered that the principle of converting the premises into three self contained flats would harm the residential character of the area. The application which provides additional residential accommodation accords with Council policy. Policy GH1 of the Adopted UDP (2006) as well as the SPD on Sustainable Design and Construction (2007) indicates that the Council will seek the provision of additional homes through the redevelopment of existing sites. There have been previous approvals along Hendon Way for the conversion of properties into three self contained flats, this includes No. 219 Hendon Way (F/03873/10 – 23/11/10) and No. 115 Hendon Way (C/00809/B/02 – 11/12/02) which were both granted consent for three flats. There are also existing conversions at 106, 108, 120, 138, 130, 135, 144, 145, 146, 156 and 162 Hendon Way

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

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

In respect to the outdoor amenity space, there is access to the rear garden which is for private amenity space for all three flats which provides sufficient amenity space to comply with policy H18.

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

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

3. COMMENTS ON GROUNDS OF OBJECTIONS

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

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

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

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

SITE LOCATION PLAN: 137 Hendon Way, London, NW2 2NA

REFERENCE: F/00728/12



LOCATION: 40 Wessex Gardens, London, NW11 9RR

REFERENCE: F/00705/12

Received: 21 February 2012

AGENDA ITEM 7j

Accepted: 22 February 2012

WARD(S): Golders Green
Childs Hill

Expiry: 18 April 2012

Final Revisions:

APPLICANT: Mr Dixit

PROPOSAL: Conversion to property into 2no self-contained residential units following part single part two storey rear extension. Formation of new entrance at side elevation for ground floor unit. Extension of existing loft space including insertion of 2no rear rooflights. Associated landscape alterations, new rear decking, formation of 1no additional parking space, associated amenities and new access steps at front elevation.

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site and Location Plan; Design & Access Statement; Plan No's: C128-00 Rev A; C128-01 Rev A; C128-02 Rev A; C128-03 Rev A; C128-05 Rev A; C128-06 Rev A; C128-07 Rev A; C128-09 Rev A.

Reason:

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

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

Reason:

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

3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason:

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

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

Reason:

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

5 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.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed in the flank elevations of the

extension hereby approved facing the neighbouring properties.

Reason: To safeguard the privacy and amenities of the occupiers of the adjoining properties.

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

Reason: To protect the amenities of future and neighbouring residential occupiers.

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

Reason:

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

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

Reason:

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

- 10 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason:

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

- 11 Before the building hereby permitted is occupied the proposed window(s) in the side elevation at first floor facing Wessex Gardens Primary School shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

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

- 12 The division of the garden shall be implemented and retained as per the hereby approved drawings.

Reason: To safeguard amenities of the future occupiers.

INFORMATIVE(S):

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

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

Barnet Unitary Development Plan (2006).
In particular the following polices are relevant:

Adopted Barnet Unitary Development Plan (2006):

GBEnv1, GBEnv2, D1, D2, D3, D4, D5, CS2, CS8, CS13, IMP1, IMP2, GMon, GH1, H2, H16, H18, H23, H26, H27, M11, M13 and M14.

Core Strategy (Submission version) 2011:
CS5.

Development Management Policies (Submission version)2011:

DM01, DM02, DM08, DM17.

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

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

- 2 Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The Council of the London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from:

<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf>

or requested from the Street Naming and Numbering Team via email:

street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

- 3 The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £1921.50.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your

development 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 will be sent a 'Liability Notice' that will provide 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, this is also available from the Planning Portal website.

The Community Infrastructure Levy 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 statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk

1. MATERIAL CONSIDERATIONS

National Planning Policy:

The relevant sections of the National Planning Policy framework are as follows:

Paragraph 49 of the NPPF states that “Housing applications should be considered in the context of the presumption in favour of sustainable development”.

The government consider that “there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – ... by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation
- **a social role** – ... by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment ... ”

In paragraph 21, the government encourages the effective use of land by reusing land that has been previously developed (brownfield land).

Paragraph 56 states “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”.

It is considered that the application complies with the above sections of the NPPF.

The Mayor's London Plan: July 2011

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

Relevant Unitary Development Plan Policies:

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

Supplementary Planning Guidance:

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

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

Supplementary Planning Document on Contributions to Education (2008).

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

Supplementary Planning Document on Contributions to Health and Social Care (2009).

Core Strategy (Submission Version) 2011:

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

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

Policy: CS5.

Relevant Core Strategy Policies:

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

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

Relevant Development Management Policies:

DM01, DM02, DM08, DM17.

Relevant Planning History:

None relevant.

Consultations and Views Expressed:

Neighbours Consulted:	30	Replies:	3
Neighbours Wishing To Speak	2		

The objections raised may be summarised as follows:

1. Increased Property Usage: The conversion of the property from the current 3 bedroom house in to two separate apartments, housing 5/6 bedrooms in total, will radically increase the usage of the property. There will be an increase in noise, traffic and footfall, making a single residential home a busy block of flats. This will increase noise, traffic and parking inconvenience for all residents of Wessex Gardens.

2. Lack of Street Parking: The increased usage will have a knock-on impact upon the local amenities including parking. There are currently only a limited number of residents parking bays available on the street. Planned alterations to the buildings usage will undoubtedly make a limited resource (parking bays) more scarce. Although two parking bays have been designated for the drive way on the property, it is likely that each household (there will now be two, where there was only one) will have more than just one vehicle. Additionally, each household will attract its own visitors who will drive to the property and require parking for their cars.

3. Boundary Wall Proximity and Light Loss: The currently planned ground floor extension is being made up against our fence / boundary wall and is several feet above the fence. Our own glass conservatory is over a meter away from the boundary wall and will now sit in the shadow of the planned ground floor extension as well as being shaded upon by the planned partial first floor extension. Overall, these two alterations to number 40 will drastically reduce our enjoyment of our property, reducing the light that will enter both. The planned extension will cut off our exposure to the sun for a significant period of the day.

4. Appearance of the Extension (Rear): The first floor planned extension is not in keeping with the original rear profile of the house. The new planned profiling will not fit with the existing rear aspect of the house, reducing the aesthetic appeal of our home. The scale of combined extension (first and ground floors) is disproportionate to the size of the original building.

5. Loss of Privacy: The first floor planned extension will more significantly overlook

our garden but crucially now be able to look into our conservatory from above; something not previously possible. This will result in a large loss of privacy for neighbours.

6. Increased Noise and Disturbance in Garden: The separation of the garden into two separate spaces will increase their usage, leading to increased noise and disturbance in neighbour's garden.

7. Appearance of the Extension (Front): The planned changes to the frontage of the property is not in keeping with the current appearance of the frontage of the property. The enclosure of a large space at the front of the property and enclosure into the house proper, will lead to the unsightly appearance of the front of the property, reducing the appeal of our shared frontage.

Date of Site Notice: 01 March 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a residential end semi-detached property on Wessex Gardens and adjacent to the application site is Wessex Gardens Primary School. The application site has been neglected for a number of years and is in a state of considerable disrepair. The site falls within the Childs Hill ward and is outside any of the Borough's Conservation Areas. Wessex Gardens is part of a residential street where a number of properties have had alterations and there are a number of converted properties. 51 Wessex Gardens was also granted planning permission (F/01157/10) for *demolition of existing house and erection of a two storey building to provide 4 self-contained flats with associated car parking, refuse and cycle stores* in May 2010.

Proposal:

The application consists of the following elements:

- Conversion to property into 2no self-contained residential units following part single part two storey rear extension.
- Formation of new entrance at side elevation for ground floor unit.
- Extension of existing loft space including insertion of 2no rear rooflights.
- Associated landscape alterations, new rear decking, formation of 1no additional parking space, associated amenities and new access steps at front elevation.

Planning Considerations:

Conversion:

It is not considered that the principle of converting the premises into two self contained flats would harm the residential character of the area. The application which provides additional residential accommodation accords with Council policy. Policy GH1 of the Adopted UDP (2006) as well as the SPD on Sustainable Design

and Construction (2007) indicates that the Council will seek the provision of additional homes through the redevelopment of existing sites. It is recognised that there are only two examples of conversion on the road – No. 28 Wessex Gardens into three self contained flats (F/00873/11, Dated 12.04.11) and No. 51 Wessex Gardens (F/01157/10) has been also granted planning permission for the construction of four self contained flats. However, on balance taking into account that the application site is currently in disrepair, this proposal would bring back the property back into use.

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

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

In respect to the outdoor amenity space, there is access to the rear garden which is for private amenity space for both flats which provides sufficient amenity space to comply with policy H18.

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

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

Extensions:

The proposed first floor rear extension would accord with Council policies that seek to maintain the character of areas and individual properties. The design, size and bulk of the extension is such that it would not have a detrimental impact on the appearance of the property, street scene and general area.

The proposed first floor rear extension is considered to be of a satisfactory distance (3.2 metres) away from No. 38 Wessex Gardens. This element is not considered to be unduly detrimental to neighbouring residential amenities. There are no habitable room windows proposed for the first floor side elevations facing No. 38 Wessex Gardens to facilitate overlooking.

Council's policies and guidelines in respect of extensions to residential properties seek to ensure that they respect the scale, character and design of any building on which they are to be placed and are compatible with the character of the locality. The rear rooflights match that of No. 38 Wessex Gardens and thus are in character with the immediate neighbouring property.

The proposed single storey rear extension would also comply with Council policies that seek to preserve the amenities of neighbouring occupiers. The design, size and rearward projection of the proposed extension are such that it would not have an adverse impact on the residential and visual amenities of the neighbouring occupiers. The depth of the single storey rear extension is in line with the conservatory at the immediate neighbouring property No. 38 Wessex Gardens and thus will not cause a detrimental harm to the amenities of neighbouring occupiers.

Due to the level change at the application, the proposed single storey rear extension will be lower than the existing conservatory at No. 38 Wessex Gardens and thus the proposed rear decking is considered to be acceptable at the application site.

The refuse storage has been shown on the floor plans and will be situated at the front. This is considered to be acceptable in light of the level drop at the application site.

The new entrance at side elevation for ground floor unit and new access steps at front elevation are in keeping with the character and appearance of the property, street scene and wider area and not considered to cause a detrimental harm to the appearance of the application site.

In regard to Wessex Gardens Primary School, the proposed windows in the side elevation at first floor have been conditioned to be obscure glass and thus this prevents any issues of overlooking into the school grounds.

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

3. COMMENTS ON GROUNDS OF OBJECTIONS

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

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

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

SITE LOCATION PLAN: 40 Wessex Gardens, London, NW11 9RR

REFERENCE: F/00705/12



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LOCATION: 1025 Finchley Road, London, NW11 7ES

REFERENCE: F/04608/11

Received: 12 November 2011

Accepted: 02 December 2011

Expiry: 27 January 2012

WARD(S): Garden Suburb

Final Revisions:

APPLICANT: Safeland PLC

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

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan; 4240 01; 4240 02; 4240 03 RevA.

Reason:

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

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

Reason:

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

3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s) unless otherwise agreed in writing by the local planning authority.

Reason:

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

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

Reason:

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

5 The premises shall be used for an office as shown on the hereby approved plans and no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

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

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

Reason:

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

7 The roof of the extension hereby permitted shall only be used in connection

with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area, without the benefit of the grant of further specific permission in writing from the Local Planning Authority.

Reason:

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

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

Reason:

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

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

Reason:

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

INFORMATIVE(S):

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

Adopted Barnet Unitary Development Plan (2006):

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

Core Strategy (Submission version) 2011:

CS5

Development Management Policies (Submission version)2011:

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

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

Overall, it is considered that the proposed use of the site would comply with policies and be appropriate for this predominantly commercial area. As

conditioned, the use would not impact detrimentally on the amenity of neighbouring residents, businesses or future occupiers of the unit. The proposed building would enhance the character of this part of the Golders Green area and the amenity of neighbouring residents or businesses.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework (2012)

The Mayor's London Plan: July 2011:

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

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

Relevant Unitary Development Plan Policies:

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

Core Strategy (Submission version) 2011

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

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

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

Relevant Core Strategy Policies:

CS5

The Development Management Policies document provides the borough wide

planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

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

Relevant Development Management Policies:

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

Equality Duties and the Equality Act 2010

Relevant Planning History:

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

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

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

[C08592C/04](#) 1019A Finchley Road London NW117ES Everclear Investments Ltd 10/02/2004 First floor rear extension. Conditional Approval 14/06/2004

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

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

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

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

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

Consultations and Views Expressed:

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

The objections raised may be summarised as follows:

- Such development would exacerbate the already over-crowded and over-used:
- refuse disposal.
- parking- because the road is de-controlled, many people not residents leave their vehicles for weeks. Residents have great difficulty parking. Further accommodation be it residential or commercial, will exacerbate the situation. This is a council maintained road and not a service/access road.
- sewage output from the buildings- 6 or 7 calls to the council and water companies.
- Design and Access Statement- the yard provides access to the rear of the ground floor commercial unit, with a separate door
- Loss of amenity- loss of outlook, would make entrance way extremely closed and dark.

Internal /Other Consultations:

- Traffic & Development - No objections.

Date of Site Notice: 08 December 2011

The application was deferred from the March 2012 West Area Planning Sub-Committee to clarify the legal situation relating to land ownership and to consider the Council's duty to have due regard to the needs of the disabled speaker whose parking space encompasses the application site. The report has been updated accordingly.

It should be noted that land ownership issues are not material planning considerations.

2. PLANNING APPRAISAL

Site Description and Surroundings:

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

Proposal:

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

Planning Considerations:

The main material considerations are as follows:

- Principles of development
- Impact on character and amenity
- Highways issues
- Equality Duties and the Equality Act 2010

Principles of development

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

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

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

The proposed office use is considered to be acceptable.

Impact on character and amenity

Policies D1, D2, D3 and D4 of the Adopted UDP (2006) advocate that the design and layout of proposals should be of a high standard which complements the character of the existing development in the vicinity of the site and maintains a harmonious street scene. The proposed building would align with neighbouring development on the mews. The proposed front and rear building lines are considered acceptable. The proposed footprint would not impact detrimentally on the residential amenity of neighbouring occupiers both of which have benefitted from single storey rear additions to the site. The proportions of the building relative to the neighbouring properties would work well and do not appear to have an overbearing appearance.

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

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

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

area which are in use as residential but do not provide amenity space provision. Refuse storage has been incorporated into the design

Highways issues:

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

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

Considering that:

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

The [objector] can use the existing disabled bays on street as they are not designated to any specific person or a property. The [objector] can also apply to Parking Team for a disabled bay if he/she holds a valid disabled badge and meets the required criteria. He can obtain further information from Parking Team.

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

Equality Duties and the Equality Act 2010

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.

The proposals would result in the loss of a parking area used by the objector who is a blue badge permit holder. Evidence (in the form of a blue badge) has been submitted and it is considered that the objector falls within a protected group as defined by the Act which include age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

It is considered that the objector would be affected by the decision to grant permission for the development because the distance and availability of parking would be affected by the proposed building.

Section 149 of the Act states that 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.

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.

The Council is required to give consideration to the mitigation of the impact. It is important to consider the parking alternatives that would be available to the objector. The objector is eligible for a parking permit to park in the surrounding CPZ. In addition, there are currently 2 disabled bays in the vicinity of the site that can be used by any blue badge holders. They are located in front of 1025 Finchley Road (65 metres walk) and at the entrance of Portsdown Avenue (55 metres walk).

The objector can apply for a disabled bay to be installed on Portsdown Mews immediately outside the site.

In making this recommendation in respect of the planning application, officers have given weight to the impact that the proposals would have on the objector and highlighted alternatives for parking. It is not considered that the impact on the objector and degree of inconvenience of the alternative parking solutions would be significant enough to warrant refusing the application on this ground and that the any harm is considered to be outweighed by other material considerations.

In conclusion, officers consider that the proposals would have an impact but this will not be as significant as the objector fear in view of the available parking alternative.

3. COMMENTS ON GROUNDS OF OBJECTIONS

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

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

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

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

residents or businesses. The proposals are acceptable on highways grounds. **APPROVAL** is recommended.

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

REFERENCE: F/04608/11



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LOCATION: 1 Romney Close, London, NW11 7JD

REFERENCE: F/00098/12

Received: 09 January 2012

AGENDA ITEM 71

Accepted: 09 January 2012

WARD(S): Garden Suburb

Expiry: 05 March 2012

Final Revisions:

APPLICANT: Mr C & Mrs N Weber

PROPOSAL: Conversion of garage into habitable room, including bay extension at the rear and new link from garage to existing house, and the installation of a new garage door.

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan - 06/601/Loc01; Plan No's: 06/601/Sur01; 06/601/Sur02; 06/601/Sur03; 06/601/Sur04; 06/601/P10C; 06/601/P11C; 06/601/P12C; 06/601/P13E; 06/601/P14C; 06/601/P19B.

Reason:

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

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

Reason:

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

3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason:

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

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

Reason:

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

INFORMATIVE(S):

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D5, HC1, HC5, HC15.

Local Development Framework:

Core Strategy Policies (Submission version) 2011 – CS1, CS5, CS7.

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

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

Having taken all material considerations into account, the proposal would not detrimentally impact on the qualities of the building and protect the character of

this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, they would preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area, and area of special character.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework 2012:

The determination of planning applications is made mindful of Central Government advice and the Development Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The basic question is whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

'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 sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

The Mayor's London Plan July 2011:

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

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

Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet Unitary Development Plan. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991. On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP. The Direction and accompanying schedule and a letter from the Government Office for London.

One overall theme that runs through the plan is 'sustainable development'. Policy

GSD states that the Council will seek to ensure that development and growth within the borough is sustainable.

Relevant policies to this case: GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D5, HC1, HC5, HC15.

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

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

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

Core Strategy (Submission version) 2011:

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

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

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in

the determination of planning applications.

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

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

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

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

Relevant Planning History:

Site Address: 1 Romney Close London NW117JD
Application Number: C08959D/07
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 09/03/2007
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension. Alterations to rear terrace.**
Case Officer: Fabien Gaudin

Site Address: 1 Romney Close London NW117JD
Application Number: C08959F/07
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 30/08/2007
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension. Alterations to rear terrace. (Amendment to planning permission C08959D/07 dated 09.03.07.)**
Case Officer: Fabien Gaudin

Site Address: 1 Romney Close London NW117JD
Application Number: C08959E/07
Application Type: Full Application
Decision: Refuse
Decision Date: 16/05/2007
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension. Altered rear terrace. Single storey side extension linking house to garage with new rear door.**
Case Officer: Fabien Gaudin

Consultations and Views Expressed:

Neighbours Consulted:	6	Replies:	2
Neighbours Wishing To Speak	0		

The objections raised may be summarised as follows:

- No objection with the concept of the alteration, however think the proposed plan is ugly and very much out of character with the design and philosophy of the area. The proposed alteration from the front elevation especially looks out of proportion and peculiar;
1. Concerned about the store to the rear of the garage;
 2. Loss of hedges and front garden area.

Internal /Other Consultations:

Hampstead Garden Suburb, Conservation Area Advisory Committee
Object to the proposal.

It should be noted that the objections were made before substantial amendments to the application were received.

Date of Site Notice: 12 January 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a large detached dwellinghouse designated as a locally listed building located on Romney Close within the Hampstead Garden Suburb Conservation Area which is identified in the Unitary Development Plan as an area of special character. The site is located within the part of the Conservation Area that has an Article 4 Direction.

Proposal:

The proposal relates to the conversion of garage into habitable room, including bay extension at the rear and new link from garage to existing house, and the installation of a new garage door. The application has been substantially amended since first being received.

Planning Considerations:

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

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

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its

inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an “Area of Special Character of Metropolitan Importance”. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a ‘who’s who’ of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 – 1939.

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

The Conservation Area Advisory Committee for Hampstead Garden Suburb at the meeting on 18 April 2012 comments are noted above.

Council’s policies and guidelines in respect of alterations to residential properties seek to ensure that they respect the scale, character and design of any building on which they are to be placed and are compatible with the character of the locality. Alterations will not be permitted if they do not have regard to the amenities enjoyed by neighbours.

It is considered the proposals as amended from that original submission would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. As conditioned, they would preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area and area of special character.

It is considered that the proposed use of the extension is acceptable. A condition will be attached to this recommendation to ensure that at all times will be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit.

The proposals would not impact detrimentally on trees of special amenity value.

3. COMMENTS ON GROUNDS OF OBJECTIONS

These points have been addressed following amendments received.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

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

APPROVAL is recommended.

SITE LOCATION PLAN: 1 Romney Close, London, NW11 7JD

REFERENCE: F/00098/12



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LOCATION: 18 Bigwood Road, London, NW11 7BD

REFERENCE: F/00667/12

Received: 21 February 2012

Accepted: 21 February 2012

Expiry: 17 April 2012

WARD(S): Garden Suburb

Final Revisions:

APPLICANT: Dr David and Mrs Helen Stone

PROPOSAL: Two storey rear extension with a ground floor bay window. Addition of a conservation rooflight in the rear roofslope. Relocate existing French door and dormer window to the extended side elevation. Replace existing shed in the rear garden. Alterations to the front driveway including re-paving and works to hedges. Associated Internal and external alterations.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 11/756/Loc01, 11/756/Sur01, 11/756/Sur02, 11/756/Sur03, 11/756/Sur07, 11/756/Sur08, 11/756/Sur09, 11/756/Sur10, 11/756/P01, 11/756/P02, 11/756/P03, 11/756/P04, 11/756/P05, 11/756/P06, 11/756/P07, The Apex Shed details and Design and Access Statement.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 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 the surrounding area.
- 4 The shed hereby permitted shall be dark stained to the satisfaction of the Local Planning Authority.
Reason:
To safeguard the character and appearance of the Conservation Area.
- 5 Notwithstanding the details shown on the hereby approved drawings, the rooflight(s) hereby approved shall be of a "conservation" type (with central, vertical glazing bar), set flush in the roof.
Reason:
To safeguard the character and appearance of the Conservation Area.
- 6 The hereby approved windows shall match the original windows in material and style and be single glazed.
Reason:
To protect the character of the house and the Hampstead Garden Suburb Conservation Area.
- 7 Before the building hereby permitted is occupied the proposed window(s) in the side elevations shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.
Reason:
To safeguard the privacy and amenities of occupiers of adjoining residential

properties.

INFORMATIVE(S):

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, GBEnv4, D1, D2, D4, D5, HC1, HC5 and H27.

Core Strategy (Submission version) 2011:

Relevant policies: CS5

Development Management Policies (Submission version)2011:

Relevant Policies: DM01, DM02, DM06

ii) The proposal is acceptable for the following reason(s): - Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would comply with the Council's policies and guidelines and would not cause unacceptable harm to the conservation area, the existing building or the amenities of any neighbouring property.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework 2012

Relevant Unitary Development Plan Policies: GBEnv1, GBEnv2, GBEnv4, D1, D2, D4, D5, HC1, HC5, HC15, H27.

Core Strategy (Submission version) 2011

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

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

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. The National Planning Policy Framework (NPPF) (para 216) sets

out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS5

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

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02, DM06

Site Address: 18 Bigwood Road LONDON NW11
Application Number: C09571
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 13/08/1987
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Alterations to rear and side elevations

Consultations and Views Expressed:

Neighbours Consulted: 8 Replies: 3
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

1. A second dormer will be out of keeping with the house.
- The two storey rear extension would:
 - cut off views
 - reduce light
 - out of proportion with the property
 - impact on the watertable
 - impact on foundations of neighbouring properties
 - interrupt wildlife
- Previous similar extensions lots of building works in the immediate area.
- Noise and disturbance of building works.
- The shed is too high.
- The adjacent property has put up sheds without permission.
- If the hedge is reduced, the shed will be visible.
- There has never been a shed in the garden.
- It is not clear what is happening in the loft.

Internal /Other Consultations:

- Urban Design & Heritage - No comments

The HGS CAAC have objection to the application on the grounds that volume added is too great and will impact on the character of the house and the group of houses. They have also stated that a site visit would be necessary to properly assess the application.

Date of Site Notice: 01 March 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a single family detached dwelling house located in a residential area of the HGS Conservation Area.

Proposal:

The application seeks consent for a two storey rear extension with a ground floor bay window, addition of a conservation rooflight in the rear roofslope, to relocate the existing French door and dormer window to the extended side elevation, to replace the existing shed in the rear garden, alterations to the front driveway including re-paving and works to hedges and associated Internal and external alterations.

Planning Considerations:

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

The two storey rear extension is the most significant part of the scheme. It is acknowledged that this is larger than would normally be permitted in the conservation area. However, given the distance to neighbouring properties, and the fact that the house is not part of any group, it is not considered to be unacceptable on this occasion. The property is locally listed, but it is considered that the extensions to respect its distinct character and appearance. The extension have been designed to fully respect the design of the existing house and as such there is not considered to be an issue.

The ground floor bay window is larger than bays the council would normally permit, given the width of the elevation it is considered to be acceptable. it is considered that it compliments the existing property and would improve the appearance of the rear elevation.

The side dormer replaces an existing dormer on the same elevation and will be place more centrally to the extended property. This part of the application is welcomed and will improve the appearance of the extended property. The dormer is the same size as the existing dormer. There are no objections to the rooflight either.

There are also no objections to the relocation of the shed, French doors, the replacement of the existing shed in the rear garden and alterations to the front driveway as these are considered to respect the character and appearance of the

original property.

The proposed alterations do not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The design, size and siting of the alterations is such that they preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the property, street scene, conservation area and area of special character.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The grounds of objection and CAAC comments are considered to have been taken into consideration in the main report.

4. EQUALITIES AND DIVERSITY ISSUES

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

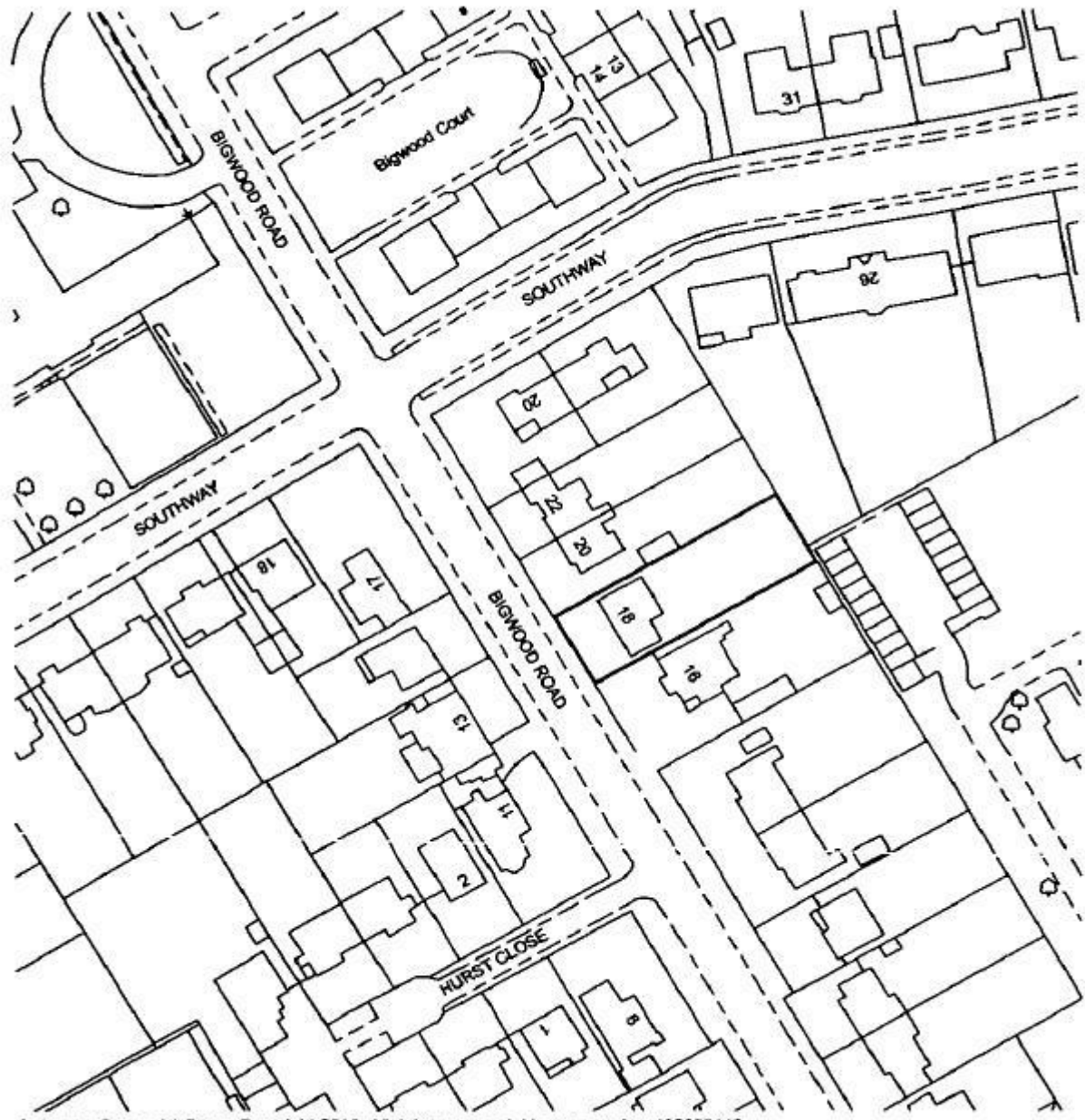
5. CONCLUSION

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would comply with the Council's policies and guidelines and would not cause unacceptable harm to the conservation area, the existing building or the amenities of any neighbouring property.

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

SITE LOCATION PLAN: 18 Bigwood Road, London, NW11 7BD

REFERENCE: F/00667/12



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LOCATION: 4 Winnington Close, London, N2 0UA

REFERENCE: F/00839/12

Received: 01 March 2012

Accepted: 01 March 2012

Expiry: 26 April 2012

WARD(S): Garden Suburb

Final Revisions:

APPLICANT: Mrs E Basrawy

PROPOSAL: Demolition of existing property and erection of a two storey detached house with rooms in the roofspace and basement.

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and access statement, Drawings 01a, 02e, 03d, 04e, 05d, 06c, 07d, 08c, 09f, 10e, 11d, 18b, ex01, ex02, ex03, ex04, ex05.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

To safeguard the visual amenities of the locality.

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

Reason:

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

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

Reason:

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

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

Reason:

To ensure a satisfactory appearance to the development.

- 8 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.

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

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

- 11 No siteworks or works on this development shall be commenced before a method statement detailing precautions to minimise damage to the Eucalyptus tree in accordance with Section 7 of British Standard BS5837: 2005 *Trees in relation to construction - Recommendations* is submitted to and approved in writing by the LPA and the development shall be carried out in accordance with such approval.

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 15 Before development hereby permitted is occupied, underground parking spaces as per approved drawing shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 16 Before the permitted development commences details of the refuse collection arrangements shall be submitted to and agreed by the Local Planning Authority.

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

- 17 A Construction Management Plan must be submitted to and approved by the Local Planning Authority.

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

INFORMATIVE(S):

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

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

In particular the following policies are relevant:

National Planning Policy:

National Planning Policy Framework

London Plan (2011):

3.4, 3.5A, 3.5B, 7.4A

Adopted Barnet Unitary Development Plan (2006):

GSD, GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D4, D5, D6, D11, D12, D13, HC1, HC5, M8, M11, M13, M14.

Local Development Framework:

Core Strategy Policies (Submission version) 2011 – CS4, CS5.

Development Management Policies (Submission version) 2011 – DM01, DM02, DM04, DM06, DM15, DM16, DM17.

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

Having taken all material considerations into account, the proposed dwellinghouse is considered to be a suitable replacement for the existing house and the existing house is not considered to be of such great architectural merits as to ensure its retention. The proposed replacement house meets the requirements of the UDP and would be in keeping with Council Policies and Design Guidance that seek to preserve the amenities of neighbouring occupiers. The house would not be overbearing or cause unacceptable overshadowing, loss of light, privacy or outlook. The size and design of the house complies with Council Policies and Design Guidance that seek to preserve the character of areas and individual properties as well as Policies which seek to preserve and enhance the character and appearance of the Borough's conservation areas.

2 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.

3 The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £23,767.10.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development 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 will be sent a 'Liability Notice' that will provide 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, this is also available from the Planning Portal website.

The Community Infrastructure Levy 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 statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk

4 Highways informatives:

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

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, 2 nd Floor, Oakleigh Road South, London N11 1NP

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team as part of the crossover application. The outcome of this assessment cannot be prejudged.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework 2012:

The determination of planning applications is made mindful of Central Government advice and the Development Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The basic question is whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

'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 sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

The Mayor's London Plan July 2011:

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

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

Policy 3.4 of the London Plan states that development should optimise housing output for different types of location taking into account local context and character, the design principles set out in Chapter 7 of the London Plan and public transport capacity.

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

Policy 3.5B indicates that the design of all new housing developments should enhance the quality of local places taking into account, amongst other things, physical context, local character and density. Table 3.3 sets out minimum space standards for new dwellings.

Policy 7.4A states that, development should have regard to the form, function, and structure of an area, place or street, and the scale, mass and orientation of surrounding buildings. The policy goes on to say at 7.4B that buildings should provide a high quality design response that, amongst other things, is informed by the surrounding historic environment.

The Mayor for London has introduced a Community Infrastructure Levy. This applied from 1 April 2012 to most developments in London where the application is determined by the Local Planning Authority.

Within Barnet the levy will be charged at a rate of £35 per square metre of net additional floorspace.

Relevant Unitary Development Plan Policies:

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

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

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

Relevant policies: GSD, GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D4, D5, D6, D11, D12, D13, HC1, HC5, M8, M11, M13, M14.

In June 2005 the Council published its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the Borough. The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities. The second strand of the approach, "Enhancement", provides strong

planning policy protection for preserving the character and openness of lower density suburbs and conservation areas. The Three Strands Approach will form the “spatial vision” that will underpin the Local Development Framework.

The Council has also adopted (June 2007), following public consultation, an SPD “Sustainable Design and Construction”. The SPD provides detailed guidance that supplements policies in the UDP, and sets out how sustainable development will be delivered in Barnet.

HGS Character Appraisal

HGS Design Guidance

Core Strategy (Submission version) 2011:

Barnet’s emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

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

Barnet’s Local Plan is at an advanced stage following submission in August / September 2011. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy policies to this case: CS4, CS5.

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

Barnet’s Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management policies to this case: DM01, DM02, DM04, DM06, DM15, DM16, DM17.

Relevant Planning History:

Site Address:	4 Winnington Close, London, N2 0UA
Application Number:	F/00107/09
Application Type:	Full Application
Decision:	Approve with conditions

Decision Date: 02/04/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing property and erection of a two storey detached house with rooms in the roofspace and basement.**

Case Officer: Fabien Gaudin

Site Address: 4 Winnington Close, London, N2 0UA
Application Number: F/00108/09
Application Type: Conservation Area Consent
Decision: Approve with conditions
Decision Date: 02/04/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing property.**
Case Officer: Fabien Gaudin

Site Address: 4 Winnington Close, London, N2 0UA
Application Number: F/00899/12
Application Type: Conservation Area Consent
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing property. (CONSERVATION AREA CONSENT)**
Case Officer: Junior C. Moka

Consultations and Views Expressed:

Neighbours Consulted:	33	Replies: 5
Neighbours Wishing To Speak	1	

4 objections and 1 letter of support have been received.

The 4 objections raised may be summarised as follows:

- proposed building out of scale
- overdevelopment
- possible impact on water board strip
- impact of building works
- impact on water table
- loss of light

Internal /Other Consultations:

HGS CAAC - No objection
Conservation and Design: No objection

Date of Site Notice: 15 March 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located on the northern side of Winnington Close, a cul-de-sac situated off Winnington Road within Area 15 of the Hampstead Garden Suburb Conservation Area. The existing property on site is a detached two storey brick built single family dwelling with rooms in the roofspace. The Conservation Area Character Appraisal notes "*Winnington Close runs off the western side of the road and contains 1950s, 1960s and more modern houses which add little of architectural note. There are some overdone and unsympathetic added features which detract from the character of the road at this point. For example, modern doors and porches on Neo-Georgian houses, over elaborate doors, too many decorative features out of scale with front elevations. Some of these features are currently being changed by owners*".

It is a focal point of the street. This part of the Hampstead Garden Suburb Conservation Area is one of the later parts to be developed and the application site and surrounding building were originally built in the 1960s. Houses at 1, 3, 5 and 7 are new and were built in the last few years.

This application follows an approval for demolition and rebuild at the application site for similar scheme under application reference F/00107/09 dated April 2009. Therefore the principle of demolishing the existing dwelling on site has already been deemed acceptable.

Proposal:

The application seeks planning permission for demolition of the existing property and erection of a two storey detached house with rooms in the roofspace and basement. The applicant has also applied for conservation area consent for the demolition of the existing two-storey dwelling

This application follows the previously consented scheme, F/00107/09.

Planning Considerations:

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

Main changes since the previous permission:

The main changes between the applications according to the agent's covering letter are as follows;

- The roof pitch has been reduced from 55 degrees to 52.5 degrees.
- The widths of the projecting wings to the front and rear have been reduced in width to allow the main ridge height to be lowered by 850mm.

- The footprint of the main body of the house has been pulled 665mm away from the rear boundary and the central projecting section has been pulled back a further 345mm. In addition, the right hand projecting wing has been removed at both first and second floor levels.
- The first floor windows to the former right hand wing have been omitted leaving six first floor windows facing Charlton Drive which matches the number of windows in the existing building.
- All dormer windows to the rear elevation have been omitted and velux windows have been substituted in lieu.
- The previously proposed stonework detailing has been reduced to all single storey parapet walls and the planting space between the garage an boundary to No. 5 Winnington Close should be increased to 1.2m.

As a result of the amendments the replacement property is now over 41m² smaller than the previously approved scheme. The principle of providing a smaller replacement property on site is supported.

There is no objection to the alterations proposed to the front elevation. There were initial concerns with the rear elevation of the amended scheme which have been addressed by the submission of a further amendment.

Principle of the demolition

It is considered that the application property makes a neutral contribution to the character and appearance of the Conservation Area as per the HGS Character Appraisal.

It is considered that the application complies with Policies 133 and 134 of the NPPF which are relevant in assessing the proposal to demolish the existing building on site.

This policy states; "where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use."

Policy 134 of the NPPF states that; "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

The Local Planning Authority raises no objection to the principle of demolishing the existing dwelling providing a suitable replacement dwelling is proposed which can make a greater contribution to the Conservation Area than what already exists within Area 15 of the Hampstead Garden Suburb Character Appraisal.

This replacement building has been applied for under planning application F/00899/12.

Proposed Design / Impact on amenity

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

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

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 – 1939.

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

The Conservation Area Advisory Committee for Hampstead Garden Suburb at the meeting on 28 March 2012 commented:- "*No character issues.*"

It is considered that the proposed siting of the replacement building is considered

acceptable in that it would respect the building lines created by other houses on this part of Winnington Close. The general proportions and bulk of the house are considered acceptable when compared to that of existing and previously approved.

The proposed house overall would be in keeping with Council Policies and Design Guidance that seek to preserve the amenities of neighbouring occupiers. The house would not be overbearing or cause unacceptable overshadowing, loss of light, privacy or outlook. The size and design of the house complies with Council Policies that seek to preserve the character of areas as well as Policies which seek to preserve and enhance the character and appearance of the Borough's conservation areas.

Trees & Landscaping

The trees in the Hampstead Garden Suburb Conservation Area are an important part of the character of the street and their retention is critical to any development. The trees on the street also offer a relief from the buildings and act as a screen for the building. The application is considered acceptable subject to conditions.

3. COMMENTS ON GROUNDS OF OBJECTIONS

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

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

Having taken all material considerations into account, the proposed dwellinghouse is considered to be a suitable replacement for the existing house and the existing house is not considered to be of such great architectural merits as to ensure its retention. The proposed replacement house meets the requirements of the UDP and would be in keeping with Council Policies and Design Guidance that seek to preserve the amenities of neighbouring occupiers. The house would not be overbearing or cause unacceptable overshadowing, loss of light, privacy or outlook. The size and design of the house complies with Council Policies and Design Guidance that seek to preserve the character of areas and individual properties as well as Policies which seek to preserve and enhance the character and appearance of the Borough's conservation areas. **APPROVAL** is recommended.

SITE LOCATION PLAN: 4 Winnington Close, London, N2 0UA

REFERENCE: F/00839/12



LOCATION PLAN

scale 1:1250

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LOCATION: 4 Winnington Close, London, N2 0UA

REFERENCE: F/00899/12

Received: 01 March 2012

Accepted: 01 March 2012

Expiry: 26 April 2012

WARD(S): Garden Suburb

Final Revisions:

APPLICANT: Mrs E Basrawy

PROPOSAL: Demolition of existing property.

(CONSERVATION AREA CONSENT)

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan - 01A; Design & Access Statement - February 2012; 02E; 03D; 04E; 05D; 06C; 07D; 08C; 09F; 10E; 11D; 18B.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

INFORMATIVE(S):

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

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

In particular the following policies are relevant:

National Planning Policy Framework

London Plan (2011): 3.4, 3.5A, 3.5B, 7.4A

Adopted Barnet Unitary Development Plan (2006):

GSD, GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D4, D5, D6, D11, D12, D13, HC1, HC5, M11, M13, M14.

Local Development Framework:

Core Strategy Policies (Submission version) 2011 – CS4, CS5.

Development Management Policies (Submission version) 2011 – DM01, DM02, DM04, DM06, DM15, DM16, DM17.

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

Having taken all material considerations into account, the proposed development is acceptable as the existing house is not considered to be of such great architectural merits as to ensure its retention.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework 2012:

The determination of planning applications is made mindful of Central Government advice and the Development Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The basic question is whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

'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 sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

The Mayor's London Plan July 2011:

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

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

Policy 3.4 of the London Plan states that development should optimise housing output for different types of location taking into account local context and character, the design principles set out in Chapter 7 of the London Plan and public transport

capacity.

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

Policy 3.5B indicates that the design of all new housing developments should enhance the quality of local places taking into account, amongst other things, physical context, local character and density. Table 3.3 sets out minimum space standards for new dwellings.

Policy 7.4A states that, development should have regard to the form, function, and structure of an area, place or street, and the scale, mass and orientation of surrounding buildings. The policy goes on to say at 7.4B that buildings should provide a high quality design response that, amongst other things, is informed by the surrounding historic environment.

The Mayor for London has introduced a Community Infrastructure Levy. This applied from 1 April 2012 to most developments in London where the application is determined by the Local Planning Authority.

Within Barnet the levy will be charged at a rate of £35 per square metre of net additional floorspace.

Relevant Unitary Development Plan Policies:

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

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

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

Relevant policies: GSD, GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D4, D5, D6, D11, D12, D13, HC1, HC5, M8, M11, M13, M14.

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

The Council has also adopted (June 2007), following public consultation, an SPD

“Sustainable Design and Construction”. The SPD provides detailed guidance that supplements policies in the UDP, and sets out how sustainable development will be delivered in Barnet.

HGS Character Appraisal

HGS Design Guidance

Core Strategy (Submission version) 2011:

Barnet’s emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

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

Barnet’s Local Plan is at an advanced stage following submission in August / September 2011. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy policies to this case: CS4, CS5.

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

Barnet’s Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management policies to this case: DM01, DM02, DM04, DM06, DM15, DM16, DM17.

Relevant Planning History:

Site Address:	4 Winnington Close, London, N2 0UA
Application Number:	F/00107/09
Application Type:	Full Application
Decision:	Approve with conditions
Decision Date:	02/04/2009
Appeal Decision:	No Appeal Decision Applies
Appeal Decision Date:	No Appeal Decision Date exists
Proposal:	Demolition of existing property and erection of a two storey detached house with rooms in the roofspace and basement.

Case Officer: Fabien Gaudin

Site Address: 4 Winnington Close, London, N2 0UA
Application Number: F/00108/09
Application Type: Conservation Area Consent
Decision: Approve with conditions
Decision Date: 02/04/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing property.**
Case Officer: Fabien Gaudin

Site Address: 4 Winnington Close, London, N2 0UA
Application Number: F/00839/12
Application Type: Full Application
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing property and erection of a two storey detached house with rooms in the roofspace and basement.**
Case Officer: Junior C. Moka

Consultations and Views Expressed:

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

Internal /Other Consultations:

Urban Design & Heritage -
No objection

Hampstead Garden Suburb, Conservation Area Advisory Committee
No objection.

Date of Site Notice: 15 March 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a two storey detached house at the end of Winnington Close. It is a focal point of the street. The site is located within the Hampstead Garden Suburb Conservation Area and Article 4 Direction Area. This part of the Hampstead Garden Suburb Conservation Area is one of the later parts to be developed and the application site and surrounding building were originally built in the 1960s. Houses at 1, 3, 5 and 7 are new and were built in the last few years.

Proposal:

The application seeks conservation area consent for the demolition of the existing two-storey dwelling. This application follows the previously consented scheme F/00108/09.

Planning Considerations:

It is considered that the application property makes a neutral contribution to the character and appearance of the Conservation Area (as per HGS Character Appraisal).

It is considered that the application complies with Policies 133 and 134 of the NPPF which are relevant in assessing the proposal to demolish the existing building on site.

This policy states; "where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use."

Policy 134 of the NPPF states that; "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

The principle of demolition and replacement has been established in the street (see planning history above) and although it is not considered to be the most sustainable method to update residential accommodation, this point alone does not warrant refusal for the application subject to the environmental standard condition detailed above. It should be noted that each case must be dealt with on its own merit and the fact that permission is granted for one house to be demolished and rebuilt in one particular street does not necessarily mean that the council will support the demolition of all houses in that same street. Indeed, the demolition of 1 Winnington Close without permission was considered unacceptable.

This application follows an approval for demolition and rebuild at the application site for similar scheme under application reference F/00108/09 dated April 2009. Therefore the principle of demolishing the existing dwelling on site has already been deemed acceptable.

A replacement building has been applied for under planning application F/00839/12.

The Conservation Area Advisory Committee for Hampstead Garden Suburb at the meeting on 28 March 2012 commented:- "*No character issues.*"

3. EQUALITIES AND DIVERSITY ISSUES

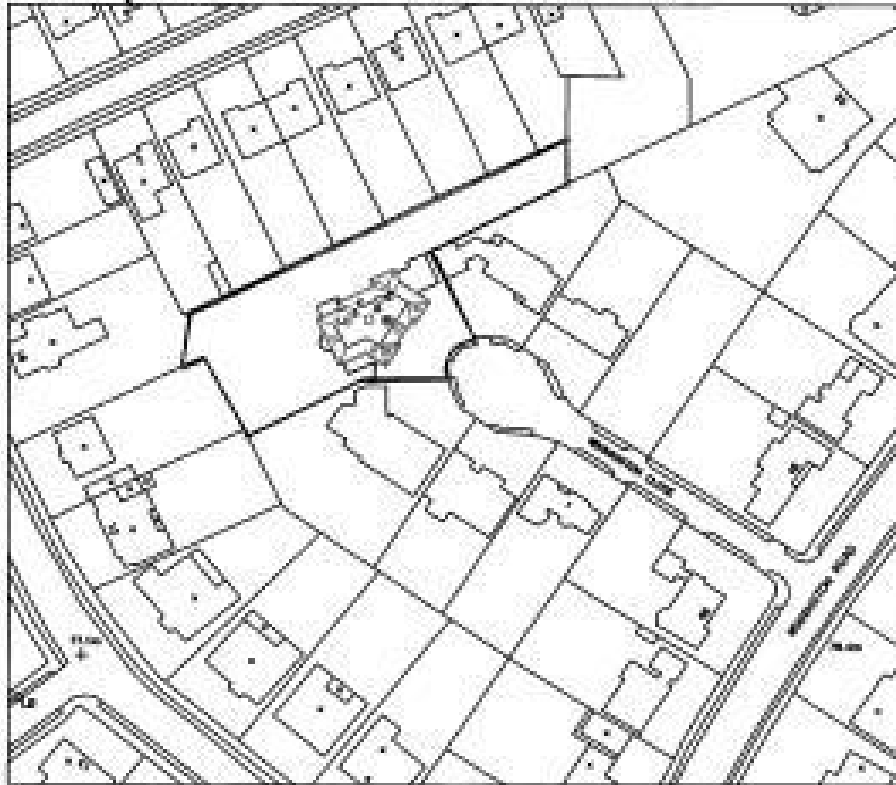
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

4. CONCLUSION

Having taken all material considerations into account, the proposed development is acceptable as the existing house is not considered to be of such great architectural merits as to ensure its retention. **APPROVAL** is recommended.

SITE LOCATION PLAN: 4 Winnington Close, London, N2 0UA

REFERENCE: F/00899/12



LOCATION PLAN

scale 1:1250

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LOCATION: 17 Spaniards End, London, NW3 7JG

REFERENCE: F/01043/12

Received: 12 March 2012

Accepted: 13 March 2012

Expiry: 08 May 2012

WARD(S): Garden Suburb

Final Revisions:

APPLICANT: Mr Tenenbaum

PROPOSAL: Demolition of existing house and erection of a two-storey family dwelling house with rooms in the basement, 2no. off-street parking. Associated landscaping.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan - 100-0S; Design & Access Statement - March 2012; Planning Statement - March 2012; Planning Statement - Addendum Re: Heritage Matters (4 April 2012); Arboricultural Impact Assessment Report Prepared by Adam Hollis dated 28 November 2011 (Ref: PKS/SPN/AIA/01); Plan No's: 000-01; 100-00; 100-10A; 100-20A; 100-30A; 100-40A; 400-10A; 400-20A; 400-30; 400-40A.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.
Reason:
To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.
- 4 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.
Reason:
To safeguard the visual amenities of the locality.
- 5 Before the building hereby permitted is occupied, the proposed refuse enclosures for recycling containers and wheeled refuse bins shown on Drawing No. 100-20A shall be provided and shall be permanently retained.
Reason:
To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.
- 6 Any flat roof within this development 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.

- 7 Before the building hereby permitted is occupied the proposed windows to bedroom 3 in the side elevation facing 19 Spaniards End 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.

- 8 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order) the building(s) hereby permitted shall not be extended in any manner whatsoever.

Reason:

To ensure that the development does not prejudice the character of the host building, surrounding buildings, conservation area and to safeguard the health of existing tree(s) which represent an important amenity feature.

- 9 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 all elevations.

Reason:

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

- 10 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason:

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

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

Reason:

To ensure a satisfactory appearance to the development.

- 12 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.

- 13 Any existing tree shown to be retained or trees or shrubs to be planted as part

of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

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

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

Reason:

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

- 16 No development or other operations shall commence on site in connection with the development hereby approved until a detailed tree felling / pruning specification has been submitted to and approved in writing by the local planning authority and all tree felling and pruning works shall be carried out in full accordance with the approved specification and the British Standard 3998: 1989 *Recommendation for Tree Works* (or as amended).

Reason:

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

- 17 No siteworks or works on this development shall be commenced before a method statement detailing precautions to minimise damage to trees in the site and within the neighbouring sites in accordance with Section 7 of British Standard BS5837: 2005 *Trees in relation to construction - Recommendations* is submitted to and approved in writing by the LPA and the development shall be carried out in accordance with such approval. This document should expanding on the principle of the points made within the Arboricultural Impact Assessment Report Prepared by Adam Hollis dated 28 November 2011 (Ref: PKS/SPN/AIA/01).

Reason:

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

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

Reason:

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

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

Reason:

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

- 20 A 'Demolition and Construction Management Plan' must be submitted to and approved by the Local Planning Authority prior to commencing any construction or demolition works. This document following approval must be complied with in full.

Reason:

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

- 21 Before the development hereby permitted is occupied the proposed parking spaces within the parking area as shown in Drawing No. 100-20A submitted with the planning application shall be provided and the access to the parking spaces will be maintained at all time.

Reason:

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

INFORMATIVE(S):

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

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

In particular the following policies are relevant:

National Planning Policy:

National Planning Policy Framework

London Plan (2011):

3.4, 3.5A, 3.5B, 7.4A

Adopted Barnet Unitary Development Plan (2006):

GSD, GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D4, D5, D6, D11, D12, D13, HC1, HC5, M8, M11, M13, M14.

Local Development Framework:

Core Strategy Policies (Submission version) 2011 – CS4, CS5.

Development Management Policies (Submission version) 2011 – DM01, DM02, DM04, DM06, DM15, DM16, DM17.

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

Having taken all material considerations into account, the proposed

dwellinghouse is considered to be a suitable replacement for the existing house and the existing house is not considered to be of such great architectural merits as to ensure its retention. The proposed replacement house meets the requirements of the UDP and would be in keeping with Council Policies and Design Guidance that seek to preserve the amenities of neighbouring occupiers. The house would not be overbearing or cause unacceptable overshadowing, loss of light, privacy or outlook. The size and design of the house complies with Council Policies and Design Guidance that seek to preserve the character of areas and individual properties as well as Policies which seek to preserve and enhance the character and appearance of the Borough's conservation areas.

- 2 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 3 The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £15,575.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development 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 will be sent a 'Liability Notice' that will provide 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, this is also available from the Planning Portal website.

The Community Infrastructure Levy 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 statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk.

- 4 Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development,

recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

The determination of planning applications is made mindful of Central Government advice and the Development Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The basic question is whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

The Mayor's London Plan July 2011:

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

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

Policy 3.4 of the London Plan states that development should optimise housing output for different types of location taking into account local context and character, the design principles set out in Chapter 7 of the London Plan and public transport capacity.

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

Policy 3.5B indicates that the design of all new housing developments should

enhance the quality of local places taking into account, amongst other things, physical context, local character and density. Table 3.3 sets out minimum space standards for new dwellings.

Policy 7.4A states that, development should have regard to the form, function, and structure of an area, place or street, and the scale, mass and orientation of surrounding buildings. The policy goes on to say at 7.4B that buildings should provide a high quality design response that, amongst other things, is informed by the surrounding historic environment.

The Mayor for London has introduced a Community Infrastructure Levy. This applied from 1 April 2012 to most developments in London where the application is determined by the Local Planning Authority.

Within Barnet the levy will be charged at a rate of £35 per square metre of net additional floorspace.

Relevant Unitary Development Plan Policies:

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

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

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

Relevant policies: GSD, GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D4, D5, D6, D11, D12, D13, HC1, HC5, M8, M11, M13, M14.

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

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the Building Regulations. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

Core Strategy (Submission version) 2011:

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

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

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Relevant Core Strategy policies to this case: CS4, CS5.

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

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management policies to this case: DM01, DM02, DM04, DM06, DM15, DM16, DM17.

Relevant Planning History:

Site Address:	17 Spaniards End, London, NW3 7JG
Application Number:	F/01044/12
Application Type:	Conservation Area Consent
Decision:	Not yet decided
Decision Date:	Not yet decided
Appeal Decision:	No Appeal Decision Applies
Appeal Decision Date:	No Appeal Decision Date exists
Proposal:	Demolition of existing house and erection of a two-storey family dwelling house with rooms in the basement, 2no. off-street parking. Associated landscaping. (CONSERVATION AREA CONSENT)

Case Officer: Junior C. Moka

Consultations and Views Expressed:

Neighbours Consulted: 13 Replies: 3
Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

- Object to the demolition of the property within an Area of Special Character and also within the Hampstead Garden Suburb Conservation Area;
- 1. The report from the applicant's architect is misleadingly and incorrectly states that there are only glimpses of the house from the Heath and has used a photo which minimises the impact of its demolition on the Heath;
- 2. The proposed building is out of character;
- 3. Recently maintenance appears to have been neglected on the existing building;
- 4. The house is described in the LBB Hampstead Garden Suburb Character Appraisal as an imaginative and reticent building makes a positive contribution to the character of the area;
- 5. There is also a danger that any development including a basement less than a metre from Hampstead Heath could have a detrimental polluting effect to the Heath which is an area of Metropolitan Open Land which under the London Policy Plan 2004 policy 3D.10 which should be protected against inappropriate development;
- 6. London Policy Plan 2004 policy 3D.14 Biodiversity and Nature Conservation may also be applicable with regard to pollution to Hampstead Heath from the proposed development;
- 7. The rare tropical plants in the garden of Number 17 could also be harmed;
- 8. The proposal would not comply with London Policy Plan 2004 policy 4A.43 states: *The Mayor supports an integrated, multi-agency approach, which promotes retrofitting existing buildings. Currently, these contribute about 73% of carbon dioxide emissions. Precedence should be given to retrofitting over demolition wherever practical;*
- 9. Its height and scale are inappropriate to this sensitive location and it does not conform to the criteria in *PPG15 Planning and the Historic Environment* for the demolition and replacement of an existing building;
- 10. The South Elevation immediately adjoining Hampstead Heath of the proposed new building is unacceptable.
- 11. The proposal would be contrary to a number of the policies of the latest edition of the LBB Unitary Plan;
- 12. Concerned about glazing on the northern side of the new building;
- 13. Possible loss of privacy and overlooking;
- 14. Effect on access in this small narrow road;
- 15. Lack out off street off street parking;
- 16. Impact neighbouring property;
- 17. Loss of trees;
- 18. Overdevelopment of the site with no additional car parking;
- 19. There will be problems during the construction process as the road is a cul-de-sac.

Internal /Other Consultations:

Urban Design & Heritage -
No objection

Hampstead Garden Suburb, Conservation Area Advisory Committee
No objection.

Date of Site Notice: 22 March 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located on the southern side of Spaniards End, within Area 17 of the Hampstead Garden Suburb Conservation Area. This area, located behind the Spaniards Inn public house, was part of the Borough of Camden previously, and was its own Conservation Area until it was incorporated into Hampstead Garden Suburb in 2010. The buildings within Spaniards End either date from around the 18th Century or are of modern design dating from the 20th and 21st Century. Therefore, the character of buildings in the street is quite mixed, but all tend to be set back from the road and surrounded in vegetation, much like the majority of the rest of Hampstead Garden Suburb Conservation Area.

The existing two-storey modern dwelling on site has been marked as a positive contributor to the Conservation Area on the Character Appraisal map. The Character Appraisal notes in regard to the application property: *"In the south-west corner, beyond this new house is 17 Spaniards End all but lost to view from the street, it can be seen in glimpse views from the Heath. It is an interesting design, all angles and planes, utilising the awkwardly shaped plot and sloping site to create a building and spaces around it that are intimate and private while providing a light interior and pleasant westerly garden. Although of limited impact, this imaginative and reticent building makes a positive contribution to the character of the area."*

Proposal:

This application relates to full planning permission for the demolition of the existing house and the erection of a two-storey family dwelling house with rooms in the basement, two off-street parking spaces and associated landscaping.

Planning Considerations:

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

Principle of the demolition

The application property is considered to make a positive contribution to the character and appearance of Area 17: Spaniards End of the Hampstead Garden Suburb Conservation Area, following assessment of the area during the character appraisal process. However, as is usually the case when creating character

appraisal documents it tends to be the front of the property which is focused on as it is this which can be seen from the street. This often provides the key view of the property, and access into gardens is not always possible. This is the case with the application property. It is considered that the key, most positive view of the existing property is that which can be seen from the street and that from the Heath; here the property sits comfortably within its landscape affording clear views of vegetation all around, something which is very characteristic of the conservation areas in Barnet. In addition, it is considered that the existing property is sited well within its plot, creating a good relationship between the built form on site and the landscape around it. The building has not been designated as positive due to its historical context, as it is a modern building within the Conservation Area.

From carrying out the necessary site visit during the pre-application and full submission process, it is noted that the rest of the existing application property has been extended during the 1980s. Some of these later extensions are considered to have compromised the property somewhat and detract from its positive status. Therefore, it was considered that if a replacement dwelling was proposed which could make a greater contribution to the Conservation Area than what already exists, whilst posing no additional visual impact on either the street elevation of that facing the Heath then the demolition would be considered acceptable.

New National Policy guidance set out within the National Planning Policy Framework (NPPF) came into force in March 2012. It does not expect a major change to the way Local Planning Authorities assess applications involving heritage, and indeed elements from the previous document – Planning Policy Statement No. 5 - Planning for the Historic Environment have been carried over. In the case of this application it is considered that para. 134 is relevant here. It notes;

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset; this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

In this case, it is considered that the demolition of the existing dwelling at the application site will result in less than substantial harm to the designated heritage asset known as the Hampstead Garden Suburb Conservation Area. Therefore, the harm caused by demolishing the building weighed again the public benefit of there being an improvement building which makes no more visual impact than the existing is minimal, and considered acceptable by the Local Planning Authority.

The agent's provided planning statement - addendum re: Heritage Matters makes reference to the NPPF. It recognises that in this circumstance it is the Hampstead Garden Suburb Conservation Area that is the designated heritage asset, and this dwelling is marked as a positive contributor to Spaniards End, which although considered to be a heritage asset is not designated as such. It notes that any replacement building could improve significantly upon the attributes of the Conservation Area and is therefore it is considered acceptable to demolish the existing building. Therefore, the Local Planning Authority raises no objection to the principle of demolishing the existing dwelling providing a suitable replacement dwelling is proposed which can make a greater contribution to the Conservation Area than what already exists with Area 17 (Spaniards End) of the Hampstead Garden Suburb Character Appraisal.

Proposed Design

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

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

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 – 1939.

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

The Conservation Area Advisory Committee for Hampstead Garden Suburb at the meeting on 28 March 2012 commented:- "*No character issues.*"

It is considered that the proposed siting of the replacement building is considered acceptable in that it would respect the building lines created by other houses on this part of Spaniards Road.

The proposed amount of glazing on the elevation facing Hampstead Heath is significantly less than on the existing house which is viewed as a benefit. Overall it is a 34% reduction in the area of glass from habitable rooms from the existing situation. It should also be noted that the two largest areas of proposed glass are actually recessed from the main building line, which again is a further positive point.

The general proportions and bulk of the house are considered acceptable when compared to that of existing.

The proposed house overall would be in keeping with Council Policies and Design Guidance that seek to preserve the amenities of neighbouring occupiers. The house would not be overbearing or cause unacceptable overshadowing, loss of light, privacy or outlook. The size and design of the house complies with Council Policies that seek to preserve the character of areas as well as Policies which seek to preserve and enhance the character and appearance of the Borough's conservation areas.

Trees & Landscaping

Within the site and surrounding sites there are a number of trees, of which one within no. 19 is protected by a Tree Preservation Order. Any trees that do not have TPO's are still protected by virtue of them being within the Conservation Area. Any scheme proposed on these sites would have to take account of the trees and be in accordance with BS5837:2005. Even if a scheme were shown on plan to not encroach onto the Root Protection Areas of the trees etc, there is a concern as to how a scheme of this nature could actually be built given the limited working space etc; without harming the trees. The Tree & Landscaping Team comments that there would be no justifiable tree reason for refusal having received an Arboricultural Impact Assessment Report Prepared by Adam Hollis dated 28 November 2011 (Ref: PKS/SPN/AIA/01). A full method statement will be required expanding on the principle of the points made within the submitted Arboricultural Report.

The trees in the Hampstead Garden Suburb Conservation Area are an important part of the character of the street and their retention is critical to any development. The trees on the street also offer a relief from the buildings and act as a screen for the building.

3. COMMENTS ON GROUNDS OF OBJECTIONS

In relation to points 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 19, it is considered that the proposal complies with National, London Plan 2011 and Council policies and proposal sits comfortably with the streetscene.

In relation to point 2, the Local Planning Authority is satisfied with the quality of information provided by the applicant and have undertaken a number of visits to this site with the most recent being on 3 April 2012.

In relation to points 14 and 17, it is considered that the proposal has been designed to respect the amenities of neighbouring occupiers. It is considered that, as conditioned, the proposal would have an acceptable impact on the amenity of neighbouring occupiers.

In relation to points 8 and 18, it is true that many of the trees are protected by virtue of them being within the Conservation Area and detailed consideration for the protection of these trees have been of the utmost importance during the determination of this application to ensure that the trees remain of sufficient amenity value to the street and to the site itself. The attachment of conditions 14, 15, 16 & 17 to this recommendation are considered to safeguard this position.

In relation to points 15 and 20, the attachment of condition 20 to this recommendation is considered to safeguard this position.

In relation to points 16 and 19, after having discussions with the council's Highway team, it is considered that this proposal would comply with Council policies.

4. EQUALITIES AND DIVERSITY ISSUES

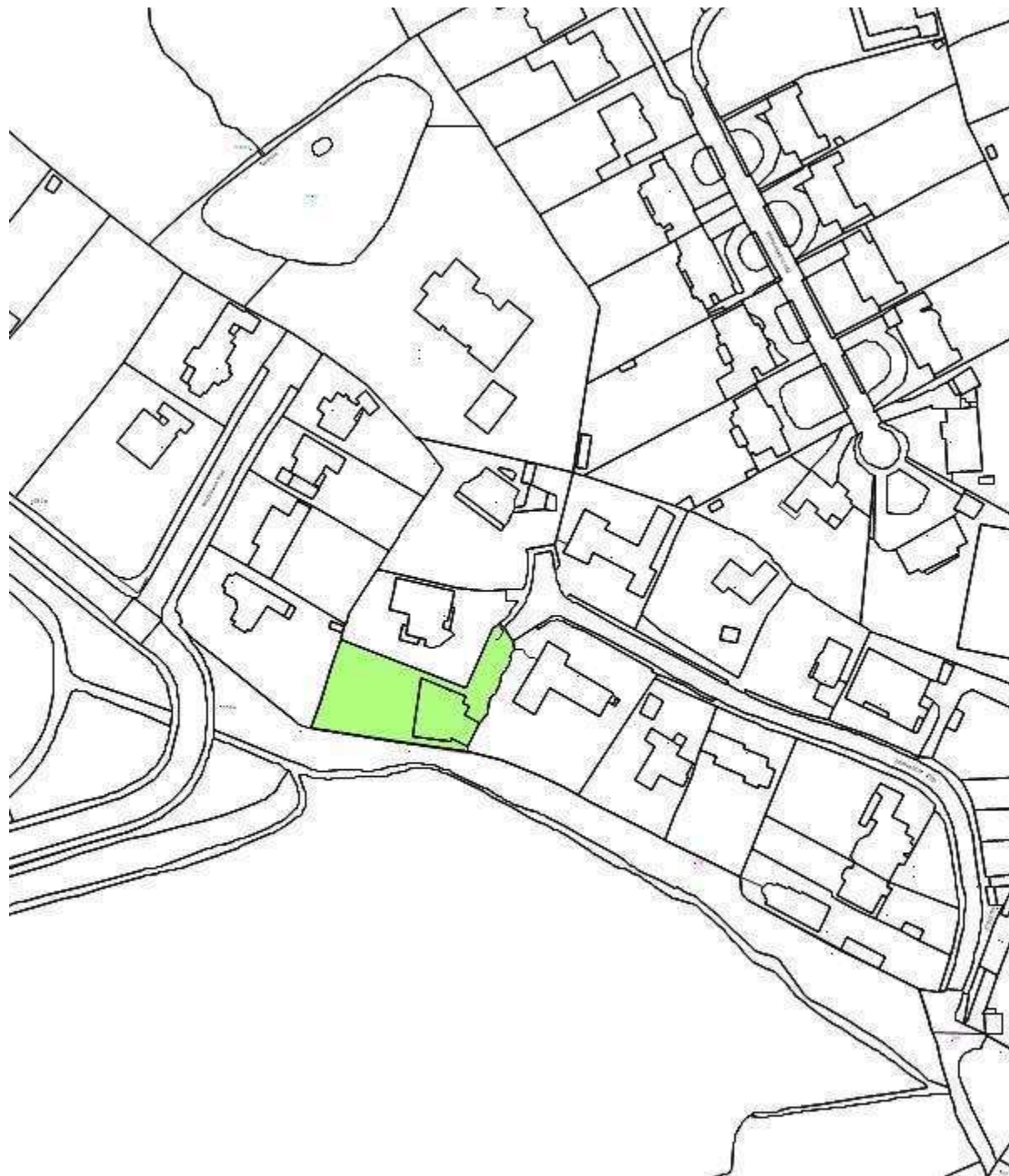
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

Having taken all material considerations into account, the proposed dwellinghouse is considered to be a suitable replacement for the existing house and the existing house is not considered to be of such great architectural merits as to ensure its retention. The proposed replacement house meets the requirements of the UDP and would be in keeping with Council Policies and Design Guidance that seek to preserve the amenities of neighbouring occupiers. The house would not be overbearing or cause unacceptable overshadowing, loss of light, privacy or outlook. The size and design of the house complies with Council Policies and Design Guidance that seek to preserve the character of areas and individual properties as well as Policies which seek to preserve and enhance the character and appearance of the Borough's conservation areas. **APPROVAL** is recommended.

SITE LOCATION PLAN: 17 Spaniards End, London, NW3 7JG

REFERENCE: F/01043/12



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LOCATION: 17 Spaniards End, London, NW3 7JG

REFERENCE: F/01044/12

Received: 12 March 2012

Accepted: 13 March 2012

Expiry: 08 May 2012

WARD(S): Garden Suburb

Final Revisions:

APPLICANT: Mr Tenenbaum

PROPOSAL: Demolition of existing house and erection of a two-storey family dwelling house with rooms in the basement, 2no. off-street parking. Associated landscaping.
(CONSERVATION AREA CONSENT)

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan - 100-0S; Design & Access Statement - March 2012; Planning Statement - March 2012; Planning Statement - Addendum Re: Heritage Matters (4 April 2012); Arboricultural Impact Assessment Report Prepared by Adam Hollis dated 28 November 2011 (Ref: PKS/SPN/AIA/01); Plan No's: 000-01; 100-00; 100-10A; 100-20A; 100-30A; 100-40A; 400-10A; 400-20A; 400-30; 400-40A.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

INFORMATIVE(S):

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

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

In particular the following policies are relevant:

National Planning Policy:

National Planning Policy Framework

London Plan (2011):

3.4, 3.5A, 3.5B, 7.4A

Adopted Barnet Unitary Development Plan (2006):

GSD, GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D4, D5, D6, D11, D12, D13, HC1, HC5, M11, M13, M14.

Local Development Framework:

Core Strategy Policies (Submission version) 2011 – CS4, CS5.

Development Management Policies (Submission version) 2011 – DM01, DM02, DM04, DM06, DM15, DM16, DM17.

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

Having taken all material considerations into account, the proposed development is acceptable as the existing house is not considered to be of such great architectural merits as to ensure its retention.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

The determination of planning applications is made mindful of Central Government advice and the Development Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The basic question is whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

'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 sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

The Mayor's London Plan July 2011:

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

The London Plan provides a unified framework for strategies that are designed to

ensure that all Londoners benefit from sustainable improvements to their quality of life.

Policy 3.4 of the London Plan states that development should optimise housing output for different types of location taking into account local context and character, the design principles set out in Chapter 7 of the London Plan and public transport capacity.

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

Policy 3.5B indicates that the design of all new housing developments should enhance the quality of local places taking into account, amongst other things, physical context, local character and density. Table 3.3 sets out minimum space standards for new dwellings.

Policy 7.4A states that, development should have regard to the form, function, and structure of an area, place or street, and the scale, mass and orientation of surrounding buildings. The policy goes on to say at 7.4B that buildings should provide a high quality design response that, amongst other things, is informed by the surrounding historic environment.

The Mayor for London has introduced a Community Infrastructure Levy. This applied from 1 April 2012 to most developments in London where the application is determined by the Local Planning Authority.

Within Barnet the levy will be charged at a rate of £35 per square metre of net additional floorspace.

Relevant Unitary Development Plan Policies:

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

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

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

Relevant policies: GSD, GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D4, D5, D6, D11, D12, D13, HC1, HC5, M8, M11, M13, M14.

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Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities. The second strand of the approach, "Enhancement", provides strong planning policy protection for preserving the character and openness of lower density suburbs and conservation areas. The Three Strands Approach will form the "spatial vision" that will underpin the Local Development Framework.

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Relevant Core Strategy policies to this case: CS4, CS5.

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

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management policies to this case: DM01, DM02, DM04,

DM06, DM15, DM16, DM17.

Relevant Planning History:

Site Address: 17 Spaniards End, London, NW3 7JG
Application Number: F/01043/12
Application Type: Conservation Area Consent
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing house and erection of a two-storey family dwelling house with rooms in the basement, 2no. off-street parking. Associated landscaping.**

Case Officer: Junior C. Moka

Consultations and Views Expressed:

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

Internal /Other Consultations:

Urban Design & Heritage -
No objection

Hampstead Garden Suburb, Conservation Area Advisory Committee
No objection.

Date of Site Notice: 22 March 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located on the southern side of Spaniards End, within Area 17 of the Hampstead Garden Suburb Conservation Area. This area, located behind the Spaniards Inn public house, was part of the Borough of Camden previously, and was its own Conservation Area until it was incorporated into Hampstead Garden Suburb in 2010. The buildings within Spaniards End either date from around the 18th Century or are of modern design dating from the 20th and 21st Century. Therefore, the character of buildings in the street is quite mixed, but all tend to be set back from the road and surrounded in vegetation, much like the majority of the rest of Hampstead Garden Suburb Conservation Area.

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pleasant westerly garden. Although of limited impact, this imaginative and reticent building makes a positive contribution to the character of the area.”

Proposal:

This application relates to conservation area consent for the demolition of the existing house and the erection of a two-storey family dwelling house with rooms in the basement, two off-street parking spaces and associated landscaping.

Planning Considerations:

The application property is considered to make a positive contribution to the character and appearance of Area 17: Spaniards End of the Hampstead Garden Suburb Conservation Area, following assessment of the area during the character appraisal process. However, as is usually the case when creating character appraisal documents it tends to be the front of the property which is focused on as it is this which can be seen from the street. This often provides the key view of the property, and access into gardens is not always possible. This is the case with the application property. It is considered that the key, most positive view of the existing property is that which can be seen from the street and that from the Heath; here the property sits comfortably within its landscape affording clear views of vegetation all around, something which is very characteristic of the conservation areas in Barnet. In addition, it is considered that the existing property is sited well within its plot, creating a good relationship between the built form on site and the landscape around it. The building has not been designated as positive due to its historical context, as it is a modern building within the Conservation Area.

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is minimal, and considered acceptable by the Local Planning Authority.

The agent's provided planning statement - addendum re: Heritage Matters makes reference to the NPPF. It recognises that in this circumstance it is the Hampstead Garden Suburb Conservation Area that is the designated heritage asset, and this dwelling is marked as a positive contributor to Spaniards End, which although considered to be a heritage asset is not designated as such. It notes that any replacement building could improve significantly upon the attributes of the Conservation Area and is therefore it is considered acceptable to demolish the existing building. Therefore, the Local Planning Authority raises no objection to the principle of demolishing the existing dwelling providing a suitable replacement dwelling is proposed which can make a greater contribution to the Conservation Area than what already exists with Area 17 (Spaniards End) of the Hampstead Garden Suburb Character Appraisal.

This replacement building has been applied for under planning application F/01043/12.

The Conservation Area Advisory Committee for Hampstead Garden Suburb at the meeting on 28 March 2012 commented:- *"No character issues."*

3. EQUALITIES AND DIVERSITY ISSUES

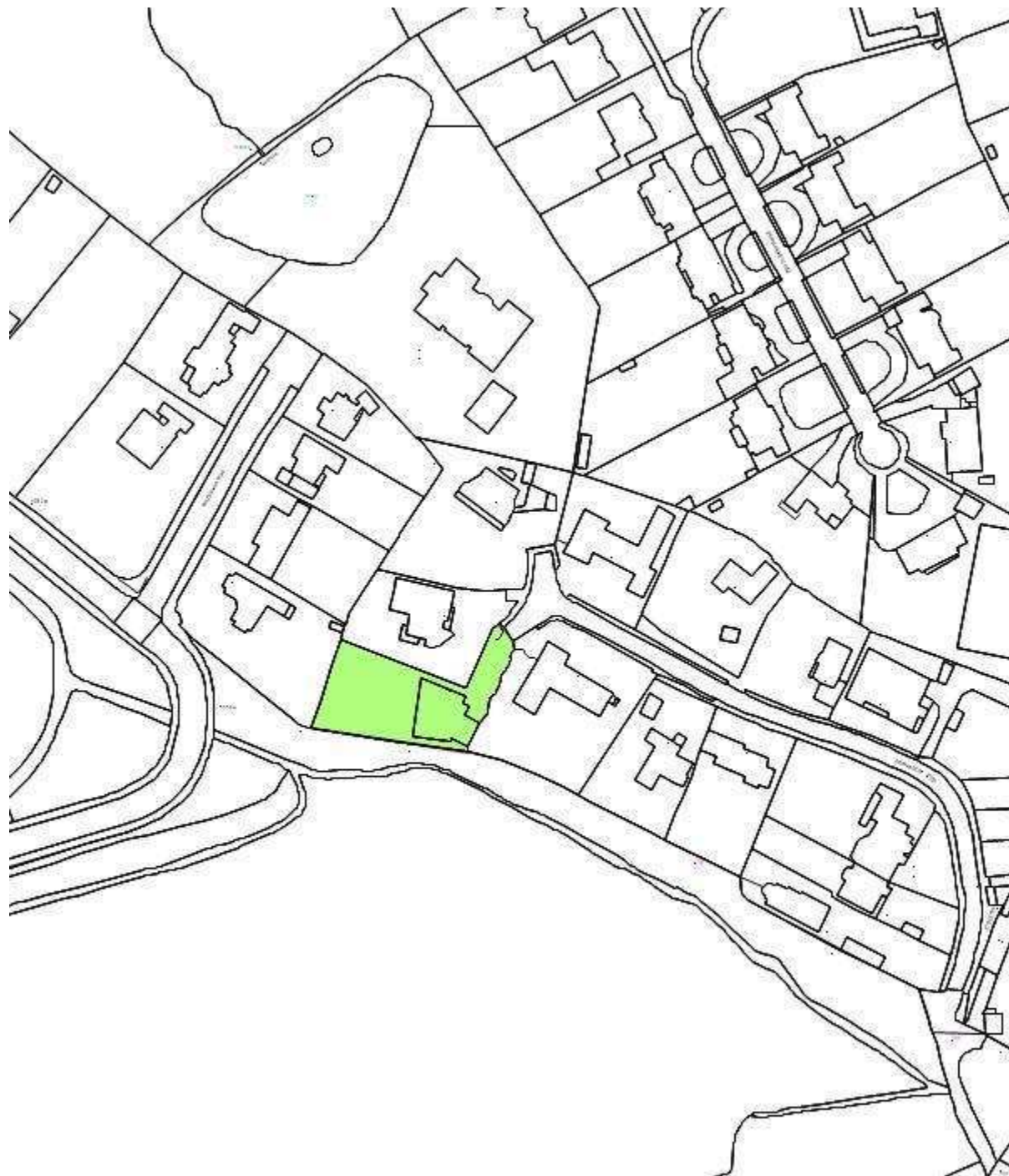
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

4. CONCLUSION

Having taken all material considerations into account, the proposed development is acceptable as the existing house is not considered to be of such great architectural merits as to ensure its retention. **APPROVAL** is recommended.

SITE LOCATION PLAN: 17 Spaniards End, London, NW3 7JG

REFERENCE: F/01044/12



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LOCATION: 27 Woodcroft Avenue, London, NW7 2AH

REFERENCE: H/00027/12

Received: 03 January 2012

Accepted: 07 February 2012

Expiry: 03 April 2012

WARD(S): Hale

Final Revisions:

APPLICANT: Mr D Ogun

PROPOSAL: Retention of a single storey outbuilding in the rear garden.

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: site plan, WD/001A, WD/002A, WD/003A and WD/004A.

Reason:

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

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

Reason:

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

INFORMATIVE(S):

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

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

In particular the following policies are relevant:

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

Design guidance note 5: Extensions to houses

Core Strategy (Submission version) 2011: CS5

Development Management Policies (Submission version)2011: DM01

ii) The proposal is acceptable for the following reason(s): - The outbuilding has an acceptable impact on the appearance of the area and the amenities of the neighbouring occupiers. It complies with all relevant council policy and design guidance.

1. MATERIAL CONSIDERATIONS

National Planning Policy

National Planning Policy Framework

Relevant Unitary Development Plan Policies:

GBEnv1, GBEnv2, D1, D2, D5 and H27 and

Design guidance note 5: Extensions to houses

Core Strategy (Submission version) 2011

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

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

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS5

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

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01

Relevant Planning History:

None

Consultations and Views Expressed:

Neighbours Consulted:	5	Replies:	3
Neighbours Wishing To Speak	1		

The objections raised may be summarised as follows:

1. appearance- intended use
 - unsympathetic choice of materials
 - loss of privacy
 - position of rainwater ducting
 - visible from Woodcroft Park

2. PLANNING APPRAISAL

Site Description and Surroundings:

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

An outbuilding has been erected in the rear garden, which requires planning permission and for which planning permission was not sought before its erection.

Proposal:

The applicant requests permission for the retention of the outbuilding.

The outbuilding is 2.7m high to the top of the parapet wall, 6m wide and 3m deep. It is located towards the end of the garden, which is relatively long at 28m.

It is sited approximately 100mm from the boundary with the adjoining property at number 29 and has 2 windows and a door in the front elevation facing the houses.

Planning Considerations:

The outbuilding would not have required planning permission had it been 0.2m lower in height. Additionally, the gardens of properties along Woodcroft Avenue are relatively long and the outbuilding is located at the very end, comprising significantly less than half of the overall garden area- the area an outbuilding is allowed to cover under permitted development. Although the building is visible from the park it does not impact on the openness of the park and is considered acceptable in appearance terms.

There is a high fence on the shared boundary with number 29, although the garden of number 29 is set somewhat lower. Therefore, although the building would be visible from both the rear windows and the garden of number 29, given that the building is located some 30m away, it is not considered to be overbearing or to form an obtrusive form of development and does not result in a loss of privacy for the occupiers.

There are windows and a door in the front elevation and concern has been raised that the building could be used as an additional dwelling. A condition on the decision notice would ensure that the building could only be used ancillary to the main house.

The outbuilding is constructed of brick. The materials used are of an acceptable standard and in compliance with Design guidance note 5: Extensions to houses

3. COMMENTS ON GROUNDS OF OBJECTIONS

Addressed above. The position of the rainwater ducting is not a planning matter.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

The development complies with council policy and design guidance.

Approval is recommended.

SITE LOCATION PLAN: 27 Woodcroft Avenue, London, NW7 2AH

REFERENCE: H/00027/12



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LOCATION: 29 Selborne Gardens, London, NW4 4SH

REFERENCE: H/00235/12

Received: 18 January 2012

Accepted: 31 January 2012

Expiry: 27 March 2012

WARD(S): Hendon

Final Revisions:

APPLICANT: Mr A Fernandes

PROPOSAL: Conversion of a single dwellinghouse into two self-contained residential flats.

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement, site plan, PL/01A, PL/02B, PL/03A, PL/04, PL/05 and PL/06.

Reason:

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

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

Reason:

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

3 Before the development hereby permitted is occupied the parking spaces/garages shown on Plan PL/01A shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

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

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

Reason:

To ensure a satisfactory appearance to the development.

5 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.

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

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

- 8 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.

Reason:

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

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

Reason:

To protect the amenities of future and neighbouring residential occupiers.

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

Reason:

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

INFORMATIVE(S):

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GSD, GBEnv1, GBEnv2, GBEnv3, D1, D2, D3, D5, D6, D9, M14, CS2, CS8, CS13, H16, H17, H18, H20, IMP1 and IMP2.

- SPD Sustainable Design and Construction
- SPD Contributions to Education
- SPD Contribution to Health
- SPD Contributions to Libraries
- SPD Planning Obligations

Core Strategy (Submission version) 2011: CS4 and CS5

Development Management Policies (Submission version)2011: DM01 and DM08

ii) The proposal is acceptable for the following reason(s): - The proposed development would have an acceptable impact on the amenities of the neighbouring occupiers and future occupiers of the flats. It complies with all relevant council policy and design guidance.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework 2012

National Planning Policy Framework

The Mayor's London Plan: July 2011

3.3, 3.4, 3.5, 7.1 and 7.4

Relevant Unitary Development Plan Policies:

GSD, GBEnv1, GBEnv2, GBEnv3, D1, D2, D3, D5, D6, D9, M14, CS2, CS8, CS13, H16, H17, H18, H20, IMP1 and IMP2.

- SPD Sustainable Design and Construction
SPD Contributions to Education
- SPD Contribution to Health
- SPD Contributions to Libraries
- SPD Planning Obligations

Core Strategy (Submission version) 2011

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

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

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS4 and CS5

The Development Management Policies document provides the borough wide

planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01 and DM08

Relevant Planning History:

Application:	Planning	Number:	H/01193/09
Validated:	06/04/2009	Type:	192
Status:	DEC	Date:	05/06/2009
Summary:	LW	Case Officer:	Sally Fraser
Description:	Extension to roof including hip to gable, rear dormers and front windows to facilitate a loft conversion.		

Consultations and Views Expressed:

Neighbours Consulted:	51	Replies:	16
Neighbours Wishing To Speak	4		

The objections raised may be summarised as follows:

- lack of parking given the number of flats in the road
- increased pollution due to increased number of cars

Date of Site Notice: 09 February 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

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

Proposal:

The applicant requests permission for the conversion of the dwelling into 2 self contained flats.

There would be 1x 1bed flat at ground floor and 1x2 bed flat at first and second floors.

There would be no external alterations.

Each flat would have access to private garden area to the rear, accessed via the side driveway.

The refuse storage would be to the rear.

There would be 2 parking spaces to the front and space for soft landscaping.

Planning Considerations:

No external alterations are proposed. The front garden is currently fully paved and the scheme would involve the introduction of some soft landscaping, which would improve the appearance of the front of the property. There would as such be no undue impact on the appearance of the property or the street scene.

Many of the properties along the road have been converted into flats, the most recent being number 47, which gained planning permission in 2008. Given the character of the street, the principle of the conversion of the property into 2 flats is acceptable.

The number of parking spaces proposed is in line with council parking standards and, as such, there would be no significant increase in on street parking and no significant increase in general traffic in the road. A condition on the permission would require that these parking spaces are provided and remain as such.

The stacking of the units is appropriate and the flats are of a generous size. Sufficient amenity space would be provided and overall the flats would provide suitable accommodation for future occupiers.

Planning obligations are required to meet the needs of the development. These are as follows and would be secured via condition:

Education: £741

Libraries: £34

Health: £802

Monitoring: £78

3. COMMENTS ON GROUNDS OF OBJECTIONS

Addressed above.

4. EQUALITIES AND DIVERSITY ISSUES

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

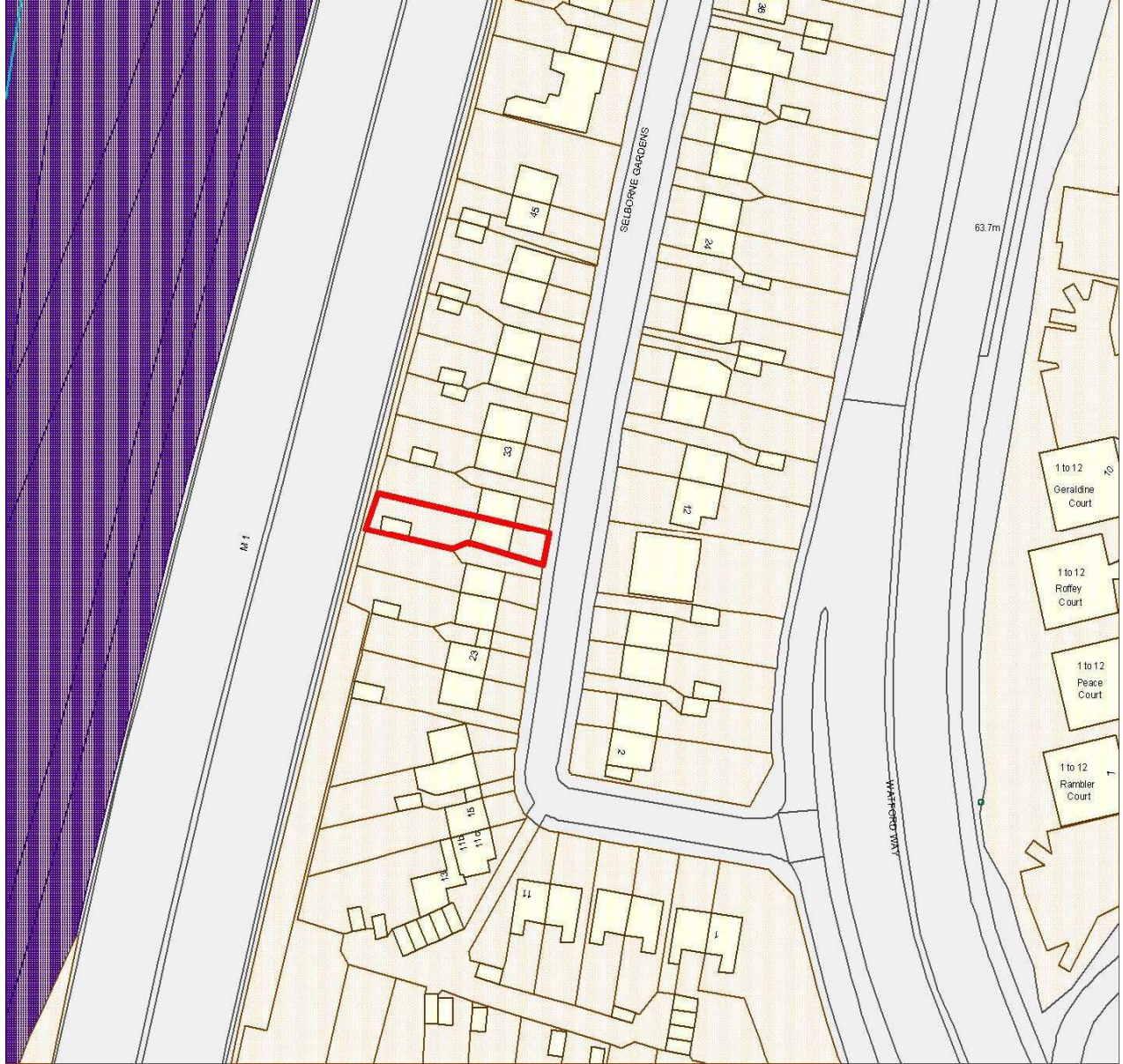
5. CONCLUSION

The proposed development would have an acceptable impact on the amenities of the future occupiers of the flats and the amenities of the neighbouring occupiers.

Approval is recommended.

SITE LOCATION PLAN: 29 Selborne Gardens, London, NW4 4SH

REFERENCE: H/00235/12



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LOCATION: Tudor Cottage, 64 Marsh Lane, London, NW7 4NT

REFERENCE: H/05056/11

Received: 16 December 2011

Accepted: 09 January 2012

Expiry: 05 March 2012

Final Revisions:

APPLICANT: Davis

PROPOSAL: Erection of new four-bedroom detached dwelling accessible from existing vehicular entrance on Marsh lane.

RECOMMENDATION: Approve Subject to Unilateral Undertaking

RECOMMENDATION I:

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (excl. libraries) £11,949.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £244.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £2,016.00**
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £710.45**
Contribution towards the Council's costs in monitoring the obligations of the agreement.
- 7 **Special Site-Specific Obligation £0.00**
Before development commences details shall be provided to show the location of all services (including drainage, water, gas, electricity) to the site in relation to trees. These shall be provided from Austell Gardens. These arrangements shall be permanently retained thereafter.

RECOMMENDATION II:

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: H/05056/11 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement, P/01, P/02 Revision A, P/03 Revision A, P/04 Revision A, P/05 Revision A, P/06 Revision A, P/07 Revision A, P/08 Revision A, P/09, P/10 Revision A, P/11 Revision A, P/12 Revision B,

Reason:

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

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

Reason:

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

- 3 Before the development hereby permitted is occupied the parking

spaces/garages shown on Plans P/02 Revision A shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

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

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

Reason:

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

- 5 No work shall commence on site, until 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 are submitted to and approved in writing by the Local Planning Authority. This shall include details of the proposed minimal-dig cellular-confinement driveway (incorporating the existing driveway sub-base) adjacent to trees T4, T5 and T6. The development shall be implemented in accordance with such details as approved.

Reason:

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

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

Reason:

To safeguard the visual amenities of the locality.

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

Reason:

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

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

Reason:

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

- 9 Before the building hereby permitted is occupied the proposed window(s) in the west and east first floor elevations shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening, unless otherwise agreed in writing by the Local Planning Authority.
Reason:
To safeguard the privacy and amenities of occupiers of adjoining residential properties.
- 10 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.
Reason:
To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.
- 11 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 scheme shall include substantial mature trees to the rear boundary of the site.
Reason:
To ensure a satisfactory appearance to the development.
- 12 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.
- 13 Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
Reason:
To ensure a satisfactory appearance to the development.
- 14 Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval.
Reason:
To safeguard the health of existing tree(s) which represent an important amenity feature.
- 15 No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.
Reason:
To safeguard the health of existing tree(s) which represent an important amenity feature.

- 16 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.
Reason:
To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.
- 17 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, D, E, F of Part 1 to Schedule 2 of that Order shall be carried out within the application red-line site currently known as Tudor Cottage, 64 Marsh Lane hereby approved without the prior written permission of the local planning authority.
Reason:
To safeguard the amenities of neighbouring occupiers and the general locality.
- 18 The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.
Reason:
To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).
- 19 No siteworks or works on this development shall be commenced before a method statement detailing precautions to minimise damage to trees, expanding upon the principles of the Phase II Arboricultural Implications Assessments by Russell Ball & Associates in accordance with Section 7 of British Standard BS5837: 2005 *Trees in relation to construction - Recommendations* is submitted to and approved in writing by the LPA and the development shall be carried out in accordance with such approval.
Reason: To safeguard the health of existing trees which represent an important amenity feature.
- 20 Before the development hereby approved commences, a scheme for the landscaping area outside the window of no.66 Marsh Lane shall be approved in writing by the local planning authority. This shall be implemented prior to occupation of the new dwelling and permanently retained as such thereafter.
Reason: To ensure that neighbouring privacy is not prejudiced.
Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval.
Reason:
To safeguard the health of existing tree(s) which represent an important amenity feature.

INFORMATIVE(S):

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

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

In particular the following polices are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEEnv1, GBEEnv2, D1, D2, D3, D4, D5, D6, D9, D12, D13, H16, H17, H18, M11, M12, M13, M14, CS2, CS8, CS13, IMP1, IMP2.

Core Strategy (Submission version) 2011: CS5

Development Management Policies (Submission version)2011: DM01, DM02, DM08, DM17

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

The proposals would have an acceptable impact on the character and appearance of the streetscene and general locality, neighbouring amenity, trees of special amenity value and highway safety. The proposals would provide an additional dwelling unit for which there is known demand. The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

- 2 The additional information accompanying this application are:- Planning Statement, Sustainability Statement, Daylight and Sunlight Report, Phase II Arboricultural Impact Assessment, Proposed Utility Line, Tree Protection Plan.
- 3 Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The Council of the London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from:

<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf>

or requested from the Street Naming and Numbering Team via email:

street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

- 4 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure

that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

With regard to water supply, this comes within the area covered by the Veolia Water Company. For your information the address to write to is - Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

- 5 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.

- 6 The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development 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 will be sent a 'Liability Notice' that will provide 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, this is also available from the Planning Portal website.

The Community Infrastructure Levy 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

statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk

RECOMMENDATION III

That if an agreement has not been completed by 08/08/2012, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application H/05056/11 under delegated powers for the following reason/s:

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

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

National Planning Policy Framework

The Mayor's London Plan: July 2011 3.5, 5.3, 6.1, 7.4, 7.6

Relevant Unitary Development Plan Policies: GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, D9, D12, D13, H16, H17, H18, M11, M12, M13, M14, CS2, CS8, CS13, IMP1, IMP2.

Core Strategy (Submission Version) 2011

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

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

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies:CS5

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

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02, DM08, DM17

Relevant Planning History:

Site Address: Tudor Cottage Marsh Lane NW7
Application Number: W00694D
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 18/01/1967
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **demolition of existing garage and erection of house.**
Case Officer:

Site Address: Tudor Cottage, 64 Marsh Lane, London, NW7 4NT
Application Number: 04510/10
Application Type: Full Application
Decision: Withdrawn
Decision Date: 21/12/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of 3 no. two-storey dwelling houses with rooms in roof space and one dwelling with basement. House 1 to be accessed from Marsh Lane, and Houses 2 and 3 to be accessed from Austell Gardens.**

Case Officer: Emily Benedek

Site Address: Tudor Cottage, 64 Marsh Lane, London, NW7 4NT
Application Number: H/02966/11
Application Type: Full Application
Decision: Approved subject to conditions
Decision Date: 08/11/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of two new four-bedroom detached dwellings with rooms in the roof space and basements in the grounds of an existing detached dwelling accessed from Austell Gardens.**

Case Officer: Graham Robinson

Consultations and Views Expressed:

Neighbours Consulted: 48 Replies: 9
Neighbours Wishing To Speak 1

Eight objections were raised and may be summarised as follows:

- Impact on traffic, access and parking
- Overdevelopment
- Loss of privacy
- Overdevelopment of a garden site, site is not brown field.
- Will remove trees on site
- Impact on flooding, drainage and water pressure
- Application misrepresents the size of the site and its boundaries
- Noise and disturbance
- Scale of development
- Loss of rural features
- Permission has already been granted for two houses on the site.
- Effect on nature conservation

Mill Hill Preservation Society have objected on the following grounds:

- The Committee's view was that we believe this proposal is a gross over-development of the Tudor Cottage garden site. The garden has already gained planning permission for two additional very large houses and this additional house should have been submitted at the same time. We are strongly opposed to any further incremental development on this Greenfield site.
1. We would argue that the proposal to cram another substantial house with roof accommodation on the land available (with the design layout allowing for yet more development in the future) seems a gross over-development on the site allocated.
 2. We strongly object to the loss of garden green space, trees, mature shrubs and the natural habitat for birds and insects that this proposed back garden development would result in and to the amount of grassed area which will be covered by buildings and hard standing which will inevitably exacerbate the problem of flooding.
 3. The proposed amount of garden amenity space allocated to each of the large houses is derisory and is quite clearly intended to leave maximum space for another infilling proposal on Tudor Cottage in the future.
 4. Access to Tudor Cottage would be restricted to Austell Gardens and with the two extra houses will mean three extra plots, causing traffic issues in a very narrow road.
 5. If this development does obtain planning permission we would request that any future permitted development rights be removed.

The Society, having given this scheme due and careful consideration believe that the proposal is a gross over-development of a back garden site, which we strongly oppose. The effect of the proposed addition of yet another new four/five bedroom house in the garden of Tudor Cottage would result a development that is overbearing and out of keeping with the neighbouring properties. We feel that the developer has not provided any supporting documentation to demonstrate the 'very strong reasoned justification' for why an application on this scale would be acceptable.

One comment was received with no objection providing that there are no windows causing loss of privacy

Internal /Other Consultations:

Traffic & Development - No objection subject to conditions

Date of Site Notice: 19 January 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is a plot of land currently within the grounds of 64 Marsh Lane. Whilst accessed from Marsh Lane the existing property is set well back from Marsh Lane and is sited more in line with properties to the south on Austell Gardens.

The site is roughly triangular shaped, narrowing to the north to Marsh Lane.

Trees on the site are subject to a Tree Preservation Order.

Planning permission has been granted for two new detached dwellings to the south of the site accessible from Austell Gardens.

Proposal:

The proposal is for the erection of a new four-bedroom detached dwelling accessible from the existing vehicular access on Marsh Lane.

Planning Considerations:

The main issues are considered to be:

6. Whether the proposed dwelling would have an acceptable impact on the character and appearance of the general locality and streetscene.
- Whether the proposed dwelling would have an acceptable impact on the amenities of neighbouring and future occupiers
- Whether the proposals would have an acceptable impact on highway safety
- Whether the proposals would make satisfactory provision towards education, libraries and health facilities
- Whether the proposals would have an acceptable impact on trees of special amenity value.
- Whether the development would be sustainable.

Policy context

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

Policies D1 and D2 aims to ensure compatibility with the established character and

architectural identity of existing and adjoining properties and the general location in terms of scale, design and impact on neighbouring properties. Established local character and town scape quality can be harmed by insensitive development, which is out of scale with and unrelated to the locality.

Policy D3 advises that the size, shape, position and detailing of spaces created within or around new buildings should enhance the development of which they are part, and should be in keeping with the overall character and quality of the area.

Policy D4 states that new development should respect the constraints of the site to accommodate development and should not result in over-development.

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

Policy H16 advises that new residential developments should harmonise with and respect the character of the area within which they are situated and should:

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

Policy H17 states that in new residential development there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. This distance should be increased by three metres for each additional storey over two storeys. Where overlooking is a problem, especially in relation to neighbouring development, a higher degree of privacy will be required. In town centre developments and regeneration areas, these standards may not apply. In the case of higher density developments where less distance is provided, proposals should include innovative design solutions to avoid overlooking.

Policy H18 states that in new residential schemes, the minimum provision of gardens or amenity space should be at the following standards:

- For Flats:
 - > 5 square metres of space per habitable room.
- For Houses:
 - > 40 square metres of space for up to four habitable rooms.
 - > 55 square metres of space for up to five habitable rooms.
 - > 70 square metres of space for up to six habitable rooms.
 - > 85 square metres of space for up to seven or more habitable rooms.

Proposals in or near town centre sites may be exempt from this requirement if alternative amenities are provided.

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

The design of the proposed dwelling has been amended. It would be set back 6m

from the front wall of no.66 which is a chalet bungalow. It would be set back approximately 0.3m from the front wall of no.64 on the side nearest, the front wall of this property is angled so that the front wall extends further forward on the side furthest away.

There are a mixture of building designs in the locality. No.66 is a chalet bungalow. To the east is Brabourne Heights, a row of terraced two storey dwellings with mansard style roof. No.62 is a substantial two storey detached dwelling. No.60 is sited behind the main building line, approximately 24m to the rear from no.62.

The proposed dwelling would be sited back from the building line of neighbouring buildings, which would help minimise its impact on the appearance of the streetscene. It would maintain a gap of 1m to the boundary with No.62 and between 2m and 5m to the boundary with no.66.

It is considered that the proposed new dwelling would have an acceptable impact on the character and appearance of the streetscene and general locality.

Whether the proposed dwellings would have an acceptable impact on the amenities of neighbouring and future occupiers

It is noted that no.66 has previously been extended, with a single storey extension running close to the boundary with the site, extending approximately 7m rearwards of the proposed rear elevation.

No.66 has a bedroom window on the side of the property. The applicant has submitted a daylight and sunlight report to demonstrate that there is no undue impact on this window. In order to prevent harmful loss of privacy to this window, the applicant has submitted a landscaping scheme which would also provide adequate outlook from this window. A condition would be necessary to ensure that this feature is permanently retained to ensure that there is not a harmful loss of privacy to no.66.

Whilst views of the new building would be visible from across the rear garden at no.66, it is not considered that the new building would appear overbearing or visually dominating when viewed from no.66.

It is noted that the proposed dwelling would be a similar distance from no.60 Marsh Lane to the existing dwelling at no.62. It would also have a more oblique relationship. As a result it is not considered that the new dwelling would harm the amenities of the occupier of no.60. Similarly it is not considered that there would be a harmful impact on the existing dwelling

It is not considered that the proposals would harm the visual and residential amenity of neighbouring occupiers.

Whether the proposals would have an acceptable impact on trees of special amenity value.

A number of trees on site are subject to a Tree Preservation Order. Some of these are to the rear of the site and are unlikely to be affected provided that appropriate

precautions are taken during construction and conditions are attached accordingly.

There is a group of protected trees in the front drive area. The applicant is proposing to use Low Invasive Surface construction, and Cellular Confinement System. It is considered that this is acceptable subject to safeguards regarding any changes in levels and a condition would need to be attached to any grant of permission in order to ensure this.

It is considered that subject to conditions the proposals would not harm trees of special amenity value.

Whether the proposals would have an acceptable impact on highway safety

The proposal is for the erection of a new 4 bedroom dwelling with a garage and driveway.

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

Access into the site will be via an existing access and dropped kerb.

The proposals are considered acceptable on highways grounds.

Sustainability Issues

The National Planning Policy Framework states that '*At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.....For decision-taking this means approving development proposals that accord with the development plan without delay;*'

The proposals would provide an additional dwellinghouse for which there is known demand. The development would meet an appropriate environmental standard and would not harm trees of special amenity value.

It is acknowledged that the site has not been previously developed. However, in view of the wider need for dwellings of this size and given that the proposals would not harm the character and appearance of the area the development is considered acceptable.

Whether the proposals would make satisfactory provision towards education, libraries and health facilities

The following planning obligations would be required:

- £11,949 towards educational facilities
- £244 towards libraries facilities
- £2,016 towards health facilities
- £710.45 towards associated monitoring costs

The applicant has agreed to provide a unilateral undertaking to satisfy these planning obligations.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Impact on traffic, access and parking - *Addressed in main report*

Overdevelopment - *Addressed in main report*

Loss of privacy - *Addressed in main report*

Overdevelopment of a garden site, site is not brown field.- *It is acknowledged that the site has not been previously developed. However, in view of the wider need for dwellings of this size and given that the proposals would not harm the character and appearance of the area the development is considered acceptable.*

Will remove trees on site - *Addressed in main report*

Impact on flooding, drainage and water pressure - *It is not considered that the proposals would harmfully impact flooding.*

Application misrepresents the size of the site and its boundaries - *This has been corrected on the most recent plans*

Noise and disturbance - *It is not considered that a dwelling in this location would cause undue noise and disturbance to neighbouring occupiers.*

Scale of development - *Addressed in main report*

Loss of rural features - *The spacious character of the existing plot is noted but it is not considered that this warrants refusal of the proposals.*

Permission has already been granted for two houses on the site. - *This is noted.*

Effect on nature conservation - *The site is not designated for nature conservation. It is not considered that the proposals would have a materially harmful impact on nature conservation.*

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

The application is recommended for **APPROVAL**.

SITE LOCATION PLAN: Tudor Cottage, 64 Marsh Lane, London, NW7 4NT

REFERENCE: H/05056/11



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