

MEETING

WEST AREA PLANNING SUB-COMMITTEE

DATE AND TIME

TUESDAY 12TH JUNE, 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 Members

Tom Davey	Helena Hart	Ansuya Sodha
Graham Old	Charlie O'Macauley	Reuben Thompstone
Andrew Harper	Lord Palmer	Zakia Zubari
John Hart	Mark Shooter	

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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LOCATION: 2 Elm Walk, London, NW3 7UP
REFERENCE: F/05087/11

Received: 21 December 2011 **AGENDA ITEM 6a**

Accepted: 31 January 2012

Expiry: 27 March 2012

WARD(S): Childs Hill

Final Revisions:

APPLICANT: Mrs L Meir

PROPOSAL: Two storey side extension following removal of existing garage and single storey rear elevation. Two storey front extension including new front porch; Creation of lower ground floor including lightwells at both sides and rear; Extension to roof including 3no rear dormers 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: Location Plan; 911369; 06.914.01; 06.914.02; 06.914.03 Rev B; 06.914.04 Rev B; 06.914.05 Rev B; 06.914.06 Rev B; 06.914.07 Rev B; Report on Ground Investigation prepared by W J C Wallace of K F Geotechnical dated 26 March 2012 - Ref G/031213/001.

Reason:

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

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

Reason:

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

3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s) unless otherwise agreed in writing by the local planning authority.

Reason:

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

4 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the following operation(s) shall not be undertaken without the prior specific permission of the Local Planning Authority: The insertion of windows in any part of the approved development.

Reason:

To safeguard the amenities of neighbouring residents.

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 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

- 7 locality and the amenities of occupiers of adjoining residential properties. 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.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
- i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (UDP) (2006). In particular the following policies are relevant:
Adopted Barnet Unitary Development Plan (2006):
GBEnv1, GBEnv2, D1, D2, D3, D5, D6, H16 & H27.
Local Development Framework:
Core Strategy Policies (Submission version) 2011 – CS1, CS5, CS6.
Development Management Policies (Submission version) 2011 – DM01, DM02, DM14, DM15.
 - ii) The proposal is acceptable for the following reason(s): -
Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, 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 considered to comply with National, London Plan, and Council Policies and Guidelines.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework:

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

The London Plan is recognised in the NPPF as part of the development plan.

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

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan 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.

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.

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.

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, D3, D5, D6 & H27.
Design Guidance Note No 5 – Extensions to Houses

The Council Guide 'Extension to Houses' was approved by the Planning and Environment Committee (The Local Planning Authority) on March 2010. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation.

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

In respect to amenity, the extension should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook and be overbearing or cause an increased sense of enclosure to adjoining properties.

The basic principles the Local Authority has adopted in respect to different types developments are that they should not unduly reduce light or outlook from neighbouring windows to habitable rooms, overshadow or create an unacceptable sense of enclosure to neighbouring gardens. They should not look out of place, overbearing or bulky from surrounding areas.

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.

Core Strategy (Examination in Public version) 2012:

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 sets the vision, core objectives and strategic policies for Barnet. 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: CS1, 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.

Relevant Planning History:

Site Address: 3 Elm Walk, London, NW3 7UP
Application Number: C/10877/A/03
Application Type: Full Application
Decision: Approved with conditions
Decision Date: 27/06/2003
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Ground floor and first floor side extension.**
Case Officer:

Site Address: 6 Elm Walk, London, NW3 7UP
Application Number: C/10958/D/03
Application Type: Full Application
Decision: Approved with conditions
Decision Date: 08/12/2003
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Loft conversion involving 3 No. dormer windows to rear roof.**
Case Officer:

Site Address: 4 Elm Walk, London, NW3 7UP
Application Number: C/12385/A/07
Application Type: Full Application
Decision: Approved with conditions
Decision Date: 15/03/2007
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension. Loft conversion and provision of 3 dormer windows to rear.**
Case Officer: Junior C. Moka

Site Address: 4 Elm Walk, London, NW3 7UP
Application Number: F/02307/08
Application Type: Section 192
Decision: Lawful Development
Decision Date: 29/08/2008
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension.**
Case Officer: David Campbell

Site Address: Glass House, Elm Walk, London, NW3 7UP
Application Number: F/02995/08
Application Type: Full Application
Decision: Approved with conditions
Decision Date: 09/10/2008
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **First floor side extension to create additional bedroom.**
Case Officer: Junior C. Moka

Site Address: 4 Elm Walk, London, NW3 7UP
Application Number: F/00078/09
Application Type: Full Application
Decision: Approved with conditions
Decision Date: 03/03/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists

Proposal: **Single storey rear extension.**
Case Officer: David Campbell

Site Address: 12 Elm Walk, London, NW3 7UP
Application Number: F/02083/10
Application Type: Full Application
Decision: Approved with conditions
Decision Date: 28/07/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Part single, part two storey side and rear extension and new rear patio area. Extension to roof including 3no rear dormers to facilitate a loft conversion.**
Case Officer: Elizabeth Thomas

Site Address: 6 Elm Walk, London, NW3 7UP
Application Number: F/02276/10
Application Type: Section 192
Decision: Lawful Development
Decision Date: 18/08/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Extensions to roof including rear dormer window with roof light to front elevation to facilitate a loft conversion.**
Case Officer: Elizabeth Thomas

Site Address: 6 Elm Walk, London, NW3 7UP
Application Number: F/02282/10
Application Type: Full Application
Decision: Approved with conditions
Decision Date: 25/08/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **First floor rear terrace with 1.4m high privacy screen and glazed balustrade. Alterations to roof of ground floor rear projection.**
Case Officer: Elizabeth Thomas

Site Address: 6 Elm Walk, London, NW3 7UP
Application Number: F/02283/10
Application Type: Full Application
Decision: Approved with conditions
Decision Date: 06/08/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension, and alterations to garage.**
Case Officer: Elizabeth Thomas

Site Address: 6 Elm Walk, London, NW3 7UP
Application Number: F/03518/10
Application Type: Full Application
Decision: Approved with conditions
Decision Date: 26/10/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **First floor side extension. Single storey rear extension. Alterations to roof of existing rear projection and first floor rear terrace with glass balustrade. Extensions to roof including rear dormer window.**
Case Officer: Elizabeth Thomas

Site Address: 6 Elm Walk, London, NW3 7UP

Application Number: F/04678/09
Application Type: Full Application
Decision: Approved with conditions
Decision Date: 11/02/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Roof extension involving three rear roof dormer windows to facilitate loft conversion.**
Case Officer: Elizabeth Thomas

Consultations and Views Expressed:

Neighbours Consulted: 10 Replies: 3
Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

1. The proposed extensions are unduly large in relation to the original building and are unacceptable because they dominate the existing building and will have a harmful impact on the street scene.
2. Overdevelopment of the site;
3. Out of character with the host building and surround properties;
4. The depth of the rear extension is over 5 metres;
5. The roof of the side storey is set down only 0.2 metres not in line with the design guidance;
6. Neighbouring ground water conditions should not be adversely affected as a result of the basement but not evidence has been submitted;
7. In relation to the front extension, whilst this is 649mm deep, the height of this projection will have a negative effect on the character of the street scene;
8. Adverse impact on the outlook from neighbouring house and garden;
9. Concerns about the principle of the basement;
10. Subsoil and geological considerations in the form of building subsidence from the effects of excavations, especially of a deep nature, are to an extent unpredictable, especially in Hampsteads geography/geology;
11. Damage to the built environment is matched by damage to trees and plant life generally, whose existence is totally dependent on water;
12. Nuisance during construction;
13. Concerned that the result of the borehole trial may not be representative, given the drought conditions currently being experienced. It is apparent from walking in Golders Hill Park and on the West Heath that springs and streams are very dry. The fact that water was not found in the boreholes until 4.3 m is not representative of normal conditions - normally the water table would be significantly higher. It is suggest that the results of these boreholes should be treated with caution.
14. Concerned with the removal of spoil from the site. Elm Walk is a narrow road which can only take one car in one direction at any time. Even deliveries of building material cause significant problems. There is a footway only on one side of the road. It is a dead end. If heavy lorries enter the road to remove spoil, access will be completely blocked for both pedestrians and vehicles - any one living beyond number 2 (virtually the whole road) will be blocked in (or out). There is no way in which spoil can be removed without causing extraordinary disruption to all but a couple of residents for an extended period.
15. Disagree with the findings and result of the Report on Ground Investigation

prepared by W J C Wallace of K F Geotechnical dated 26 March 2012 - Ref G/031213/001;

16. There is some incorrect referencing with the Report on Ground Investigation.

The application was referred to the Planning Sub-Committee at the request of Councillor Jack Cohen for the following reason:

"...to examine the impact of the basement proposal... and the disruption from construction works generally."

Internal /Other Consultations:

Building Control Department -

Satisfied by the findings and believes the report to have reasonable results for clay subsoil.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site which measures approximately 23 metres width to the front (12 metres to the rear) by 33.2 metres in depth and is located some 81 metres from the prominent corner of West Heath Road and Elm Walk. The materials used for the elevations are brick. The street is a cul-de-sac and this is one of the first few properties as one comes into the street.

Proposal:

The proposal relates to a single storey rear extension; two storey front extension including new front porch; the creation of basement including lightwells at both sides and rear; and a Extension to roof including 3no rear dormers to facilitate a loft conversion.

The two storey side extension will follow the demolition of the projection front element of the garage; and incorporates the element of the garage to the side of the dwelling and the rear utility room.

The application was amended since first being submitted and the extensions reduced in size.

Planning Considerations:

The main issue in this case are considered to be covered under two main areas:

- The living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.

The living conditions of neighbouring residents

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.

The proposed single storey rear extension element has a rearward projection of 4 metres from the rear building line of the dwelling (reduced from 5.015 metres as originally submitted). The proposed extension is not full width (6.572 metres in width closest to the boundary with no. 4) and has a height of 3.5 metres with a flat roof. Any potential impact of the extension is considered to be mitigated by the depth of the extension at no. 4. This is considered to ensure the amenities of neighbouring occupiers are protected.

The proposed two storey side extension is set 1.1 metres away from the boundary to the neighbouring detached properties at no. 4. It is considered that this proposed extension would also comply with Council Policies that seek to preserve the amenities of neighbouring occupiers.

There are no windows in the side elevations facing the application site from no. 4 and as a result this proposal is not considered to result in a loss of outlook from and light to the front and rear windows or increased sense enclosure to 4 Elm Walk and would comply with policy D5.

Character and appearance

In seeking the achievement of high quality design, NPPF says at policy 56 that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

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 the area that is defined by the type and size of buildings, the layout, intensity, and relationship with one another and their surroundings. Established local character and townscape quality can be harmed by insensitive development that is out of scale and unrelated to the street scene. Proposals involving the development 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 properties.

Design Guidance (Note No. 5 – Extensions to Houses) indicates that double storey side extension should:

- Be subordinate to the original house;
- Be set in a minimum of 1 metre from the boundary;
- The height of the extension should normally be lower than the height of the original building to help minimise the impact on the street scene;
- The extension should be in proportion both in its own right and in relation to the original building, achieved by setting the extension back a metre from the front building line.

The proposed side extension would in the main accord with the Council Policies that seek to maintain the character of areas and individual properties. It is considered that the placement of the proposed extension on the boundary with no. 4 would create an acceptable relationship in this circumstance.

Although the Design Guidance (Note No. 5 – Extensions to Houses) states that extensions should have a metre set back from the front building line, it is considered in this particular case that the extension will still appear subordinate.

The proposed rear extension would comply with the Design Guidance (Note No. 5 – Extensions to Houses). The proposed extensions would comply with Council Policies that seek to preserve the character of areas and individual properties. The design and siting of the extension is such that it would not have a detrimental impact on the character of either the original property or the area.

The proposal for the basement (will be linked to the ground floor by an internal stair) is considered to be an acceptable addition. It is considered that in many cases within the borough basements are not acceptable. However, given the arrangement of the properties within Elm Walk, it is considered acceptable. The proposed basement extension is considered to be designed in a way in which it is not considered to be obtrusive in the street scene. It is considered that to all neighbours, the basement will be virtually invisible due to its internal access.

The proposed number and size of the rear dormer windows accords with Council Guidance (Note No.5 – Extensions to Houses). It is not considered that these extensions would cause any significant detriment to the amenities of neighbouring occupiers as stated in Design Guidance (Note No. 5 – Extensions to Houses). There are numerous examples of properties within the area where similar dormer windows have been constructed.

The addition of a two storey front extension including a new front porch is considered acceptable as it doesn't harm the character of the area or the amenities of neighbouring occupiers (including 2c, Magnolia House and 4 Elm Walk).

The proposal as a whole would not cause any significant harm to the street scene. In that respect, it would not conflict with relevant saved policies of the Barnet Unitary Development Plan (UDP). It would comply with policy GBEnv1, which seeks to protect and enhance the quality and character of the built environment, and with the aims of UDP policies GBEnv2 and D1 with respect to high quality design. In the terms of UDP policy D2, local character would be preserved, and the appearance, scale, bulk, height and pattern of surrounding buildings, and the overall character and quality of the area, would be respected. The proposal would harmonise with and

respect the character of the area.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Since the application was originally submitted, the proposal has been greatly amended and is considered to comply with the Design Guidance, as a result it is considered that the planning related concerns raised on this application relating to design are not sufficient to constitute a reason for refusal.

The attachment of a condition to this planning decision requiring restricting the installation of windows in the side elevations are considered to address the concerns of the objectors with regards to overlooking and the loss of privacy.

The Council's Building Control Department Principal Structural Engineer commented on the submitted Report on Ground Investigation prepared by W J C Wallace of K F Geotechnical dated 26 March 2012 - Ref G/031213/001 and he is satisfied by the findings and believes the report to have reasonable results for clay subsoil. It is considered that the planning related concerns raised on this application relating to the principle of the basement and the two borehole tests provided are not sufficient to constitute a reason for refusal.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

The proposal complies with the requirements of NPPF, which states in policy 57, 'It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes'.

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

The Local Planning Authority consider that this application has an acceptable impact on the amenities of the neighbouring occupiers.

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 considered to comply with National, London Plan, and Council Policies and Guidelines and is therefore recommended for **APPROVAL**.

SITE LOCATION PLAN: 2 Elm Walk, London, NW3 7UP

REFERENCE: F/05087/11



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LOCATION: 77 Golders Green Road, London, NW11 8EN
REFERENCE: F/00901/12
WARD(S): Childs Hill
APPLICANT: J H Ventures Ltd
PROPOSAL: Roof extension at the rear with 4no. rooflights Internal alterations and associated works to facilitate conversion of upper floors into 4no. self contained flats. (LISTED BUILDING CONSENT)

AGENDA ITEM 6b
Received: 07 March 2012
Accepted: 07 March 2012
Expiry: 02 May 2012
Final Revisions:

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: SV.01, SV.02, SV.03, SV.04, SV.05, SV.06, GA.01 Rev: A, GA.02 Rev: A, GA.03 Rev: B, GA.04 Rev: A, GA.05, GA.06 Rev: A, SK.01, SK.01, .
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 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 Notwithstanding the details shown on the hereby approved drawings, the rooflight(s) hereby approved shall be of a "conservation" type (with central, vertical glazing bar), set flush in the roof.
Reason:
To safeguard the character and appearance of the Conservation Area.
- 5 All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.
Reason:
In order to safeguard the special architectural or historic interest of the Listed Building.

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, GParking, GH1, TCR13, D1, D2, D5, HC1, HC10, H23, H26, CS2, CS8 IMP1 of the Adopted Barnet Unitary Development Plan (2006).

Core Strategy (Examination in Public version) 2012: CS NPPF, CS1, CS5

Development Management Policies (Examination in Public version)2012: DM01, DM02, DM06, DM08, DM17

ii) The proposal is acceptable for the following reason(s): - Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions the proposal would be in accordance with the Council's policies and guidelines, would preserve or enhance the character of the conservation area and would not cause unacceptable harm to the amenities of the area.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011

Relevant Unitary Development Plan Policies: GBEnv1, GBEnv2, GParking, GH1, TCR13, D1, D2, D5, HC1, HC10, H23, H26, CS2, CS8 IMP1 of the Adopted Barnet Unitary Development Plan (2006).

Core Strategy (Examination in Public version) 2012

Development Management Policies (Examination in Public version) 2012

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.

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: CS NPPF, CS1, 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, DM08, DM17

Application: Planning
Validated: 07/03/2012
Status: PDE

Number: F/00900/12
Type: APF
Date:

Summary: APL **Case Officer:** David Campbell
Description: Roof extension at the rear with 4no. rooflights Internal alterations and associated works to facilitate conversion of upper floors into 4no. self contained flats.

Application: Planning **Number:** F/00901/12
Validated: 07/03/2012 **Type:** LBC
Status: PDE **Date:**
Summary: APC **Case Officer:** David Campbell
Description: Roof extension at the rear with 4no. rooflights Internal alterations and associated works to facilitate conversion of upper floors into 4no. self contained flats. (LISTED BUILDING CONSENT)

Site Address: 77 Golders Green Road NW11
Application Number: C02272B
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 14/06/1972
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Installation of new shopfront**

Site Address: 77 Golders Green Road NW11
Application Number: C02272C
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 05/09/1985
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **New shopfront**

Site Address: 77 Golders Green Road NW11
Application Number: C02272D
Application Type: Advertisement
Decision: Approve with conditions
Decision Date: 05/09/1985
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Illuminated fascia sign and projecting box sign.**

Site Address: 77 GOLDERS GREEN ROAD LONDON NW11
Application Number: C02272
Application Type: Advertisement
Decision: Approve with conditions
Decision Date: 27/01/1969
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Advert**

Site Address: 77, Golders Green Golders Green Road NW11
Application Number: C02272A
Application Type: Full Application
Decision: Approve
Decision Date: 27/01/1969
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Installation of new shop front**

Site Address: 77 Golders Green Road, London, NW11 8EN
Application Number: F/00901/12

Application Type: Listed Building 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: **Roof extension at the rear with 4no. rooflights Internal alterations and associated works to facilitate conversion of upper floors into 4no. self contained flats. (LISTED BUILDING CONSENT)**
Case Officer: David Campbell

Consultations and Views Expressed:

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

The objections raised may be summarised as follows:

- This is a conservation area.
- Overlooking.
- The buildings are too high and the windows are out of character.
- Over development
- The building should be restored to its original use.
- The area doesn't need any more flats.

Internal /Other Consultations:

- Urban Design & Heritage - No objections.

Date of Site Notice: 15 March 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site is the flat located in a mixed use area of Golders Green, above 77 Golders Green Road with a commercial use on the ground floor. The property is Grade II listed and falls within the Golders Green Town Centre Conservation Area.

Proposal:

The application seeks listed building consent for roof extensions at the rear with 4no. rooflights, internal alterations and associated works to facilitate conversion of upper floors into 4no. self contained flats.

The External Works:

The design of the new hipped roof is similar to recently granted proposals for other such extensions on properties in the road. The proposed roof line would be below that of the existing roof line that can be seen from the main front elevation, and therefore could not be viewed from the main thoroughfare. Whilst it can be viewed

from within Golders Green Road, such roof extensions now form part of the character of the street and as such cannot be considered to be harmful to the character and appearance of the Conservation Area.

It was pointed out by the architect on the site visit that the proposed velux window that would overlook the upper floor balcony of the property of No. 75 Golders Green Road could be made frosted, if there were complaints as to overlooking. This was agreed to in an email of 27th March 2012.

The Internal Works:

First floor: The principal works to this floor, involve the creation of a single flat utilizing the existing layout of the floor. A new en suite bathroom is to be created in the current dining room and there will also be the creation of new cupboard and entrance to the flat. A drawing has been provided at scale 1:10 of a internal door, to match the original doors in design but provide half hour fire resistance.

It is proposed to replace the first 3 steps of the first floor staircase to winders. The reason for doing this, which would appear to be an unnecessary change to the fabric of a listed building, is that it is required to form a reasonable lobby into flat 1 without incursion into the front room. The staircases have some architectural merit and they should be preserved and replicated where necessary. It has been confirmed that only the three winding set will be new fabric, and that other original structural elements of the original staircase will be renewed where possible.

Second floor: Whilst much of the existing layout will remain towards the front of this floor, it will be in the existing rear extension where the greatest change will take place, where in order to create flat no. 2 the rear rooms will be sealed off and all partitions removed. A new staircase will be formed to allow access to the new proposed roof extension.

The front rooms on this floor will become flat no. 3 with the rear of the existing bedrooms having an en suite inserted and a new cupboard created at the flats entrance. From within the hallway, a new staircase and flat entrance will be created to allow access to the proposed loft extension, which will become flat 4. The new staircase will replicate the details of the existing newels and banisters, or incorporate them where possible.

Third floor: the existing roof void and proposed rear roof extension will become, to the front of the building flat no. 4 and to the rear, the upper floor of flat no. 2. The new staircase for flat no. 4 will continue on in the same layout as that of the original staircase below. As all walls in these areas are new, the proposed works cannot be considered to be damaging to the significance of a listed building.

In order to obtain light to the room at the front of the building, a skylight and tunnel is proposed, in order to avoid placing a window on the front of the building.

Planning Considerations:

The council's Conservation team have been consulted on the application and have made the following comments:

The new hip roof to the rear extension will match previously approved examples at number 85, 87, 89 and 91, 93 and 95. The use of materials matching the original bricks and roof tiles will further confirm this protection. It is proposed to match the existing building materials, and as such, cannot be considered harmful to the significance of a heritage asset.

The internal wall fabric of the upperparts of this building will remain largely undisturbed with the existing original skirting and architraves retained where possible. It has been confirmed that all skirting, architraves, cornices and picture rails should be replaced where they are now missing, to match that of the existing like for like, in an email of the 4th April 2012 .

There are few original pieces of cornice remain especially in the circulation spaces most affected by alteration.

The existing fireplaces are clearly indicated as being retained in the proposed new layout. Whilst it is acknowledged that the retention of fireplaces are significant, confirmation needs to be provided as to whether it is desired by the applicant to open the fireplaces up, in order to establish whether grates remain insitu, or whether they are to remain sealed during the works and only the fire surround to be refurbished. It was confirmed in an email of the 4th April 2012, that the fireplaces will remain sealed and the surrounds re-decorated during the works.

No new external pipework will be required. The existing pipes will be used to connect to any new internal soil and waste connections. The running of all new pipework should be clearly indicated on the plans, indicating where it runs into the existing pipework. Such plans were provided on the 24th April 2012. The new pipework is acceptable as it is not damaging to the significance of a heritage asset.

Any new ventilation outlets required for the bathrooms shall be terminated in brick vents cut neatly into the rear external walls or terminated in tile vents in locations not seen from the ground. Locations of the vents should be detailed on the plans and details should be provided of the proposed tile vents. Such plans were provided on the 24th April 2012. The location of vents are acceptable as it cannot be considered damaging to the significance of a heritage asset.

Whilst it is appreciated that there is no intention to undertake works to any windows, the possibility of them being repainted should be taken into consideration by the applicant. Such works would help to improve the character and appearance of a listed building and would make a positive contribution to a heritage asset. It was confirmed that it is intended to re-decorate the windows and that they will be properly stripped and painted in white oil paint over primer in an email of the 4th April 2012.

It is considered that the alterations are acceptable.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The planning grounds of objection have been discussed 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 be in accordance with the Council's policies and guidelines, would preserve or enhance the character of the conservation area, the special architectural interest of the listed building and would not cause unacceptable harm to the amenities of the area.

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

SITE LOCATION PLAN: 77 Golders Green Road, London, NW11 8EN

REFERENCE:

F/00901/12



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LOCATION: 77 Golders Green Road, London, NW11 8EN

REFERENCE: F/00900/12

Received: 07 March 2012

Accepted: 07 March 2012

Expiry: 02 May 2012

WARD(S): Childs Hill

Final Revisions:

APPLICANT:

PROPOSAL: Roof extension at the rear with 4no. rooflights Internal alterations and associated works to facilitate conversion of upper floors into 4no. self contained flats.

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: SV.01, SV.02, SV.03, SV.04, SV.05, SV.06, GA.01 Rev: A, GA.02 Rev: A, GA.03 Rev: B, GA.04 Rev: A, GA.05, GA.06 Rev: A, SK.01, SK.01, .

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

Reason:

To protect the amenities of future and neighbouring residential occupiers.

7 All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required

by any condition(s) attached to this consent.

Reason:

In order to safeguard the special architectural or historic interest of the Listed Building.

- 8 No development shall take place until details of the arrangements to meet the obligation for health, highways 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 CS8, CS13, M11, IMP1 and IMP2 of the adopted Unitary Development Plan and the adopted Supplementary Planning Documents "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations".

- 9 Before the building hereby permitted is occupied the proposed rooflight in the side elevation facing 75 Golders Green 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.

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, GParking, GH1, TCR13, D1, D2, D5, HC1, HC10, H23, H26, CS2, CS8 IMP1 of the Adopted Barnet Unitary Development Plan (2006).

Core Strategy (Examination in Public version) 2012: CS NPPF, CS1, CS5

Development Management Policies (Examination in Public version)2012: DM01, DM02, DM06, DM08, DM17

ii) The proposal is acceptable for the following reason(s): - Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions the proposal would be in accordance with the Council's policies and guidelines, would preserve or enhance the character of the conservation area and would not cause unacceptable harm to the amenities of the area.

- 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 Framework

The Mayor's London Plan: July 2011

Relevant Unitary Development Plan Policies: GBEnv1, GBEnv2, GParking, GH1, TCR13, D1, D2, D5, HC1, HC10, H23, H26, CS2, CS8 IMP1 of the Adopted Barnet Unitary Development Plan (2006).

Design Guidance Note No. 7- Residential Conversions.

SPD: Sustainable Design and Construction (2007).

SPD: Contributions towards Education (2008).

SPD: Contributions towards Libraries (2008).

Core Strategy (Examination in Public version) 2012

Development Management Policies (Examination in Public version) 2012

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.

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: CS NPPF, CS1, 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, DM08, DM17

Application: Planning
Validated: 07/03/2012
Status: PDE
Summary: APC
Description: Roof extension at the rear with 4no. rooflights Internal alterations and associated works to facilitate conversion of upper floors into 4no. self contained flats.

Number: F/00900/12
Type: APF
Date:
Case Officer: David Campbell

Application: Planning
Validated: 07/03/2012
Status: REG
Summary: DEL
Description: Roof extension at the rear with 4no. rooflights Internal alterations and associated works to facilitate conversion of upper floors into 4no. self contained flats. (LISTED BUILDING CONSENT)

Number: F/00901/12
Type: LBC
Date:
Case Officer: David Campbell

Site Address: 77 Golders Green Road NW11
Application Number: C02272B
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 14/06/1972
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Installation of new shopfront**

Site Address: 77 Golders Green Road NW11
Application Number: C02272C
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 05/09/1985
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **New shopfront**

Site Address: 77 Golders Green Road NW11
Application Number: C02272D
Application Type: Advertisement
Decision: Approve with conditions
Decision Date: 05/09/1985
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Illuminated fascia sign and projecting box sign.**

Site Address: 77 GOLDERS GREEN ROAD LONDON NW11
Application Number: C02272
Application Type: Advertisement
Decision: Approve with conditions
Decision Date: 27/01/1969
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Advert**

Site Address: 77, Golders Green Golders Green Road NW11
Application Number: C02272A

Application Type: Full Application
Decision: Approve
Decision Date: 27/01/1969
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Installation of new shop front**

Site Address: 77 Golders Green Road, London, NW11 8EN
Application Number: F/00901/12
Application Type: Listed Building 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: **Roof extension at the rear with 4no. rooflights Internal alterations and associated works to facilitate conversion of upper floors into 4no. self contained flats. (LISTED BUILDING CONSENT)**
Case Officer: David Campbell

Consultations and Views Expressed:

Neighbours Consulted: 138 Replies: 4
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- This is a conservation area.
- Overlooking.
- The buildings are too high and the windows are out of character.
- Over development
- The building should be restored to its original use.
- The area doesn't need any more flats.

Internal /Other Consultations:

- Urban Design & Heritage - No objections.

Date of Site Notice: 15 March 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site is the flat located in a mixed use area of Golders Green, above 77 Golders Green Road with a commercial use on the ground floor. The property is Grade II listed and falls within the Golders Green Town Centre Conservation Area.

Proposals:

The application seeks permission for roof extensions at the rear with 4no. rooflights, internal alterations and associated works to facilitate conversion of upper floors into

4no. self contained flats.

The External Works:

The design of the new hipped roof is similar to recently granted proposals for other such extensions on properties in the road. The proposed roof line would be below that of the existing roof line that can be seen from the main front elevation, and therefore could not be viewed from the main thoroughfare. Whilst it can be viewed from within Golders Green Road, such roof extensions now form part of the character of the street and as such cannot be considered to be harmful to the character and appearance of the Conservation Area.

It was pointed out by the architect on the site visit that the proposed velux window that would overlook the upper floor balcony of the property of No. 75 Golders Green Road could be made frosted, if there were complaints as to overlooking. This was agreed to in an email of 27th March 2012.

The Internal Works:

First floor: The principal works to this floor, involve the creation of a single flat utilizing the existing layout of the floor. A new en suite bathroom is to be created in the current dining room and there will also be the creation of new cupboard and entrance to the flat. A drawing has been provided at scale 1:10 of a internal door, to match the original doors in design but provide half hour fire resistance.

It is proposed to replace the first 3 steps of the first floor staircase to winders. The reason for doing this, which would appear to be an unnecessary change to the fabric of a listed building, is that it is required to form a reasonable lobby into flat 1 without incursion into the front room. The staircases have some architectural merit and they should be preserved and replicated where necessary. It has been confirmed that only the three winding set will be new fabric, and that other original structural elements of the original staircase will be renewed where possible.

Second floor: Whilst much of the existing layout will remain towards the front of this floor, it will be in the existing rear extension where the greatest change will take place, where in order to create flat no. 2 the rear rooms will be sealed off and all partitions removed. A new staircase will be formed to allow access to the new proposed roof extension.

The front rooms on this floor will become flat no. 3 with the rear of the existing bedrooms having an en suite inserted and a new cupboard created at the flats entrance. From within the hallway, a new staircase and flat entrance will be created to allow access to the proposed loft extension, which will become flat 4. The new staircase will replicate the details of the existing newels and banisters, or incorporate them where possible.

Third floor: the existing roof void and proposed rear roof extension will become, to the front of the building flat no. 4 and to the rear, the upper floor of flat no. 2. The new staircase for flat no. 4 will continue on in the same layout as that of the original staircase below. As all walls in these areas are new, the proposed works cannot be considered to be damaging to the significance of a listed building.

In order to obtain light to the room at the front of the building, a skylight and tunnel is proposed, in order to avoid placing a window on the front of the building.

Planning Considerations:

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

Policy Considerations

The NPPF has now been adopted. 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 TCR13 of the UDP states that “housing development in and near town centres through conversion and redevelopment of existing buildings and new development will be permitted except on the ground floor of primary and secondary frontage”. The proposal would provide further accommodation in an area well connected with transport and where commodities are easily accessible.

Impact on Conservation Area and Listed Building

The council's Conservation team have been consulted on the application and have made the following comments:

The new hip roof to the rear extension will match previously approved examples at

number 85, 87, 89 and 91, 93 and 95. The use of materials matching the original bricks and roof tiles will further confirm this protection. It is proposed to match the existing building materials, and as such, cannot be considered harmful to the significance of a heritage asset.

The internal wall fabric of the upperparts of this building will remain largely undisturbed with the existing original skirting and architraves retained where possible. It has been confirmed that all skirting, architraves, cornices and picture rails should be replaced where they are now missing, to match that of the existing like for like, in an email of the 4th April 2012 .

There are few original pieces of cornice remain especially in the circulation spaces most affected by alteration.

The existing fireplaces are clearly indicated as being retained in the proposed new layout. Whilst it is acknowledged that the retention of fireplaces are significant, confirmation needs to be provided as to whether it is desired by the applicant to open the fireplaces up, in order to establish whether grates remain insitu, or whether they are to remain sealed during the works and only the fire surround to be refurbished. It was confirmed in an email of the 4th April 2012, that the fireplaces will remain sealed and the surrounds re-decorated during the works.

No new external pipework will be required. The existing pipes will be used to connect to any new internal soil and waste connections. The running of all new pipework should be clearly indicated on the plans, indicating where it runs into the existing pipework. Such plans were provided on the 24th April 2012. The new pipework is acceptable as it is not damaging to the significance of a heritage asset.

Any new ventilation outlets required for the bathrooms shall be terminated in brick vents cut neatly into the rear external walls or terminated in tile vents in locations not seen from the ground. Locations of the vents should be detailed on the plans and details should be provided of the proposed tile vents. Such plans were provided on the 24th April 2012. The location of vents are acceptable as it cannot be considered damaging to the significance of a heritage asset.

Whilst it is appreciated that there is no intention to undertake works to any windows, the possibility of them being repainted should be taken into consideration by the applicant. Such works would help to improve the character and appearance of a listed building and would make a positive contribution to a heritage asset. It was confirmed that it is intended to re-decorate the windows and that they will be properly stripped and painted in white oil paint over primer in an email of the 4th April 2012.

It is considered that the alterations are acceptable.

Impact on Neighbouring Amenity

Several properties have constructed similar extensions as the proposed to assist conversions to flats and were not considered to cause any loss of amenity. This scene is also considered to be acceptable in this respect as well. There are some concerns that the balcony of 75 Golders Green Road would be overlooked by the rooflight on the side elevation. A condition has been attached to ensure that this is

frosted.

Layout

Although the internal layouts of the flats do not depict 'like above like' in terms of the rooms, the submitted drawings note that the soundproofing will be 3 decibels above normal building regulations. It is therefore considered that no harm to the proposed flats will be caused by the development. There are no be changes to the first floor rear windows and a new side entrance door to flat A which are considered to be acceptable. Other than these, no other external changes are proposed.

The room standards are slightly lower than would normally be found acceptable in London Plan policy 3.5, however, considering there is an additional storage and laundry room, the sustainable location and the building is listed (meaning further extension would not be possible), the application is considered to be acceptable on this occasion. The refurbishment works done to the building are also considered to be a benefit to the scheme as a whole.

Amenity Space

Although the application does not contain any amenity space for the proposed new units, it is considered that as the site is situated within close proximity to the shops and amenities within the local area, there will not be a negative effect on the future occupants of the property in this respect. It is also noted that the existing flats in the same row do not have any amenity space either.

Refuse

Details of refuse storage have not been submitted with the application, so a condition has been recommended that seeks to ensure that these are provided and approved before works are commenced.

Parking

No additional parking spaces are provided by the application. However, as the site is located within a Controlled Parking Zone (CPZ), close to the town centre, and close to amenities and public transport links, the application is considered to be acceptable in terms of parking provision and other highways issues. The appeal Inspector at 14 Golders Way dismissed the appeal on the grounds that the applicant had not provided an agreement stating that the development would be car free. A condition has therefore been recommended to ensure that the agreement is forthcoming following the grant of planning permission.

Contributions

No education contributions are required under Policy CS8 of the Adopted UDP.

Under Policy CS2 of the Adopted UDP (2006) the application is subject to a condition which seeks to secure the provision of community and religious facilities. A contribution is sought for the provision of library services in the borough in line with

the council's Supplementary Planning Document on Contributions to Library Services.

Under Policy CS13 of the Adopted UDP (2006) the application is subject to a condition which seeks to secure the provision of health and social care facilities. A contribution is sought for the provision of healthcare services in the borough in line with the council's Supplementary Planning Document on Contributions to Health and Social Care.

The payment of a financial obligation towards the costs of undertaking the work relating to securing the planning obligations is required in line with the Supplementary Planning Document for Planning Obligations.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The planning grounds of objection have been discussed 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.

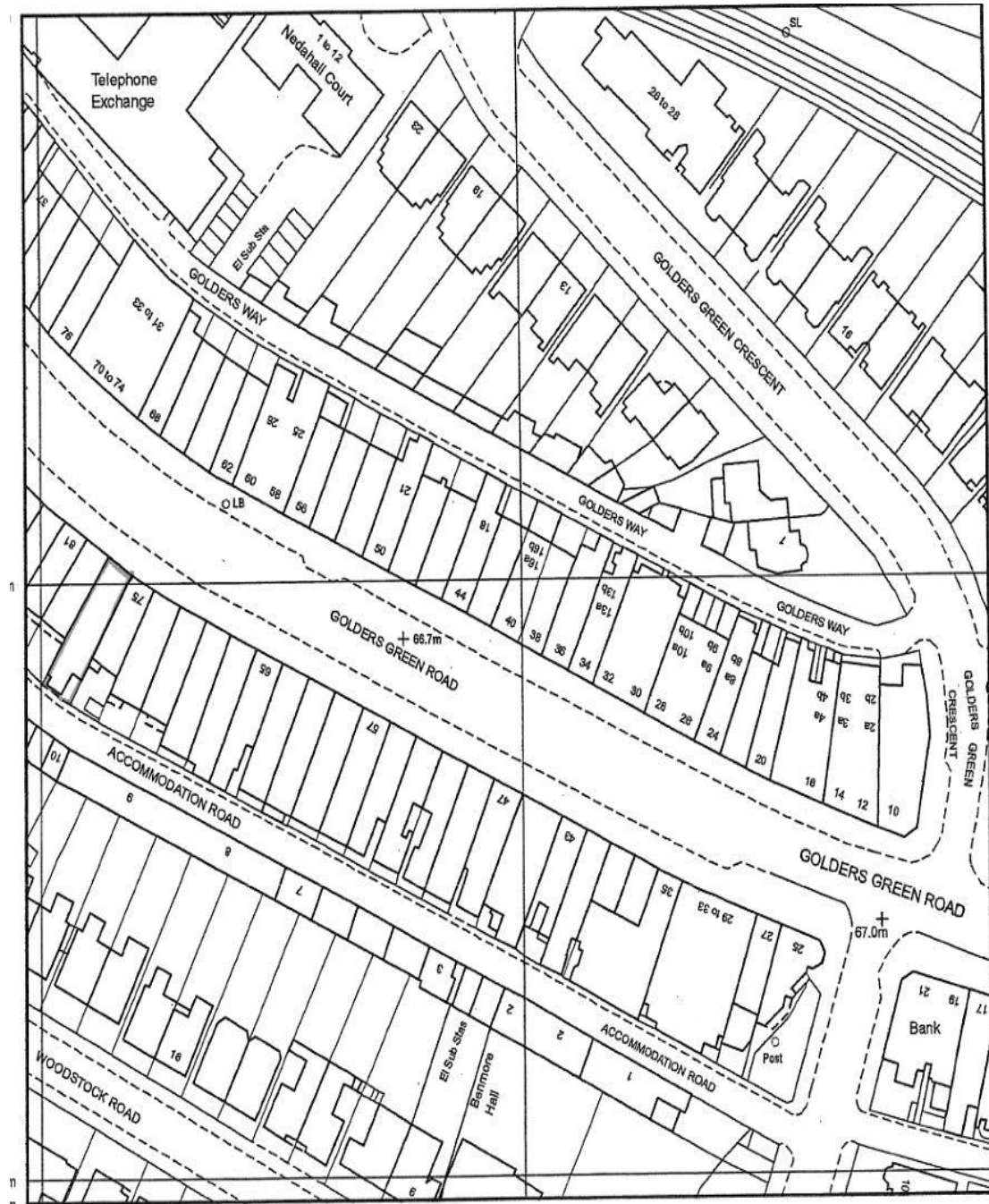
5. CONCLUSION

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions the proposal would be in accordance with the Council's policies and guidelines, would preserve or enhance the character of the conservation area, the special architectural interest of the listed building and would not cause unacceptable harm to the amenities of the area.

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

SITE LOCATION PLAN: 77 Golders Green Road, London, NW11 8EN

REFERENCE: F/00900/12



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LOCATION: 79 West Heath Road, London, NW3 7TH

REFERENCE: F/01019/12

Received: 14 March 2012

Accepted: 14 March 2012

Expiry: 09 May 2012

WARD: Childs Hill

Final Revisions:

APPLICANT: Globalhome Estates Ltd

PROPOSAL: Demolition of existing dwellinghouse and erection of three storey plus rooms in roofspace and basement detached building to provide 2no. self-contained maisonettes. Associated amenity space and off-street car parking.

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) £7,799.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Health £1,685.00**
A contribution towards Health Facilities and Resources in the borough
- 5 **Libraries (financial) £34.00**
A contribution towards Library Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £699.95**
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/01019/12 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site and Location Plan; Design and Access Statement; Arboricultural Method Statement, Dated 9th March 2012; Construction Management Plan; Plan No's: 000-OS; 000-01; 010-OS; 000-02; 000-03; 040-01 A; 040-02 A; 040-03 A; 040-04 A; 040-05 A; 040-06 A; 040-07 A; 010-LG A; 010-OG B; 010-01 A; 010-02 A; 010-0R A; 010-03 A; Email from Agent (Mr Spry), Dated 17/05/12, 28/05/12 & 29/05/112).
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

- 3 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.
Reason:
To safeguard the visual amenities of the locality.
- 4 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.
Reason:
To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway.
- 5 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 Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval.
Reason:
To safeguard the health of existing tree(s) which represent an important amenity feature.
- 7 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.
- 8 No development or other operations shall commence on site in connection with the demolition and 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: 2010 *Recommendation for Tree Works* (or as amended).
Reason: To safeguard the health of existing trees which represent an important amenity feature.

- 9 The development works hereby consented shall be implemented in accordance with the precautions and methods specified within the Arboricultural Method Statement, dated 9th March 2012 and the details contained within the e-mail chain submitted to the Council on the 17th May 2012 onwards.
Reason: To safeguard the health of existing trees which represent an important amenity feature.
- 10 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.
- 11 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.
- 12 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).
- 13 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.
- 14 The level of noise emitted from the ventilation and extraction equipment hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

Reason:

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

- 15 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.

- 16 Before the development hereby permitted is occupied, parking spaces shall be provided in accordance with the Drawing No. 010-0G Rev B submitted with the application and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development.

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

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, D4, D5, D11, D13, CS2, CS8, CS13, IMP1, IMP2, GMon, GH1, H2, H16, H18, H23, H26, H27, M11, M13 and M14.

Core Strategy (Examination in Public version) 2012: CS NPPF, CS1, CS5.

Development Management Policies (Examination in Public version)2012: DM01, DM02, DM08, DM17.

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

The replacement of the property with two self contained maisonettes is considered acceptable, in character with the surrounding area. As conditioned, the proposals would not impact on trees of special amenity value. 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 £_____ (to be supplied in the addendum to the report).

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 Trees at and adjacent to this site are included within a Tree Preservation Order. This grant of planning consent confers no rights to undertake any treatment to any trees at and/or adjacent to the site. If any treatment is proposed to trees at and/or adjacent to the site as part of the development works hereby consented then this should be specified in details submitted for the discharge of condition 8 of the planning permission hereby approved. Alternatively, a separate application would be required in accordance with the tree preservation legislation. You are reminded that unauthorised treatment of protected trees is a criminal offence which may carry a heavy penalty.
- 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 Environment, Planning and Regeneration Directorate. 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 Environment, Planning and Regeneration Directorate Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

6 In the case where a highway tree is present on public footway in the vicinity of the site, which is likely to be affected if the vehicular access to the site is proposed for alteration, then the final approval would be subject to a detailed assessment carried out by the Environment, Planning and Regeneration Directorate 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, Environment, Planning and Regeneration Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP

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

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 13th July 2012 the Assistant Director of Planning and Development Management REFUSE the application ref: F/01019/12 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, amending to the traffic order and associated monitoring costs arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet supplementary Planning Documents - Contributions to Education (2008), Libraries (2008), Health (2009) and Monitoring (2007) and policies, CS8, CS2, CS13, IMP1, IMP2 of the Adopted Unitary Development Plan (2006).

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework:

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, D11, D13, 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 (Examination in Public version) 2012

Development Management Policies (Examination in Public version) 2012

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.

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.

Policies: DM01, DM02, DM08, DM17.

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.

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.

Policies: CS NPPF, CS1, CS5.

Relevant Planning History:

Site Address: 79 West Heath Road LONDON NW3 7TH
Application Number: C05197A
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 24/04/1996
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Ground floor front extension.**
Case Officer:

Site Address: 79 West Heath Road Hampstead NW3
Application Number: C00578
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 25/01/1966
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Formation of new study/bedroom and extension of existing bedroom.**
Case Officer:

Site Address: 79 West Heath Road London NW3 7TH
Application Number: C05197D/05
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 19/04/2005
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Ground floor front extension (renewal of planning permission ref C05197B/00, dated 17/04/00).**
Case Officer: Laura Knight

Site Address: 79 WEST HEATH ROAD LONDON NW3 7TH
Application Number: C05197B/00
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 17/04/2000
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Ground floor front extension.**
Case Officer:

Site Address: 79 WEST HEATH ROAD LONDON NW3 7TH
Application Number: C05197C/00

Application Type: Section 192
Decision: Lawful Development
Decision Date: 12/09/2000
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Extension to terrace at rear.**
Case Officer:

Site Address: 79 West Heath Road, London, NW3 7TH
Application Number: 00385/10
Application Type: Householder
Decision: Approve with conditions
Decision Date: 20/04/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Extension to the time limit for implementing planning permission C05197D/05 dated 18/04/2005 for ground floor front extension.**
Case Officer: Neetal Rajput

Site Address: 79 West Heath Road, London, NW3 7TH
Application Number: 02142/10
Application Type: Full Application
Decision: Withdrawn
Decision Date: 01/07/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing dwelling and erection of three-storey detached dwelling including basement.**
Case Officer: Neetal Rajput

Site Address: 79 West Heath Road, London, NW3 7TH
Application Number: 03568/10
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 09/12/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing dwelling and erection of a three storey detached dwelling including basement. Associated parking.**
Case Officer: Neetal Rajput

Site Address: 79 West Heath Road, London, NW3 7TH
Application Number: F/00155/11
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 10/03/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing dwelling and erection of a three storey detached dwelling including basement. Associated parking and amenity space.**
Case Officer: Neetal Rajput

Site Address: 79 West Heath Road, London, NW3 7TH
Application Number: F/01881/11
Application Type: Full Application
Decision: Withdrawn
Decision Date: 03/06/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists

Proposal: Variation to the previously approved application Ref: F/00155/11
"(Demolition of existing dwelling and erection of a three storey detached dwelling including basement. Associated parking and amenity space.)" to include single storey front extension.

Case Officer: Neetal Rajput

Consultations and Views Expressed:

Neighbours Consulted: 29 Replies: 5
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Objection to making the building wider on grounds of loss of light
- Maintenance concerns with the development
- Loss of outlook
- Overdevelopment of site
- Proposals out of character with the area
- Concerns site is being used as an illegal rubbish dump
- Concerns the basement development will detrimentally affect the underground water course and contribute to flooding in the area
- Object to being able to use the pavement to unload construction materials
- Impact of delivery lorries on the vicinity, especially pavements
 - Site located on dangerous bend
 - Neighbours will be unable to access their entry gates
 - Danger to pedestrians
 - Development affecting traffic flow and parking
 - Need for temporary lights
 - Impact on trees as a result of delivery lorries
 - Proposals do not create a "harmonious look"

Date of Site Notice: 29 March 2012

Internal /Other Consultations:

Traffic and Development - no objections
Trees and Landscaping - no objections

2. PLANNING APPRAISAL

Site Description and Surroundings:

West Heath Road is a residential street in the Childs Hill Ward. 79 West Heath Road is a large detached property located on the west side of the road opposite the entrance to Eden Close. There are a number of trees protected by Tree Preservation Orders located within the curtilage of the application site and within neighbouring properties. The area is characterised by different types of buildings and with different types of tenures.

Proposal:

The proposal is for demolition of existing dwellinghouse and erection of three storey plus rooms in roofspace and basement detached building to provide two self-contained maisonettes with associated amenity space and off-street car parking.

There have been previous approvals at the application site (F/00155/11 & F/03568/10) for *demolition of existing dwelling and erection of a three storey detached dwelling including basement; associated parking and amenity space* in 10/03/2011.

Planning Considerations:

The main considerations are the impact on the character of the surrounding area and on any neighbouring properties and occupiers.

Proposed siting, character and appearance:

The application site is currently a large detached residential dwelling and as the existing property is not considered to be of particular architectural merit to warrant its retention, demolition is considered to be acceptable.

Whilst the planning history (F/00155/11) should be noted and is a material consideration in the determination of this application, this application should be considered on its own merits. The main change to this application from the previous approval (F/00155/11) is that the proposed building has been set back and the distance to the neighbouring property No. 77 West Heath Road is greater than what was previously approved and thus, in this respect, this application is an improvement and provides a better outlook to the adjoining neighbouring occupiers. The set back and distance to the boundary from the window on the first floor side elevation of the neighbouring property No. 77 West Heath Road, provides relief to the visual amenities of the neighbouring occupiers. In addition, there are no windows proposed in the flank side wall facing No. 77 West Heath Road. The distance to the neighbouring property and no side windows mitigates harm to the visual amenities of the neighbouring property.

There has also been an alteration to the roof form, whereby this now provides a terraced area which is considered to provide better quality of life for the occupants of the upper maisonette.

The principle of modern design is considered to be acceptable in this location given the general mix of houses in the vicinity. In addition, there are examples of approved buildings elsewhere in West Heath Road such as No. 183 West Heath Road, the redevelopment of which was granted in February 2007.

The proposed building has staggered footprints and thus the bulk of the building is not considered to be over dominate or overbearing to neighbouring occupiers.

It is considered that there is sufficient distance to the properties at the rear of the application site and thus, there will not be issues of overlooking or loss of privacy. The size and bulk of the proposed buildings is considered to be appropriate for the

site, street scene and general locality. As previously discussed, whilst the modern design differs from that existing, the street is characterised by properties of varying sizes and styles and is considered to be a suitable location for a modern design of this nature which will not appear as an incongruous development in the street scene.

The house has been carefully designed to take account of the massing of neighbouring properties and ensure that the building appears in context. The height, size, depth and massing are all considered to be in context with its neighbours.

The basement is proposed for purposes ancillary to the main dwelling and will sit directly below the dwellinghouse. During a site visit, it was evident that there is an existing basement at the application site and thus this element of the proposal is not considered to cause harm to the amenities of neighbouring occupiers or the character of the area. The lightwell at the front of the property does not take a large proportion of the hard surfaced area and its settings would contribute to a minimal impact to the neighbouring properties. The lightwell will not be seen from the streetscene and thus will not harm the character of the area.

The grounds of objection against the appearance and the impact on the character of the area from neighbouring residents are noted and it is accepted that this is a judgement. However, after considering all representations on these grounds and taking all material planning considerations into account, there are no objections to the design of the building or on its impact on the character of the area.

Neighbouring Residential Amenities:

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

With regards to No. 77 West Heath Road, the first floor element closest to the boundary has been set back by 3.4 metres, thus it is not in view from the window of the side elevation of the neighbouring property. The element on first floor level that will be in view from the window in the side elevation of No. 77 West Heath Road is located 3.23 metres away, this distance ensures that there will be minimal impact to the occupiers of the neighbouring property. Thus, the impact to the neighbouring property side elevation window at No. 77 West Heath Road will be minimal and it is noted that this is not the principal window serving this room.

The distance to the boundary with No. 77 West Heath Road on first floor and the set back of the first and second floor is considered to protect the amenities of the neighbouring occupiers and is not considered to cause loss of light or a sense of enclosure to these occupiers. Additionally, the eaves of the roof respects the adjoining neighbouring properties and this is not considered to have an impact on the neighbour's residential amenity in terms of its overbearing appearance and is not considered to lead to loss of light.

The front building line of the proposed new dwelling is to remain in-line with the original building line of the property. It is therefore not considered to harm the amenities of the neighbouring residents or appear out of character.

With regards to 81 West Heath Road, the single storey rear extension projects 4

metres in depth and there will be a distance of 0.95 metres to the boundary with the neighbouring property, thus there will be minimal impact to the adjoining occupiers. The footprint of the first and second floor only projects a mere 0.4 meters rearward than the neighbouring property No. 81 West Heath Road and therefore this development is not considered to cause harm or have a significant impact on the amenities of the neighbouring occupiers or future occupiers.

As a result of the shape and location of the application site, the proposal is considered acceptable. There is sufficient distance between the neighbouring properties at the rear, No's. 83 and 87 West Heath Road and the application site. Also, the neighbouring properties at the rear of the application site are set at an angle in relation to the application site. Therefore, the proposed siting and mass of the new dwelling is not considered to be unduly intrusive or overbearing. The proposal would not have an adverse impact on the residential and visual amenities of the neighbouring occupiers at the rear to the application site.

Use of site as two units:

The immediate surroundings are characterised by purpose-built flats and as well as properties in single family occupancy. The proposal would result in the re-use of a brownfield site and as such a small flatted development is considered acceptable in this location. The proposed density is in line with policy H21. The current application is for one 3 bedroom maisonette and one 4 bedroom maisonette (total of maisonette). Surrounding sites have or are being re-developed for higher densities. The principle of redevelopment has been deemed acceptable as part of the previous planning permissions to surrounding sites for similar schemes.

It is considered that the proposals comply with point i of Policy DM01 of the Emerging Local Plan Development Management Policies that states that loss of houses in roads characterised by houses will not be normally appropriate. This part of West Heath Road is characterised by purpose built flats and houses.

Highways:

The proposed development is for the demolition of the existing four plus bedroom house and erection of a new building to provide 1x3bedroom and 1x4bderoom maisonettes. Three parking spaces and four cycle parking spaces are being provided including a disabled car parking space.

The council's traffic and development team have confirmed that parking provision is in accordance with the Parking Standards set out in the London Borough of Barnet Adopted Unitary Development Plan 2006. The application is considered to be acceptable in terms of highways and parking and therefore there are no objections on these grounds.

A Construction Management Plan has also been submitted which is acceptable.

Amenity of existing/future occupiers:

It is considered that there is sufficient space to allow the occupants unrestricted movement within the premises. The flats exceed Barnet's minimum size and the

minimum space standards within The London Plan, policy 3.5.

The proposed development also provides sufficient amounts of usable outdoor space for the enjoyment of future occupiers. The current scheme proposes a private garden to the rear for the lower ground maisonette and balconies and terraces for the upper floor maisonette which is in line with policy H18 of the Adopted Unitary Development Plan 2006. The rear garden and balconies and terraces would provide an acceptable quality of outdoor amenity space.

Impact on Trees:

There are protected trees on the site and the proposal is not considered to harm the health of the TPO trees on site. There are no objections to the proposal on tree grounds subject to the relevant conditions.

As the agent has confirmed in his e-mail dated 29/05/2012 that there will not be any need for any treeworks as part of this development the exemption provisions within the tree preservation legislation relating to works necessary to implement a full planning permission cannot apply and a separate treeworks condition has been attached in any event.

Sustainability:

To ensure the sustainability of each unit an insulation of acoustic separation for the proposed maisonettes 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. The units are conditioned to meet Code 3 of the Code for Sustainable Homes.

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 S

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.

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.

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.

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

3. COMMENTS ON GROUNDS OF OBJECTIONS

The main grounds of objection are considered to have been covered 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.

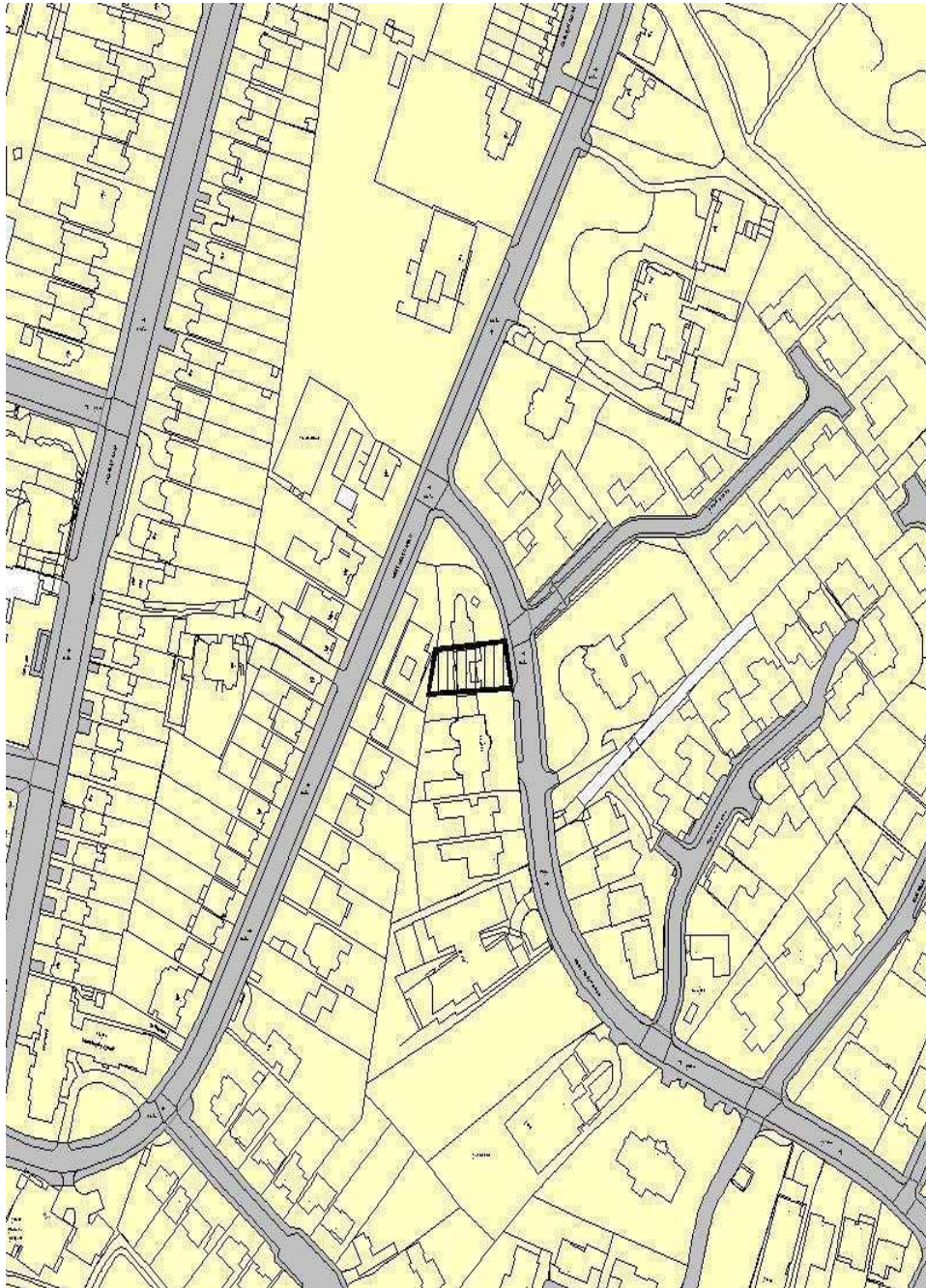
5. CONCLUSION

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 area, the existing building or the amenities of any neighbouring property and would not cause unacceptable harm to the amenities of the area or prejudice highway safety or convenience.

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

SITE LOCATION PLAN: 79 West Heath Road, London, NW3 7TH

REFERENCE: F/01019/12



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LOCATION: 26 Basing Hill, London, NW11 8TH

REFERENCE: F/01254/12

Received: 02 April 2012

Accepted: 02 April 2012

Expiry: 28 May 2012

WARD(S): Childs Hill

Final Revisions:

APPLICANT: Ms I Joseph

PROPOSAL: Two storey front, part single, part two side and single storey rear extensions. Roof extension involving side and rear dormer windows. Lowered parking spaces with new stairs to ground floor level. (Amended Description and Drawings- including removal of basement and alterations to front landscaping).

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan; 1207.1; 1207.2; 1207.3; 1207.4; 1207.5; 1207.6; 1207.P1 RevA; 1207.P2; 1207.P3; 1207.P4; 1207.P5; 1207.P6 RevA; 1207.P7 RevA; 1207.P8 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 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.

5 Before the building hereby permitted is occupied the proposed window(s) in the side elevation facing 24 and 28 Basing Hill 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.

6 A scheme of hard and soft landscaping to the front of the site shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

- To ensure a satisfactory appearance to the development.
- 8 Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
Reason:
To ensure a satisfactory appearance to the development.
- 9 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 Details of any extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before they are installed on site.
Reason:
To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
- i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (UDP) (2006).
In particular the following policies are relevant:
Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D5 & H27.

Design Guidance Note No 5 – Extensions to Houses
Core Strategy (Submission version) 2011:
Relevant policies: CS NPPF, CS1, CS5.
Development Management Policies (Submission version)2011:
Relevant Policies: DM01, DM02
- ii) The proposal is acceptable for the following reason(s): -
Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet UDP policies and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers.
- 2 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

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

Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

The London Plan is recognised in the NPPF as part of the development plan.

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

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan July 2011:

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

Greater London.

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

Relevant Unitary Development Plan Policies:

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

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

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, D5 & H27.

Design Guidance Note No 5 – Extensions to Houses

The Council Guide ‘Extension to Houses’ was approved by the Planning and Environment Committee (The Local Planning Authority) on March 2010. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation.

Included advice states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The council is committed to protecting, and where possible enhancing the character of the borough’s residential areas and retaining an attractive street scene.

In respect to amenity, the extension should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook and be overbearing or cause an increased sense of enclosure to adjoining properties.

The basic principles the Local Authority has adopted in respect to different types developments are that they should not unduly reduce light or outlook from neighbouring windows to habitable rooms, overshadow or create an unacceptable sense of enclosure to neighbouring gardens. They should not look out of place, overbearing or bulky from surrounding areas.

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.

Core Strategy (Examination in Public version) 2012

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 sets the vision, core objectives and strategic policies for Barnet. 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:

CS NPPF, CS1, 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

Relevant Planning History:

Site history for current landparcel :

137677 - 26 Basing Hill, London, NW11 8TH

Case Reference: **F/01254/12**

Application:	Planning	Number:	F/01254/12
Validated:	02/04/2012	Type:	APF
Status:	REG	Date:	
Summary:	DEL	Case Officer:	Elizabeth Thomas
Description:	Two storey front, part single, part two side and single storey rear extensions. Roof extension involving side and rear dormer windows. Lowered parking spaces with new stairs to ground floor level. (Amended Description and Drawings- including removal of basement and alterations to front landscaping).		

Consultations and Views Expressed:

Neighbours Consulted: 20 Replies: 14
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Proposed development will adversely affect the amenity of adjoining properties and general character of the street
- Proposals will result in loss of open space

- Proposals will put at risk the structural stability of adjacent buildings
- Proposals will result in a loss of trees and shrubs of townscape value
- Development is out of character
- Excessive amount of hardstanding proposed, risks increasing water run off and creating a flood risk
- Basement excavations will affect local ground water
- Noise and disturbance as a result of the development
- Request a construction method statement for proposed works
- Loss of privacy due to overlooking from side dormer windows
- Overdevelopment of site

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application property is a detached dwelling with a single storey link between garages with the neighbouring property. There are substantial level changes at the front of the property. The area is in a predominately residential location and does not fall within a conservation area.

Proposal:

The application relates to a two storey front, part single, part two side and single storey rear extensions. Roof extension involving side and rear dormer windows. Lowered parking spaces with new stairs to ground floor level.

Planning Considerations:

The proposal has been amended substantially since the initial submission, the basement level has now been omitted from the proposal and the front landscaping and changing of levels has also been amended.

The main issue in this case are considered to be covered under two main areas:

- The living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.

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

Policies D1 and D2 aims to ensure compatibility with the established character and architectural identity of existing and adjoining properties and the general location in

terms of scale, design and impact on neighbouring properties. Established local character and townscape quality can be harmed by insensitive development, which is out of scale with and unrelated to the locality.

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

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

The proposals would comply with the aforementioned policies and Council Design Guidance on Extensions to Houses and would be a proportionate addition to the dwellinghouse. It would have an acceptable impact on the character and appearance of the streetscene, site property, general locality and the residential amenity of neighbouring occupiers.

There are a number of other examples of extensions to residential properties in the surrounding area. The proposals have been designed to be sympathetic to the host property and the surrounding area. The site is considered large enough to accommodate the extensions without resulting in overdevelopment of the site. A condition has been placed on the application to ensure side windows will be obscure glazed to prevent any potential of overlooking or loss of privacy to the neighbouring residential occupiers.

There are a number of other examples in the street where a part of the front garden has been lowered to provide a more level ground for car parking including 22 and 18 Basing Hill, the proposal is therefore not considered to be out of context. The properties along this stretch of the road have significant level changes from the public highway level up to the front entrance of the property. The hardstanding maintains a slight gradient to ensure it respects the level changes on the site which is characteristic of the properties along this stretch of Basing Hill. A large area of soft landscaping is proposed at existing levels directly in front of the property and to either side of the proposed parking hardstanding area to ensure the front remains aesthetically pleasing without resulting in harm to the streetscene. The amount of soft landscaping proposed is also considered to mitigate concerns of rainwater runoff.

3. COMMENTS ON GROUNDS OF OBJECTIONS

All planning related matters are considered to be covered in the above appraisal. The proposal has been substantially amended since the initial submission removing the basement and altering the front landscaping. The removal of the basement previously proposed from the plans is considered to mitigate concerns relating to the structural impact of the proposal on surrounding properties.

The front landscaping will now provide a greater level of soft landscaping and a smaller ground level car area will be provided.

The property is not in a flood risk zone, however, more soft landscaping has been introduced to the front of the property to mitigate concerns of excess water runoff

and flood risk.

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 therefore recommended for **APPROVAL**.

SITE LOCATION PLAN: 26 Basing Hill, London, NW11 8TH

REFERENCE: F/01254/12



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LOCATION: 201 The Vale, London, NW11 8TN

REFERENCE: F/01540/12

Received: 19 April 2012

Accepted: 19 April 2012

Expiry: 14 June 2012

WARD(S): Childs Hill

Final Revisions:

APPLICANT: Mrs Zangeneh

PROPOSAL: Conversion of existing dwelling house into 2no self-contained residential units following rear and side extensions to roof including dormer windows to facilitate a loft conversion. Part single, part two storey rear and side extensions. New front porch. Provision of off-street parking and hardstanding.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan; PP/254/01; PP/254/02; PP/254/03; PP/254/04.
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 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 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.
- 5 Before the building hereby permitted is occupied the proposed window(s) in the side elevation facing 199 and 203 The Vale shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.
Reason:
To safeguard the privacy and amenities of occupiers of adjoining residential properties.
- 6 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.
Reason:
To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.
- 7 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 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.

- 10 The level of noise emitted from any plant that may be installed 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.

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

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

Reason:

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

- 12 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.
- 13 Before the development hereby permitted is occupied details for the boundary treatment for the subdivision of the rear garden shall be submitted to and approved in writing by the Local Planning Authority and implemented as agreed and that area shall not thereafter be built on or used for any purpose other than amenity space for the hereby approved flats.

Reason:

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

INFORMATIVE(S):

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

National Policy:
National Planning Policy Framework

London Plan (2011):
3.4, 3.5A, 3.5B, 7.4A

Adopted Barnet Unitary Development Plan (2006):
GSD, GParking, GCS1, GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, D9, D11, M8, M10, M11, M12, H16, H17, H18, H23, CS2, CS8, CS13, IMP1, IMP2.

Local Development Framework:
Core Strategy (Examination in Public version) 2012 – CS NPPF, CS1, CS4, CS5, CS9, CS10, CS13, CS15.
Development Management Policies (Examination in Public version) 2012 – DM01, DM02, DM13, DM17.

- 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 provided good quality residential accommodation which is at sort supply.

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

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

The Council of the London Borough of Barnet is the Street Naming and

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

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

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

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework:

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

The London Plan is recognised in the NPPF as part of the development plan.

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

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan 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.

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.

Relevant policies: GSD, GParking, GCS1, GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, D9, D11, M8, M10, M11, M12, H16, H17, H18, H23, CS2, CS8, CS13, IMP1, IMP2.

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

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

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

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

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

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

Core Strategy (Examination in Public version) 2012:

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 sets the vision, core objectives and strategic policies for Barnet. 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: CS NPPF, CS1, CS4, CS5, CS9, CS10, CS13, CS15.

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

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, DM13, DM17.

Relevant Planning History:

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

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

Application:	Planning	Number:	F/03990/11
Validated:	26/09/2011	Type:	APF
Status:	DEC	Date:	13/01/2012
Summary:	APC	Case Officer:	Elizabeth Thomas
Description:	Part single, part two storey side and rear extension. New ground floor front porch.		

Consultations and Views Expressed:

Neighbours Consulted:	33	Replies:	3
Neighbours Wishing To Speak	1		

The objections raised may be summarised as follows:

- Proposals out of keeping with area
- Detrimental to peace in the area
- Concerns about short term tenancies not contributing to community
- Additional traffic and pressures on parking
- Scale and appearance

- Noise and disturbance
- Dust during construction

Date of Site Notice: 03 May 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application property is a semi detached dwelling located in the Childs Hill ward. The property is in a predominately residential location and does not fall within a conservation area. Works have been carried out under permitted development including an outbuilding in the rear garden.

Proposal:

The application relates to the conversion of existing dwelling house into 2no self-contained residential units following rear and side extensions to roof including dormer windows to facilitate a loft conversion. Part single, part two storey rear and side extensions. New front porch. Provision of off-street parking and hardstanding.

Planning Considerations:

Planning permission has previously been approved on site for extensions to the property comprising of part single, part two storey side and rear extension and new ground floor front porch. The application F/03990/11 was approved at committee in January 2012. The current application now seeks to convert the property into 2 self contained units with the addition of a side dormer.

The principle of converting the premises into two 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 The Vale and Golders Green Estate as follows:

- 106 The Vale - in 3 flats in 2010
- 237 The Vale -2 flats in 2005
- 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. A condition will be placed on the application to ensure side windows are obscure glazed to prevent any overlooking or loss of privacy 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 provision of 2 parking spaces meets the Council's maximum standards.

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.

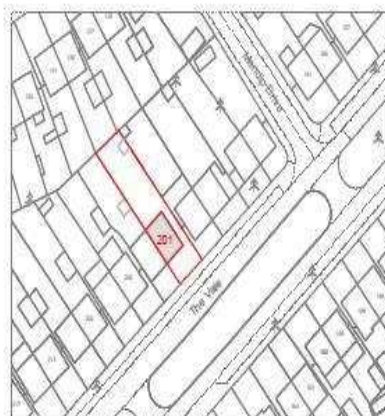
5. CONCLUSION

Having taken all material considerations into account, it is considered that 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 in short supply. It is recommended that the application be **APPROVED** subject to conditions.

SITE LOCATION PLAN: 201 The Vale, London, NW11 8TN

REFERENCE: F/01540/12



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LOCATION: Former 261, Hale Lane, Edgware, Middx, HA8 8NX
REFERENCE: H/04845/11

Received: 05 December 2011

AGENDA ITEM 6g

Accepted: 12 December 2011

WARD(S): Edgware

Expiry: 12 March 2012

Final Revisions:

APPLICANT: Jewish Secondary Schools Movement
PROPOSAL: Application for variation of plan numbers and landscaping details including new canopies at rear playground area. Relocation of plant equipment at roof level. Amendment of BREEAM rating to 'Good'. Alterations to landscaping details. (Amendment to planning applications H/03150/08 and H/02291/11). Amended plans received showing details of security hut and roof plant.

RECOMMENDATION: Approve Subject to Conditions

- 1 This development must be begun before 27/10/2011.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Before the development hereby permitted is occupied the parking spaces shown on Plan HL.673.07 (submitted with application H/03150/08) shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.
Reason:
To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area.
- 3 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.
- 4 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.
- 5 The non-residential development is required to meet 'Good' generic environmental standard (BREEAM). 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.
- 6 Within 3 months of this grant of permission, the applicant shall implement measures contained within the Emtec's Noise Test Report dated 17th April

2012 to reduce the level of noise from plant equipment.

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

- 7 The proposed renewable energy systems shown on the approved plans shall be installed within 6 months of the occupation of development and thereafter permanently maintained.

Reason: To ensure a sustainable form of development and to comply with the requirements of the London Plan.

- 8 Other than those shown on the approved plans, no additional external lighting, floodlighting or other means of external illumination shall be affixed to the external elevations of the buildings, or placed / erected within the site without the prior written consent of the local planning authority pursuant to a planning application.

Reason: To enable the local planning authority to retain control over these matters in the interests of the amenities of adjoining properties.

- 9 Other than the details shown on the approved plans, no CCTV cameras or equipment shall be affixed to the external elevations of the buildings, or placed/ erected within the site without the prior written consent of the local planning authority pursuant to a planning application. Any CCTV cameras or equipment shall be installed and thereafter retained in full accordance with the proposed details,

Reason: To enable the local planning authority to retain control over these matters in the interests of the amenities of adjoining properties.

- 10 Notwithstanding the provisions of Part 32, Class A to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that order) no extensions to the school hereby permitted shall be erected without express planning permission first being obtained.

Reason: To enable the Local Planning Authority to retain control over these matters in the interests of controlling the intensity of use.

- 11 The development hereby permitted shall be carried out in accordance with the following approved plans: HL.673.12.01D, HL.673.02A, HL.673.12.03, HL.673.12.04, HL.673.12.05, HL.673.12.06A, HL.673.12.07C, HL.673.12.08A, 3584/TR/05, Noise impact assessment, Noise impact assessment addendum report 5194/NIA2, Arboricultural report AR/1704a/ap , Design and Access Statement, Habitat and Protected Species Assessment, BREEAM Pre-Assessment, Transport Assessment, Transport Assessment Addendum Report, 280/000, AS/SD/HA68/08/ROL Daylight and Sunlight Report. HL.673.12.7 (phasing plan).

HL.673.86K, Letter from Matt Sugden dated 24/06/2011, Amended Design and Access Statement, HL.673.89A.

Design and Access Statement relating to application to amend approved scheme, HL.673.86P, HL.673.24B, HL.673.25F, HL.673.26D, HL.673.27F, HL.673.28E, HL.673.102A, Site Plan, 282/900.

Reason:

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

- 12 The use of the premises for the purposes hereby permitted shall only take place between the hours of 7.30am and 10.00pm Mondays to Fridays, 9.00am and 6.00pm on Saturdays, 9.00am and 3.00pm on Sundays and Public

Holidays, except on up to 30 occasions in total in any one calendar year when the premises can be used up until 11.00pm on a Friday, Saturday or Sunday.

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

- 13 The acoustic fencing shall be implemented in accordance with the details approved under this application, and those reference H/02291/11 and H/03409/10 in their entirety before the use is occupied.

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

- 14 The premises shall be used as a primary school and associated ancillary community uses and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason: To ensure the Local Planning Authority has control of the use of the site, in the interests of neighbouring amenity.

- 15 The number of pupils attending the school and nursery shall not exceed 296.

Reason: To ensure the Local Planning Authority has control of the number of children on site, in the interests of neighbouring amenity.

- 16 The outdoor play areas including the area under the canopies shall not be used before 8.00am or after 4.30pm Monday to Friday or at any time on a Saturday, Sunday, Public Holiday or during school holidays, except on up to a total of 12 occasions in any calendar year when the play areas can be used up until 6pm on a weekday, Saturday or Sunday.

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

- 17 The level of noise emitted from the plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of any neighbouring property which existed at the time of this decision notice.

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 any existing neighbouring property at the time of this decision notice.

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

- 18 The development shall not be occupied until details of the arrangements to meet the obligation for travel plan monitoring contributions and contributions towards measures to mitigate the impact of parking stress arising from the development by review of parking restrictions on surrounding streets have been submitted to and approved in writing by the local planning authority.

Reason: To ensure the impacts of the development on traffic generation and demand for on-street parking can be mitigated, in the interests of highway

safety, the free flow of traffic and to protect the residential amenities of neighbouring residents.

- 19 A School Travel Plan shall be submitted to and approved in writing by the local planning authority no later than 6 months from occupation of the development.
Reason: To ensure a sustainable form of development and ensure the impacts of the development on traffic generation and demand for on-street parking can be mitigated, in the interests of highway safety, the free flow of traffic and to protect the residential amenities of neighbouring residents.
- 20 The details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas including playground surfaces shall be as approved under this application and H/03409/10.
Reason: To safeguard the visual amenities of the locality.
- 21 The southern access to Peshurst Gardens shall not be used at any time apart from in emergencies.
Reason: To safeguard the amenities of occupiers of neighbouring 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): GSD, GEnergy, GLand, GBEnv1, GBEnv2, GBEnv3, GBEnv5, GParking, GCS1, ENV2, ENV12, D1, D2, D3, D4, D5, D6, D9, D11, D12, D13, M1, M2, M3, M11, M12, M13, M14, CS1, CS3, CS4, CS5, CS6.

Core Strategy (Examination in Public version) 2012: CS5

Development Management Policies (Examination in Public version)2012: DM01, DM03, DM13

ii) The proposal is acceptable for the following reason(s): - The amendments to the originally approved scheme for the redevelopment of the site to form primary school are considered acceptable. The scheme would provide the additional benefit of a new primary school. It is considered that this would outweigh any harm caused from the visual appearance of the additional canopy. It is not considered that the additional canopy would unduly impact neighbouring residents through noise and disturbance. The proposed plant as amended would have an acceptable impact on the appearance of the locality and neighbouring amenity. The proposed security hut and landscaping details are considered acceptable in terms of their appearance. The variation of the condition to meet 'Good' environmental standard under BREEAM assessment is acceptable.

- 2 The additional information accompanying this application are:- Cobalt LED Circular Luminaries, VAN-2601VFHWH, Probe-XL LED, XPS036.

- 3 If the development is carried out it will be necessary for a crossover to be formed on the footway by the Highway Authority at the applicant's expense and you may obtain an estimate for this work from the Highways Group, Building 4, North London Business Park, London, N11 1NP (telephone 020 8359 3018).

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011 3.18, 5.4, 7.6

Relevant Unitary Development Plan Policies: GSD, GEnergy, GLand, GBEnv1, GBEnv2, GBEnv3, GBEnv5, GParking, GCS1, ENV2, ENV12, D1, D2, D3, D4, D5, D6, D9, D11, D12, D13, M1, M2, M3, M11, M12, M13, M14, CS1, CS3, CS4, CS5, CS6.

Core Strategy (Examination in Public version) 2012

Development Management Policies (Examination in Public version) 2012

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.

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, DM03, DM13.

Relevant Planning History:

Application:	Planning	Number:	H/03150/08
Validated:	20/08/2008	Type:	APF
Status:	DEC	Date:	11/11/2008
Summary:	APC	Case Officer:	Graham Robinson
Description:	Demolition of existing buildings and erection of part single, part two storey single form entry primary school and nursery.		

Site Address: 261 Hale Lane, Edgware, Middx, HA8 8NX
Application Number: H/02498/10
Application Type: Non-Material Amendment
Decision: Approve with conditions
Decision Date: 19/07/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Non-material minor amendment to planning permission H/03150/08 granted 27/10/08 to include reduction in size of the nursery building; reduction of depth of front block (Elevation E-E); omission of single storey lean-to to east side, central section and addition of single storey lean-to to internal courtyard (Elevation E-E); reduction in and alterations to glazing on elevations; omission of external playground WCs.**

Case Officer: Graham Robinson

Site Address: 261 Hale Lane, Edgware, Middx, HA8 8NX
Application Number: 03409/10
Application Type: Conditions Application
Decision: Approve
Decision Date: 01/10/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Submission of details of conditions (18) (Acoustic Fencing), Partial Discharge of Condition (25) (Services in Relation to Trees) in relation to foul and surface water drainage only, Condition (26) (Trees - Protective Fencing), Partial Discharge of Condition (27) (Method Statement-Trees) in relation to demolition of building only, Condition (28) (Tree Works-Detailed Specification), Condition (30) (Materials), pursuant planning permission (H/03150/08) dated (27th October 2008).**

Case Officer: Graham Robinson

Site Address: 261 Hale Lane, Edgware, Middx, HA8 8NX
Application Number: H/03514/10
Application Type: Conditions Application
Decision: Approve
Decision Date: 01/10/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Submission of details of condition (5) (Hard & Soft Landscaping), and partial discharge of condition (10) (Acoustic Report) in relation to main school only, not the nursery building, pursuant to planning permission (H/03150/10) dated (27th October 2008)**

Case Officer: Graham Robinson

Site Address: Former 261 Hale Lane, Edgware, Middx, HA8 8NX
Application Number: H/02291/11
Application Type: Material Minor Amendment/Vary Condition
Decision: Approve with conditions
Decision Date: 09/09/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing building and erection of part single, part two storey single form entry primary school and nursery. Variation to approved scheme to include enlarged playground, amended materials, means of enclosure and environmental standard (Conditions 4,8,11,12,13, 16 and 30 pursuant to planning permission H/03150/08)**

Case Officer: Graham Robinson

Site Address: 261 HALE LANE, EDGWARE, MIDDX, HA8 8NX
Application Number: 01969/08
Application Type: Full Application
Decision: Withdrawn
Decision Date: 14/08/2008
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing buildings and erection of part single, part two storey single form entry primary school and nursery.**
Case Officer: Graham Robinson

Consultations and Views Expressed:

Neighbours Consulted: 121 Replies: 26
Neighbours Wishing To Speak 2

13 Letters of objections were received, 23 letters of support were received.

The objections raised may be summarised as follows:

- Concern regarding appearance of ducting, black tape like appearance
- Appearance of roof plant
- Noise from roof plant
- Parking, traffic congestion
- Increase volume of noise due to larger canopies. This will negate sound information previously provided.
- Application is a considerable permanent increase to the size of the building and would be detrimental to amenities enjoyed by neighbouring residents
- Application claims the proposed canopy is a reinstatement of the canopies originally approved but has never been shown. Furthermore it is claimed that it will not be visible, this is untrue
- The siting of noise generating ventilation equipment is not clear.
- The letters of support can be summarised as follows:
- Appropriate measures have been incorporated into the scheme to minimise impact to neighbouring residents.
- The proposals would result in an improved learning environment

Internal /Other Consultations:

Traffic & Development - The site has a vehicular access via Hale Lane with a total of 15 car parking spaces. There are pedestrian accesses to the site from the main gate on Hale Lane and two other pedestrian accesses on Heather Walk and Penshurst Gardens respectively.

There is a one hour Controlled Parking Zone in the affecting Heather Walk, Golders Close, Penshurst Gardens and Hale Lane between 10am to 11am Monday to Friday

There are no changes to the highway details as approved under H/02291/11 and

H/03150/08.

No highways objections are raised.

- Environmental Health - Providing that the measures within the Emtec report for the ventilation/ducting are implemented, the proposals would be acceptable.

Date of Site Notice: 22 December 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is situated on the south side of Hale Lane between the junctions of Golders Close and Heather Walk. The site abuts the rear gardens of residential properties in Golders Close, Penshurst Gardens and Heather Walk and adjoins the boundaries with Kenlor Court and Hunters Lodge on Hale Lane. The site slopes upwards from east to west and also from south to north.

The site has an area of approximately 0.4 hectares and formerly consisted of a two-storey building and several large single storey buildings all of which are located to the front of the site. The rear of the site is open and trees have previously been removed from this area. Although these trees were not protected under the Tree Preservation Order, they provided a natural suburban green setting and some limited ecology value plus screening for the residents of the properties whose houses back onto the site.

A planning application for Demolition of existing buildings and erection of part single, part two storey single form entry primary school and nursery was approved on 27/10/2008.

A subsequent planning application for Variation to approved scheme to include enlarged playground, amended materials, means of enclosure and environmental standard was approved on 09/09/2012.

Proposal:

The proposals are for 'Application for variation of plan numbers and landscaping details including new canopies at rear playground area. Relocation of plant equipment at roof level. Amendment of BREEAM rating to 'Good'. Alterations to landscaping details. (Amendment to planning applications H/03150/08 and H/02291/11). Amended plans received showing details of security hut and roof plant.

The proposals consist of the following changes to the approved scheme:

- The increase to size of the canopy structure and increase to size of covered play area,
- The variation of condition requiring development to meet BREEAM 'Good' standard as opposed to 'Very Good' previously approved
- The re-painting and relocation of the proposed extractor equipment and ducting

- The retention of security hut and alterations to landscaping scheme approved

Planning Considerations:

Policy context

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

Policy D5 advises that new developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Policy CS1 states that '*Development proposals for community and religious facilities will be permitted where they:*

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

Policy CS4 states that '*Proposals for the development of educational facilities will be permitted where they:*

- *Are easily accessible by public transport, walking and cycling;*
- *Would not have a demonstrably harmful impact on the character of the surrounding area and amenities of nearby residential properties and other uses; and*
- *Are designed to be accessible by people with disabilities.'*

Whether the proposed covered play canopy would have an acceptable impact on the character of the locality and neighbouring amenity

It is acknowledged that the proposals are for a canopy of significantly larger size than previously approved under the terms of the original permission. The rear playground area is surrounded by residential properties to all sides, with dwellings on Heather Walk to the west, Golders Close and Hale Lane to the east and Peshurst Gardens to the south.

The structure would be steel with a polycarbonate roof.

It is not considered that any noise or disturbance from the use of the canopy would materially harm the amenities of neighbouring residents from surrounding properties. A covered outdoor play area was approved as part of the original planning permission.

Whilst largely screened from the views of neighbouring properties at ground floor

level, the structure would be visible from the first floor and loft windows of surrounding properties. The bulk of the structure would be greatest on the side facing Golders Close and flats on Hale Lane. It would be further from these properties than to the properties on Heather Walk, where the structure would be less deep.

The structure would add some bulk to the appearance of the building, and the impact that this would have on the character and appearance of the area needs to be considered against the benefits the school would provide. On balance, given the educational benefits that the school would provide, it is considered that the impact that the canopy would have on the character and appearance of the general locality would be acceptable.

Whether the proposed amendment to BREEAM rating of good would be acceptable

Approval has already been granted for the proposals to meet 'Very Good' BREEAM rating as opposed to 'Excellent'. Due to budgetary pressures the applicant advises that they may not be able to meet this standard and seeks to vary the condition to meet 'Good' standard. The school do still hope to attain Very Good however there is a chance that this may not be achieved. The variation of the condition is considered acceptable.

Whether the amended plant siting would be acceptable in terms of its impact on the character and appearance of the locality and streetscene and whether this would be acceptable in terms of its impact on neighbouring residents.

Plant equipment has been installed on site. This has been installed with a rather unattractive black finish and it is proposed to paint this in RAL 04C37 autumn brown colour. It is considered that this would have an acceptable appearance.

The applicant has submitted recommendations and specification for insulation proposed for the Air Handling Unit and the kitchen extract fan respectively which is to be installed by the contractor. A condition would need to be attached to any grant of permission to ensure that the equipment adheres to these recommendations.

It is considered that the proposals would be acceptable in terms of their impact on the character and appearance of the streetscene and locality

Whether the proposed changes to landscaping and security hut would be acceptable.

The landscaping details have changed since the originally approved scheme and the increase to the playground under reference H/02291/11 and a condition was attached to this grant of permission requiring further details of landscaping. This was as there was a discrepancy between plans regarding trees to the front of the site and further details were considered necessary, the committee considered that the details were otherwise acceptable.

Since this time, works to the front of the front of the site have been carried out, and security hut installed. Whilst it is regrettable that the works have been done without

the necessary consent they appear to have been done without causing significant damage to trees to the front of the site protected under Tree Preservation Order.

The security hut is considered acceptable in terms of its impact on the character and appearance of the streetscene and general locality.

The amended landscaping details are shown on plan 282/900. These show a different arrangement than the previously approved scheme with denser planting particularly to the eastern boundary with properties on Golders Close. The plans also show that the area originally to be occupied by the nursery building would now be soft and hard landscaped, given that the nursery part of the scheme is not to be implemented at this time.

The amended details of landscaping are considered acceptable.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Generally addressed in main report.

- Concern regarding appearance of ducting, black tape like appearance - *It is noted that this is unsightly however this would be painted as part of the proposals.*
- Appearance of roof plant - *The plant would be repainted as part of the proposals.*
- Noise from roof plant - The applicant has submitted a noise report for the equipment
- Parking, traffic congestion - It is not considered
- Application claims the proposed canopy is a reinstatement of the canopies originally approved but has never been shown. Furthermore it is claimed that it will not be visible, this is untrue - *This is acknowledged in the report.*
- The siting of noise generating ventilation equipment is not clear. - *This was not initially shown on the plans, but the information has now been added and consulted on.*

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:
8NX**

Former 261, Hale Lane, Edgware, Middx, HA8

REFERENCE:

H/04845/11



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LOCATION: Denver Court, 132 Hendon Lane, London, N3 3RH
REFERENCE: F/05103/10
WARD(S): Finchley Church End

AGENDA ITEM 6h
Received: 15 December 2010
Accepted: 15 December 2010
Expiry: 09 February 2011
Final Revisions:

APPLICANT: Dorchester Guernnso/General Partner Ltd.
PROPOSAL: Variation of condition 5 (Enclosure) relating to planning permission C01206Q/06 dated 29/1/2007.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Plan nos. L154-P2, 0608/PA.01, 0608/GA.02E, 0608/GA.03G, 0608/GA.04H, 0608/GA.05D, 0608/GA.06G, 0608/GA.07E, 0608/GA.08D, 0608/GA.09B, 0608/GA.10A, 0608/GA.11D, 0608/GA.12B, 0608/GA.13B, 0608/GA.14A, 0608/GA.15A, 0608/GA.16A, 0608/E.01, 0608/E.02, 0608/E.03, 0608/E.04, 0608/E.05, 0608/E.06, email from Maurice Clarke received received 26/01/07, Drawing AA688.01.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 The basement parking shown on drawing 0608/GA.03 G shall be provided and that area shall not be used for any purpose other than for the parking 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.
- 3 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.
- 4 No structure or erection with a height exceeding 0.85m above footway level shall be placed along the frontage to Waverley Grove from a point 2.4m from the highway boundary for a distance of 2.4m on both side of the vehicular access(es).
Reason:
To prevent danger, obstruction and inconvenience to users of the adjoining highway and the premises.
- 5 The site enclosure and landscaping details consisting of a low brick wall and associated planting shall be permanently retained as shown on drawing AA688.01.
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 The level of noise emitted from the lift and air conditioning unit hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of an existing neighbouring property at the time of this decision notice.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulses (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 an existing neighbouring property at the time of this decision notice.

Reason:

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

INFORMATIVE(S):

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

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

In particular the following policies are relevant:

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

Core Strategy (Examination in Public version) 2012: CS4, CS5.

Development Management Policies (Examination in Public version)2012: DM01, DM06, DM14.

ii) The proposal is acceptable for the following reason(s): 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 development. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring dwellings and this application is in keeping with Council Policies and Guidelines.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011: 3.4, 3.5A, 3.5B, 7.4A

Relevant Unitary Development Plan Policies: GBEnv1, GBEnv2, D1, D2, D3, D4, D5, H1, H2, H16, M11, M13, M14, CS2, CS8, CS13, IMP1 and IMP2.

Core Strategy (Examination in Public version) 2012: CS4, CS5.

Development Management Policies (Examination in Public version) 2012: DM01, DM06, DM14.

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.

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.

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:

Site Address: 132 Hendon Lane London N3 3PS
Application Number: C01206Q/06
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 29/01/2007
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing house, swimming pool and garage and construction of a three-storey building (with rooms in roofspace) to provide 9No. self-contained flats. Provision of basement parking. Amendment to planning permission Reference C01206N/05 including amendment to approved landscaping plan and enclosure of proposed terrace at first floor level.**
Case Officer: Fabien Gaudin

Application Reference:	F/03709/08
Case Officer:	Fabien Gaudin
Proposal:	Submission of details pursuant to condition 2 (levels), 4 (refuse), 5 (enclosure) and 7 (landscaping) or planning permission C01206Q/06 dated 29/01/07.
Stat Start Date	13/11/2008
Application Type	CON
Decision	AP
Decision Date	20/11/2008

Application Reference:	F/01960/11
Case Officer:	Fabien Gaudin
Proposal:	Erection of a handrail with guarding and timber decking to existing roof terrace.

Stat Start Date	12/05/2011
Application Type	HSE
Decision	APC
Decision Date	27/06/2011

Consultations and Views Expressed:

Neighbours Consulted: 10 Replies: 10 (1 letter)
 Neighbours Wishing To Speak 0

One letter was received signed by 10 residents. Their objections may be summarised as follows:

- security
- insufficient privacy
- freeholder is not fulfilling his obligations

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located at the junction of Hendon Lane and Waverley Grove in a residential area of Finchley. The site was redeveloped as flats but was previously occupied by detached house. Although the area is mainly characterised by houses in single family occupancy there are examples of flatted developments in the vicinity including Waverley House on Waverley Grove, Broughton Park, off Waverley Grove and Ibis Court and Portland Court on Hendon Lane. The area around the site is relatively open and the site's boundary treatment highly visible in the streetscene.

Proposals and Planning Considerations:

The proposals seek permission to vary condition 5 of planning permission C01206Q/06 dated 29/01/2007.

Permission C01206Q/06 was for:

"Demolition of existing house, swimming pool and garage and construction of a three-storey building (with rooms in roofspace) to provide 9No. self-contained flats. Provision of basement parking. Amendment to planning permission Reference C01206N/05 including amendment to approved landscaping plan and enclosure of proposed terrace at first floor level".

Condition 5 of the consent read:

"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".

The reason for imposing the condition was 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.

Condition 5 was discharged in 2008 under reference F/03708/08. Details submitted included the construction of a close boarded fence along the boundaries with pavements.

Those details were never implemented and enforcement action was instigated. The current application seeks permission for a different means of enclosure consisting of a low brick wall and thick evergreen hedging (*Photinia fraseri* "Red Robin").

The hedging has been planted for more than one year and is now established without breaks. It provides an attractive enclosure to the site and it is considered that it is more esthetically pleasing than the previously approved close boarded fence. The existing means of enclosure does not prejudice the appearance of the locality and provide a good level of privacy and protection for the occupiers of the ground floor flats. The low wall and landscaping do not affect highway safety.

It is recommended that the application should be approved and that condition 5 should be reworded as follows: "The site enclosure and landscaping details consisting of a low brick wall and associated planting shall be permanently retained as shown on drawing AA688.01".

Other relevant planning conditions should be attached to any new consent as suggested above.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Planning matters are considered to have been covered 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

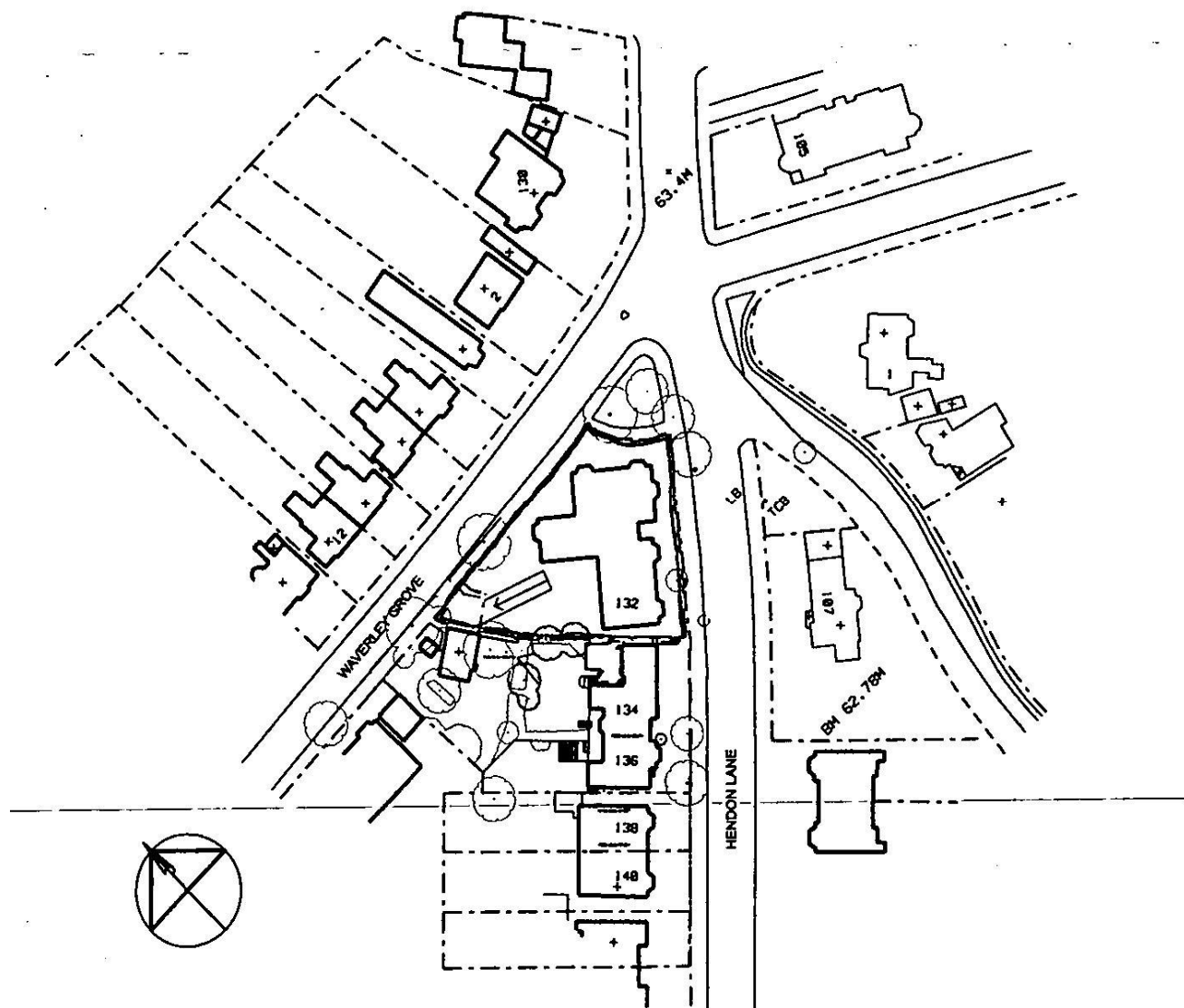
It is recommended that the application should be approved and that condition 5 should be reworded as follows: "The site enclosure and landscaping details consisting of a low brick wall and associated planting shall be permanently retained as shown on drawing AA688.01".

SITE LOCATION PLAN:
3RH

Denver Court, 132 Hendon Lane, London, N3

REFERENCE:

F/05103/10



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LOCATION: 20 Beechwood Avenue, London, N3 3AX

REFERENCE: F/00932/12

Received: 07 March 2012

Accepted: 14 March 2012

Expiry: 09 May 2012

WARD(S): Finchley Church End

Final Revisions:

APPLICANT: Hosawells Ltd

PROPOSAL: Rear and side extension and creation of light wells to front and rear at basement level to create habitable space. Two-storey rear extension. Side extension to existing garage conversion to facilitate conversion back into a garage. First floor side extension over existing ground floor extension, with pitched roof to match existing. Extension to roof including side and rear dormer window to facilitate a loft conversion.

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: 1110-631-101 Rev B; 1110-631-102 Rev B; 1110-631-103 Rev B; 1110-631-104 Rev B; 1110-631-105 Rev B; 1110-631-106 Rev B; 1110-631-107 Rev B; 1110-631-108 Rev B; 1110-631-109 Rev B; 1110-631-110 Rev B; 1110-631-110.

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 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.

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 Before the building hereby permitted is occupied the proposed rooflights in the loft on the side elevation facing No's. 18 & 22 Beechwood 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.

- 7 Before the building hereby permitted is occupied the proposed window in the first floor on the side elevation facing No. 22 Beechwood 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.

- 8 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the side elevations of the extension(s) hereby approved.

Reason:

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

- 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), the following operation(s) shall not be undertaken:
Installation of lighting onto the extensions hereby approved.

Reason:

To protect the amenity of neighbouring occupiers.

- 10 Before occupation, the privacy screens shown on the hereby approved drawings shall be built and retained as such thereafter.

Reason:

To protect the amenity of neighbouring occupiers.

INFORMATIVE(S):

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

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

In particular the following policies are relevant:

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

Core Strategy Policies (Examination in Public version) 2012: CS NPPF, CS1, CS5.

Development Management Policies (Examination in Public version) 2012: DM01, DM02.

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.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework:

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

The London Plan is recognised in the NPPF as part of the development plan.

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

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan July 2011:

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

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

Relevant Unitary Development Plan Policies:

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

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

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, D5 & H27.

Design Guidance Note No 5 – Extensions to Houses

The Council Guide 'Extension to Houses' was approved by the Planning and Environment Committee (The Local Planning Authority) on March 2010. This leaflet

in the form of a supplementary planning guidance (SPG) sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation.

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

In respect to amenity, the extension should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook and be overbearing or cause an increased sense of enclosure to adjoining properties.

The basic principles the Local Authority has adopted in respect to different types developments are that they should not unduly reduce light or outlook from neighbouring windows to habitable rooms, overshadow or create an unacceptable sense of enclosure to neighbouring gardens. They should not look out of place, overbearing or bulky from surrounding areas.

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.

Core Strategy (Examination in Public version) 2012:

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 sets the vision, core objectives and strategic policies for Barnet. 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: CS NPPF, CS1, 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.

Relevant Planning History:

Site Address: 20 Beechwood Avenue LONDON N3
Application Number: C12881
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 29/10/1997
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Ground/lower ground floor side and rearextension, dormer windows at rear.**

Case Officer:

Site Address: 20 Beechwood Avenue, London, N3 3AX
Application Number: F/01313/11
Application Type: Householder
Decision: Withdrawn
Decision Date: 13/06/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Ground floor rear extension following demolition of sunroom. First floor both sides extension. Creation of new terrace on ground and first floor with railings. Creation of a new basement. Roof extension including two rear dormer windows and rooflights to the front and side.**

Case Officer: Neetal Rajput

Consultations and Views Expressed:

Neighbours Consulted: 11 Replies: 5
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- impact on amenity (loss of light, visual amenity, overlooking, loss of privacy)
- impact on sub soil and water table
- development not in character
- overdevelopment
- impact on trees
- side windows should be obscure glazed
- light pollution
- lighting times in the garden should be restricted

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a detached residential dwelling house located on Beechwood Avenue within Finchley Church End ward and is outside any of the Borough's

Conservation Areas. The application site has a two storey bay feature at the rear and benefits from a raised patio area at ground floor and a central terrace on first floor. There are level changes at the application site and thus there are stairs which allow access into the rear garden. There is also a large sun room at the application site, closet to the shared boundary with No. 22 Beechwood Avenue, this measures 4 metres in depth and has a pitched roof, measuring 5.7 metres.

Proposal:

The proposed development has the following elements:

- Creation of light wells to front and rear at basement level to create habitable space. There will also be a patio area with stairs to allow access into the rear garden. The patio area will be screened by a 1.8 metre privacy screen.
- Two-storey rear extension – this will measure 3.4 metres in depth. There will be a 3.7 metre set in from the shared boundary with No. 18 Beechwood Avenue and a 1 metre set in from No. 22 Beechwood Avenue.
- Side extension to existing garage conversion to facilitate conversion back into a garage, this will be in-line with the footprint of the adjoining neighbouring property No. 18 Beechwood Avenue. At the front the footprint will remain in-line with the existing main building line.
- First floor side extension over existing ground floor extension, with pitched roof to match existing, this has been set back from the front by 0.5 metres and set in from the boundary by 1 metre with No. 22 Beechwood Avenue. The proposed roof will be set down from the main roof of the dwellinghouse.
- Extension to roof including side and rear dormer window to facilitate a loft conversion. There will be rooflights to the front, side and rear elevation. The rear dormer will measure 1.85 metres in depth, 1.5 metres in height and 2.5 metres in width. The side dormer facing No. 18 Beechwood Avenue will measure 2.05 metres in depth, 1.7 metres in height and 1.8 metres in width with no proposed window in the elevation. The rooflights in the side elevation have been conditioned to be obscured glass.
- Alterations to the front of the property. This includes front boundary wall and gates, measuring 3 metres in height.

It should be noted that the application was amended since first being submitted and that as a result the extensions have been reduced in size and bulk.

Planning Considerations:

The proposed two storey rear extension would accord with Council policies that seek to maintain the character of areas and individual properties and there are other examples of properties on Beechwood Avenue which have a similar feature. 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 two storey rear extension has been set in from the shared boundary with No. 18 Beechwood Avenue by 3.7 metres and set in from the boundary by 1 metre along No. 22 Beechwood Avenue, thus the proposal is not considered to have a detrimental impact on the amenities of neighbouring. The depth of 3.4 metres, ensures that there would be no unduly oppressive sense of enclosure that could be overbearing, or unacceptable loss of daylight or sunlight. For these reasons, the living conditions of the neighbouring properties would not be harmed.

It should be noted the at ground floor element of the extension does not project any deeper than the existing sun room along the shared boundary with No. 22 Beechwood Avenue and the depth does not exceed the guidance of 4 metres within the Council's Guidance (Note No.5 – Extensions to Houses). The patio area will prevent issues of overlooking or loss of privacy into the neighbours gardens by the screen.

The proposed first floor side extension along the share boundary with No. 22 Beechwood Avenue would accord with Council Design Guidance Note 5 – Extensions to Houses which indicates that at first floor level, side and rear extensions should be set back and set in. This ensures that the extension appears subordinate to the existing house. The proposal is in keeping with the character of the host building and area and will not be detrimental to neighbouring residential amenity. In addition, the windows on the side elevation will be of obscured glass, thus this will ensure that there are no issues of overlooking or loss of privacy to neighbouring occupiers.

The single storey side extension along the boundary with No. 18 Beechwood Avenue does not project further rearward than their extension and has a similar style roof proposed with glass on the side elevation which will protect the amenities of the neighbouring occupiers.

The basement storey is considered a subordinate addition to the property which respects the size, form and character of the existing dwelling. Properties in the area vary in terms of style and as such the proposed front and rear lightwell's are not considered to cause harm to the character or appearance of the area. The basement is proposed for purposes ancillary to the main dwelling and the application is conditioned accordingly. The basement is not considered to cause harm to the character and appearance of the area.

The alterations to the front of the boundary including the boundary fence and gates are not considered to present any detriment to the original dwellinghouse, the area in general and the amenities of the neighbouring residential occupiers shall be preserved.

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 and side dormer accords with Council Guidance (Note No.5 – Extensions to Houses) which indicates that dormers should be subordinate features, not more than half the width or height of the roof slope. The rear and side dormers are not

considered to be out of character with the immediate area. The roof extensions are considered to be acceptable, given the plot size, the side and rear dormers sit comfortably within the roof.

The rooflights proposed are small in nature and would have a minimal impact on the character of the area. The type of window proposed (rooflight) means that there will be a negligible increase in overlooking. The proposed rooflights on the front elevation are not considered to interrupt the streetscene. The rooflights on the side elevation are not considered to cause issues of overlooking or loss of privacy to the immediate neighbouring properties as they have been conditioned to be obscured glass. This is considered to be appropriate as the rooflights on the side elevation closest to No. 18 Beechwood Avenue do not serve a habitable room.

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.

The proposal is for relatively large extensions, which may not be appropriate on other houses, but due to the site specifics of the site and all material planning considerations the application is considered to be acceptable.

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.

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 therefore recommended for **APPROVAL**.

SITE LOCATION PLAN: 20 Beechwood Avenue, London, N3 3AX

REFERENCE: F/00932/12



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LOCATION: First, First House, Dollis Avenue, London, N3 1TX
REFERENCE: F/01103/12 **Received:** 21 March 2012 **AGENDA ITEM 6j**

WARD(S): Finchley Church End **Accepted:** 21 March 2012
Expiry: 16 May 2012

Final Revisions:

APPLICANT: Mr Andreas Christodoulides
PROPOSAL: Formation of new basement, including spaces for two cars and car lift with study and entertainment room.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Planning. Design and Access Statement, Constrction Method Statement and Sequence of Works for Basement from Martin Redston Associated, PPS5 Assessment from Headland Archaeology UK, (EX) 00, (EX) 01, (EX) 02, (EX) 05, C1, C2, C3, (PL) 00a, (PL) 01a and (PL) 02.
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 any machinery is installed 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.
- 4 No siteworks or works on this development shall be commenced before a dimensioned tree protection plan in accordance with Section 5.5 and a method statement showing the position of piling and detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 *Trees in relation to design, demolition and construction - Recommendations* are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.
Reason: To safeguard the health of existing trees which represent an important amenity feature.
- 5 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.

- 6 The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority, and shall allow that person to observe the excavation and record items of interest and finds.
Reason:
To enable archaeological investigation of the site.
- 7 The development hereby permitted shall be carried out in accordance with the following approved plans: Site & Location Plan; Plan No's: 12322.1; 12322.2.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 8 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.
Reason:
To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.
- 9 The level of noise emitted from the any plant installed on site 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.
- 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.

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, HC1 and H27.

Core Strategy (Examination in Public version) 2012: CS NPPF, CS1, CS5.

Development Management Policies (Examination in Public version)2012: 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, this proposal complies with the Adopted Barnet UDP policies and would be in keeping with the character and appearance of the surrounding area including neighbouring listed building and the neighbouring conservation area. The application is considered acceptable on archeological grounds subject to conditions. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for **APPROVAL**.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

The London Plan is recognised in the NPPF as part of the development plan.

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

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan July 2011:

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

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

Relevant Unitary Development Plan Policies:

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

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

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, D3, D4, D5, HC1 and H27.

Design Guidance Note No 5 – Extensions to Houses

The Council Guide ‘Extension to Houses’ was approved by the Planning and Environment Committee (The Local Planning Authority) on March 2010. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation.

Included advice states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The council is committed to protecting, and where possible enhancing the character of the borough’s residential areas and retaining an attractive street scene.

In respect to amenity, the extension should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook and be overbearing or cause an increased sense of enclosure to adjoining properties.

The basic principles the Local Authority has adopted in respect to different types developments are that they should not unduly reduce light or outlook from neighbouring windows to habitable rooms, overshadow or create an unacceptable sense of enclosure to neighbouring gardens. They should not look out of place, overbearing or bulky from surrounding areas.

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.

Core Strategy (Examination in Public version) 2012

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 sets the vision, core objectives and strategic policies for Barnet. 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: CS NPPF, CS1, 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).

Relevant Planning History:

Site Address: First House Dollis Avenue LONDON N3
Application Number: C13395B
Application Type: Full Application
Decision: Not yet decided
Decision Date: 29/11/1999
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing house and erection of two storey detached house with integral garage and forecourt parking.**

Case Officer:

Site Address: First House Dollis Avenue LONDON N3
Application Number: C13395
Application Type: Full Application
Decision: Refuse
Decision Date: 20/05/1999
Appeal Decision: Dismissed
Appeal Decision Date: 20/05/1999
Proposal: **Demolition of existing house and erection of two storey houses with semi-basement garages (Outline application).**

Case Officer:

Site Address: First House Dollis Avenue LONDON N3
Application Number: C13395A
Application Type: Full Application
Decision: Refuse
Decision Date: 08/11/1999
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Ground and first floor extensions to front, side and rear, extension/alteration of roof incorporating new windows and dormer extension to front and rear. New enclosure along front boundary involving wall railings**

Case Officer:

Site Address: FIRST HOUSE DOLLIS AVENUE LONDON N3 1TX
Application Number: C13395C/00
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 27/04/2000
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 detached house with rooms in the roof, integral garage with forecourt parking. [Variation of planning permission C13395B]**

Case Officer: Clive Townsend

Site Address: FIRST HOUSE Dollis Avenue London N3 1TX
Application Number: C13395D/01
Application Type: Full Application
Decision: Approve
Decision Date: 19/11/2001
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Retention of front wall, gates and railings.**
Case Officer: Clive Townsend

Site Address: First House, Dollis Avenue, London, N3 1TX
Application Number: F/03136/11
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 20/09/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Minor alterations to ground floor with first floor extension above the existing garage.**
Case Officer: David Campbell

Site Address: First, First House, Dollis Avenue, London, N3 1TX
Application Number: F/01103/12
Application Type: Householder
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Formation of new basement, including spaces for two cars and car lift with study and entertainment room.**
Case Officer: David Campbell

Consultations and Views Expressed:

Neighbours Consulted: 25 Replies: 6
Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

- Harm to the tree adjacent to the site and associated subsidence.
- The entertainment room should not be for commercial purposes.
- Neighbours were not notified on the previous application.
- The resultant house will be too big.
- Impact on the conservation area.
- Impact on the building.
- Noise and disturbance.

Internal /Other Consultations:

- Thames Water Devt Control - No objections

Date of Site Notice: 05 April 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site consists of a large detached property in a residential area of the Finchley Church End ward. The site is outside but borders the Finchley Church End Conservation Area. It is located within an area of archaeological significance. It is also adjacent to a listed building. The property has recently been extended (above ground)

Proposal:

The application seeks permission for the formation of new basement, including spaces for two cars and car lift with study and entertainment room. The application has been amended since first being submitted and the basement has been moved away from a protected tree.

Planning Considerations:

The main issue in this case are considered to be covered under two main areas:

- The living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.

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

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

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

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

The proposals would comply with the aforementioned policies and Council Design Guidance on Extensions to Houses and would be a proportionate addition to the dwellinghouse. It would have an acceptable impact on the character and appearance of the streetscene, site property, general locality and the residential amenity of neighbouring occupiers.

The visible external alterations would be minimal and would consist of the two small lightwells (on to front and one to back) and the car lift when open.

It is considered that the amended proposal, moving the basement and ventilation away from the protected tree on the neighbouring site, which lies directly adjacent to the site together with the attached conditions would mean that no harm would be caused to the tree. The council is satisfied that the application is acceptable on these grounds. Conditions including a tree method statement and temporary fencing are recommended.

The site is located within an area of archaeological significance. The applicant has submitted an assessment which suggests that there is moderate significance of potential remains associated with prehistoric activity and medieval development. The applicant has indicated that possible mitigation would be through archaeological monitoring and recording of any ground works. This is conditioned.

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

3. COMMENTS ON GROUNDS OF OBJECTIONS

the grounds of objection are addressed below:

- It is not considered that as conditioned the application would not cause harm to the tree adjacent to the site and would not cause subsidence.
- The entertainment room is for commercial purposes.
- Some neighbours were not notified on the previous application, however a site notice was erected which complied with the council's statutory obligations. The council has apologised to the neighbours affected.
- The resultant house is considered to be of an acceptable size.
- The impact on the building and the conservation area is considered to be acceptable.
- There is not considered to be excessive noise and disturbance resulting from the car lift or entertainment room which would justify refusing the application.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would comply with the Council's policies and guidelines and would not cause unacceptable harm to the area, the existing building or the amenities of any neighbouring property.

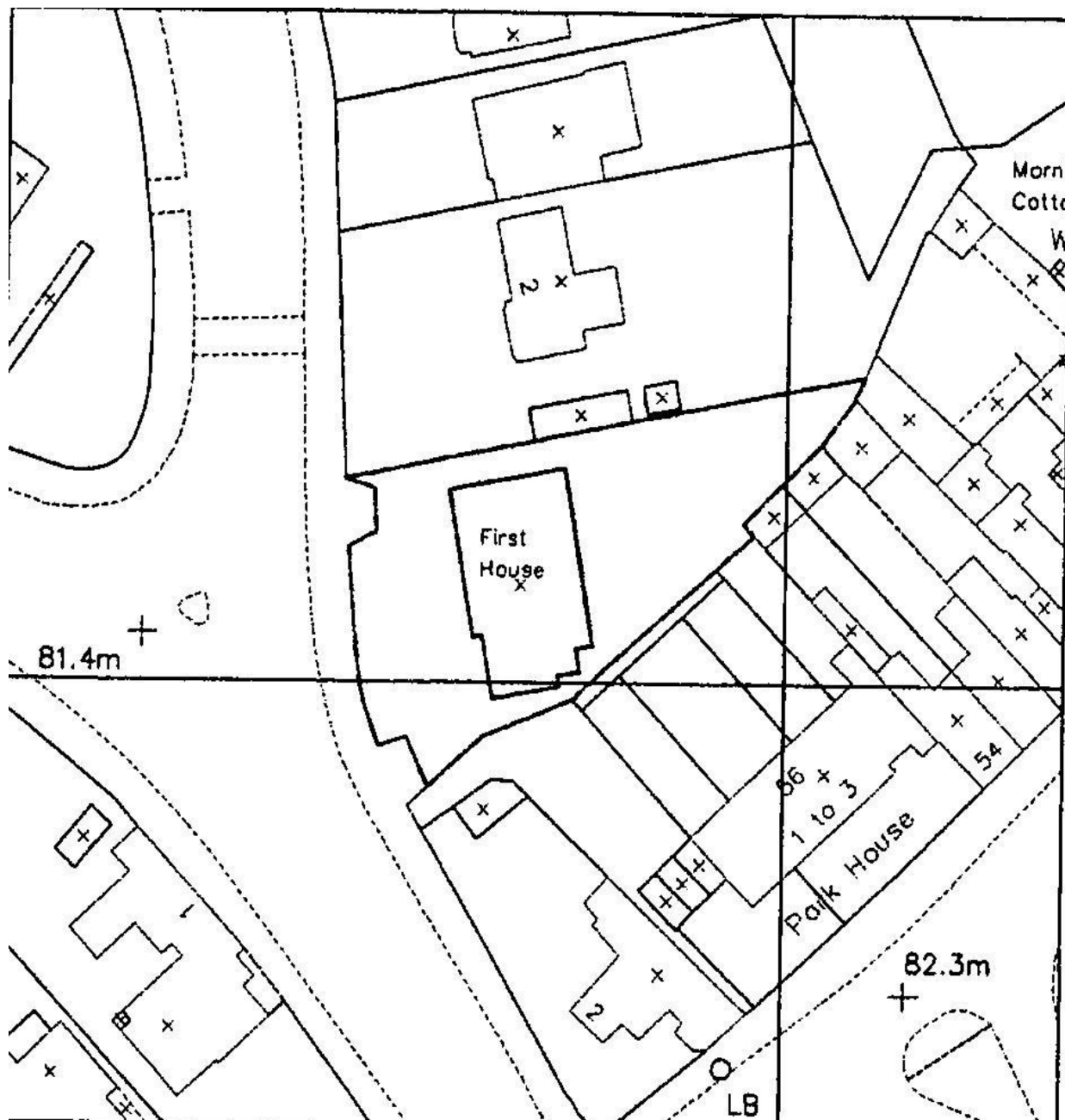
It is therefore recommended that the application be **APPROVED**.

SITE LOCATION PLAN:
1TX

First, First House, Dollis Avenue, London, N3

REFERENCE:

F/01103/12



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LOCATION: 19 Highfield Road, London, NW11 9LS

REFERENCE: F/00272/12

Received: 24 January 2012

Accepted: 24 January 2012

Expiry: 20 March 2012

WARD: Golders Green

Final Revisions:

APPLICANT: Countypier Ltd

PROPOSAL: Conversion of existing office building into 9no self-contained residential units. Demolition of existing staircase and boiler enclosure adjoining 17 Highfield Road and erection of new stairs and lift. Provision of refuse facilities, associated minor landscape and access alterations including removal of existing entrance lobby.

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) £12,423.00

A contribution towards the provision of Education Facilities in the borough.

4 Health £8,364.00

A contribution towards Health Facilities and Resources in the borough

5 Libraries (financial) £1,251.00

A contribution towards Library Facilities and Resources in the borough

6 Monitoring of the Agreement £1,551.90

Contribution towards the Council's costs in monitoring the obligations of the agreement.

7 Open Spaces (ward level) £9,000.00

A contribution towards the improvement of open spaces in Golders Green ward

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: F/00272/12 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site & Location Plan; Design & Access Statement; Plan No's: 1123.1; 1123.2; 1123.3; 1123.4; 1123.5; 1123.6; 1123.P1; 1123.P2; 1123.P3; 1123.P4; 1123.P5; 1123.P6.

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 Before the building hereby permitted is occupied all the proposed windows to the external staircase 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.

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

Reason:

To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity.

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

Reason:

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

- 8 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.

- 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:

- 10 To safeguard the amenities of neighbouring occupiers and the general locality. Before the development hereby permitted is occupied, existing parking spaces shall be retained in accordance with the proposed planning application. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

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

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

INFORMATIVE(S):

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

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv3, GEMP4, EMP2, GLoc, GParking, D2, D3, D5, D8, D9, M11, M13, M14, H5, H13, H16, H17, H18, H21, H24, CS1, CS8, CS13, IMP1, IMP2.

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

Development Management Policies (Submission version)2011: DM01, DM02, DM03, DM04, DM08, DM13, DM17.

- ii) The proposal is acceptable for the following reason(s): -
The conversion of the property into 9 self contained flats and proposed extension is considered acceptable, in character with the surrounding area. The proposal would protect the character of this part of Golders Green and respect the setting of nearby buildings. The proposal would provide acceptable standards of amenity for future occupiers and respect the amenity of existing neighbouring occupiers. The proposal is acceptable on highways grounds.
- 2 Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The Council of the London Borough of Barnet is the Street Naming and

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

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

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

- 3 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 £_____ (to be supplied in the addendum to the officers report).

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 alteration to the existing crossover or new crossovers will be subject to detailed survey by the Environment, Planning and Regeneration Directorate as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. An estimate for this work could be obtained from London Borough of Barnet, Environment, Planning and

Regeneration Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP

- 5 Refuse collection points should be located within 10 metres of the Public Highway; 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.

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 13th July 2012 the Assistant Director of Planning and Development Management REFUSE the application ref: F/00272/12 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, amending to the traffic order and associated monitoring costs arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet supplementary Planning Documents - Contributions to Education (2008), Libraries (2008), Health (2009) and Monitoring (2007) and policies, CS8, CS2, CS13, IMP1, IMP2 of the Adopted Unitary Development Plan (2006).

1. MATERIAL CONSIDERATIONS

Relevant Planning Policies / Standards:

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 (2011):

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 3.5 sets out minimum space standards for dwellings of different sizes, it gives minimum standards which developers are encouraged to exceed.

Local Development Plan:

The relevant development plan for the London Borough of Barnet is the Barnet Unitary Development Plan (adopted 18th May 2006) and the Mayor's London Plan (published February 2004).

Relevant Unitary Development Plan Policies:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D11, D13, 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 (Examination in Public version) 2012

Development Management Policies (Examination in Public version) 2012

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.

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.

Policies: DM01, DM02, DM08, DM17.

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.

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.

Policies: CS NPPF, CS1, CS5.

Relevant Planning History:

Application:	Planning	Number:	C/02076/H/02
Validated:	15/11/2002	Type:	APF
Status:	Decided	Date:	26/02/2003
Summary:	Refused	Case Officer:	

Description: Temporary change of use of top floor to part education and part youth group for three years.

Application:	Planning	Number:	C/02076/J/03
Validated:	07/03/2003	Type:	APF
Status:	Decided	Date:	14/12/2004
Summary:	Approved	Case Officer:	Clive Townsend

Description: Use of part of top floor of office building for educational purposes and youth group for a period of two years.

Application:	Planning	Number:	C/02076/K/06
Validated:	27/02/2006	Type:	S63
Status:	Decided	Date:	
Summary:	Approved	Case Officer:	Fabien Gaudin

Description: Continued use of premises for educational purposes and youth group.

Site Address: Building B 17-19 Highfield Road London NW119LS
Application Number: C02076M/06
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: **Erection of a structure surrounding existing fire escape stairs and continued use of part of second floor for educational and youth group uses.**

Site Address: Building B 17-19 Highfield Road London NW119LS
Application Number: C02076L/06
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: **Erection of a structure surrounding existing fire escape stairs and**

continued use of part of second floor for educational and youth group uses. (TBC)

Site Address: 17 Highfield Road NW11
Application Number: C02076D
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 11/06/1975
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of boiler house**

Site Address: 17 Highfield Road NW11
Application Number: C02076C
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 30/04/1975
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Canopy and entrance foyer.**

Site Address: 17 Highfield Road NW11
Application Number: C02076B
Application Type: Full Application
Decision: Refuse
Decision Date: 30/04/1975
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Retention of office block with clear glazing to replace existing obscured glazing to rear elevation.**

Site Address: 17 Highfield Road
Application Number: C02076A
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 23/10/1974
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **erection of external staircase to offices**

Site Address: Block 1, 17 Highfield Road NW11
Application Number: C02076E
Application Type: Full Application
Decision: Not yet decided
Decision Date: 01/07/1986
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Use of second floor as training centre.**

Site Address: 17 HIGHFIELD ROAD LONDON NW11 9LS
Application Number: C02076G/00
Application Type: Full Application
Decision: Withdrawn
Decision Date: 13/03/2001
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists

Proposal: **Change of use of three storey office building (Class B1) to educational**

use (Class D1).

Site Address: 17 Highfield Road LONDON NW11
Application Number: C02076F
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 12/11/1991
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Formation of ramped access at front**

Consultations and Views Expressed:

Neighbours Consulted: 140 Replies: 10
Neighbours Wishing To Speak 3

The objections raised may be summarised as follows:

- Concerns about impact of proposals on parking and congestion
- Concerns about impact of construction vehicles
- Loss of light
- Loss of privacy
- Overlooking
- Increased noise, disturbance and pollution resulting from increased use of the site
- Concerns about loss of employment use on site
- Concerns about the maintenance of the fence which backs on to the application site at the rear of Alba Gardens

One letter also stated that the conversion of No. 19 into flats will be a good idea, if efficiently carried out.

Date of Site Notice: 02 February 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

17-19 Highfield Road is made up of two office buildings located on the east side of the road, close to the junction with Brookside Road. Up until recently, half a floor was being used by an educational organisation.

Proposal:

The proposals relate to the change of use of the building from offices to 9 self contained units (1 and 2 bedrooms). There will also be the demolition of existing staircase and boiler enclosure adjoining 17 Highfield Road and erection of new stairs and lift with the provision of refuse facilities, associated minor landscape and access alterations including removal of existing entrance lobby.

Planning Considerations:

The redevelopment of the site would, in principle, respect the established character of the area where residential units prevail. However, the proposed change of use would result in the loss of an office use. Such changes of use are controlled under policies GEMP4, EMP2 and H24 that seek to retain land in employment use unless there is no realistic prospect of re-use for employment purposes or other non-residential uses.

The agent has supplied marketing information in relation to the amount of vacant office space in the area. The application site has also been marketed for a period of time. Using this evidence, it is likely that the office space will not be in demand in the short to medium term. The information has been assessed by the Council's Property Services department as is considered to be sufficient.

The NPPF states that Local Planning Authorities 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.

The need for housing in the area is not in question and it is considered that there are no strong economic reason making the development inappropriate as confirmed by the Council's Property Services department

The principle of redevelopment for residential purposes in this location would be in line with national and local policy. The Government is committed to maximizing the re-use of previously developed land and empty properties to promote regeneration and minimize the amount of green field land being taken for development. A new housing development of whatever scale should not be viewed in isolation. Consideration of layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape of the wider locality.

All units meet the minimum residential floor areas set out in Appendix 1 of the SPD on Sustainable Design and Construction. 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.

The applicant has not submitted information that shows insulation of acoustic separation for the proposed new units. The system should achieve a sound attenuation in line with Building Control requirements and this is to be enforced through an appropriate condition attached to the decision.

External staircase:

An enclosure has been provided for the external staircase to reduce overlooking to neighbouring properties. The windows for the external staircase are to be of obscured glass and thus this will prevent potential issues of overlooking or loss of privacy for the properties fronting Alba Gardens. It is considered that the enclosure

would result in a subordinate addition to the site that would not harm the amenity of neighbouring occupiers.

Parking/Access:

The proposal is for the change of use for part of the building from office/study centre to provide 9 residential flats comprising 6 x 1 bedroom units and 3 x 2 bedroom units. Part of the office use remains although is not in use. Up to 12 existing parking spaces are available for use.

4.5 to 10.5 parking spaces would be required to meet the parking standards set out in the UDP 2006 for the proposed residential use. The application form states that 5 car parking spaces are allocated for the 9 residential flats and therefore the existing parking provision meets the parking standards. The proposal has been assessed by a Highways officer and is acceptable on highways grounds.

No changes are proposed to existing access arrangement. For any changes to the existing crossovers a separate crossover application must be submitted for approval to the Highways Authority.

Required Planning Contributions:

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

Education

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.

Library Services

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.

Health

Under Policy CS13 of the Adopted UDP (2006) the council will seek to secure a financial contribution through a Section 106 Agreement for future health 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 Health.

Greenspaces

The current scheme does not propose any outdoor space contrary to policy H18. The site, however is not located in an area of deficiency at local park level as identified in the UDP and is within a few minutes walk to Princes Park. This point alone would not warrant refusal of the application. A contribution is sought towards the upkeep of local parks.

Monitoring Contribution

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 details of which are available on the Council's website.

All of the above contributions would be sought under Policies IMP1 and IMP2 of the Adopted UDP (2006).

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.

4. EQUALITIES AND DIVERSITY ISSUES

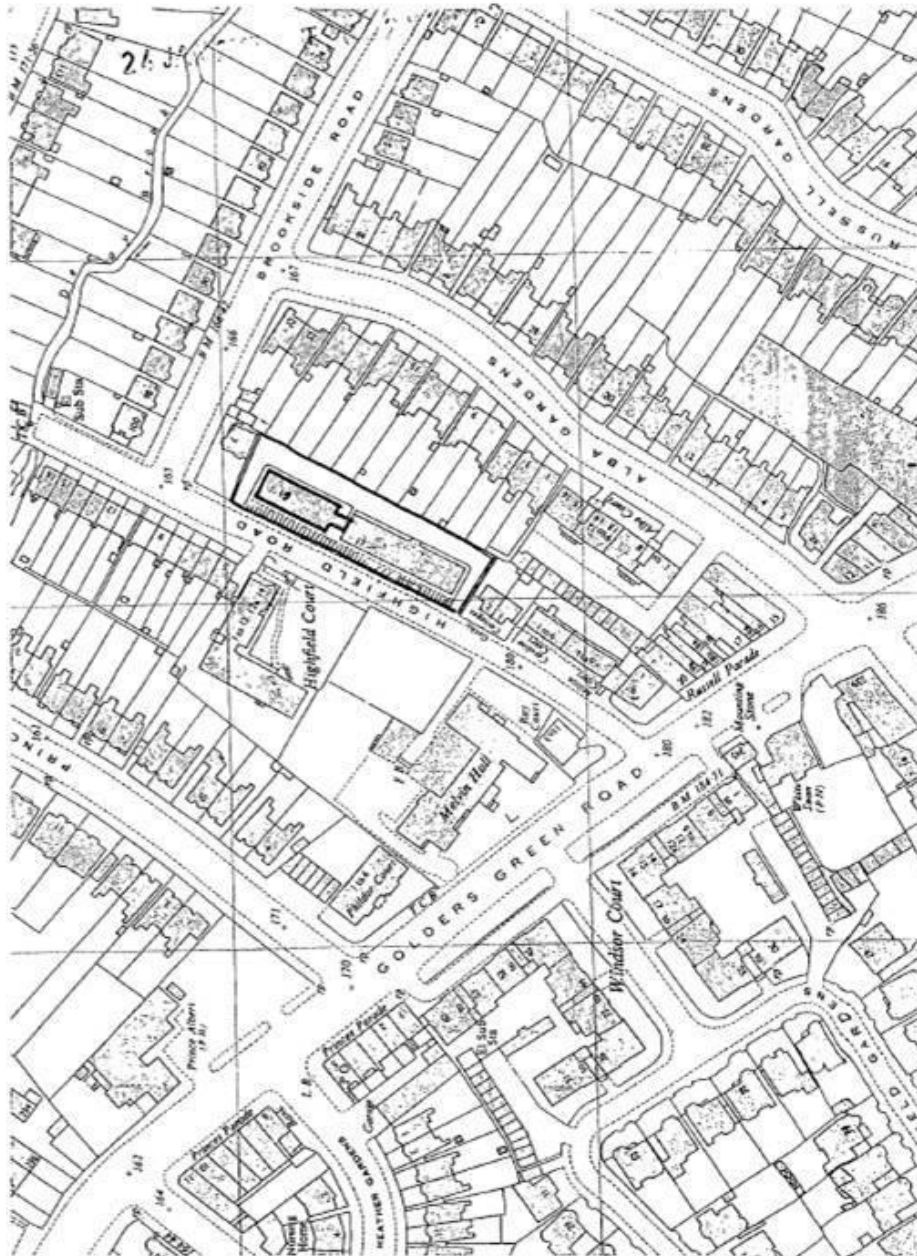
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

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: 19 Highfield Road, London, NW11 9LS

REFERENCE: F/00272/12



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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 policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

GEnv1, GEnv2, 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: 31 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 feet away from children's room – how is this possible to be permitted.
 - Copy of Part Wall Matter letter.
 - Unacceptable development.
 - Require an enforcement visit as the works are on a very advanced stage.
 - Several self contained flats have been constructed at the back of the garden 'sheds with beds'
 - Large wastepipe running from the main house to the shed – for toilets.
 - Loss of privacy and noise.

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

The application was deferred from the May West Area Planning Sub-Committee to enable Members to conduct a site visit.

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



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LOCATION: 11 Garrick Avenue, London, NW11 9AR

REFERENCE: F/00745/12

Received: 23 February 2012

Accepted: 27 February 2012

Expiry: 23 April 2012

WARD(S): Golders Green

Final Revisions:

APPLICANT: Mr Aloysius

PROPOSAL: Single storey rear extensions with a rooflight. Demolish existing garage at the rear. Create new pedestrian access from the side. Roof extension with a rear dormer window. Provision of refuse bins. Associated internal and external works and landscaping to facilitate conversion of the single family dwellinghouse to form three 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: Location Plan - GRRAV-L001; GRRAV-L002; GRRAV-P001; GRRAV-P002; GRRAV-P003; GRRAV-P004; GRRAV-E001; GRRAV-E002; GRRAV-E003; GRRAV-S001; GRRAV-E101; GRRAV-E102; GRRAV-E103; GRRAV-P101 A; GRRAV-P102 A; GRRAV-P103 A; GRRAV-P104 A; GRRAV-S101 (Date Stamped 11 May 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 A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

- To ensure a satisfactory appearance to the development.
- 7 All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
- Reason:
To ensure a satisfactory appearance to the development.
- 8 Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
- Reason:
To ensure a satisfactory appearance to the development.
- 9 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):

- 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 Policy:
National Planning Policy Framework
London Plan (2011):
3.4, 3.5A, 3.5B, 7.4A
Adopted Barnet Unitary Development Plan (2006):
GSD, GParking, GCS1, GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, D9, D11, M8, M10, M11, M12, H16, H17, H18, H23, CS2, CS8, CS13, IMP1, IMP2.
- Local Development Framework:
Core Strategy (Examination in Public version) 2012 – CS NPPF, CS1, CS4, CS5, CS9, CS10, CS13, CS15.
Development Management Policies (Examination in Public version) 2012 – DM01, DM02, DM13, DM17.

ii) The proposal is acceptable for the following reason(s): -
Having taken all material considerations into account, it is considered that the proposed development as amended 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 in short supply.

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 £_____ (to be supplied in the addendum to the officers report).

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.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework:

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

The London Plan is recognised in the NPPF as part of the development plan.

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

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan 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.

Relevant policies: GSD, GParking, GCS1, GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, D9, D11, M8, M10, M11, M12, H16, H17, H18, H23, CS2, CS8, CS13, IMP1, IMP2.

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

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

On 21 February 2008, following public consultation, a Supplementary Planning

Document “Contributions to Education” was adopted by the Council. The SPD, provides guidance and advice in relation to adopted planning policy to secure contributions towards education needs generated by new residential development. The contributions were increased on 1 August 2009.

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

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

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

Core Strategy (Examination in Public version) 2012:

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 sets the vision, core objectives and strategic policies for Barnet. 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: CS NPPF, CS1, CS4, CS5, CS9, CS10, CS13, CS15.

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

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, DM13, DM17.

Relevant Planning History:

Site Address: 11 Garrick Avenue London NW11
Application Number: C06204
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 17/10/1977
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Conversion into self-contained flats**
Case Officer:

Site Address: 2-4 Garrick Avenue, London, NW11 9AS
Application Number: F/00723/11
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 09/05/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Two storey rear infill extensions to no's. 2 and 4 and a single storey side outbuilding following demolition of existing outbuilding/garage within the curtilage of no. 2.**
Case Officer: Junior C. Moka

Site Address: 2 & 4 Garrick Avenue, London, NW11 9AS
Application Number: F/03269/11
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 14/11/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Two storey rear infill extensions to no's. 2 and 4 and construction of an outbuilding following demolition of the existing outbuilding/garage within the curtilage of no. 2. These works facilitate the provision of three self contained residential units within the main dwelling of no. 2 and the provision of home office space within the outbuilding ancillary to all units.**
Case Officer: Junior C. Moka

Consultations and Views Expressed:

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

The objections raised may be summarised as follows:

1. Overdevelopment as a result of the size of the extensions;
2. Overlooking and loss of amenities;
3. Out of keeping;
4. Concerns about the location of the refuse

5. The conversion is out of character and out of keeping on this street family dwelling street;
6. Impact on traffic, access and parking in the area;

Internal /Other Consultations:

Traffic & Development

No objections.

Date of Site Notice: 01 March 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

11 Garrick Avenue is a traditional detached corner plot property with a two storey rear projection as a result of its 'L' shaped footprint located within the Golders Green Ward.

The surrounding area is characterised by residential single family dwellings and converted dwellings with the majority of properties of a similar architectural style. There are flats at 1, 21 and 47 Garrick Avenue. Flats were also recently approved at 2-4 Garrick Avenue. There are also examples of flats on nearby Ambrose Avenue (5, 10, 11, 12, 22 and 38).

Proposal:

The proposal relates to a single storey rear extensions with a rooflight; demolish the existing detached garage; creation of a new pedestrian access from the side pavement; roof extension with a rear dormer window; provision of refuse bins; associated internal and external works and landscaping to facilitate conversion of the single family dwellinghouse to form three self-contained residential flats.

The existing property is a 4 bedroom single family dwelling and the proposed units will be:

- Unit A is a 2 bed unit in which the gross area is 76.6 sqm and has access to 30.1 sqm of private amenity space;
- Unit B is a 3 bed unit in which the gross area is 95.6 sqm and has access to 55.2 sqm of shared amenity space;
- Unit C is a 2 bed unit in which the gross area is 82.3 sqm and also has access to 55.2 sqm of shared amenity space.

Planning Considerations:

The immediate surroundings are characterised by houses converted into residential units as well as properties in single family occupancy. The proposal would result in the re-use of a brownfield site and as such a flatted development is considered acceptable in this location. The proposed density is in line with policy H21.

Surrounding sites have or are being re-developed for similar densities including 2 Garrick Avenue for 3no. self-contained flats.

The immediate surroundings are characterised mainly by houses in single family occupancy with 3 out of 47 dwellings converted into flats (1, 21 & 47). 2 Garrick Avenue's planning permission hasn't been implemented as yet.

The main issues are considered to be:

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

Character and appearance

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

The 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.

Different types of tenure do not necessarily make bad neighbours and it is considered that, as conditioned, and the location of this proposal on Garrick Avenue would have an acceptable impact on the amenity of neighbouring occupiers.

The Council recognises that flatted developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land.

The existing property is not considered to be of particular architectural merit to warrant its retention in its current form. It is considered that the proposed ground floor extensions have been designed to reflect the principle set out within the Design Guidance Note No 5 – Extensions to Houses. The proposed rear extensions are

both 4 metres in depth from the respective elements of the existing 'L' shaped footprint.

The proposed rear dormer window is considered acceptable as this replicates the existing dormer window in the front elevation.

There is no objection to the demolition of the existing detached garage.

As such the proposal would not cause any significant harm to the street scene. In that respect, it would not conflict with relevant saved policies of the Barnet Unitary Development Plan (UDP). It would comply with policy GBEnv1, which seeks to protect and enhance the quality and character of the built environment, and with the aims of UDP policies GBEnv2 and D1 with respect to high quality design. In the terms of UDP policy D2, local character would be preserved, and the appearance, scale, bulk, height and pattern of surrounding buildings, and the overall character and quality of the area, would be respected. The proposal would harmonise with and respect the character of the area, as required by UDP policy.

The living conditions of neighbouring residents

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.

Having regard to individual aspect of the scheme, the Local Planning Authority contended that the proposal would not form an unacceptable sense of enclosure as perceived from the ground floor windows and garden of no. 9.

The overall proposed extensions would comply with Council Policies that seek to preserve the amenities of neighbouring occupiers. The design, size and rearward projections of the proposed extensions are such that they would not have an adverse impact on the residential and visual amenities of the neighbouring occupiers. The proposed extensions in terms of their depth would not result in an unacceptable loss of sunlight and natural currently experienced on site.

The living conditions of future residents

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 both private and communal garden to the rear. 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.

UDP policy H18 sets out minimum amenity space standards. The following standard, with the emphasis being on 'usable amenity space' for flats:

- 5 square metres of space per habitable room.
- Rooms exceeding 20 square metres will be counted as two habitable rooms.

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

Policy H26 states that proposals for flatted developments must include suitably enclosed storage areas at the rear of the property. If it is not practical, storage areas at the front or side of the property should be adequately screened so as not to become a dominant feature, and to avoid loss of amenity.

The application only shows where the proposed refuse facilities will be located but not how the refuse is to be kept; a condition for Refuse details will be attached to the permission.

Parking, Access and Vehicle Movements:

No parking spaces are being provided. The proposed development would need to provide 3 parking spaces to meet the parking standards as set out in the UDP2006.

However, taking into consideration the following:

- the site is close to Town Centre, within walking distance of local amenities;
- within a Control Parking Zone and with good public transport accessibility;
- Our site observation indicated that there is on street parking available in on roads in the vicinity of the site.

On balance the proposal is acceptable on highway grounds.

The Community Infrastructure Levy Regulations 2010:

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

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

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

by Section 106 Agreement.

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

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

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

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

Education needs generated by the development

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

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

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

To accord with UDP Policy CS8 and the SPD the proposed scheme would require a contribution of £1,168 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 £173 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 £2,034 and a monitoring fee of 5%.

The education, library services and health facilities contributions and a monitoring fee of 5% should be secured by condition.

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

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

The Local Planning Authority have considered this current scheme to have an acceptable impact on neighbours occupiers.

Having taken all material considerations into account, it is considered that the proposed development as amended 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 provided good quality residential accommodation which is at sort 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: 11 Garrick Avenue, London, NW11 9AR

REFERENCE: F/00745/12



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LOCATION: 100-102 Leaside Crescent, London, NW11 0LA
REFERENCE: F/01145/12
WARD(S): Golders Green
APPLICANT: Kehillas Ohel Moshe
PROPOSAL: Retention of the use of ground floor and part first floor as a synagogue and part first floor as a residential unit. Roof extension with both sides and rear dormer windows and 1no. rooflight to the front elevation to facilitate conversion into an additional residential unit.

AGENDA ITEM 6n
Received: 21 March 2012
Accepted: 22 March 2012
Expiry: 17 May 2012
Final Revisions:

RECOMMENDATION: Refuse

- 1 The use of the site as a synagogue results in the loss of residential floorspace to the detriment of the supply of housing in the Borough, contrary to policy H3 of the Adopted Barnet Unitary Development Plan (2006), DM01 and DM07 of the Emerging Local Plan Development Management Policies Examination in Public version 2012 and policy 3.15 of the London Plan (2011).
- 2 The proposed roof extensions by reason of their form, massing, bulk, and design would appear incongruous, top-heavy and unduly obtrusive, detrimental to the character and appearance of the streetscene and general locality contrary to policies GBEnv1, GBEnv2, D1, D2 and H27 of the Adopted Barnet Unitary Development Plan 2006, Supplementary Design Guidance 5: Extensions to Houses, and policy DM01 of the Emerging Local Plan Development Management Policies (Examination in Public Version) 2012.

INFORMATIVE(S):

- 1 The plans accompanying this application are:- Site plan; 1203.1; 1203.2; 1203.3; 1203.4; 1203.5; 1203.8; 1203.9; 1203.10, Supporting information.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

The London Plan is recognised in the NPPF as part of the development plan.

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

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan 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, H3, H16, H17, H18, H27, GCS1, GCS1, CS1, ENV12, M11, M14.

Core Strategy (Examination in Public version) 2012

Development Management Policies (Examination in Public version) 2012

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.

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: CS NPPF, CS1, CS4, CS5, CS10.

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, DM07, DM13, DM17.

Application:	Planning	Number:	F/04198/10
Validated:	15/10/2010	Type:	APF
Status:	DEC	Date:	26/11/2010
Summary:	APC	Case Officer:	Elizabeth Thomas
Description:	Single storey rear extension.		

Consultations and Views Expressed:

Neighbours Consulted: 115 Replies: 72
Neighbours Wishing To Speak 3

The 72 supporting comments raised may be summarised as follows:

- No issues with parking experienced despite the introduction of a new CPZ in the surrounds
- Building work has been undertaken in a manner sympathetic to the street scene.
- Support the application.
- No adverse effect on the immediate area, or amenities of neighbours.
- Important local facility and provides a great benefit to the community

Internal /Other Consultations:

Highways Group - No objection subject to conditions

Environmental Health - No objection subject to conditions

Date of Site Notice: 05 April 2012

The application is brought to committee at the request of Councillor Dean Cohen (Golders Green) who has written as follows:

"I am writing to support the above application. The Jewish community in this particular area is expanding rapidly and therefore more synagogues are required to accommodate this expansion. I understand that this synagogue has been in existence for approximately seven years. If you as the case officer is minded to refuse this application under delegated powers I would like this application to be considered by the relevant planning committee.

The reason for calling in this application if you are minded to refuse it, is because of the above reason as well as the fact that our own LDF states that the LA should support places of worship in suitable locations. If the application does get to committee I would request to speak in my role as a Golders Green ward councillor".

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site covers a pair of semi detached dwellings. It is located on the corner with Oakfields Road. The area is in a predominately residential location and does not fall within a conservation area.

Proposal:

The application relates to the retention of the use of ground floor and part first floor

as a synagogue and part first floor as a residential unit. Roof extension with both sides and rear dormer windows and 1no. rooflight to the front elevation to facilitate conversion into an additional residential unit.

The submission of this application follows an enforcement investigation.

Background:

The applicant has advised that the Kehilas Ohel Moshe community evolved in late 2003 early 2004. It is one of few Ashkenazi (Litvish) synagogues. The community has a nucleus of some 85 families using the synagogue. There are daily services, mornings generally 06:30- 08:00 (attended by some 30-40 men), afternoons 13:00/17:45 (attended by some 20-40) and evening (attended by some 10-20 men) with additional lectures.

The Sabbath prayers on Friday evenings has an attendance of some 90 adults and 30 children and similarly on Saturday mornings. Saturday afternoons and evenings the attendance is again about 90 adults and 30 children depending on the time of the year. A winter learning programme for fathers and sons runs an hour after the Sabbath for about an hour and is attended by about 50 adults and 50 children.

There is a daily lecture 08:30-09:00 with a guest speaker under the banner of 'Start the Day the Torah Way' broadcast widely from the premises generally attended by some 30-50 people.

Planning Considerations:

The main considerations in this case are:

- The loss of residential floor space.
- The provision of the community/religious facility.
- The impact on surrounding residential occupiers including noise as a result of the change of use.
- The impact on the parking and traffic in the area as a result of the use.
- The acceptability of the proposed roof extensions.
- The acceptability of the residential flats as proposed.

Loss of residential floor space

The proposals would result in the net loss of approximately 335 m² of residential floorspace (The existing properties are approximately 416 m², the proposed residential floor space including the extension is approximately 81m²).

Policy H3 of the UDP relates specifically to the loss of residential uses and states that planning permission will not be granted for changes of use from residential to other uses unless:

- i The proposed use is for a community facility; **and**
- ii The location is no longer environmentally suitable for residential use and cannot be improved; **and**
- iii The proposal is for an important employment-generating use outside a

predominantly residential area, provided that it is not detrimental to residential amenity and does not conflict with other policies of this Plan; **and**
iv The demand for the proposed use cannot adequately be met elsewhere; **and**
v The housing units are not of a type in particularly short supply.

The criteria of the policy are not alternatives, a proposed change of use would have to meet them **all** to comply and be acceptable.

Whilst it is acknowledged that as part of the proposal a residential flat is proposed in the extended roof space, the overall retention of the synagogue and subdivision of the houses will result in the loss of a significant amount of residential floor space to the detriment of the supply of housing in the Borough, contrary to the policy.

Officers recognise that within the preamble of policy H3, Barnet's adopted UDP advises that there may be some cases in which the loss of residential uses may be acceptable to meet a community need in predominantly residential areas including places of worship. The UDP also states that such proposals would be assessed on its own merits having regard to the impact on the amenity of neighbouring occupier.

The supporting text for Policy H3 as set out at paras 8.3.1.10 to 8.3.1.12 also highlights that because of the high demand for housing the loss of residential uses will not be acceptable. The opening of Policy H3 clearly states that 'planning permission will not be granted for changes of use from residential unless..... It then sets out the 5 requirements that have to be met which have been outlined above.

The policy is focusing on a change of use away from residential and is it not considered that providing a smaller residential unit in order to maintain the residential use complies with the policy because the proposals would result in a substantial loss of residential floor space.

The reduction in residential floorspace would conflict with the London Plan Policy 3.14 Existing Housing which states that 'The Mayor will, and Boroughs and other stakeholders should, support the maintenance and enhancement of the condition and quality of London's existing homes' and that the "loss of housing [...] should be resisted unless the housing is replaced at existing or higher densities with at least equivalent floorspace.

Within the context that the high demand for housing within Barnet and London is not disputed it is advisable that site potential is maximised and that efficient use is made of the existing housing stock.

It is considered that introducing another use is a change of use and that providing a smaller residential unit as part of a wider development of the residential property conflicts with the aims of the adopted UDP policy H3 and London Plan policy 3.14.

The protection of residential floorspace is reinforced by the policies as set out in the emerging Local Plan which confirms the Council's position that residential floor space should be retained.

The proposal is contrary to policies with the Local Plan Development Management Policies in particular policies DM01 and DM07. Policy DM01 protecting Barnet's

character and amenity point (i.) of the policy states that loss of houses in road characterised by houses will not normally be appropriate.

This is reinforced by policy DM07 protecting housing in Barnet. This states that loss of residential accommodation will not be permitted unless.

- a. the proposed use is for a local facility (children's nursery, educational or health use) provided that it is not detrimental to amenity **and**;
- b. where need can be demonstrated **and**;
- c. the demand for the proposed use cannot adequately be met elsewhere and is in line with other policies or;
- d. the location is no longer environmentally suitable and viable for residential use or;
- e. it involves identified regeneration areas with large scale demolition of housing and estates which provides for the net replacement of the total residential units.

Although the proposal provides a local religious community facility, it has not been demonstrated that there is a need for the synagogue use and no evidence that the proposed use cannot adequately be met elsewhere and is in line with other policies. The proposal therefore fails to comply with the criteria as set out in policy DM07. The use of the site is contrary to both policies of the Emerging Local Plan Development Management Policies Examination in Public version 2012.

Community/religious facility

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

Policy CS1, (Community and Religious Facilities) states that proposals for community and religious facilities will be permitted where they -

- Are easily accessible by public transport, walking and cycling;
- Would not have a demonstrable harmful impact on the character of the surrounding area and the amenities of nearby residential properties;
- Would be accessible for people with disabilities.

Paragraph b. of Policy DM13: community and education uses (New community or educational use) states that "New community or educational uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres. New community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties".

Whilst the synagogue serves the local community it is considered on balance that this advantage does not outweigh the fact that the proposal is not in compliance with policy H3.

Impact on surrounding residential occupiers

Concerns are raised in relation to the noise and disturbance the use generates to

neighbouring residential occupiers without mitigation. There is the potential for noise to breakout from the synagogue affecting 2 Oakfields Road and 98 Leaside Crescent when doors and windows are opened. Due to the proximity of neighbours this may cause detriment to their amenity. The noise may be heard in residents' gardens or within their homes. It could be possible to mitigate the noise by conducting a noise report to assess the construction fabric of the properties (ie the materials the walls, doors and windows are made of), and the noise breakout, comparing this noise with the background noise. This would aim to assess the impact on neighbours and propose suitable mitigation such as keeping windows and doors closed and installing alternative means of ventilation. A noise management plan would also be beneficial to ensure the way in which the synagogue is used is managed to minimise noise.

Furthermore, there is the possibility of noise affecting residents in the flats above. There is not sufficient information supplied for a full assessment of the likelihood of this. However this noise could be mitigated by installing suitable sound insulation between the flats and synagogue. A noise report condition would satisfy this by ensuring a consultant advises on suitable mitigations methods.

Extensions to the property

Substantial roof extensions are proposed to the property to facilitate the provision of a residential unit. The proposal will include a mansard roof and a side dormer on both side elevations and two rear dormer windows. The proposed mansard roof is considered to be out of character with the street. As the proposed roof extension will be across two semi detached properties it will appear particularly bulky and visually obtrusive, Leaside Crescent is not a street characterised by large mansard roof extensions. Whilst it is acknowledged that there are mansard roof extension on Oakfields Road, the proposal is considered to have a street context within Leaside Crescent.

Due to the design of these extensions, in relation to both the application site and the neighbouring properties, this proposal is considered to be an overly dominant feature, out of keeping with the character and appearance of the application properties and the general streetscene. Council design guidance indicates that roof extensions should be sympathetic to the host property, the proposal is considered to fail in complying with design guidance. Due to the collective size, bulk and siting of these roof extensions the result will be an unduly bulky roof that would not be sympathetic to the design of the host properties and would be out of keeping with the roof forms of surrounding properties within the street.

It is considered that the proposed extensions would not detrimentally impact on the residential amenity of neighbouring occupiers.

Provision of 2 residential units

Notwithstanding the objection to the loss of residential floor space as explained above, the principle of two residential units at the property is considered to be acceptable. The units will have their own private entrance ensuring that there is no undue disturbance due to comings and goings to the synagogue using the same entrance door.

The proposed units should 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. Both flats proposed meet the standards of a 1 bedroom unit.

The proposed development does not provide usable outdoor space for the enjoyment of future occupiers. UDP policy H18 sets out minimum amenity space standards. The following standard, with the emphasis being on 'usable amenity space' for flats:

- 5 square metres of space per habitable room.
- Rooms exceeding 20 square metres will be counted as two habitable rooms.

No outdoor amenity space is provided for the use of the residential occupiers. However, when considering the size of the flats and the proximity of the site to Princes Park, this shortfall is not considered to warrant a reason for refusal on this ground.

Policy H26 states that proposals for flatted developments must include suitably enclosed storage areas at the rear of the property. If it is not practical, storage areas at the front or side of the property should be adequately screened so as not to become a dominant feature, and to avoid loss of amenity. The plans do not show where the refuse facilities for the flats will be located and a condition for refuse details should be attached in the event of an approval.

Traffic and parking

The traffic and development team have no objections to the proposal subject to the two existing parking spaces being made available for disabled users.

3. COMMENTS ON GROUNDS OF OBJECTIONS

No objections have been received at the time of writing the report. The comments in support of the application are noted in particular that the synagogue provides an important local facility to the benefit to the community. Whilst this point is not disputed, it is not considered that it outweighs the harm that has been identified above and resulting from the loss of residential floorspace and excessive roof extensions.

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 use of the site as a synagogue results in the loss of residential floorspace to the detriment of the supply of housing in the Borough, contrary to policy H3 of the

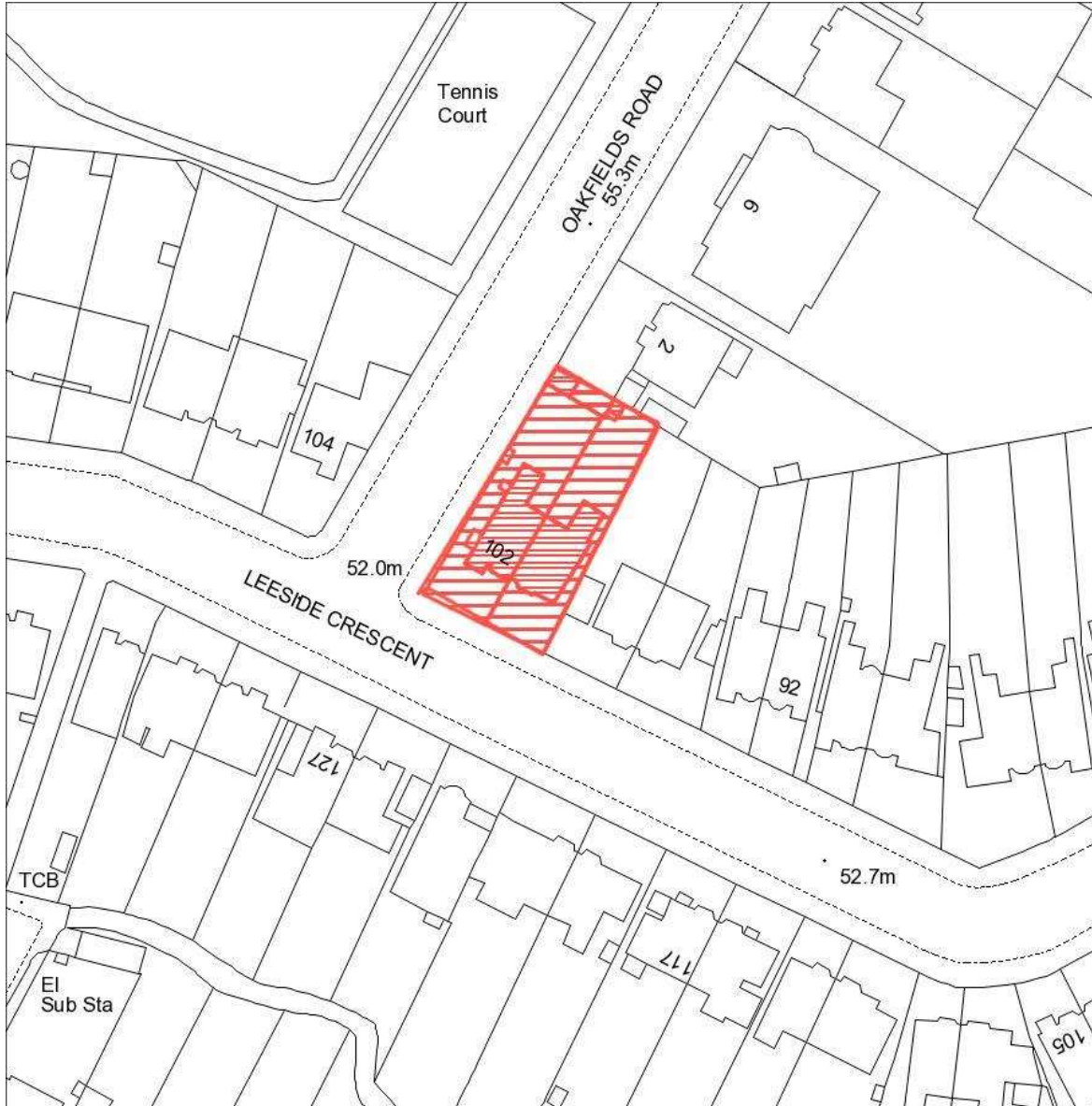
Adopted Barnet Unitary Development Plan (2006), DM01 and DM07 of the Emerging Local Plan Development Management Policies Examination in Public version 2012 and policy 3.15 of the London Plan (2011).

The proposed roof extensions by reason of their form, massing, bulk, and design would appear incongruous, top-heavy and unduly obtrusive, detrimental to the character and appearance of the streetscene and general locality contrary to policies GBEnv1, GBEnv2, D1, D2 and H27 of the Adopted Barnet Unitary Development Plan 2006, Supplementary Design Guidance 5: Extensions to Houses, and policy DM01 of the Emerging Local Plan Development Management Policies (Examination in Public Version) 2012.

REFUSAL is recommended.

SITE LOCATION PLAN: 100-102 Leaside Crescent, London, NW11 0LA

REFERENCE: F/01145/12



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LOCATION: 58 Clifton Gardens, London, NW11 7EL

REFERENCE: F/04906/11

Received: 06 December 2011

Accepted: 20 December 2011

Expiry: 14 February 2012

WARD(S): Garden Suburb

Final Revisions:

APPLICANT: Dr Barnard

PROPOSAL: Proposed part single storey - part two storey rear extension.
Retention of established use of the first floor as Opticians consulting rooms for the Optometrist practice registered on the ground floor storey.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site and location plan; Plan No's: 4234 PL 01 Rev A; 4234 PL 02; 4234 PL 03 A; Email from agent (Mr A Brown), dated 26/01/12.

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 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.

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, CS11, M11, M14, EMP2, H3.

Core Strategy (Examination in Public version) 2012: CS NPPF, CS1, CS5, CS8, CS10.

Development Management Policies (Examination in Public version)2012: DM01, DM02, DM13, DM14, DM17.

ii) The proposal is acceptable for the following reason(s): The proposed extensions would be a proportionate addition to the dwellinghouse. They would have an acceptable impact on the character and appearance of the streetscene, site property, general locality and the residential amenity of neighbouring occupiers. The proposed change of use would not result in the loss of residential

floorspace and as conditioned would not impact detrimentally on the residential amenity of neighbouring occupiers. The proposals are acceptable on highways grounds.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011

Relevant Unitary Development Plan Policies: GBEEnv1, GBEEnv2, D1, D2, D3, D5, CS11, M11, M14, EMP2, H3.

Core Strategy (Examination in Public version) 2012

Development Management Policies (Examination in Public version) 2012

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.

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: CS NPPF, CS1, CS5, CS8, CS10.

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, DM13, DM14, DM17.

Relevant Planning History:

Site Address: ZAMENHOF HOUSE 58 Clifton Gardens LONDON NW11
Application Number: C10228A
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 11/07/1990
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension**
Case Officer:

Site Address: 58 Clifton Gardens LONDON NW11

Application Number: C10228B
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 04/07/1997
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey side entrance porch. Alterations to front bay window.**
Case Officer:

Site Address: 58 Clifton Gardens LONDON NW11
Application Number: C10228
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 15/02/1989
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Conversion of existing house to ground floor consulting rooms and first floor self-contained flat, with parking spaces at the rear and one at the front**

Case Officer:

Consultations and Views Expressed:

Neighbours Consulted: 70 Replies: 8
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- In support of new windows looking eastwards
- The proposed extension is unsuitable and detrimental to 56 Clifton Gardens
- Loss of privacy
- Overlooking properties at the end of the road.
- Proposals will restrict natural daylight to rear of No. 56
- Concerns flat roof of extension could be used as a balcony further compromising the privacy of No. 56.
- The development will burden the off street parking situation in Clifton Gardens
- Concerns that trees and other vegetation will be affected by the development
- Cannot identify on the plans whether there will be two separate accesses to ground and first floor, or one internal access to first floor from within the shop premises
- Uncertainty about whether additional staff are needed
- Concerns the development will have unacceptable unsightly cabling and pipework as a result of air conditioning

Internal /Other Consultations:

- Traffic & Development - No objection on highways ground.
- Environmental Health - No comments.

Date of Site Notice: 05 January 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located on the northern side of Clifton Gardens, on the junction with the Finchley Road. The property on site takes the appearance of a two storey residential dwelling. It is partly used as an optician.

Proposal:

This application seeks consent for a proposed part single storey, part two storey rear extension. The retention of the first floor as an Opticians consulting rooms, for use by the Optometrist practice registered on the ground floor.

The application has been amended and the extensions reduced to address initial concerns raised by officers about the impact of the original proposed extensions on the amenity of neighbouring occupiers.

The proposed ground floor extension is now 4.85 metres in depth and is set 1 metre away from the side boundary with the neighbouring property. It would be 3.8 metres high to the ridge and 2.6 to the eaves.

The proposed first floor extension would project 3 metres from the original rear wall and would be set 1.9 metres away from the boundary with the neighbouring property.

Planning Considerations:

Partial change of use:

Policy H3 of the UDP relates specifically to the loss of residential uses and states that planning permission will not be granted for changes of use from residential to other uses.

Evidence has been provided with the application to demonstrate that the first floor of the application property has been in use as a consulting room by the ground floor Optometrist practice for 14 years, since 1st September 1997. The evidence comes in the form of a written valuation report from Martin, Russell, Joes Chartered Surveyors dated 20th June 2000, this confirms that the practices has occupied the entire premises. An additional report carried out by RA Valuation Services, who are the official practice valuer for the Association of Optometrists, carried out on 30th October 2000.

It is considered that the use of the first floor as an Optometrist practice has become lawful by virtue of time and that the lawful use is no longer residential. The proposals therefore would not lead to the loss of residential floorspace and comply with policy H3.

Council policy CS10 says that health care facilities should be located in areas that are accessible by public transport. In close proximity to Temple Fortune Town Centre with good bus links running along Finchley Road within walking distance, the site is

an accessible location thus meeting council policy requirements.

It is not considered that the increase in floorspace and resultant intensification of use would be demonstrably harmful to the residential amenity of neighbouring occupiers.

Highways officers have no objections to the proposals which include the retention of 3 off street parking spaces.

Extensions:

The main issue in this case are considered to be covered under two main areas:

- The living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.

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

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

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

The proposals would comply with the aforementioned policies and Council Design Guidance on Extensions to Houses and would be a proportionate addition to the building. They would have an acceptable impact on the character and appearance of the streetscene, site property, general locality and the residential amenity of neighbouring occupiers.

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.

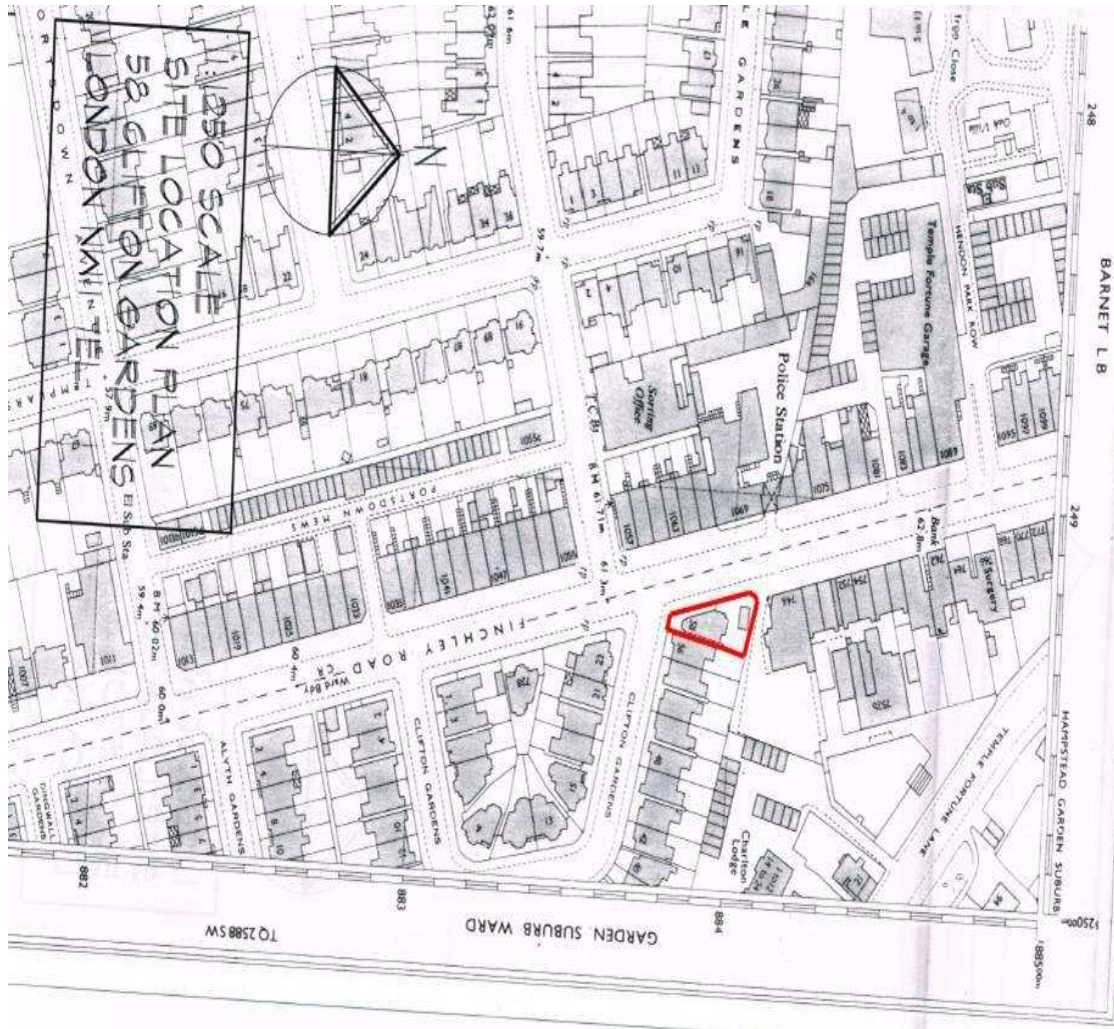
5. CONCLUSION

The proposed extensions would be a proportionate addition to the dwellinghouse. They would have an acceptable impact on the character and appearance of the streetscene, site property, general locality and the residential amenity of neighbouring occupiers. The proposed change of use would not result in the loss of residential floorspace and as conditioned would not impact detrimentally on the

residential amenity of neighbouring occupiers. The proposals are acceptable on highways grounds. **APPROVAL** is recommended.

SITE LOCATION PLAN: 58 Clifton Gardens, London, NW11 7EL

REFERENCE: F/04906/11



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LOCATION: 45 Hampstead Way, London, NW11 7DY

REFERENCE: F/01052/12

Received: 14 March 2012

Accepted: 13 March 2012

Expiry: 08 May 2012

WARD(S): Garden Suburb

Final Revisions:

APPLICANT: Trustees of the Lloyd Dorfman Settlement

PROPOSAL: Installation of 3no air conditioning condensers to the south east side of the house.

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 A1000, A150, A1600, A100, Noise report.

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 level of noise emitted from the three Daikin 5MXS90 air conditioning units hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of any neighbouring property which existed at the time of this decision notice.

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 any existing neighbouring property at the time of this decision notice.

Reason:

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

4 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

INFORMATIVE(S):

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1 (Character), GBEnv2 (Design), D1 (Design), D2 (Built Environment / Character), D5

(Outlook), HC1 (Conservation Areas), HC5 (Special Character) and H27 (Extensions to Houses and Detached Buildings), ENV12 (Noise). Design Guidance Note 5 - Extensions to houses, Hampstead Garden Suburb Character Appraisal 2010, Hampstead Garden Suburb Design Guidance 2010

Core Strategy (Examination in Public version) 2012:

Relevant policies: CS NPPF, CS1, CS5

Development Management Policies (Examination in Public version)2012:

Relevant Policies: DM01, DM02, DM06

ii) The proposal is acceptable for the following reason(s): The proposed enclosure and air conditioning units would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The design, size and siting of the enclosure is such that they preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area and area of special character. Subject to conditions, the use of the air conditioning units would be acceptable and would not harm the amenity of neighbouring occupiers.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011

Relevant Unitary Development Plan Policies:GBEnv1 (Character), GBEnv2 (Design), D1 (Design), D2 (Built Environment / Character), D5 (Outlook), HC1 (Conservation Areas), HC5 (Special Character) and H27 (Extensions to Houses and Detached Buildings), ENV12 (Noise). Design Guidance Note 5 - Extensions to houses.

Hampstead Garden Suburb Character Appraisal 2010

Hampstead Garden Suburb Design Guidance 2010

Core Strategy (Examination in Public version) 2012

Development Management Policies (Examination in Public version) 2012

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.

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 and DM06.

Relevant Planning History:

Site Address: 45 Hampstead Way, London, NW11 7DY
Application Number: 02539/09
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 09/09/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **New door and windows to garage. Replacement glazing to loggia. Rear extension to garage linking property to garage. New window to rear of property. Removal of garden shed. Addition of bay window to rear.**
Case Officer: David Campbell

Site Address: 45 Hampstead Way, London, NW11 7DY
Application Number: F/03498/11
Application Type: Householder
Decision: Approve with conditions
Decision Date: 06/12/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Conversion of garage into habitable room. Single storey rear extension, including new timber painted windows with leaded window lights. Replacement to side timber gate with new archway brickwork. Installation of new flat roof between existing garage and kitchen. Erection of new cantilevered lead roof canopy over front door. Alterations to rear fenestration. (THE INITIAL LETTERS INCORRECTLY REFERRED TO THE PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990, THIS RECONSULTATION RELATES TO A CHANGE TO THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED). MINOR ALTERATIONS TO THE SUBMITTED PLANS HAVE ALSO BEEN RECEIVED, INCLUDING (1) REMOVING THE CCTV CAMERAS FIXED TO THE EXTERNAL WALLS, (2) LOWERING THE HEIGHT OF THE PROPOSED CANOPY OVER THE FRONT DOOR AND (3) CHANGING THE PROPOSED FENESTRATION FROM PAINTED TO STAINED.)**
Case Officer: David Campbell

Consultations and Views Expressed:

Neighbours Consulted:	6	Replies:	4
Neighbours Wishing To Speak	2		

The objections raised may be summarised as follows:

- noise and disturbance
- pollution

- impact on listed buildings and conservation area
- once installed the units should be tested annually
- inaccurate information submitted by the applicant in their noise survey

Internal /Other Consultations:

The Environmental Health department do not object to the application subject to conditions.

The Urban Design and Heritage team do not object to the application due to the limited visibility of the proposals.

The HGS CAAC suggested than an alternative location should be sought.

Date of Site Notice: 22 March 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The property is a single family residential dwelling house in the Hampstead Garden Suburb Conservation Area.

Proposal:

The application seeks planning permission for the installation of three air conditioning condensers to the south east side of the house.

Planning Considerations:

The proposed enclosure to the side of the house would not have any public visibility. It would result in a small addition to the site that would not harm the established character and appearance of the site, the setting of nearby listed buildings or this part of the Hampstead Garden Suburb Conservation Area.

The proposed enclosure and air conditioning units would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The design, size and siting of the enclosure is such that they preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area and area of special character.

The Environmental Health department has advised that a noise report has been done to demonstrate that the noise from the air conditioning units can be mitigated so that the Council's standard noise requirements are met at the nearest neighbouring properties. The Environmental Health department is satisfied that the acoustic enclosure will reduce noise levels sufficiently. The applicant has offered to do post installation noise testing if necessary to ensure the noise levels are as predicted. They have also stated that they will have an annual maintenance contract for the air conditioning units.

Subject to conditions, the use of the air conditioning units would be acceptable and would not harm the amenity of neighbouring occupiers.

3. COMMENTS ON GROUNDS OF OBJECTIONS

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

4. EQUALITIES AND DIVERSITY ISSUES

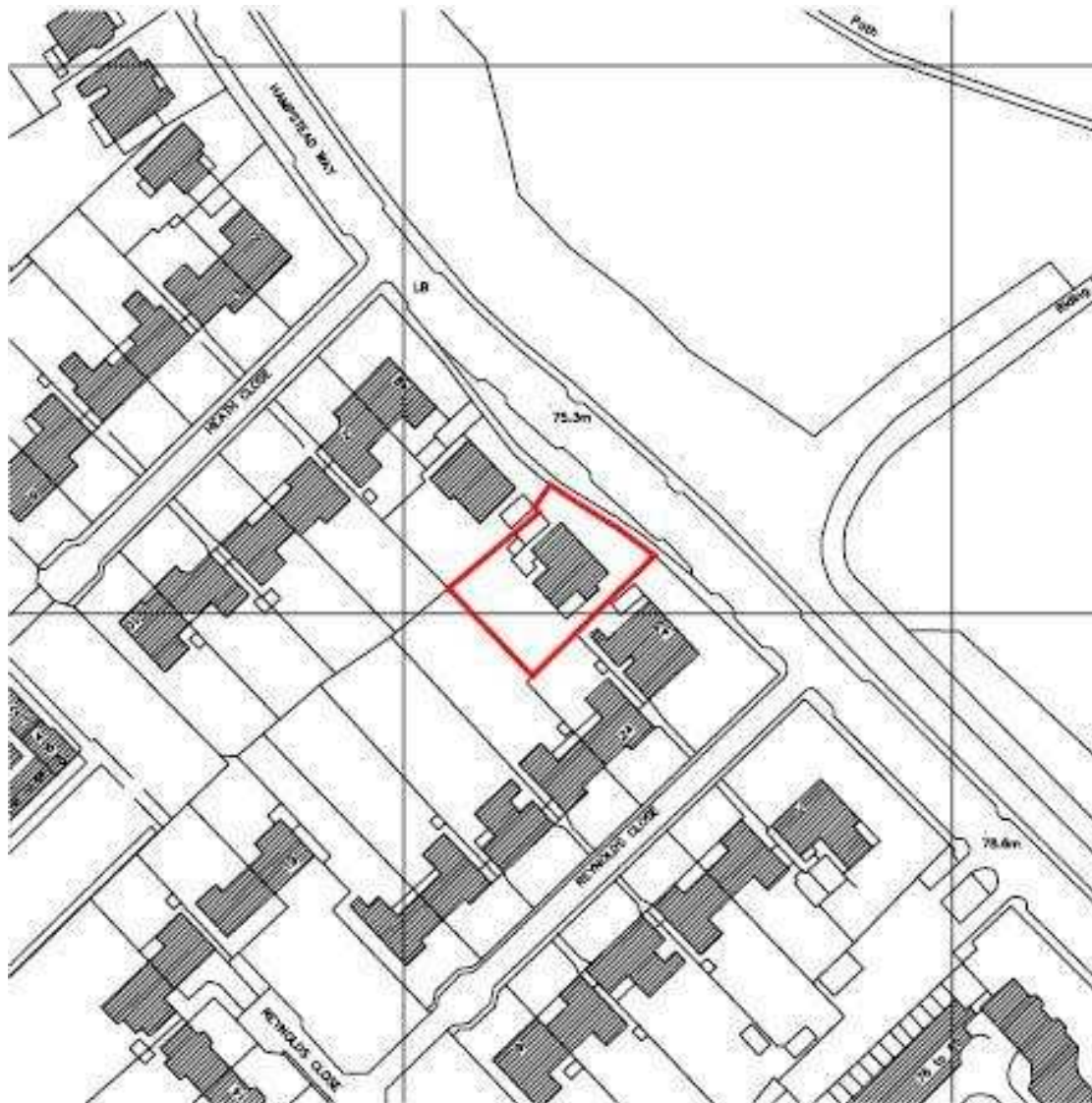
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

The proposed enclosure and air conditioning units would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The design, size and siting of the enclosure is such that they preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area and area of special character. Subject to conditions, the use of the air conditioning units would be acceptable and would not harm the amenity of neighbouring occupiers. **APPROVAL** is recommended.

SITE LOCATION PLAN: 45 Hampstead Way, London, NW11 7DY

REFERENCE: F/01052/12



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LOCATION: Marks & Spencer Plc, 820-832 Finchley Road, London, NW11 6XL **AGENDA ITEM 6q**

REFERENCE: F/01188/12 **Received:** 23 March 2012

Accepted: 30 March 2012

WARD(S): Garden Suburb **Expiry:** 25 May 2012

Final Revisions:

APPLICANT: Marks and Spencer PLC

PROPOSAL: Installation of 1 no. external condensing unit and associated acoustic louvre to side elevation.

RECOMMENDATION: Approve Subject to Conditions

1 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.

2 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Temple Fortune - Photosheet; Email from Henry Courtier dated 9 May 2012 at 15:27; Dwg No. 130T.

Reason:

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

3 The approved external condensing unit and associated acoustic louvre shall only be operated on the premises during the store opening hours.

Reason:

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

4 The level of noise emitted from the plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

Reason:

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

5 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.

INFORMATIVE(S):

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

GSD, GBEnv1, GBEnv2, GBEnv4, D1, D2, D6, HC1, HC5, ENV12.

Local Development Framework:

Core Strategy (Examination in Public version) 2012 – CS NPPF, CS1, CS5.

Development Management Policies (Examination in Public version) 2012 – DM01, DM02, DM04, 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, this proposal hasn't detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The 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, the setting of the adjacent Listed Building, and on the preservation of the Hampstead Garden Suburb Conservation Area. This application is considered to comply with National, London Plan, and Council Policies and Guidelines.

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

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

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

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

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework:

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

The London Plan is recognised in the NPPF as part of the development plan.

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

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan 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.

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.

Relevant policies: GSD, GBEnv1, GBEnv2, GBEnv4, D1, D2, D6, HC1, HC5, ENV12.

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. 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.

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 (Examination in Public version) 2012:

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 sets the vision, core objectives and strategic policies for Barnet. 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: CS NPPF, CS1, CS5, CS6.

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

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, DM04, DM06.

Relevant Planning History:

Site Address: Marks & Spencer 820-832 Finchley Road Golders Green London NW116XL
Application Number: C00317AN/06
Application Type: Advertisement
Decision: Approve with conditions
Decision Date: 13/11/2006
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Various internally illuminated fascia signs, building fascias and car park signs.**
Case Officer: Claire Thorley

Consultations and Views Expressed:

Neighbours Consulted: 50 Replies: 3
Neighbours Wishing To Speak 3

The objections raised may be summarised as follows:

1. Continued noise, vibration and disturbance from the use of the site;
2. The applicant has already carried out the work, disregarding the planning process;
3. Harmful to the setting of the adjacent Listed Building;

Internal /Other Consultations:

Hampstead Garden Suburb, Conservation Area Advisory Committee
No objection

Environmental Health
No objection

Date of Site Notice: 12 April 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

820-832 Finchley Road is the Marks and Spencer store in Temple Fortune which occupies a prominent location within this commercial area with a car park to the rear. The site falls within the Hampstead Garden Suburb Conservation Area although outside of the Area of Special Advertisement Control.

Proposal:

The applicant applied for the installation of a external condensing unit and associated acoustic louvre to side elevation. However, during the determination of the application the applicant carried out the works.

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 borough and have an adverse and visually obtrusive impact upon the amenity of the occupiers of the neighbouring property.

Living conditions of existing/future neighbouring residents:

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.

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

The applicant/agent has advised the Local Planning Authority in an email dated 9 May 2012 at 15:27 about the system "*.... would also like to draw your attention to the manufactures specification for the condensing unit which states that the unit will generate a maximum noise level of 55 dBA when heating, 53 dBA when cooling. The units shall only be in use during the store opening hours, in particular, when the ovens for the deli are in operation.*"

A condition has been attached to this application to demonstrate this.

Character and appearance

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

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

of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 – 1939.

The external condensing unit and associated acoustic louvre to side elevation within the side elevation fronting Temple Fortune House are considered to result in subordinate additions to the application site, is not considered to impact upon the setting of the adjacent Listed Building, nor on the preservation of the Hampstead Garden Suburb Conservation Area.

The proposed overall is considered to comply with the relevant aspects of policies GBEEnv1, GBEEnv2, GBEEnv4, D1, D2, HC1 and HC5 which seek to ensure that proposals are of high quality design, respect the scale of surrounding buildings and preserving the character and appearance of the area.

3. COMMENTS ON GROUNDS OF OBJECTIONS

These points have been 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

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal hasn't detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The 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, the setting of the adjacent Listed Building, and on the preservation of the Hampstead Garden Suburb Conservation Area. This application is considered to comply with National, London Plan, and Council Policies and Guidelines and is therefore recommended for **APPROVAL**.

SITE LOCATION PLAN:
London, NW11 6XL

Marks & Spencer Plc, 820-832 Finchley Road,

REFERENCE:

F/01188/12



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LOCATION: 30 Sunny Gardens Road, London, NW4 1RX

REFERENCE: H/00088/12

Received: 05 January 2012

Accepted: 03 February 2012

Expiry: 30 March 2012

WARD: Hendon

Final Revisions:

APPLICANT: Mr Mason

PROPOSAL: Conversion of existing 3 flats into 5 two-bedroom flats by creating new basement. Three storey rear extension. Roof extension with a rear dormer window and a total of 9no. rooflights to facilitate a loft conversion. Provision of 5no. off-street parking. Landscaping and associated works.

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) £9,154.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £278.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £3,132.00**
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £628.00**
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: H/00088/12 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and access statement, 2011/0555 existing plans and elevations, 2011/0555 basement and ground floor dated 24th May 2012, 2011/0555 first and second floors dated 18th Apr 2012 and 2011/0555 block plan dated 28th May 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 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.
- 5 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.
Reason:
To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.
- 6 Before the development hereby permitted is occupied the parking spaces/garages shown on Plan 2011/0555 first and second floors dated 18th Apr 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.
- 7 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.
Reason:
To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.
- 8 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.

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, 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 (Examination in Public version) 2012: CS4 and CS5

Development Management Policies (Examination in Public version)2012: 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 the character of the area. It complies with all relevant council policy and design guidance.

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

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

The Council of the London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended. Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from:

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

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

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

4 The applicant is advised that on refuse collection day bins should be taken within 10m of the collection point.

RECOMMENDATION III

That if an agreement has not been completed by 12/9/2012, that unless otherwise agreed in writing, the Acting Assistant Director of Planning and Development should REFUSE the application H/00088/12 under delegated powers for the following reason:

The development does not include a former undertaking to provide financial contributions towards the additional pressure created by the development that will be placed on existing library, education, health facilities or necessary improvements to the local bus stop facility. Further, it does not include details of how the monitoring of the undertaking will be met. All the above are necessary for the proposal to be acceptable, therefore it is contrary to policies CS2, CS8, CS13, IMP1 and IMP2 of the Adopted Barnet Unitary Development Plan and the Barnet Supplementary Planning Documents: Contributions to Library Services from Development (Feb 2008), Contributions to Education from Development (Feb 2008), Contributions to Health Facilities from Development (July 2009) and Planning Obligations (Sept

2006).

1. MATERIAL CONSIDERATIONS

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 (Examination in Public version) 2012

Development Management Policies (Examination in Public version) 2012

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.

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

History

None

Consultations and Views Expressed:

Neighbours Consulted:	66	Replies:	4
Neighbours Wishing To Speak	2		

The objections raised may be summarised as follows:

- population density too great
- loss of on street parking
- loss of light
- extensions out of character

Internal /Other Consultations:

Date of Site Notice: 16 February 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a semi detached property.

The lawful use of the property is 3 self contained flats.

The current use of the property is 8 flats and there is an open enforcement case regarding the matter.

To the north of the site lies number 32 which is used as 4 flats and to the south lies number 28 which was granted planning permission in 2010 for 5 flats.

Proposal:

The applicant requests permission for ground and first floor rear extensions, a new basement and a rear dormer window in conjunction with the change of use of the property into 5 x 2 bed flats.

The ground floor rear extension, as amended, would be 5m deep, in line with an existing rear projection.

The first floor rear extension, as amended, would be 4m deep with a subordinate hipped roof.

The rear dormer window, as amended, would be 2m deep and 3m wide.

The proposed basement would include a patio area at the rear to serve as amenity space for the basement flats, protected by 1m high railings at ground level.

All flats would have 2 bedrooms

There would be shared amenity space in the rear garden.

There would be 2 parking spaces to the rear and 2 parking spaces on the front section.

The bin storage would be located to the rear.

Planning Considerations:

Principle of flats

Given the character of the road and the fact that the 2 adjacent properties have been converted into flats, it is considered that the use of the property as self contained flats is acceptable in principle.

Impact on the amenities of the neighbouring occupiers

There is a gap of 6m between the subject property and the adjacent property at number 28. Number 28 also has a 2 storey rear extension and as such there would be no undue impacts on the amenities of the occupiers of this property as a result of the extensions.

In terms of the impact on the adjoining occupiers at number 32, the extensions have been reduced in depth so that the ground floor extension is now no deeper than an existing rear projection. The proposed first floor extension is sited at the other side of the property and as such the extensions would cause no undue impacts on the amenities of these occupiers.

Given that nearby properties have similar intensities of use; there would be no undue noise and disturbance as a result of the proposal.

Appearance of the extensions

The rear extensions, as amended, would be subordinate in size and design and in keeping with the appearance of the property. The dormer window has also been reduced in size and now complies with design guidance.

Flat details

The flats are appropriately stacked and meet London Plan space standards.

The number of parking spaces complies with council standards and as such there would be no significant impact on the amount of on street parking available. Many nearby properties use the rear garden for parking, including the adjacent property at number 28. Given that there are no residential properties to the rear, there would be no undue noise and disturbance caused by the proposed parking arrangement.

The amount of amenity space is sufficient to meet the needs of the development

The existing use

The applicant is reminded that the existing use of the property as 8 flats does not have planning permission. An informative on the decision notice explains that this permission should be implemented within 3 months or the use of the property reverted to its lawful use, otherwise an enforcement notice will be served.

Financial contributions

Planning obligations are required to meet the needs of the development. These are as follows and would be secured via a unilateral undertaking:

Education: £9,154

Libraries: £278

Health: £3,132

Monitoring: £628

3. COMMENTS ON GROUNDS OF OBJECTIONS

Addressed above.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

The proposed development complies with council policy and design guidance.

Approval is recommended.

SITE LOCATION PLAN: 30 Sunny Gardens Road, London, NW4 1RX

REFERENCE: H/00088/12



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LOCATION: 206 Watford Way, London, NW4 4UA

REFERENCE: H/00735/12

Received: 24 February 2012

Accepted: 15 March 2012

Expiry: 10 May 2012

WARD(S): Hendon

Final Revisions:

APPLICANT: Mr Cockburn

PROPOSAL: First floor rear extension to facilitate conversion of single family dwellinghouse to 3no self-contained flats.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan, 4249 01, 4249 02 amendment received 22/05/12, 4249 03 A, 4249 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 Notwithstanding the details shown; Before development hereby permitted is occupied, turning space and parking spaces shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.
Reason:
To ensure that parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free flow of traffic.
- 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 health 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 Health Facilities", and "Planning Obligations".
- 6 Before the development hereby permitted is occupied cycle parking shall be implemented in accordance with the details on plan 4249 02.
Reason: To ensure adequate provision for cycles.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
- i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).
In particular the following policies are relevant:
Adopted Barnet Unitary Development Plan (2006): GBEEnv1, GBEEnv2, D1, D2, D5, H23, H26, M11, M12, M13, M14.
Supplementary Design Guidance 7: Residential Conversions.
Core Strategy (Examination in Public version) 2012: CS5
Development Management Policies (Examination in Public version) 2012: DM01, DM02, DM08, DM17.
- ii) The proposal is acceptable for the following reason(s): -
The proposed extension and conversion would have an acceptable impact on the character and appearance of the general locality and would not materially harm neighbouring amenity. The proposals would provide adequate level of amenity for future residents and would have an acceptable impact on highway and pedestrian safety.
The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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

Relevant Unitary Development Plan Policies: GBEEnv1, GBEEnv2, D1, D2, D5, H23, H26, H27, M11, M12, M14, CS2, CS8, CS13, IMP1, IMP2

Supplementary Design Guidance 5: Extensions to Houses
Supplementary Design Guidance 7: Residential Conversions

Supplementary Planning Document: Contributions to Educational Facilities
Supplementary Planning Document: Contributions to Libraries Facilities
Supplementary Planning Document: Contributions to Health Facilities
Supplementary Planning Document: Planning Obligations

Core Strategy (Examination in Public version) 2012
Development Management Policies (Examination in Public version) 2012

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.

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: 206 Watford Way London NW4 4UA
Application Number: W16176/07
Application Type: Full Application
Decision: Refuse
Decision Date: 06/02/2008
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Part single, part two-storey rear extension.**
Case Officer: Louise Doran

Site Address: 206 Watford Way London NW4 4UA
Application Number: W/16176/A/08
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 25/04/2008
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Part single, part two-storey rear extension.**
Case Officer: Louise Doran

204 Watford Way -

H/00829/11 - Part single part two storey rear extension to facilitate conversion of a single dwelling into 3No. residential units. - Approved - 13/06/2011

Consultations and Views Expressed:

Neighbours Consulted: 37 Replies: 3
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Property has already been converted and extended
- Noise and disturbance from use
- Loss of privacy

Internal /Other Consultations:

Transport for London, Road Network Development -

The development site is located on the A41 Watford Way, which forms part of the Transport for London Road Network (TLRN).

- No cycle parking is proposed. In accordance with London Plan standards, a minimum of one cycle parking space per residential unit should be provided.
- The footway and carriageway on the TLRN must not be blocked during the construction and maintenance of the proposal. Temporary obstructions during the construction must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, or obstruct the flow of traffic.
- No skips or construction materials shall be kept on the footway or carriageway of the TLRN at all times.

Date of Site Notice: 22 March 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is a two storey semi-detached dwellinghouse on the east side of Watford Way (A41).

The surrounding area is mixed in character, consisting of dwellinghouses and dwellings converted to flats.

Proposal:

The proposals are for a first floor rear extension and the conversion of dwelling into 3no. self-contained flats.

It should be noted that at the time of site visit the proposed works were under construction.

Planning Considerations:

Policy Context

General Policy GBEEnv1 aims to maintain and improve the character and quality of the environment.

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

is out of scale with and unrelated to the locality.

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

Policy D11 states that the council will require development schemes to include hard and soft landscaping proposals that:

- Achieve a suitable visual setting for buildings;
- Provide attractive, accessible and practical external space;
- Make a positive contribution to the character of the surrounding area;
- Contribute towards community safety; and
- Improve environmental and ecological quality.

Policy H16 states that new residential developments should harmonise with and respect the character of the area within which they are situated and should: Be well laid out in terms of access, car parking and landscaping, Provide and preserve adequate daylight, outlook and residential amenity, Provide a safe and secure residential environment, Maintain privacy and prevent overlooking and Provide adequate levels of private garden or amenity space.

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

Policy H26 states that proposals for residential conversions must Involve no large extensions or alterations to roofs which are unacceptable in terms of their appearance; Be in houses with a useable rear garden of more than 50 square metres and meet the garden space standards set out in Policy H18; Include suitably enclosed refuse storage areas at the rear of the property (if this is not practical, storage areas at the front or side of the property should be adequately screened so as not to become a dominant feature, and to avoid loss of amenity); Provide adequate and properly located car parking retaining as much front garden as is practical; and be designed to have the minimal impact on the amenities of neighbours through the layout of rooms.

Policy CS2 advises 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.

Policy CS8 states that where a residential development creates a need for additional school places, the council will seek to enter into planning obligations with the developer to secure contributions to their provision.

Policy CS13 requires that where a proposed residential development creates a need for additional health and social care facilities, the council will seek to enter into planning obligations with developers to secure the provision of such facilities.

Policy IMP1 sets out the council's key priorities for planning obligations.

Policy IMP2 advises that in order to secure the best use of land, the council will seek to ensure through the use of conditions or planning obligations attached to planning permissions, that new development provides for the infrastructure, facilities, amenities and other planning benefits which are necessary to support and serve it, and which are necessary to offset any consequential planning loss which may result from the development.

Supplementary Design Guidance Note 7 gives guidance for the conversion of single family residential properties into two or more self-contained units.

Impact of the conversion to flats on the established character of the area and neighbouring amenity

It should be noted that a conversion to three flats was approved at the neighbouring property no.204 under reference H/00829/11 on 13/06/2011.

It is considered that given the mixed character of the locality, the conversion to three flats would have an acceptable impact on the character of the general locality.

The proposed conversion would result in a bedroom at ground floor and a living room at first floor on the side nearest no.208. Appropriate sound insulation would need to be provided between the units.

Given the location close to a busy trunk road, and that there are other properties converted to flats in the locality it is not considered that the proposed conversion would harm neighbouring amenity through associated noise and disturbance.

The proposed flats would all comply with London Plan minimum standards for floorspace. Sufficient external amenity space would be provided to the rear of the property.

Impact of the extensions on neighbouring amenity and the appearance of the locality

The site property has previously been extended in the form of roof extensions. The first floor rear extension has a crown roof lower than the main roof. Whilst this relationship is not ideal, this is only visible from rear gardens and an access road, it is therefore not considered that this would be materially harmful to the character and appearance of the general locality and site property.

The extension extends approximately 1.5m beyond the rear wall of no. 204 Watford Way, a distance of approximately 1.5m away. Given the limited projection it is not considered that the impact on the occupiers of this property would be harmful.

The extension extends approximately 3m beyond the rear wall of no.208 a distance of approximately 3m away. Given the distance away it is not considered that the impact on the amenities of the occupiers of this property would be harmful.

The impact on highway safety

TfL have been consulted on the proposals and do not object to the proposals. The

proposals provide 3 car parking spaces which would comply with Council policy and would not harm highway safety.

Whether the proposals would make adequate provision for local infrastructure.

In accordance with the approved Supplementary Planning Document, the proposals would necessitate the following planning obligations:

- £772 towards local health facilities.
- £38.60 towards associated monitoring costs.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Property has already been converted and extended - *This is noted but is not considered reason to refuse the application.*

Noise and disturbance from use - *Addressed in main report.*

Loss of privacy - *Addressed in main report.*

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

The application is recommended for **APPROVAL**.

SITE LOCATION PLAN: 206 Watford Way, London, NW4 4UA

REFERENCE: H/00735/12



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LOCATION: Flat 7, Sunrise View, The Rise, London, NW7 2LL
REFERENCE: H/01059/12
WARD(S): Mill Hill

AGENDA ITEM 6t
Received: 16 March 2012
Accepted: 23 March 2012
Expiry: 18 May 2012
Final Revisions:

APPLICANT: Mr M Ahmad
PROPOSAL: First floor extension and installation of railings to accommodate roof terrace outside lounge area.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: site plan, 4/12/7/01, 4/12/7/02, 4/12/7/03, 4/12/7/04, 4/12/7/05 and 4/12/7/06.
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 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 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.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
 - i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).
In particular the following polices are relevant:
Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D5 and H27 and
Design guidance note 5: Extensions to houses

Core Strategy (Examination in Public version) 2012: CS5

Development Management Policies (Examination in Public version)2012:

- ii) The proposal is acceptable for the following reason(s): - The proposed development would have an acceptable impact on the appearance of the block of flats and the amenities of the neighbouring occupiers. It complies with all relevant council policy and design guidance.

1. MATERIAL CONSIDERATIONS

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 (Examination in Public version) 2012

Development Management Policies (Examination in Public version) 2012

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.

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

Consultations and Views Expressed:

Neighbours Consulted: 11 Replies: 5 (including 2 in support)

Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- impact on structure of building
- impact on flat below
- impact on parking
- noise and disturbance during build

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a 3 storey block of flats on the corner of The Rise and the A1.

The flat in question is located on the first floor.

There are as existing 3 balconies on the block overlooking the rear communal garden.

Proposal:

The flat located below the subject flat projects further into the communal garden and has a flat roof. The applicant requests permission to use part of this flat roof for an extension and to use part of it as a balcony, including the erection of railings.

The extension would be 3.5m deep, 6m wide and 2.6m high with a flat roof. It would accommodate an additional bedroom.

The balcony would include metal railings to a height of 1.2m.

Planning Considerations:

Character and appearance

The proposal is considered acceptable in appearance terms. There are already balconies to other flats on the rear elevation and the proposed balcony would not be out of keeping with this character.

The extension would not project any further into the garden than the existing ground floor. The extension would not be visible from the Rise and is screened from the A1 by mature trees on the boundary.

Overall the proposal would be acceptable in size and design.

Impact on neighbouring occupiers

Given the location of the proposed extension on the corner of the block, away from neighbouring windows, there would be no loss of light to or outlook from any neighbouring window.

The extension would provide additional accommodation for the occupiers of the flat there would be no significant adverse impact on traffic or parking.

The balcony would be one of a number of balconies on the block and the proposal would not give rise to any additional significant loss of privacy.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Addressed above.

4. EQUALITIES AND DIVERSITY ISSUES

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

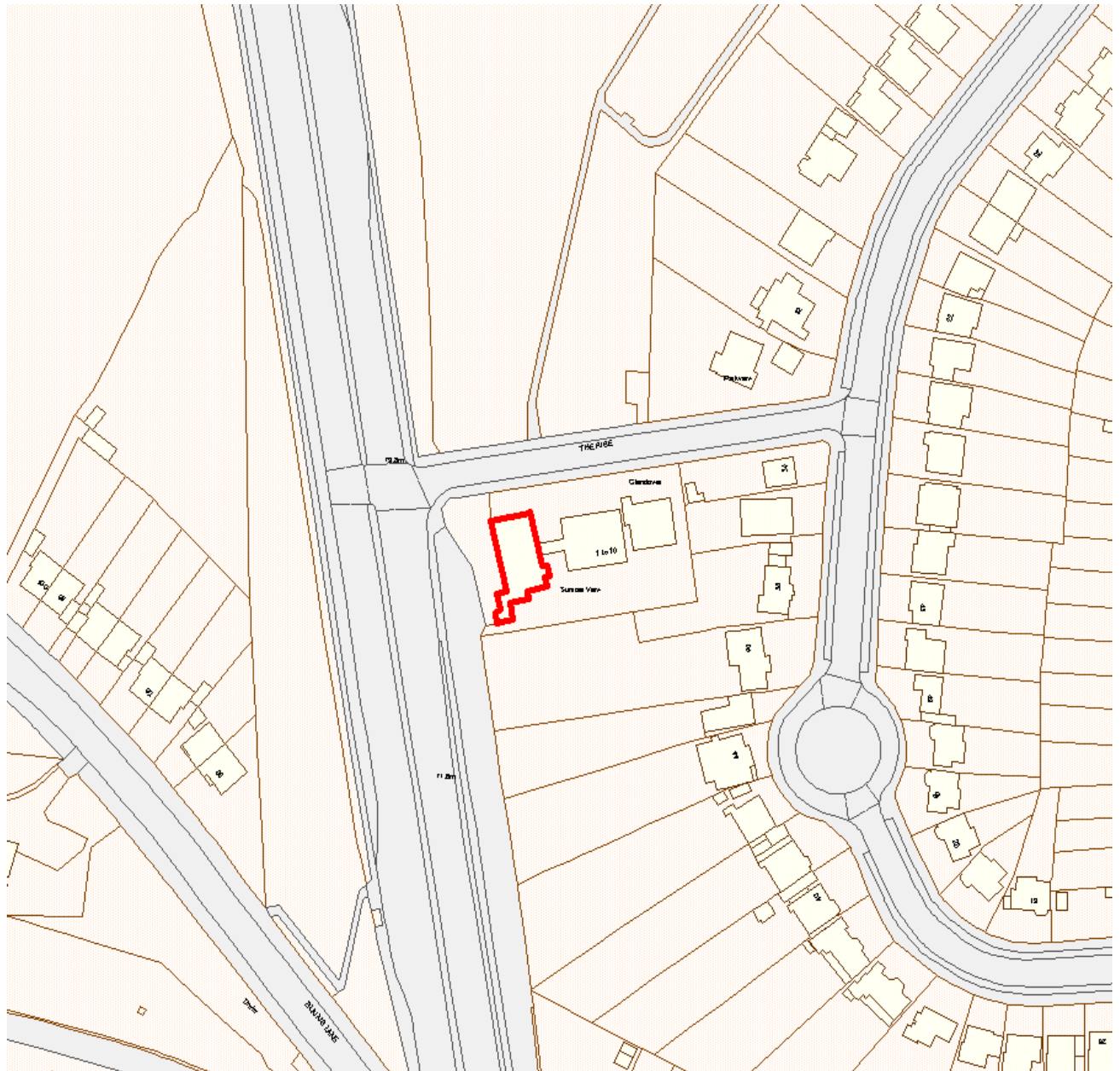
5. CONCLUSION

The proposed development complies with council policy and design guidance.

Approval is recommended.

SITE LOCATION PLAN: Flat 7, Sunrise View, The Rise, London, NW7 2LL

REFERENCE: H/01059/12



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LOCATION: 51 Uphill Road, London, NW7 4PR

REFERENCE: H/01208/12

Received: 26 March 2012

Accepted: 27 March 2012

Expiry: 22 May 2012

WARD: Mill Hill

Final Revisions:

APPLICANT: Excelsior Properties Limited

PROPOSAL: Erection of 2 storey single family dwelling including rooms in roofspace at former Tennis Courts to the rear of 51 Uphill Road. Associated landscaping and erection of detached outbuilding.

Approve Subject to S106

Subject to a Section 106 Agreement

RECOMMENDATION I:

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (excl. libraries) £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

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: H/01208/12 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement, 6128- PL- 12- 001, 6128- PL- 12- 011 C, 6128- PL- 12- 002 C, 6128- PL- 12- 003 A, 6128- PL- 12- 004 A, 6128- PL- 12- 005 B, 6128- PL- 12- 006 B, 6128- PL- 12- 007 C, 6128- PL- 12- 008 A, 6128- PL- 12- 009 A, 6128- PL- 12- 010 A, 6128- PL- 12- 012 A and 6128- PL- 12- 013.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance

with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

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

Reason:

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

- 5 Before the development hereby permitted is occupied the parking spaces/garages shown on Plan 6128- PL- 12- 002 C shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

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

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

Reason:

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

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

Reason:

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

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

- Reason:
To ensure a satisfactory appearance to the development.
- 10 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 Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
- Reason:
To ensure a satisfactory appearance to the development.
- 12 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.
- 13 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.
- 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 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.

- 16 The roof of the extension hereby permitted (other than the approved first floor balcony) 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.

- 17 No siteworks or works on this development shall be commenced before a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 *Trees in relation to design, demolition and construction - Recommendations* are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.

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

- 18 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 any elevation.

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: -

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, D6, D13, 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).

Core Strategy (Examination in Public version) 2012: CS4 and CS5

Development Management Policies (Examination in Public version)2012:

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 the character of the area. It complies with all relevant council policy and design guidance.

2 Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process. The Council of the London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

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

Further details and the application form can be downloaded from:

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

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

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

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

4 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 **£7630**.

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 12/9/2012, that unless otherwise agreed in writing, the Acting Assistant Director of Planning and Development should REFUSE the application H/01208/12 under delegated powers for the following reason:

The development does not include a former undertaking to provide financial contributions towards the additional pressure created by the development that will be placed on existing library, education, health facilities or necessary improvements to the local bus stop facility. Further, it does not include details of how the monitoring of the undertaking will be met. All the above are necessary for the proposal to be acceptable, therefore it is contrary to policies CS2, CS8, CS13, IMP1 and IMP2 of the Adopted Barnet Unitary Development Plan and the Barnet Supplementary Planning Documents: Contributions to Library Services from Development (Feb 2008), Contributions to Education from Development (Feb 2008), Contributions to Health Facilities from Development (July 2009) and Planning Obligations (Sept 2006).

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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 Community Infrastructure Levy Regulations 2010

The Mayor's London Plan: July 2011

Various including 3.4, 3.5, 5.3, 7.4.

Relevant Unitary Development Plan Policies:

GBEnv1, GBEnv2, D1, D2, D3, D6, D13, 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).

Core Strategy (Examination in Public version) 2012

Development Management Policies (Examination in Public version) 2012

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.

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

Application:	Planning	Number:	H/01208/12
Validated:	27/03/2012	Type:	APF
Status:	REG	Date:	
Summary:	DEL	Case Officer:	Sally Fraser
Description:	Erection of 2 storey single family dwelling including rooms in roofspace at former Tennis Courts to the rear of 51 Uphill Road. Associated landscaping and erection of detached outbuilding.		

Application:	Planning	Number:	H/001414/10
Validated:		Type:	S73
Status:	DEC	Date:	
Summary:	APC	Case Officer:	Sally Fraser
Description:	4 new houses to the rear of number 53 Uphill Road		

Consultations and Views Expressed:

Neighbours Consulted: 22 Replies: 3
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- overdevelopment
- out of character with the area
- increased noise and disturbance
- increase in traffic
- the loss of greenery

Date of Site Notice: 05 April 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a piece of land to the rear of 51 Uphill Road, which was previously used as a tennis court for the purposes of number 51 Uphill Road.

Permission was granted for 4 new houses on the site immediately to the north west, to the rear of 53 Uphill Road, accessed via a new road between numbers 51 and 53.

There are protected trees on the northern boundary of the site.

The surrounding area consists of large detached houses.

Proposal:

The applicant requests permission for the erection of a 6 bedroom single family dwelling house with detached garage, accessed via the new road between numbers 51 and 53.

The detached double garage would be located to the east of the main house and would, as amended, be 4.5m high with a hipped roof.

The house would have 3 levels of accommodation, with 3 front and rear dormer windows. There would be a balcony at first floor to the rear.

The property, as amended, would be traditional in design with a hipped roof. The overall height of the roof and the eaves level have been lowered on request to match that of the 4 new houses to the north west.

Planning Considerations:

The height of the property has been reduced and it now would be in keeping with the size of the 4 new houses. The surrounding area consists of large detached dwellings and the proposed house would not detract from this character. It would not appear overly dominant, nor would the house appear cramped on the site.

There is a gap of 16m between the rear building line of the property and the rear boundary of the site and the house sits well within the plot, providing adequate amenity space for the future occupiers.

The drawings indicate that the development would not encroach into the root protection area of the protected trees on the northerly boundary. To ensure there would be no damage to these trees a method statement would be secured via condition. Conditions would ensure that sufficient green landscaping would be incorporated into the scheme.

The road between numbers 51 and 53 would provide suitable access to the site and there is ample on site parking to serve the development. The proposal is acceptable on Highways grounds.

There would be a gap of 30m between the rear elevation of the proposed house and the facing property at number 2 Foxwood Close, which would ensure that there would be no loss of privacy to either occupier.

The balcony to the rear is considered acceptable given the relative position of surrounding property in relation to the subject site and the mature screening, no overlooking would be caused.

Overall there would be no undue impacts on the amenities of any neighbouring occupier as a result of the proposal.

106 issues

The contributions required to meet the needs of the development are as follows. The contributions would be secured via a unilateral undertaking:

£11,949- education
£244 – libraries
£2016 – health
£710 – monitoring

3. COMMENTS ON GROUNDS OF OBJECTIONS

Addressed above.

4. EQUALITIES AND DIVERSITY ISSUES

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

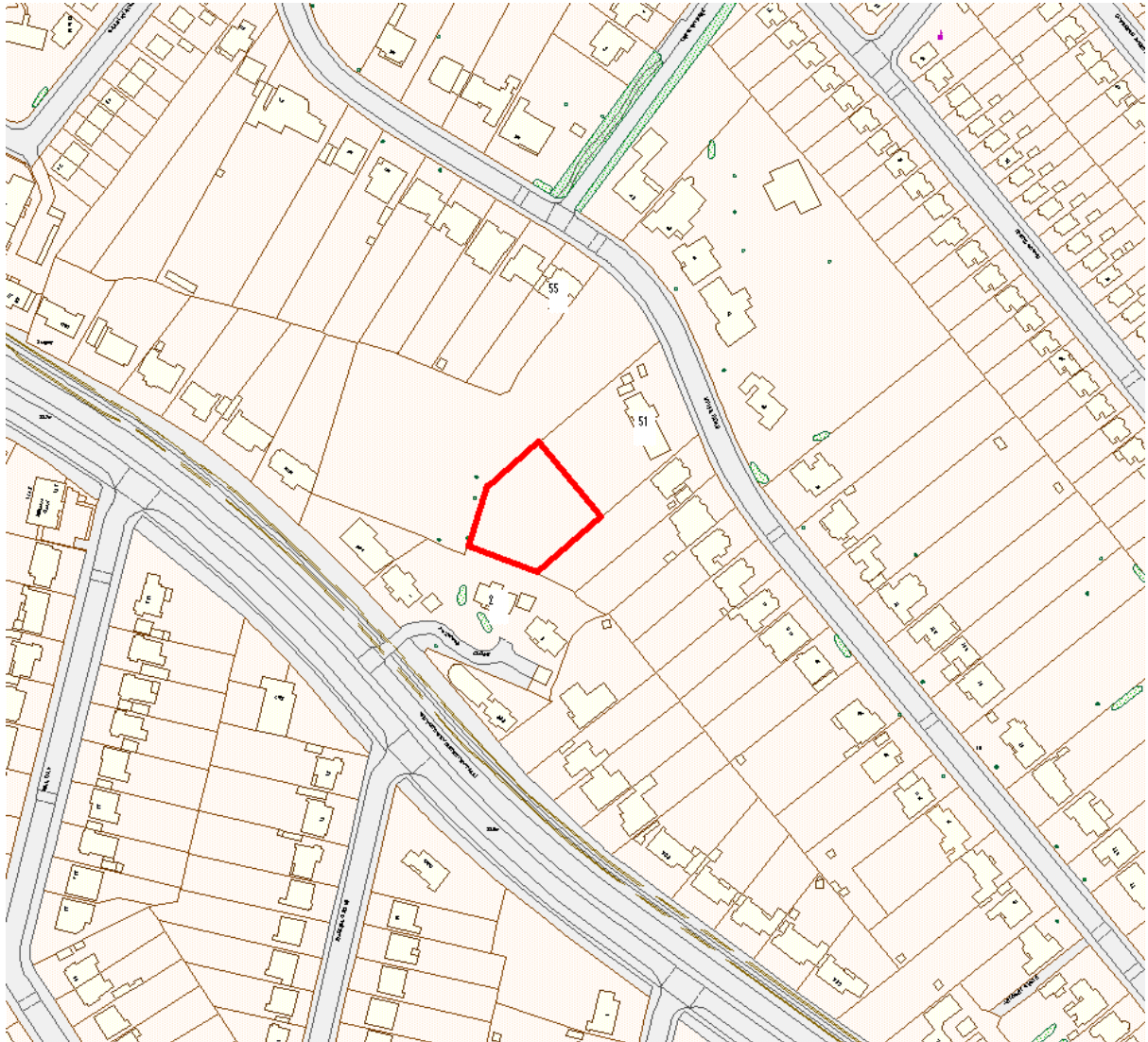
5. CONCLUSION

The proposed development complies with council policy and design guidance.

Approval is recommended.

SITE LOCATION PLAN: 51 Uphill Road, London, NW7 4PR

REFERENCE: H/01208/12



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

REFERENCE: H/00133/12

Received: 10 January 2012

AGENDA ITEM 6v

Accepted: 01 February 2012

WARD(S): Underhill

Expiry: 28 March 2012

Final Revisions:

APPLICANT:

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

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: A145_001 Revision PL01, A145_002 Revision PL01, A145_101 Revision PL01, A145_003 Revision PL04, A145_004 Revision PL01, A145_005 Revision PL01, A145_006 Revision PL04, A145_015_PL03 Fire Vehicle Turning Circle, A145_115_PL04 Proposed External Lighting, A145_111 Revision PL04, A145_112 Revision PL04, A145_113 Revision PL04, A145_114 Revision PL04, A145_115 Revision PL04, A145_301 Revision PL01, A145_302 Revision PL01, A145_303 Revision PL01, A145_304 Revision PL01, A145_311 Revision PL04, A145_317 Revision PL04, A145_318 Revision PL04, A145_319 Revision PL04, A145_320 Revision PL04 1 of 2, A145_320 Revision PL04 2 of 2, A145_321 Revision PL04, A145_402 Revision PL02, Design and Access Statement, Environmental Appraisal of Lighting - WSP May 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 No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontage(s) of Flower Lane from a point 2.4m from the highway boundary for a distance of 2.4m on both sides of the vehicular access(es).

Reason:

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

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

Reason:

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

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

approved.

Reason:

To safeguard the visual amenities of the locality.

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

Reason:

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

- 7 Before the building hereby permitted is occupied the proposed window(s) in the first floor flank elevations facing 1 Oakl Lodge Way, 39a, 39b and 41 Flower Lane shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

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

- 8 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the first and second floor flank and rear elevations facing 1 Oaklodge Way, 39a, 39b and 41 Flower Lane and the University of London Observatory without the prior specific permission of the Local Planning Authority.

Reason:

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

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

Reason:

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

- 10 A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced. The landscaping scheme shall incorporate retention of existing trees and planting of additional coniferous trees along the boundary with the University of London Observatory.

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

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

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

Reason:

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

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D and E of Part 1 to Schedule 2 of that Order shall be carried out within the area of 39a and 39b Flower Lane hereby approved without the prior written permission of the local planning authority.

Reason:

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

- 16 Before the development hereby permitted commences on site, details of all external lighting shall be submitted and approved in writing by the Local Planning Authority. Any external lighting placed within the curtilage of the property hereafter shall be in accordance with these approved details and in accordance with plan no. A145_015_PL03 (Proposed External Lighting) and report "Environmental Appraisal of the lighting proposed at 39A and 39B Flower Lane" WSP - May 2012.

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

- 17 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.

INFORMATIVE(S):

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

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

Supplementary Planning Document - Sustainable Design and Construction

Core Strategy (Submission version) 2011:

CS4, CS5

Development Management Policies (Submission version) 2011:

DM01, DM02

- ii) The proposal is acceptable for the following reason(s): -
The proposed development would be acceptable in size and design and would not unduly impact upon the visual or residential amenities of the neighbouring occupiers. It complies with all relevant council policy and guidance.
- 2 Refuse collection points should be located within 10 metres of the Public Highway, otherwise, unobstructed access needs to be provided to the refuse vehicle on the day of the collection. The development access needs to be designed and constructed to allow refuse vehicles to access the site. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 3 Any highway approval as part of the planning process for the alteration to the existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in Highways Group as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Highways Group, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.
- 4 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 £13,475.

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

The Mayor's London Plan: July 2011

3.5, 7.1, 7.4, 7.6

Relevant Unitary Development Plan Policies:

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

Supplementary Planning Document: Sustainable Design and Construction

Core Strategy (Examination in Public version) 2012

Development Management Policies (Examination in Public version) 2012

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.

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, DM02

Relevant Planning History:

There is no relevant planning history.

Consultations and Views Expressed:

Neighbours Consulted:	33	Replies:	8
Neighbours Wishing To Speak	2		

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

The objections raised may be summarised as follows:

- Proposal will seriously curtail observations from the Observatory to the west.
- The inclusion of considerable expanse of glass facing the Observatory will be disastrous
- Trees/shrubbery along border with Nos 37 and 39 Flower Lane should remain untouched
- Over-development of existing bungalows
- Redesign of bungalows into three storey houses inappropriate in this location due to massive increase in height
- Roof line should be much lower to avoid excessive light pollution affecting the Observatory
- Concern about possible loss of undergrowth/trees could increase light pollution affecting the Observatory.
- Plans show large windows facing observatory - once in place and occupied little control over amount and timing of light passing through the windows towards the Observatory
- Request any permitted development rights are removed if development is permitted
- Existing driveway very narrow for building and vehicular access - should be joined with neighbouring day care centre access to make a wider and safer access arrangement
- Concern about fire/ambulance/refuse/Heavy Goods Vehicles access to the properties
- Proposal involves changes to gradient of site and major soil removal exercise

which could result in flooding

- Trees are shown on plans are remaining but doubt this will be adhered to
- Concerns regarding construction works outside of normal working hours
- Impact on traffic and road and pedestrian safety
- Proposal would impact on rights of way
- Proposal will double the amount of car parking spaces available
- Owner does not own 39b as contract been with Flower Lane developments
- Width of existing access inappropriate for the development, cars wider than when constructed in 1960s
- Proposal will result in increase in vehicular traffic
- Existing access is dangerous and had a blind corner
- Proposal does not create safe access for pedestrians, cyclists or people with disabilities
- Proposal does not comply with London Fire Authority's latest Fire Safety Guidance Note
- Noise and disturbance from construction work
- No details provided regarding lighting which should be an integral part of the development
- Object to use of permeable materials to pave driveway - deeds state only tarmac to be used and its potential impact
- Noise and disturbance resulting from refuse vehicles accessing the site
- Overlooking and loss of privacy
- Proposal takes no account of requirement to provide adequate drainage to deal with foul and surface water discharge

One comment received stating that as long as trees along boundary with 37 and 39 Flower lane retained as shown, happy to support application.

Internal /Other Consultations:

- Traffic & Development - No objection subject to informatives
- Street Lighting Engineer - Applicant is taking into account light spill and design constraints to limit light trespass. Ground levels are below that of Observatory plus elevated sections of proposed structure have design restraints which help in minimizing light spill which is further aided by trees at property boundary. Would need to have a lighting design to ensure lighting levels are adhered to. However, unlikely to be an issue as using recommended lanterns as advised by Institution of Lighting Professionals.

Date of Site Notice: 19 January 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site relates to a pair of backland semi-detached bungalows located on the east side of Flower Lane which is predominantly residential in character. The site is accessed via an existing access between Nos 39 and 43 Flower Lane. Located east of the site is the University of London Observatory, to the south is the Flower Lane resource centre and a pair of detached 2 storey dwellings are located to

the north.

Proposal:

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

The proposed dwellings will measure 14 metres in depth, 8.8 metres in width and 10 metres in height with a gabled roof. The plans have been amended since originally submitted. The latest amendments have been made to incorporate changes to the design of the houses to try and address the concerns raised by the University of London Observatory. The houses have been re-designed internally to reduce the amount of fenestration in the rear elevation to ground floor only and a single bedroom window in the first floor of each house. Additionally, this window is recessed from the gable end of the roof by 1.8m to reduce any light spill from this window. The window originally proposed at second floor level in the rear elevation has been removed and the rear part of the roofspace will now be a playroom. The number and size of rooflights to each house is reduced considerably with only 4 small rooflights now proposed on the side elevations of each house.

The depth of the house nearest the resource centre has been increased and it's front elevation moved forward by 2m. The front elevation of the house proposed next to 1 Oaklodge Way remains the same.

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

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

Both properties will benefit from private garden amenity space.

Planning Considerations:

Design and Scale

Nos 39a and 39b Flower Lane are a pair of semi-detached bungalows that are not visible from Flower Lane. The neighbouring backland properties in Oak Lodge Way (two storey) and 41 Flower Lane (Flower Lane Resource Centre) comprise a mix of styles and there is no predominant building style which characterises the immediate area. The plans have been amended since originally submitted with regards to the style of the dwellings creating uniform gable fronted roofs to the front and rear elevations of both properties. The new dwellings respect the existing eaves and ridge height of the neighbouring property at Oak Lodge Way. The staggered front elevations introduced as part of the most recent amendments are considered to relate satisfactorily to the immediately adjacent buildings and the development is considered to sit comfortably within the existing surroundings.

Impact on amenities of neighbouring residents

The proposed dwelling nearest to 1 Oak Lodge Way respects the existing front building line of that property and will only project approximately 1.5 metres beyond the existing rear building line at a distance of approximately 3m from the flank elevation. Conditions have been recommended to obscure glaze the windows on the first floor flank elevations of both properties and restrict the insertion of further windows without prior consent from the Local Planning Authority. The proposed balconies on the rear elevations are recessed to ensure that they do not result in any overlooking to the occupiers of the neighbouring properties and the balconies to the front are located more than 21 metres from the end of the rear gardens of Nos 37 and 39 Flower Lane. Given all of the above it is therefore that the proposed dwellings will have minimal adverse impacts on neighbouring amenity.

Impact on operation of University of London Observatory

The Observatory object to the proposals. The nature of their objection is that the observatory is involved in long term research observations of extra-solar planets, which requires brightness changes of the order of 1 to 2% in the host stars to be monitored on a regular basis. Diffuse and scattered background light from the 2 houses particularly the upper floors and roof skylight style windows may reasonably be expected to swamp the subtle variations in brightness. The cumulative effect and proximity of the development will raise the existing threshold of the local sky background to a level which will inhibit effective observation.

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

After receipt of the original objection, the Council and applicant discussed concerns with the Observatory. The plans were amended to bringing the houses further away from the Observatory, introduce brise soleil above the first and second floor windows to reduce potential light pollution and ensure the light shines downwards; lower the fascia on the second floor to reduce potential light pollution from external fixtures and so that it is now level with the balcony doors, reduce the amount of glazing on the second floor rear elevation from 3.5m to 2.2m and ensure external lights to the rear will face downwards.

The Observatory are concerned that the original application and subsequent amendments did not fully address the issues they raised and have submitted a report from a member of the British Astronomical Association. This expands upon the concerns raised by the Observatory which arise from the potential light spill from lights on the walls of the houses or gardens, light from extensive glazing facing the observatory and from skylights and the consequent increase in local skyglow. Astronomical observations employ sensitive imaging and measuring equipment and require the darkest conditions possible given the location, both for the operation of the equipment and the capability of the astronomer. The report's author considers that the level of lightspill from the development as shown on the drawings and from additional lighting installed in the future could adversely affect the ability of the Observatory to undertake it's observations.

As a consequence of this report, the applicant has amended the scheme further. The houses have been re-designed internally to reduce the amount of fenestration in the rear elevation to only 1 bedroom window in the first floor of each house. Additionally, this window is recessed from the gable end of the roof by 1.8m to reduce any lightspill from this window. The window originally proposed at second floor level in the rear elevation has been removed and the rear part of the roofspace will now be a playroom. The number and size of rooflights to each house is reduced considerably with only 4 small rooflights now proposed on the side elevations of each house.

The applicant has also submitted an environmental appraisal of the proposed lighting. This assesses the potential light sources from the development and the type of external lighting that will be provided.

Neighbours and the Observatory have been reconsulted about the amended plans and environmental appraisal report. Any comments made will be reported at the meeting.

The Council's street lighting engineer has looked at both reports and the development proposals. His opinion is that the applicant is taking into account light spill and design constraints to limit the amount of light trespass. This is aided by the fact that the ground levels are below that of the Observatory and there are mature trees at the property boundary.

Given the steps that have been taken to further amend the proposals to reduce the size and number of windows and rooflights and the details submitted about the external lighting proposals, it is considered that, subject to conditions, the amount of light from the development is unlikely to be greater than that from other buildings in the vicinity and that future lighting can be adequately controlled by conditions.

Highways issues

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

3. COMMENTS ON GROUNDS OF OBJECTIONS

Mostly addressed in the above report.

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

A condition has been proposed relating to hours of construction.

A condition has been proposed relating to levels, although there is no evidence to suggest that the proposal will give rise to increased flooding in the area. The area is not one identified by the Environment Agency as at risk of flooding.

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

Impact on private rights of way is not a material planning consideration.

Drainage will be assessed under the Building Regulations.

Noise and disturbance as a result of construction works - a condition is proposed to restrict working hours.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

The application is recommended for **APPROVAL**.

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

REFERENCE: H/00133/12



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LOCATION: Windsor Open Space, Windsor Road, London, N3 AGENDA ITEM 6w

REFERENCE: TPO/00226/12/F **Received:** 4 April 2012
WARD: FCE **Expiry:** 30 May 2012

CONSERVATION AREA -

APPLICANT: Mr Paul Frainer, Greenspaces Arboricultural Officer – LB Barnet
PROPOSAL: 1 X Poplar (applicant's ref T85) – Fell and replant Willow;
1 x Ash (app ref T93) – Fell and replant Oak;
6 no Ash (app ref T23–T29 excl T25) – Fell and replant 6 no Oak.
All standing in Area A1 of Tree Preservation Order.

RECOMMENDATION:

SPLIT DECISION

That the Council refuses consent to fell 3 x Ash (Applicant's ref T24, T26 and T27) standing in area A1 of the Tree Preservation Order, at Windsor Open Space, Windsor Road, N3 for the following reason:

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

But that the Council grants consent to fell 1 x Poplar (Applicant's ref T85), 1 x Ash (app ref T93) and 3 x Ash (Applicant's ref T23, T28 and T29) standing in area A1 of the Tree Preservation Order, at the above address subject to the following conditions:

1. The species, size and siting of the replacement trees shall be agreed in writing by the Local Planning Authority and the trees shall be planted within 6 months (or as otherwise agreed in writing) of the commencement of the approved treatment (either wholly or in part). The replacement trees shall be maintained and/or replaced as necessary until 5 new trees are established in growth.

Reason: To maintain the visual amenities of the area.

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

Reason: To maintain the visual amenities of the area.

INFORMATIVE:

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

NOTES:

- 1 Your attention is drawn to Part 5 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 and if you are aggrieved by the decision of the Local Planning Authority you may appeal to the Secretary of State for Communities and Local Government, c/o The Environment Team, Room 4/04, Kite Wing, Temple Quay House, 2 The Square, Bristol, BS1 6PN within 28 days of receipt of this decision.
- 2 The works subject of this consent must be completed not later than two years from the date of this grant of consent.
- 3 If you are not the owner of the tree(s) you are advised to consult with and where necessary obtain the permission of the owner before taking any further action with regard to the treatment.

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

Consultations

Date of Press and Site Notices: 26th April 2012

Consultees:

Neighbours consulted: 6

Replies: 4 objections

- including Friends of Windsor Open Space and a joint letter with 11 signatories
- 1 support

The grounds of objection can be summarised as:

- Concern at lack of space for species indicated as replacement planting
- Lesser works more appropriate e.g. reduction of large Ash / removal of deadwood
- Visual amenity - enhance woodland
- Offer barrier to noise pollution from A1
- Wildlife habitat
- Need for bat survey
- Concern about extent of ivy throughout woodland
- Historic fence-line suggests joint ownership
- Unaware of complaints about limbs falling into gardens
- Uncertainty as to which (of 2) Poplar to be removed – both have high amenity value
- Ecological and environmental value of trees more important than 'amenity' value as Site of Importance for Nature Conservation – outweighing arboricultural reasons for removal unless dangerous and cannot be made safe
- Ecological and environmental value of new planting less than established trees
- If treeworks undertaken, arisings should be removed from site

The grounds of support can be summarised as:

- Ash trees believed to be dangerous and numerous large branches have fallen into garden
- Concern about safety of persons using garden
- History of contacting Council about treework requesting trimming

MATERIAL CONSIDERATIONS

Relevant Recent Planning History:

No history directly relevant to these trees

PLANNING APPRAISAL

1. Introduction

The application has been submitted by Greenspaces who have responsibility for the Council owned / maintained Windsor Open Space.

The trees subject of this application are located in the area of Windsor Open Space between Waverley Grove and the east-west path linking Holders Hill Gardens with the

Open Space, they are all adjacent to the recently upgraded Dollis Valley Greenwalk footpath.

'Amenity' has been defined in the courts as "pleasant circumstances or features, advantages" – it is not restricted to visual amenity but also takes into account other benefits, both tangible and intangible, conferred by trees. Trees can provide a whole range of multifunctional contributions to environmental, social and economic sustainability, and thus seeking to distinguish between relative importance of arboricultural / ecological / environmental factors is unnecessary in terms of assessing public amenity value.

2. Appraisal

The application

The reason for the proposed removal of White Poplar (T85) cited on the application form is "*Multiple included unions at 0.5m, large heavy limbs overhanging public footpath and bridge, low amenity value. Replant close by with [Willow] (med standard).*"

The reason for the proposed removal of Ash (T93) cited on the application form is "*Low amenity value tree causing damage to existing 3rd party fenceline, inappropriate position for future growth due to likely damage potential. Replant close by with medium [Oak] standard.*"

The reason for the proposed removal of 6no Ash (T23 – T29 excluding T25) cited on the application form is "*Self seeded middle aged Ash trees slender growth formation due to close distances between trees. Trees producing significant deadwood which falls into neighbouring property gardens. 40% of crown area overhanging private gardens causing excessive shading. Low amenity value trees in unsuitable position for future growth close to adjacent fenceline potential for damage. Replace close by with 6no [Oak].*"

White Poplar (T85)

The White Poplar is the leaning one of the pair immediately adjacent to the east of the footbridge over Dollis Brook along the east-west path linking Holders Hill Gardens with the Open Space. It stands close to the children's playground.

The Poplar is a mature multi-stemmed tree, approximately 18 – 20 metres in height, which is leaning significantly (approximately 45°) eastward across the footpath towards the children's playground. It stands immediately adjacent to the Brook, which has significantly curtailed rooting westward. There are a number of forks with included bark (compromising the structural strength and increasing the likelihood of splitting apart) and prominent bark inclusion where two stems meet at about 1.5m. This is a significant defect on White Poplar due to the brittle nature of its wood and proneness to fail at these points when limbs become heavy - especially when, as in this case, the crown is unbalanced. Given the tree's location, the potential consequences of such failure could be extremely serious.

The tree is very clearly visible as part of a group at the confluence of a number of paths - it is immediately adjacent is another White Poplar of much better form that stands upright, there are also a number of others on the Holders Hill Gardens side of the footbridge. Little previous pruning treatment is evident to any of these trees, giving the appearance of natural group.

It is not considered that significant pruning would address the inherent risk posed by the Poplar and, even if it were so to do, would result in the tree appearing very incongruous within the group – such treatment would be detrimental to the amenity value of the group and to the sylvan character and appearance of the area.

Given the condition of the tree, especially in the light of its close proximity to the children's playground and the footpaths immediately adjacent, it is considered that public amenity value would be better served by allowing the removal of the tree under controlled conditions subject to replacement planting.

Ash (T93)

This Ash is located on the fenceline to the rear of 65 Broughton Avenue, adjacent to the Dollis Valley Greenwalk footpath. It is understood that, especially given the dilapidated state of the fence, ownership of the tree is uncertain. The Ash has been ringbarked by a wire, it being so close to the fenceline.

The Ash is a young tree, 8 – 10 metres in height, of very poor form. It forks at about 1.5 metres above ground level and one stem is very contorted. The tree will never develop into a reasonably shaped specimen. It stands adjacent to a slightly older Ash of much better form; the newly surfaced footpath has been constructed around a surface root of this better tree.

Ash (T93) is visible from the public footpath but otherwise has very restricted visibility. Being such a small young tree, surrounded by other older trees, its contribution to wildlife habitat is limited.

The removal of the poorly formed young Ash would allow more space for the continued growth and development of other better shaped trees. It is not considered that the loss of the tree would be significantly detrimental to public amenity, but replacement planting of a better tree in a slightly different location would help maintain the tree stock into the future.

6 no Ash (T23 – T29, excluding T25)

These Ash trees are located in the section of the recently upgraded Dollis Valley Greenwalk to the north of Waverley Grove between the footpath and rear gardens of 53 - 59 Broughton Avenue, immediately adjacent to the rear of the gardens. The land slopes down towards Dollis Brook, the rear gardens are some 1.5 metres above the Greenwalk, and the Ash trees are on a bank. T25 is a dead stump. There are a number of other trees on either side of Dollis Brook that also contribute to the woodland which is an important feature of this area for both people and wildlife.

The 6 Ash are mid-aged trees, approximately 20 metres in height, which are very clearly visible from Dollis Valley Greenwalk and as a group above and between the houses of this part of Broughton Avenue.

The application has been prompted by complaints by local residents that branches and deadwood have fallen into gardens. Customer Services passed on at least 2 enquiries from Broughton Ave last year (2011) whereby one or more of these trees had dropped limbs into adjacent gardens or there were concerns about dead limbs. It is understood that it had originally been hoped to undertake pruning works in association with the Dollis Valley Greenwalk upgrading. However, it was subsequently considered that reduction would be inappropriate because of the trees' poor branch structure, so this application was instead submitted for consent to remove the trees and plant replacements.

Ash T23 is to the rear of 59 Broughton Avenue. It has cavities in the trunk and at the branch junction of a previously split out limb. It has poor form and considerable dieback, there is hanging deadwood in the young Ash stems arising from the base of the tree.

Ash T24 is to the rear of 57 / 59 Broughton Avenue. It has some hanging deadwood, but is generally in a much more reasonable condition.

Ash T26 is to the rear of 57 Broughton Avenue. It has previously had a large branch cut back after parts of the branch had dropped onto the garden, but it appears generally reasonable with no major faults evident.

Ash T27 is to the rear of 55 / 57 Broughton Avenue. It appears generally reasonable albeit somewhat suppressed, hence a number of the branches are over the gardens.

Ash T28 is a twin-stemmed tree to the rear of 55 Broughton Avenue. One main trunk is very one-sided over the garden; the other stem has a number of splits evident. The tree is very spindly.

Ash T29 is to the rear of 53 / 55 Broughton Avenue. It has a previously split stem, a cavity at a previous branch removal point, crown dieback, deadwood and dead branches.

Ashes as a species are notorious for deadwood - and there are a number of dead limbs present in the crowns of these trees. They have developed poor branching structure due to the close proximity of these trees and previous pruning. In addition, generally Ash trees do not exhibit crowns that are easily pruned due to bud formation and branch growth. Any feasible reduction of the crowns of these trees would result in the formation of weak union growth points and wounds that may act as an entry point for disease or decay. Pruning

would also need to be undertaken on a regular cyclical basis following this due to multiple weak branch unions which are likely to form when the trees re grow from cut limbs.

Whilst the removal of deadwood and dead branches may minimize the risk of such debris falling into gardens, it is not considered that reduction in canopy size is a realistic option because of the lack of suitable pruning points – the trees are very drawn up and have poor branch structure.

The condition of Ash trees T29, T28, and T23 is very poor. Given their location immediately adjacent to gardens and the Dollis Valley Greenwalk footpath linking Waverley Grove to Windsor Open Space, it is considered that the hazard they pose is such that their removal is justifiable subject to replacement planting.

However, Ash trees T24, T26 and T27 are in much more reasonable condition. These three central trees form a coherent subgroup. It is considered possible that their crowns may fill out in the absence of competition from the adjacent T29, T28, and T23. Retention of the three trees in better condition may address some concerns about potential impact on visual amenity, aural screening and wildlife habitat. Such a phased approach would maintain some of the established tree cover whilst also allowing creation of some space for replacement planting to establish and develop into the longer term.

COMMENTS ON THE GROUNDS OF OBJECTION

Matters mainly addressed in the body of the report, however, the following points may be noted:

The trees are within the Lower Dollis Brook Site of Borough Importance Grade II for Nature Conservation. Greenspaces Officers have confirmed that relevant wildlife surveying would be undertaken prior to any works commencing and that any work would be timed to minimise ecological impacts.

As objectors have raised concerns about the species proposed as replacement planting, rather than requiring replacements as indicated, it may be preferable to impose a condition requiring size, species, and location of replacement planting to be agreed. This would allow an opportunity for detailed consideration taking account of context and the possibility of a mix of trees increasing the ecological benefits.

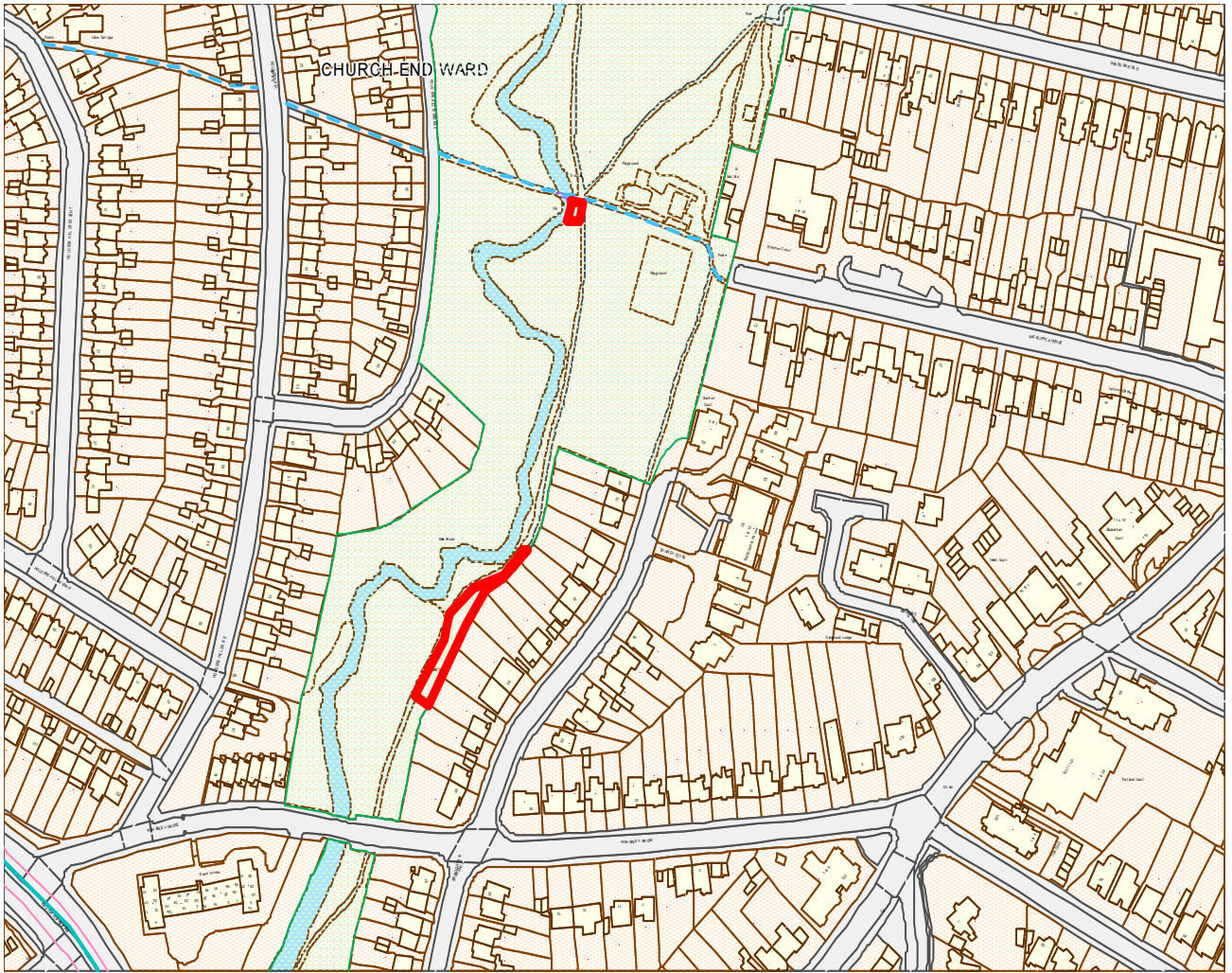
CONCLUSION

It is therefore recommended that a split decision be made:

Refusal of consent to remove three Ash trees (applicant's ref T24, T26 and T27) for the reason:

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

Consent being granted for the felling of one Poplar and four Ash trees (applicant's ref. T85 and T93, T23, T28 and T29) subject to the conditions listed above. Given the condition of these trees, it is not considered that substantial reduction would be a viable alternative, and therefore it is recommended that consent is granted subject to replacement planting.



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LOCATION: KINGSGATE HOUSE, AMBERDEN AVENUE, FINCHLEY,
LONDON N3 3DG
REFERENCE: TPO/CA/411 AGENDA ITEM 6x
WARD: Finchley Church End

PROPOSAL: To seek authority for confirmation of Tree Preservation Order, without modification.

RECOMMENDATION: 1. That the Council, under Regulation 7 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (which replaces Regulation 5 of the Town and Country Planning (Trees) Regulations 1999 (as amended)) confirm the Tree Preservation Order at Kingsgate House, Amberden Avenue, Finchley, London N3 3DG without modification.
2. That the objector(s) be advised of the reasons.

1. MATERIAL CONSIDERATIONS

Relevant Planning Policies and Guidance Adopted

- Development Plan – Barnet Unitary Development Plan (2006) – Policy D12
- Local Plan – Core Strategy (Examination in Public Version May 2012) – Policy CS7

Relevant Planning History

- Report of Assistant Director of Planning & Development Management dated 23rd February 2012

Background Information/Officers Comments

There have been previous planning applications in 2008 and 2010 to redevelop the former Police Section House but these were withdrawn following a number of concerns raised e.g. by Members. Pre-application discussions have recently been taking place for a different redevelopment scheme of the site. Concern was raised by officers dealing with the pre-application discussions as the proposal has significant implications for the trees, and a Tree Preservation Order was made on 23rd February 2012 on the basis that it was expedient to do so in the interests of amenity in the light of these discussions.

Section 197 of the Town and Country Planning Act 1990 (as amended) imposes a duty on the local planning authority to make such Tree Preservation Orders as appear to be necessary in the grant of planning permission. The inclusion of tree(s) in an Order renders them a material consideration in determining planning applications and allows the Council to impose conditions to afford the tree(s) protection if considered appropriate.

On 6th April 2012, the Town and Country Planning (Tree Preservation) (England) Regulations 2012 came into force. One effect of these Regulations is to cancel the provisions in every existing Tree Preservation Order (TPO) and replace with provisions in regulations (rather than the body of the Order itself) The Regulations also consolidate existing legislation that deals with procedural matters for making and administering TPOs by using powers in section 192 of the Planning Act 2008 to replace the Trees regulations introduced in 1999 and 2008 as well as subsections 198(3), (4), (6), (8) and (9), and sections 199, 201, 203 – 205 of the Town and Country Planning Act 1990. However, Regulation 26(2) provides transitional arrangements that apply to Orders that have been

made but not confirmed at the commencement date, whereby such Orders apply provisionally until confirmed by the authority and must be confirmed within six months of 6th April 2012 if they are to have long term validity.

As part of the recent discussions, a 'Pre-Development Tree Condition Survey' prepared by Peter Wilkins of Ruskings Group Consultancy based on a site visit on 3rd November 2011 was submitted. The Survey details 32 individual trees, 5 groups of trees, some hedging and shrubs. It may be noted that of the trees in the Ruskings survey, 21 individual trees and 3 groups have been excluded from the Order, being considered inappropriate for inclusion - mainly because of their condition and / or previous treatment (hedges and shrubs could not be included).

The site is approx. 1.1 hectares – the land was formerly used as allotments prior to the development of the Police Section House and historic Ordnance Survey maps show ponds / well at the site. It is understood that part of the site may have been used for watercress beds and that there are still areas of dampness in some parts (anecdotal evidence suggests parts are prone to ponding and the lower floor of Clandon Gardens properties are affected by damp). The enhanced growth of some of the trees, particularly in the Lime avenue, is likely to be attributable to the variable moisture distribution across the site.

A number of trees in the Ruskings Tree Survey have been assessed as BS5837: 2005 Category B (i.e. making a significant contribution), and it is considered appropriate to include the following trees in a Tree Preservation Order (*TPO designation italicised*):

T6 and T7 – Weeping Silver Limes, early mature trees 13m and 16m in height on the Amberden Avenue frontage of the site (*Group G2 of TPO*)

T12 – Lime – mature tree 13m in height beside the existing Kingsgate House car park, to the rear of residential properties in Kingsgate Avenue (*T2 of TPO*)

T16 - Lime - mature tree 14m in height beside the existing Kingsgate House car park, to the rear of car park for Abbey Court, Clandon Gardens (*Group G1 of TPO*)

T17 – Weeping Silver Lime - mature tree 12m in height beside the existing Kingsgate House car park, to the rear of car park for Abbey Court, Clandon Gardens (*Group G1 of TPO*)

T20 – Atlas Cedar – early mature tree 16m in height close to the boundary with Abbey Court, Clandon Gardens (*T1 of TPO*)

T8 – Red Oak – semi-mature tree 13m in height close to the northernmost site entrance on Amberden Avenue, to the rear of the service road for residential properties in Kingsgate Avenue. The Ruskings survey assessed this tree as C category but, on inspection, it is considered the quality has been undervalued. (*T3 of TPO*)

TG4 – crescent shaped double row of early mature Limes averaging 16m in height along the North Circular Road boundary, assessed collectively as B category. Whilst 'hedges' cannot be included in an Order, a TPO may be made to protect trees in hedges or an old hedge which has become a line of trees of a reasonable height and is not subject to hedgerow management – it is considered that this is applicable to the mainly Hawthorn hedge (H3), which has also been assessed as B category. Given the importance of the screening buffer of trees along the North Circular Road boundary it is considered appropriate to include the double Lime avenue together with the Horse Chestnut group (T27 – T29) and the Norway Maple group (TG5) as well as the Horse Chestnut (T24) in an area designation – for the avoidance of doubt, the area boundary is aligned with the east / south-east site boundary and thus also incorporates the trees in the 'hedge' (H3). This would allow the Council a measure of control over replacement planting if poorer quality

trees should be removed, which is considered important if the integrity of the boundary screen is to be retained. (*Area A1 of TPO*)

The trees are very clearly visible from Amberden Avenue, Abbey Court flats in Clandon Gardens, North Circular Road as indicated above. The contribution to the streetscape of some of the trees is acknowledged in the Ruskins survey. The trees provide significant screening, both to the site and between the site and surrounding residential housing and roads. In particular the double Lime avenue forms a significant screen to the busy and noisy North Circular Road – the trees provide multifunctional benefits including visual barrier; ameliorating traffic noise; filtering particulates and other pollutants; moderating windspeed; as well as environmental attributes such as wildlife habitat. The height and location of the screening is of particular relevance given the scale both of Kingsgate House and the proposed redevelopment.

Inclusion of the trees in an Order would render them a material consideration in any planning application and allow the Council to impose conditions, if appropriate, to protect the trees.

Notices were served on the persons affected by the Order in accordance with paragraph 1(a) of Regulation 3 of the Town and Country Planning (Trees) Regulations 1999 (as amended) which was in force at the time the Order was made.

An objection has been received from:-

Arboricultural Consultant on behalf of Berkeley Homes (involved in pre-application discussions for the redevelopment proposals).

The Tree Preservation Order secures the protection of the trees on a provisional basis for up to six months from the date of making, but an Order needs to be formally confirmed for it to have long-term effect. The Council is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.

The objections of the Arboricultural Consultant can be summarised as:

- 1) The reasons for the making of the Order are not satisfactorily explained
 - 2) The Council has protected trees with a low amenity value that are not worthy of protection
 - 3) The Order is contrary to Government Advice regarding Expediency
- He suggests that in his opinion that “A number of the trees protected do not ‘contribute significantly to the amenity of the area’ and do not provide sufficient amenity benefit to merit their protection under a TPO”.
 - He suggests “The TPO covers the vast majority of the mature trees growing in the site, with regard to the lack of public access and location of the site within a developed area, the wider public amenity value of the majority of the trees within the site is considered to be limited. With some trees having a marginally higher value than others depending on the vantage point and views into the site from the public realm. This TPO by its almost total inclusive nature covering almost all trees growing on and close to the boundary of the site makes no effort to determine those trees with a higher value.”

- He states “We do not believe that the removal of the protected trees ‘would have a significant impact on the local environment and its enjoyment by the public’.”
- He suggests “We do not consider that all the trees that are subject to the TPO are of sufficient merit to be incorporated in the comprehensive design associated with the re-development of this site.”
- He notes “The amenity value of the trees has not materially changed over recent months or years, and in recent months in light of the discussions with the LA the risk has in fact decreased and consequently we question the timing and expediency of this TPO.” Further, “Due to its timing, if the TPO’d trees are to be retained this TPO is a significant potential constraint which will have a considerable impact on the proposed re-development of this site.”

In response the Council's Tree and Landscaping Officer comments as follows:

(i) Section 198 of the Act empowers a local planning authority to make a Tree Preservation Order if it appears to be ‘expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area’ - it is to be noted that the Act does not define ‘amenity’; nor does it prescribe the circumstances in which it is in the interests of amenity to make an Order; nor does it define ‘tree’ or ‘woodland’; nor does it place a minimum size limit on tree(s). Neither the legislation nor the Guidance prescribes exactly the method for assessing amenity. The ‘amenity value’ of the trees has been assessed with reference to both the Arboricultural Consultant’s own survey and Officer’s own inspection.

(ii) The Order has been made because it is considered that the trees listed in the first schedule makes a significant contribution to the character and appearance of the area and are capable of providing public amenity for some considerable time. The TPO specifies individual trees, groups, and an area - the area designation is considered appropriate given the B categorisation of both the double avenue of Limes (TG4) and ‘Hawthorn hedge’ which incorporates a number of trees (H3), particularly as the Ruskins report has surveyed and assessed these trees collectively, rather than individually.

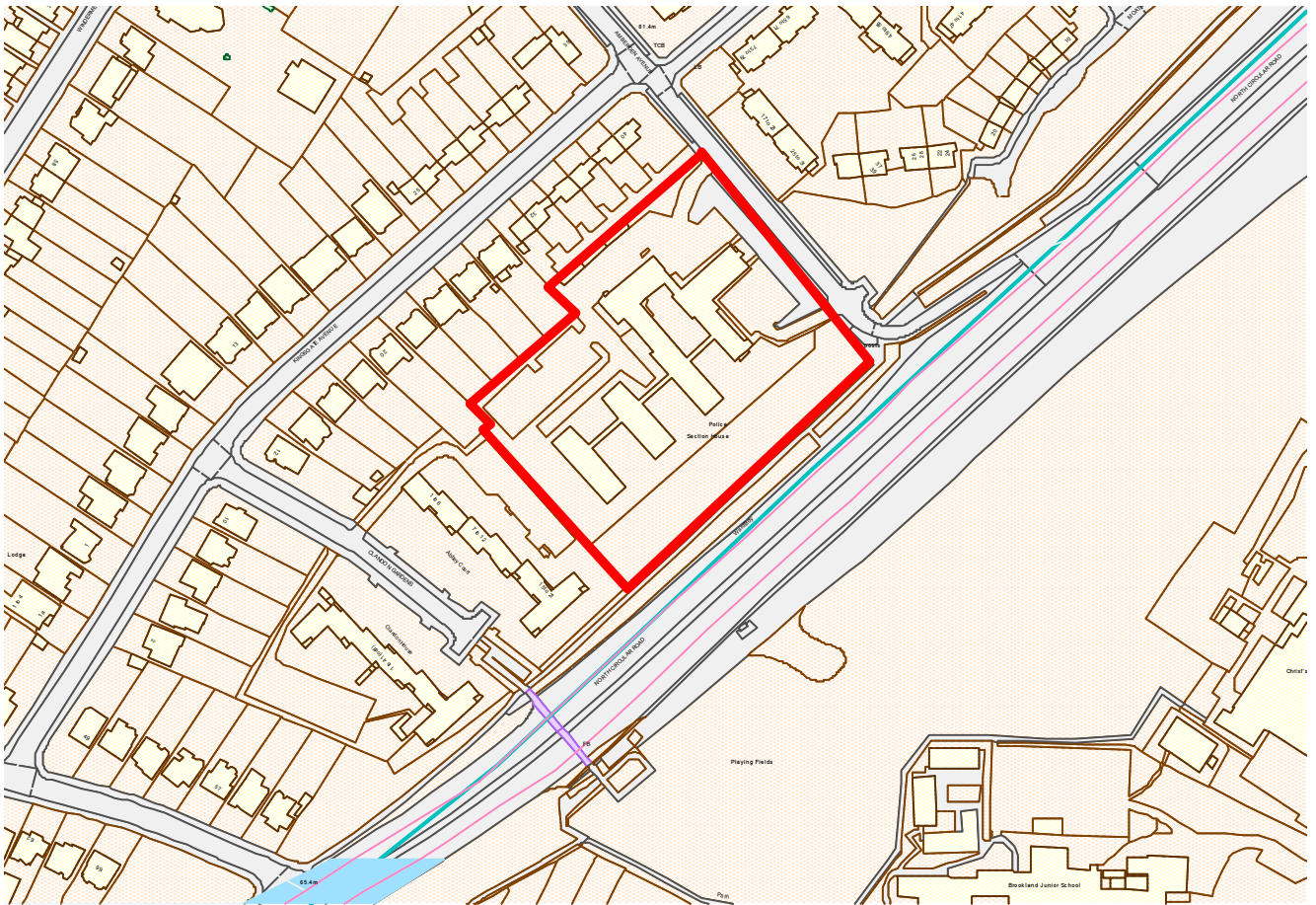
(iii) The Consultant’s assessment of the trees’ ‘Current Amenity Value viewed from the Public Realm’ seems to be based on visibility in isolation of any other benefits (such as screening, filtering noise and pollutants, wildlife habitat, environmental functions such as moderating windspeed and climate change mitigation). His assessment seems to have limited regard for the context and is contradictory in some places. For example, the contention in respect of the double row of Limes (TG4) “The amenity value of this vegetation is considered to be limited in comparison to the boundary hedge H3 and the local Authority owned trees beyond the site boundary in the public realm.” is countermanded by his assessment of both TG4 and H3 as BS5837: 2005 category B2 (i.e. landscape value and in such a condition as to make a significant contribution – a minimum of 20 years is suggested). It certainly does not seem that his assessment has included the views from the well-used footbridge over the North Circular linking Clandon Gardens with the playing fields; Christ’s College and Brooklands Schools; and Connaught Drive. Nor does it appear that he has considered views through the site from existing accesses.

(iv) The objection conflates the separate procedures of confirmation of the Tree Preservation Order and assessment of planning application for redevelopment. If it is considered that, because of implications for trees, a planning permission should be refused or granted subject to conditions to protect the trees, a Tree Preservation Order should be in place in accordance with the planning legislation. Confirmation of the Order would render the trees a material consideration in any planning application - the merit of trees and appropriateness of retention would be taken into account when assessing the planning application.

(v) Notwithstanding the ongoing pre-application discussions, the Tree Preservation Order was made in February 2012, when the Council became aware of the sale of land by the Metropolitan Police to Berkeley Homes, because it was considered that the risk / threat to the trees had increased.

2. CONCLUSION

The confirmation of the Tree Preservation Order is considered appropriate in the light of discussions about proposed redevelopment at Kingsgate House. For the reasons set out above, it is considered the identified trees contributes significantly to public amenity, and given normal arboricultural attention are capable of providing amenity value for a considerable time. It is therefore recommended that the Order be confirmed without modification.



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LOCATION: DALMORE, 81 WINNINGTON ROAD, LONDON N2 0TT
REFERENCE: TPO/CA/414
WARD: Hampstead Garden Suburb **AGENDA ITEM 6y**
PROPOSAL: To seek authority for confirmation of Tree Preservation Order, without modification.

RECOMMENDATION: 1. That the Council, under Regulation 7 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (which replaces Regulation 5 of the Town and Country Planning (Trees) Regulations 1999 (as amended)) confirm the Tree Preservation Order on Dalmore, 81 Winnington Road, London N2 0TT without modification.
2. That the objector(s) be advised of the reasons.

1. MATERIAL CONSIDERATIONS

Relevant Planning Policies and Guidance Adopted

- Development Plan – Barnet Unitary Development Plan (2006) – Policy D12
- Local Plan – Core Strategy (Examination in Public Version May 2012) – Policy CS7

Relevant Planning History

- Report of Assistant Director of Planning & Development Management dated 16th February 2012
- F/05079/11 – Dalmore, Winnington Road, London N2 0TT – Demolition of existing dwelling and erection of 2no two storey detached dwellings with basement and rooms in roofspace. Associated landscaping, new access from Winnington Road and parking.
- F/05080/11 - Dalmore, Winnington Road, London N2 0TT – Demolition of existing dwelling (Conservation Area Consent)

Background Information/Officers Comments

A Tree Preservation Order (TPO/CA/380) was made in 2007 to include a Dawn Redwood growing in the front garden of Dalmore, 81 Winnington Road, standing on the flank boundary with the site at that time known as 'Plot 5', now 79 Winnington Road. The Order was made in the light of the comments and decision made by the Appeal Inspector dealing with the Public Inquiry for the conjoined appeals relating to the proposed developments at 65 – 79 Winnington Road. The Order was made because of proposed development of the land adjacent to that on which the tree is growing given that development was likely to encroach within the tree's root protection area. At the time the Order was made there was no indication of proposed redevelopment of Dalmore so no detailed survey was undertaken of any other trees at the site.

Subsequently a Tree Preservation Order was made on 20th February 2012 on the basis that it was expedient to do so in the interests of amenity in the light of a planning application (F/05079/11) at Dalmore, Winnington Road, London N2 0TT for "Demolition of existing dwelling and erection of 2no two storey detached dwellings with basement and rooms in roofspace. Associated landscaping, new access from Winnington Road and parking" and associated conservation area consent for demolition. Officers had raised concerns as the proposal has significant implications for trees, both in their own right and

in the context of the impact on the character and appearance of the wider Hampstead Garden Suburb.

Section 197 of the Town and Country Planning Act 1990 (as amended) imposes a duty on the local planning authority to make such Tree Preservation Orders as appear to be necessary in the grant of planning permission. The inclusion of tree(s) in an Order renders them a material consideration in determining planning applications and allows the Council to impose conditions to afford the tree(s) protection if considered appropriate.

On 6th April 2012, the Town and Country Planning (Tree Preservation) (England) Regulations 2012 came into force. One effect of these Regulations is to cancel the provisions in every existing Tree Preservation Order (TPO) and replace with provisions in regulations (rather than the body of the Order itself) The Regulations also consolidate existing legislation that deals with procedural matters for making and administering TPOs by using powers in section 192 of the Planning Act 2008 to replace the Trees regulations introduced in 1999 and 2008 as well as subsections 198(3), (4), (6), (8) and (9), and sections 199, 201, 203 – 205 of the Town and Country Planning Act 1990. However, Regulation 26(2) provides transitional arrangements that apply to Orders that have been made but not confirmed at the commencement date, whereby such Orders apply provisionally until confirmed by the authority and must be confirmed within six months of 6th April 2012 if they are to have long term validity.

The site now occupied by Dalmore was previously part of the extensive gardens of Dane Court, The Bishops Avenue (which also included the land that has now been developed as 65 – 79 Winnington Road, as well as Dane Cottage 83 Winnington Road – at one time the gardener's tied cottage). Because it was originally garden land, Dalmore is constructed in the context of the larger Dane Court land and is at odds with the Winnington Road building line, there are also a number of trees including some quite unusual specimens. The site is within the Hampstead Garden Suburb Conservation Area, which is internationally renowned for the way in which mature landscape features have been incorporated into the built environment. It is also within an Area of Special Character – such areas are considered to be essential to the character of London as a whole.

A Tree Survey Report together with Arboricultural Statement (AIA) prepared by Dick Grainger of Tree Management Consulting was submitted as part of the development applications. The survey was undertaken in accordance with BS5837: 2005 on 22nd July 2011. The survey identifies a number of trees as BS5837 Category B – one of these trees T20 of the survey is T1 of TPO/CA/380 but is identified as a Swamp Cypress (Swamp Cypress – *Taxodium distichum* has a similar appearance to Dawn Redwood – *Metasequoia glyptostroides*).

Given their importance in the context of the site, a new Tree Preservation Order was made to include a number of the other B category trees:

7 – Purple Maple – 11m in height, mature, very clearly visible being close to Winnington Road frontage, screen - G2 of TPO

8 – Purple Maple – 11m in height, mature, very clearly visible being close to Winnington Road frontage, screen - G2 of TPO

9 – Purple Maple – 11m in height, mature, very clearly visible being close to Winnington Road frontage, screen - G2 of TPO

13 – Swamp Cypress – 18m in height, mid aged, very clearly visible being close to Winnington Road frontage, screen - G1 of TPO

- 17 – Swamp Cypress – 14m in height, mid aged, very clearly visible being close to Winnington Road frontage, screen - *G1 of TPO*
- 21 – Maritime Pine - 12m in height, mature, specimen conifer - *T1 of TPO*
- 29 – Atlantic Cedar – 14m in height, mature, clearly visible from Winnington Road along drive, screen - *T3 of TPO*
- 30 – Nutmeg (*Torreya*) - 6m in height, young, unusual specimen conifer - *T2 of TPO*

Inclusion of the trees in an Order would render them a material consideration in any planning application and allow the Council to impose conditions, if appropriate, to protect the trees.

Notices were served on the persons affected by the Order in accordance with paragraph 1(a) of Regulation 3 of the Town and Country Planning (Trees) Regulations 1999 (as amended) which was in force at the time the Order was made.

An objection has been received from:-

Arboricultural Consultant on behalf of Owner/Occupier, Dalmore, 81 Winnington Road, London N2 0TT, Applicant for the redevelopment proposals.

The Tree Preservation Order secures the protection of the trees on a provisional basis for up to six months from the date of making, but an Order needs to be formally confirmed for it to have long-term effect. The Council is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.

The objections of the Arboricultural Consultant can be summarised as:

- After citing from paragraphs 3.2 and 3.3 of the Government guidance *Tree Preservation Orders: A Guide to the Law and Good Practice 2000 (as amended)* he suggests that three of the trees (T1, T2, and T3 of the Order) are not sufficiently visible from public viewpoints and “if they were to be removed there would be no significant impact on the environment or its enjoyment by the public”. “In our assessment the three individually scheduled trees do not pass the tests of visibility, individual or wider impact required by the Secretary of State for inclusion in a TPO.”
- “There is no current threat to these trees which are already protected from indiscriminate felling or lopping by conservation area regulations. It is therefore unclear why the Council are seeking to make a TPO when the trees are already protected by statutory law. In our view, the Council’s reasons for making this TPO are unfounded and totally unnecessary.”

In response the Council's Tree and Landscaping Officer comments as follows:

- (i) Section 198 of the Act empowers a local planning authority to make a Tree Preservation Order if it appears to be ‘expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area’ - it is to be noted that the Act does not define ‘amenity’; nor does it prescribe the circumstances in which it is in the interests of amenity to make an Order; nor does it define ‘tree’ or ‘woodland’; nor does it place a minimum size limit on tree(s). Neither the legislation nor the Guidance prescribes exactly the method for assessing amenity. The ‘amenity value’ of the trees has been

assessed using not purely their visibility, but also in the context of their historic association and contribution to the character and appearance of the Hampstead Garden Suburb.

T1 is a mature Maritime Pine assessed by the arboricultural consultant himself as having an estimated remaining safe life expectancy of 20 - 40 years; T2 a mature Atlantic Cedar of similar life expectancy; and T3 is a young Nutmeg with an estimated life expectancy of more than 40 years. All three trees are evergreen conifers.

In terms of 'individual impact' the Guidance notes that the Local Planning Authority's assessment should include "the tree's particular importance by reference to its size and form" also "any special factors such as rarity, value as a screen or contribution to the character and appearance of a conservation area". As noted above, T1 is a specimen conifer of reasonable size and form; T2 is visible along the drive and forms part of boundary screening; T3 is an unusual species with significant future growth potential. In addition to their individual attributes, the trees have been considered within their wider setting of the original Dane Court garden and the Hampstead Garden Suburb Conservation Area. The Hampstead Garden Suburb Character Appraisal Statement notes:

- "Trees and hedges are defining elements of Hampstead Garden Suburb. The quantity, layout and design of landscape, trees and green space in all its forms, are inseparable from the vision, planning and execution of the Suburb. Trees and landscaping provide a complimentary setting to the built form. It was the intention that dwellings and nature should be in such close relationship."

- "Trees contribute fundamentally to the distinctive character and appearance of the Conservation Area in a number of different ways, including:

- Creating a rural or semi-rural atmosphere
- Providing links with pre-development landscape and remaining woodland
- Creating glades, providing screening and shade, and marking boundaries
- Framing views, forming focal points, defining spaces and providing a sense of scale
- Providing a productive, seasonal interest and creating wildlife habitats

- "Throughout the Suburb there are views of trees above rooflines, and glimpsed views between houses of trees and planted areas behind.....Whether or not individual specimens pre-date the development, they help to provide a link with the pre-development landscape and remaining woodland as well as reflecting the philosophy that informed the design of the Garden Suburb.....These glimpsed views are an important characteristic of the Suburb which need to be preserved."

- "Winnington Road is a spacious, attractive and established residential area. The many trees, hedges and green views across the golf course add to this impression. Hedges and trees frame pleasant street views at both entrances to Winnington Road.....The houses are very large and usually have extensive gardens, particularly to the rear."

- 'Principal positive features' of Winnington Road (Area 15) in respect of 'Landscape and trees' includes:

- “Pleasant views at both entrances to the road
 - Views between houses to trees and green space beyond
 - The number and scale of trees in gardens and planted on the verges
 - Extensive hedges, mainly yew, holly and privet
 - Houses set behind hedges or low walls with complementary planting which enhances the buildings”
- “...No. 81, Dalmore, is a more modern flat-roofed building largely hidden from public view being set back from the road behind established planting.”

In terms of ‘wider impact’, it is considered that the trees are suitable to their particular setting, especially as ‘Dalmore’ has been set within the original Dane Court garden respecting the established planting at the site.

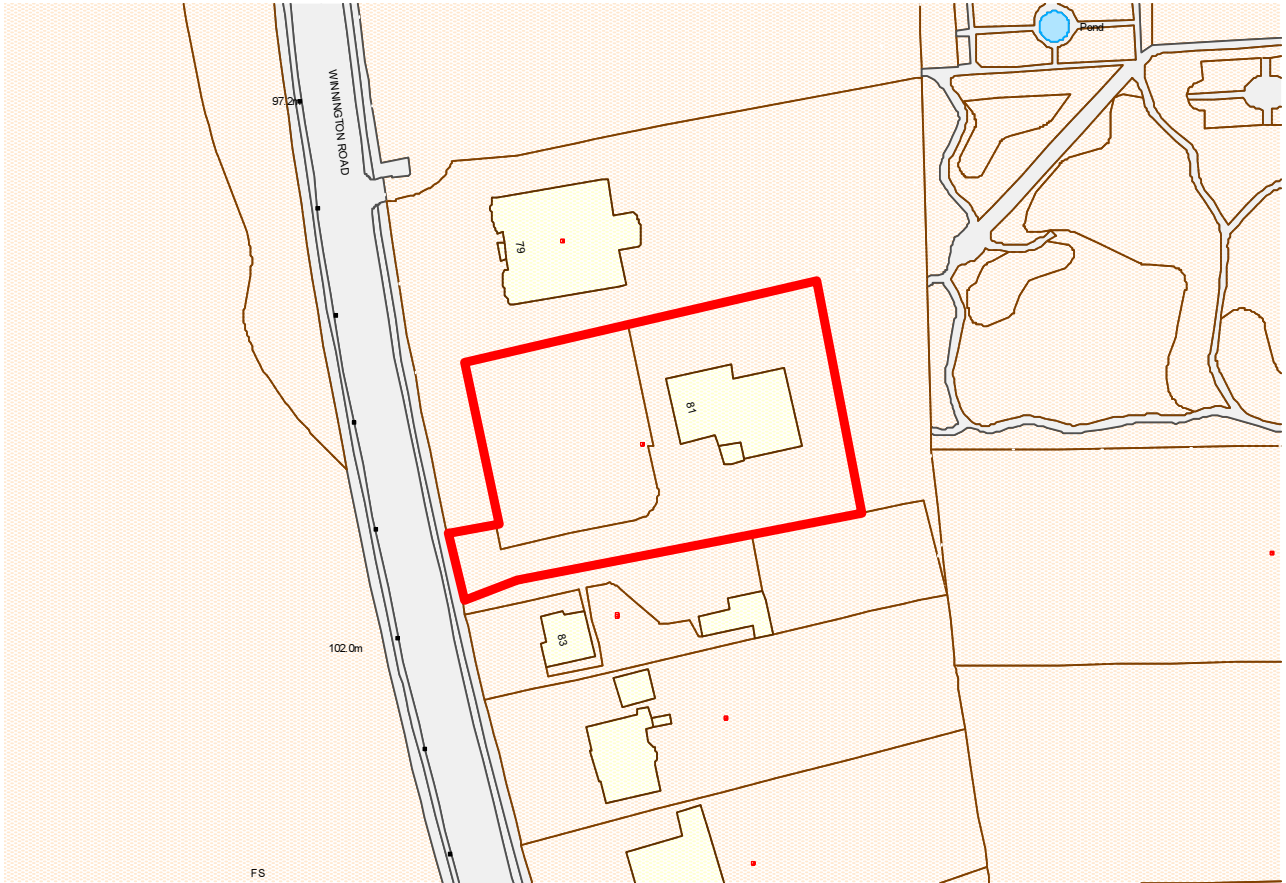
- (i) The suggestion that there “is no current threat to these trees” is contradicted by the development proposals which appear to result in the direct loss of the three individually designated trees and damage to four of the other trees included within group designations of this Order.

The suggestion that the “trees are already protected by statutory law” is somewhat misleading as, in accordance with the planning legislation, before undertaking works to a tree in a Conservation Area it is necessary to give a Local Planning Authority (LPA) written notice of intended treeworks (a s211 Notice of Intent). This is a notification, rather than a consent, procedure - if the LPA wishes to modify or prevent the works being undertaken, it must make a Tree Preservation Order and use the powers of control therein – otherwise the relevant works can be undertaken within a two year period commencing six weeks after the notification has been given to the LPA.

As noted above, s.197 of the Act imposes a duty on the Council as LPA to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and to make such tree preservation orders as appear necessary. If it is considered that, because of implications for trees, a planning permission should be refused or granted subject to conditions to protect the trees, a Tree Preservation Order should be in place in accordance with the planning legislation.

2. CONCLUSION

The confirmation of the Tree Preservation Order is considered appropriate in the light of development proposals for Dalmore, 81 Winnington Road, London N2 0TT. As set out above, it is considered the trees identified in the Order contribute significantly to public amenity, especially in the context of the character and appearance of the Hampstead Garden Suburb Conservation Area, and given normal arboricultural attention are capable of providing amenity value for a considerable time. It is therefore recommended that the Order be confirmed without modification.



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