

MEETING

WEST AREA PLANNING SUB-COMMITTEE

DATE AND TIME

MONDAY 30TH JULY, 2012

AT 7.00 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 Zubairi
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 paul.frost@barnet.gov.uk

Media Relations contact: Sue Cocker 020 8359 7039

CORPORATE GOVERNANCE DIRECTORATE

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes	
2.	Absence of Members	
3.	Declaration of Members' Personal and Prejudicial Interests	
4.	Public Question Time	
5.	Members' Item	
6.	Applications for Planning Permission and Consent under the Advertisements Regulations	
	Burnt Oak	
7.	91 Watling Avenue, Edgware, Middx, HA8 0LA - H/00541/12	1 - 10
	Childs Hill	
8.	2 Elm Walk, London, NW3 7UP - F/05087/11	11 - 24
	Finchley Church End	
9.	Ground floor flat, 1 Dollis Park, London, N3 1HJ - F/01286/12	25 - 32
	Golders Green	
10.	4 Russell Gardens, London, NW11 9NL - F/02007/12	33 - 44
	Hale	
11.	47 Stanway Gardens, Edgware, Middx, HA8 9LN - H/02117/12	45 - 52
	Mill Hill	

12.	Belmont Farm, The Ridgeway, London, NW7 1QT - H/04579/11	53 - 62
13.	Any other items that the Chairman decides are Urgent	

FACILITIES FOR PEOPLE WITH DISABILITIES

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone Paul Frost 0208 359 2205 paul.frost@barnet.gov.uk. People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

FIRE/EMERGENCY EVACUATION PROCEDURE

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

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

Do not stop to collect personal belongings

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

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

This page is intentionally left blank

LOCATION: 91 Watling Avenue, Edgware, Middx, HA8 0LA

REFERENCE: H/00541/12

Received: 13 February 2012

Accepted: 27 February 2012

Expiry: 23 April 2012

WARD(S): Burnt Oak

Final Revisions:

APPLICANT: Mrs Amina Al-Hadi

PROPOSAL: Change of use from A1 (shop) to A1 + Minicabs (Hair Dressing Salon & Minicab).

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan, PD/001, Design and Access Statement.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 The development to which this permission relates must be begun not later than the expiration of one year beginning with the date of the grant of this consent.
Reason:
 - (i) To comply with Section 91 of the Town and Country Planning Act 1990.
 - (ii) To maintain the balance of retail vitality and viability in this shopping centre and the proper planning of the area.
- 3 The business shall be radio controlled and the premises shall not be used as a waiting area for drivers at any time.
Reason: To safeguard highway safety.
- 4 The use hereby permitted shall not be open to customers before 8am or after 11pm on weekdays and Saturdays or before 9am or after 10.30pm on Sundays or bank holidays.
Reason:
To safeguard the amenities of occupiers of adjoining residential properties.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
 - i) The proposed development accords with strategic planning guidance and policies as set out in The 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), D2, TCR10, TCR14 and:

Core Strategy (Adoption version) 2012:
Relevant policies: CS NPPF, CS1, CS5

Development Management Policies (Adoption version)2012:
Relevant Policies: DM01, DM11

- ii) The proposal is acceptable for the following reason(s): - The proposals would have an acceptable impact on neighbouring amenity and highway safety and would not harm the character of the area.
- 2 The applicant should ensure that drivers do not wait on the public highway in the vicinity of the site.

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 6.1, 7.4, 7.6

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: GBEEnv1, GBEEnv2, D1, D2, TCR10, TCR14.

Core Strategy (Adoption Stage) 2012

Development Management Policies (Adoption Stage) 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

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 is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 16 policies in the CS. 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: DM01, DM11

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.

Development Management Policies is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. 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 Planning History:

Application Reference:	H/00843/08 93 Watling Avenue
Case Officer:	Emily Benedek
Proposal:	Erection of a 2m high mast with 3m high antenna on the roof for radio control. Change of use from hairdressers to private hire operating centre (Sui Generis).
Stat Start Date	24/04/2008
Application Type	APF
Decision	APC
Decision Date	19/06/2008

Planning applications picked up in spatial search

Site Address: 89/91 WATLING AVENUE BURNT OAK EDGWARE HA8
Application Number: W04454
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 07/03/1974
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Reversion of double shop into two shops.**
Case Officer:

Consultations and Views Expressed:

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

2 Objections were received and a joint letter with 17 signatories

The objections raised may be summarised as follows:

- Competition
- There is already a minicab office in the area
- Impact on neighbouring residents
- There are parking restrictions in the area, the proposals will obstruct traffic
- Noise and pollution to residents
- Proposals will decrease footfall in the town centre
- Would the minicab office comply with health and safety requirements
- London Underground do not support the proposals

1 Letter of support was received.

Internal /Other Consultations:

- Urban Design & Heritage - No objection

Date of Site Notice: 08 March 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is a two storey commercial unit within the Burnt Oak Town Centre and the Watling Estate Conservation Area. The site is located close to Burnt Oak Underground Station.

It is noted that the adjacent property at no.93 is also in use as retail and a mini cab office.

Proposal:

The proposals are to convert the existing retail unit (hairdresser) to a mixed use of

retail and a minicab office.

The proposed minicab office would be open to the public and would include a waiting area. No parking is or can be provided on the site.

Planning Considerations:

The main issues are considered to be:

- *Whether the proposals would be appropriate within Burnt Oak Town Centre in terms of their impact on vitality and viability*
- *Whether the proposals would harm neighbouring amenity*
- *Whether the proposals would have an acceptable impact on highway safety*

Policy context

TCR14 states that the proposals for licensed minicab (PHV) offices will be permitted at transport interchanges, or adjacent to the main and primary retail frontages. In these locations, the council will permit proposals for minicab offices where all of the following criteria are met:

- i. They will not cause undue harm to residential amenity; and
- ii. They will not generate an unacceptable increase in traffic or in on-street parking; and
- iii. They will not prejudice highway safety; and
- iv. They will not disrupt the free flow of road traffic and pedestrians.

Development management policy DM11 states that:

The Council will expect a suitable mix of appropriate uses as part of development within the town centres to support their continued vitality and viability.

a: Town centre uses

i. Significant new retail and other appropriate uses outside the town centres or any expansion of existing out of centre sites will be refused unless they can meet the sequential approach and tests set out in Planning Policy Statement 4 or are identified in an adopted Area Action Plan. Edge of centre proposals will not normally be appropriate and therefore should demonstrate why they are not locating in a town centre site.

ii. The town centre boundaries, primary and secondary retail frontages are shown in the maps in Appendix 2.

b: Primary and secondary frontages

i. A development proposal which reduces the combined proportion of class A1 retail use at ground floor level (including vacant) in the primary frontage below 75% will not be permitted. The proposal should not create an over-concentration of similar uses which detracts from the retail function of the town centre.

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

uses which detract from the retail function of the town centre.

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

iv. Any significant new retail development will be expected to provide a mix of unit sizes, avoid an inward looking layout, maintain the street frontage and provide suitable and

convenient linkages for shoppers to access other town centre uses.

v. Evening economy uses will be expected not to have an adverse affect on the amenity of local residents and be in keeping with the scale and character of the surrounding

area. Planning conditions and planning obligations will be used to manage impact from food, drink and entertainment venues.

c: Mixed use development

1. The protection of employment floorspace should meet the requirements set out in DM14: New and Existing Employment Space unless otherwise indicated in the:

i. Site Allocation DPD

ii. Town Centre Frameworks

iii. identified as a Locally Significant Industrial Site or Business Locations.

2 Appropriate mixed use re-development will be expected to provide re-provision of employment use, residential and community use.

3 The Council will consider the location of new and the relocation of existing community, leisure and cultural uses (including arts) to the town centres only where they maintain active frontages.

Whether the proposals would be appropriate within Burnt Oak Town Centre in terms of their impact on vitality and viability

Policy TCR11 is structured in a way that a proposal needs to meet four tests to comply.

The proposals would not result in the loss of a retail unit, only the loss of approximately 7 square metres of retail floorspace. The existing hairdressers would remain and the minicab office would only be accessed internally from within the hairdressers.

The minicab office would be open to the public and would include a waiting area. It is not considered that the proposals would harm the vitality and viability of Burnt Oak Town Centre.

Whether the proposals would harm neighbouring amenity

The applicant initially advised that they seek 24 hour opening hours. There is a waiting room and drivers area shown on the proposed plans.

The site property is in a town centre with a residential flat above. The site is located close to Burnt Oak Underground Station.

There are residential properties in the vicinity including above the site property and residents would reasonably expect to have some quiet during unsociable hours. Therefore it is considered that the premises should not be open to the public outside 8am and 11pm Monday-Saturday and 9am-10.30pm Sunday and Bank Holidays. A condition is attached ensuring that the premises is not open to the public outside these times.

It is not considered that the use of the premises as a radio controlled office would be likely to cause harm to neighbouring amenity outside these hours providing that the premises are not open to the public.

Whether the proposals would have an acceptable impact on highway safety

The applicant has advised that they seek 24 hour opening hours.

There is a waiting area shown on the proposed plans, this shall be used for members of the public between 8am and 11pm Monday-Saturday and 9am-10.30pm Sunday and Bank Holidays. At all other times the premises shall not be open to the public.

The applicant has agreed that drivers will not wait on the premises and will pick up customers from surrounding roads. Council policy states that proposals for licensed minicab offices will be permitted at transport interchanges, or adjacent to the main and primary retail frontages providing that they do not cause harm.

Highway officers have advised that they are satisfied that the proposals would not harm highway safety providing that a condition is attached to any grant of permission preventing drivers from waiting in the vicinity of the site.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Competition - *This is not a planning consideration.*

There is already a minicab office in the area - *This is not grounds to refuse planning permission.*

Noise and pollution to residents - *It is not considered that there would be a materially harmful impact.*

Proposals will decrease footfall in the town centre - *It is not considered that the use would materially impact vitality and viability in the locality.*

Would the minicab office comply with health and safety requirements - *It is not considered that there would be any reason that the proposals could not comply with such requirements*

London Underground do not support the proposals - *No observations have been*

received from London Underground.

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: 91 Watling Avenue, Edgware, Middx, HA8 0LA

REFERENCE: H/00541/12



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2012. All rights reserved. Ordnance Survey Licence number LA100017674.

This page is intentionally left blank

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

Received: 21 December 2011 **AGENDA ITEM 8**

Accepted: 31 January 2012

WARD(S): Childs Hill

Expiry: 27 March 2012

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).

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): 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 locality and the amenities of occupiers of adjoining residential properties.

7 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.

- 8 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for – access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to.

Reason:

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

INFORMATIVE(S):

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

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, H27, M11.

Local Development Framework:

Core Strategy (Adoption Version) 2012 – CS NPPF, CS1, CS5, CS9.

Development Management Policies (Adoption Version) 2012 – DM01, DM02, DM17.

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

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet UDP policies and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. 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, M11.
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, CS9.

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

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, DM17.

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 Hampstead's 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.

This application was deferred at the West Area Sub Committee dated 28 June 2012 to allow for the Council's Building Control Department Principal Structural Engineer to be present at this committee meeting.

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



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2012. All rights reserved. Ordnance Survey Licence number LA100017674.

This page is intentionally left blank

LOCATION: Ground floor flat, 1 Dollis Park, London, N3 1HJ
REFERENCE: F/01286/12
WARD(S): Finchley Church End

AGENDA ITEM 9
Received: 03 April 2012
Accepted: 17 April 2012
Expiry: 12 June 2012
Final Revisions:

APPLICANT: Mr D Patel
PROPOSAL: Single storey outbuilding in rear garden.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan; SV450/L/01 date stamped 21 Jun 2012; SV450/P/02 date stamped 21 Jun 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 use of the outbuilding hereby permitted shall at all times be ancillary to and occupied in conjunction with the ground floor flat of 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.
- 4 The outbuilding hereby permitted shall not at any time be fitted with kitchen facilities.
Reason:
To ensure that the development does not facilitate a use which might prejudice the character of the locality and the amenities of occupiers of adjoining residential properties.
- 5 The outbuilding hereby approved shall not be used until works to remove the internal wall separating the proposed gym and changing area has been removed.
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 polices are relevant:

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

Design Guidance Note No 5 – Extensions to Houses

Relevant Core Strategy Policies (Adoption version) 2012:

Relevant policies: CS NPPF, CS1, CS5.

Development Management Policies (Adoption version) 2012:

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.

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 (Adoption 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 is now capable of adoption following receipt of the Inspector’s Report in June 2012. The Inspector endorsed all the Council’s modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be

given to the 16 policies in the CS. 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 (Adoption version) 2012: 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.

Development Management Policies is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. 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 Development Management Policies (Adoption version) 2012: DM01, DM02.

Consultations and Views Expressed:

Neighbours Consulted:	21	Replies:	10
Neighbours Wishing To Speak	3		

The objections raised may be summarised as follows:

- Objections to future residential use.
- Additional traffic
- Overlooking
- Restricted light
- Built without permission
- (Large) scale and appearance have detrimental impact
- Debris from construction
- Overdevelopment of site
- Strain on sanitation

Internal /Other Consultations:

- London Underground - Infrastructure Protection -
- Dollis Park and District Residents Association - Objection

Date of Site Notice:

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a semi detached dwelling which has been subdivided into flats. The rear of the garden backs on to railway tracks serving the Northern Line.

The property is located next to an existing mechanics garage.

Proposal:

The application relates to the retention of an outbuilding at the rear most part of the garden. The outbuilding has a width of 5.8m, depth of 6.2m and a height of 3.2m with a flat roof. The application has been amended since the initial submission removing an internal wall to make the internal configuration of the outbuilding 2 rooms only.

Planning Considerations:

The outbuilding is considered to be in compliance with council policies as set out below:

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 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 building complies with the aforementioned policies and Council Design Guidance on Extensions to Houses and is a proportionate addition to the rear garden and would not result in an overdevelopment of the site. It has an acceptable impact on the character and appearance of the streetscene, site property, general locality and the residential amenity of neighbouring occupiers.

Conditions are imposed on the application to ensure it is not used as a separate residential dwelling. Conditions imposed include a condition to ensure that the building remains ancillary to the ground floor flat of the main dwellinghouse, that the outbuilding will not at any time be fitted with kitchen facilities and the internal layout of the outbuilding will remain as shown on the drawings.

3. COMMENTS ON GROUNDS OF OBJECTIONS

- Objections to future residential use- conditions have been attached to the application to prevent the building being used as a separate unit. The use of the property as residential accommodation would constitute a change of use that would require further planning permission.
- Additional traffic - the outbuilding is to be used ancillary to the ground floor flat and as such it is not considered that it would result in any additional traffic.

- Overlooking - the windows in the outbuilding face on to an existing works building and railway tracks, it is not considered that there would be any overlooking to residential occupiers.
- Restricted light - the building in this siting is not considered to significantly reduce light to the neighbouring residential occupiers.
- Built without permission - it is acknowledged that the outbuilding was built without planning permission, however, a retrospective application has been submitted to rectify this.
- (Large) scale and appearance have detrimental impact - the appearance of the outbuilding is not considered to have a significantly detrimental impact on the surrounding area to warrant refusal.
- Debris from construction - this is not covered by planning legislation.
- Overdevelopment of site - the building is not considered to result in overdevelopment
- Strain on sanitation - this is not covered by planning legislation.

4. EQUALITIES AND DIVERSITY ISSUES

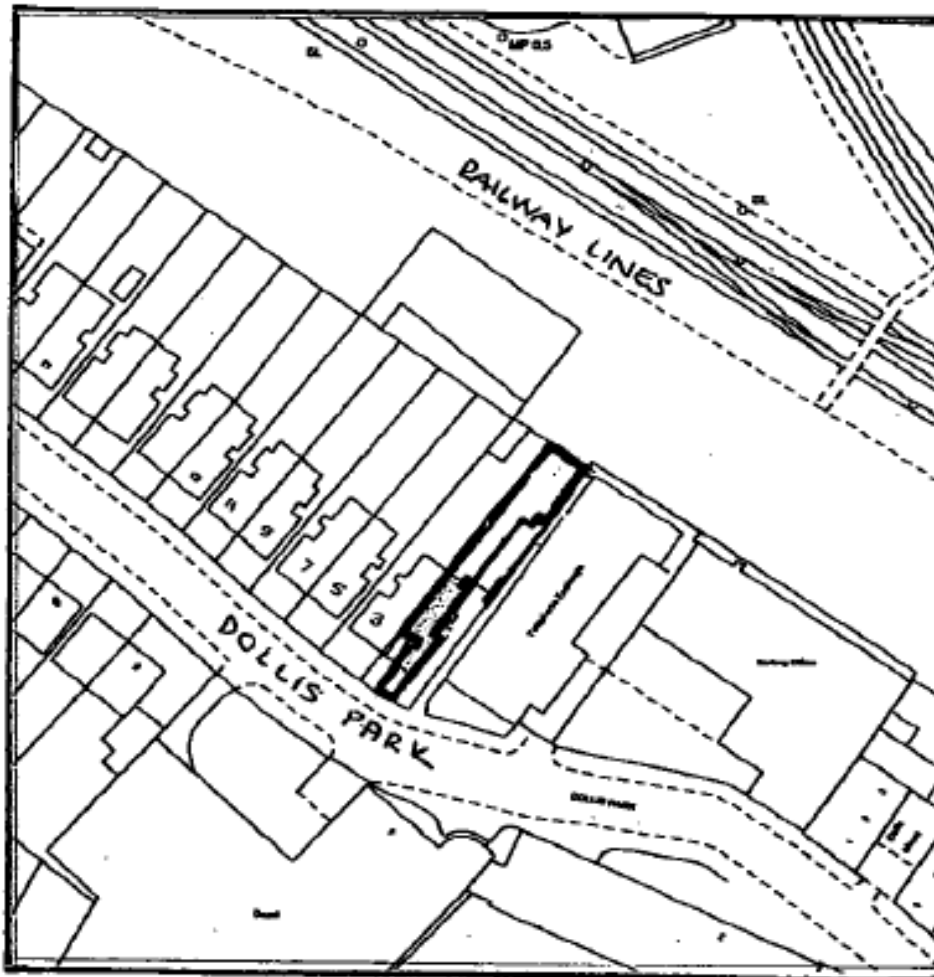
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

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: Ground floor flat, 1 Dollis Park, London, N3 1HJ

REFERENCE: F/01286/12



LOCATION PLAN

Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2012. All rights reserved. Ordnance Survey Licence number LA100017674.

This page is intentionally left blank

LOCATION: 4 Russell Gardens, London, NW11 9NL

REFERENCE: F/02007/12

Received: 21 May 2012

Accepted: 23 May 2012

Expiry: 18 July 2012

Final Revisions:

APPLICANT: Cohen Properties Ltd.

PROPOSAL: Conversion of property into 2no. self-contained units following single storey rear extension with succah rooflight. Alterations to existing porch. Insertion of rooflights to front, side and rear elevation to facilitate a loft conversion.

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 **Libraries (financial) £34.00**
A contribution towards Library Facilities and Resources in the borough
- 4 **Education Facilities (excl. libraries) £3,649.00**
A contribution towards the provision of Education Facilities in the borough.
- 5 **Health £1,348.00**
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £251.55**
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: F/02007/12 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 & Access Statement; Plan No's: RUG_P01h; RUG_P02h; RUG_E01; RUG_E02.
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 No windows other than those expressly authorised by this permission shall be constructed in the flank elevations of the extension hereby approved facing the neighbouring properties.

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

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

Reason:

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

- 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.

INFORMATIVE(S):

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

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

Core Strategy (Adopted version) 2012:

CS NPPF, CS1, CS5, CS13, CS15.

Development Management Policies (Adopted version) 2012:

DM01, DM02, DM08, DM17.

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

The conversion of the property into two self contained flats and proposed extension is considered acceptable, in character with the surrounding area. The proposal would protect the character of this part of 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 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 £595.00.

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

infrastructure priority.

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

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

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

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

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

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

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

Further details and the application form can be downloaded from:

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

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

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

- 4 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

RECOMMENDATION III

That if an agreement has not been completed by 14/09/2012, that unless otherwise agreed in writing, the Acting Assistant Director of Planning & Development

Management should REFUSE the application F/02007/12 under delegated powers for the following reasons:

The development would require a Section 106 agreement and no formal undertaking is given to the Council, as a result the proposed development would, by reason of the developer not meeting identified additional education, health and library facilities, and the associated monitoring costs which would be incurred by the community as a result of the development, contrary to policies CS2, CS8, CS13, IMP1 and IMP2 of the adopted Unitary Development Plan; contrary to policy DM13 of the Emerging Local Plan Development Management Policies (Adoption version) 2012; contrary to policies CS10 and CS11 of the Emerging Local Plan Core Strategy (Adoption version) 2012; and the adopted Supplementary Planning Documents "Contributions to Education", "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations

1. MATERIAL CONSIDERATIONS

National Planning Policy:

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 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 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 (Adoption 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 is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 16 policies in the CS. 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 (Adoption version) 2012: CS NPPF, CS1, CS5, 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.

Development Management Policies is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. 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 Development Management Policies (Adoption version) 2012: DM01, DM02, DM08, DM17.

Relevant Planning History:

None relevant.

Consultations and Views Expressed:

Neighbours Consulted:	50	Replies: 2
Neighbours Wishing To Speak	0	

The objections raised may be summarised as follows:

- Closeness of proposed extension along the boundary and issues of excavation.
- Leakage from pipes due to positioning.
- Parking issues – limited parking permits and when there will be skips and work trucks – make parking impossible for permit holders.

Highways Comments:

The proposal is for the conversion of existing 4 plus bedroom property to provide 2x 3 bedroom units. No parking spaces are being provided. The existing property would need to provide up to 2 parking spaces in order to meet the parking standards. The proposed development would also need to provide up to 2 parking spaces to meet the parking standards as set out in the UDP2006.

However, taking into consideration the following:

- No parking is available for the existing property;
- the site is close to Town Centre location and within a walking distance of local amenities and has good public transport accessibility;
- The site is within a Control Parking Zone;
- Our observations on site indicated that there is on street parking available within walking distance from the site to accommodate parking demand that may result from this development and it is unlikely to have any additional detrimental impact on the public highway.

Therefore on balance the proposed conversion at this location is acceptable on highway grounds.

Date of Site Notice: 31 May 2012

The application has been brought to the West Planning Sub-Committee as the applicant is Councillor Dean Cohen.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a semi-detached residential dwelling house located on Russell Gardens within Golders Green ward and is outside any of the Borough's Conservation Areas. The application site has an original 'L' Shape footprint which is a common feature amongst these properties.

Proposal:

The application consists of the following elements:

- Conversion to property into 2no self-contained residential units.
- Single storey rear extension with succah rooflight, measuring 3.4 metres in depth and 3.2 metres with a flat roof.
- Alterations to existing porch.
- Insertion of rooflights to front, side and rear elevation to facilitate a loft conversion.

Since the original submission, there have been amendments to the proposal which includes the removal of the hip to gable and rear dormer to facilitate a loft conversion and there will only be one front door entrance.

Planning Considerations:

Conversion:

It is not considered that the principle of converting the premises into two self contained flats would harm the residential character of the area. The application which provides additional residential accommodation accords with Council policy. Policy GH1 of the Adopted UDP (2006) as well as the SPD on Sustainable Design and Construction (2007) indicates that the Council will seek the provision of additional homes through the redevelopment of existing sites. It is recognised that although there have been no recent approvals for conversions in this street, the following were granted planning permission for the conversion of the property into two self contained flats, they are as follows:

- No. 21 Russell Gardens: C/08584 – Dated 07/12/84
- No. 27 Russell Gardens: C/08027/A – Dated 12/09/85
- No. 48 Russell Gardens: C/11275 – Dated 21/10/92
- No. 23 Russell Gardens: C/10965 – Dated 08/10/91
- No. 6 Russell Gardens: C/09221 – Dated 10/12/86

The VOA Council Tax record website also confirms that there are also conversions at No's 5, 3, 46, 32 and 15 Russell Gardens.

The character of the street is therefore a mixture of flats and houses. The conversion would comply with policy DM01 h) of the emerging Local Plan Development Management Policies that states '*Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate.*'

Taking the above into consideration, the proposal would not appear to be out of character as there are a handful of conversions on Russell Gardens and given the proximity to Golders Green Town Centre, the conversion is considered to be acceptable.

The highways department have deemed the proposal as acceptable. On balance it is unlikely that the proposed conversion will have any additional detrimental impact on public highway.

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 the ground floor flats which provides sufficient amenity space to comply with policy H18. The non provision of amenity space for the first floor flat does not warrant a reason for refusal.

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.

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.

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).

Extensions:

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 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, side and rear elevation are not considered to interrupt the streetscene.

The proposed single storey rear extension would also comply with Council policies that seek to preserve the amenities of neighbouring occupiers. The design, size and rearward projection of the proposed extension are such that it would not have an adverse impact on the residential and visual amenities of the neighbouring occupiers. The depth of the single storey rear extension is in line with the Council's Design Guidance Note 5 – Extensions to Houses in that it measures 3.4 metres deep along the shared boundary with No. 2 Russell Gardens.

Small alterations to the front elevation would not cause a demonstrable harm to the character and appearance of the property, street scene and wider area and not considered to cause a detrimental harm to the appearance of the application site.

The proposed development respects the proportions of the existing house. It is not considered that the extension is overbearing or unduly obtrusive and therefore there would not be any significant impact on privacy, loss of light, loss of outlook or overbearing in relation to neighbouring properties. As such, policies in Barnet's UDP would be complied with, in particular D2 in respecting its character and appearance, D5 in '*allowing for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users*' and H27 as it has no significant effect on the amenity of neighbouring occupiers.

3. COMMENTS ON GROUNDS OF OBJECTIONS

It is considered that the planning related concerns raised on this application were not

sufficient to constitute a reason for refusal and the objections have been covered in the above appraisal.

4. EQUALITIES AND DIVERSITY ISSUES

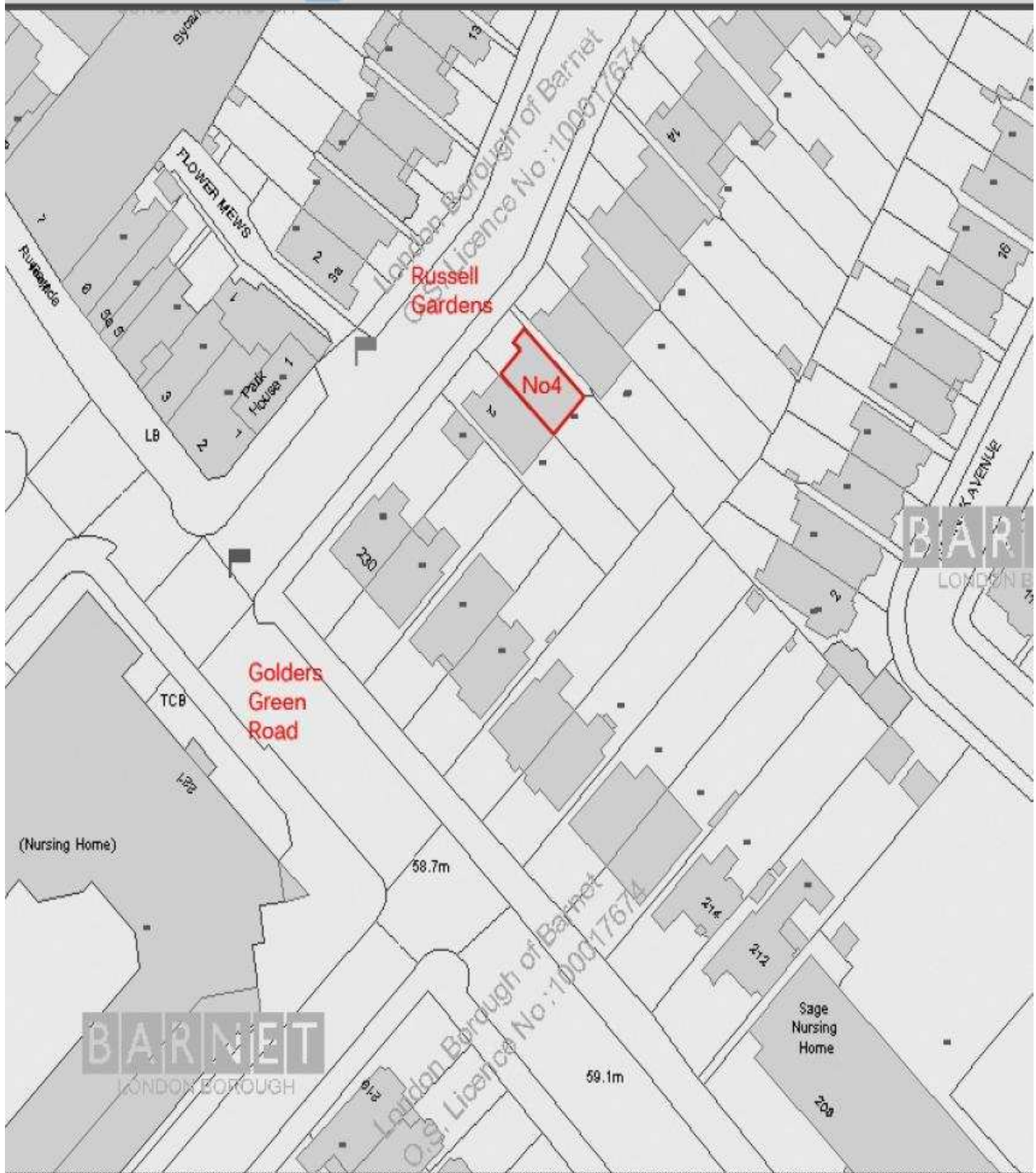
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

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

SITE LOCATION PLAN: 4 Russell Gardens, London, NW11 9NL

REFERENCE: F/02007/12



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2012. All rights reserved. Ordnance Survey Licence number LA100017674.

This page is intentionally left blank

LOCATION: 47 Stanway Gardens, Edgware, Middx, HA8 9LN

REFERENCE: H/02117/12

Received: 06 June 2012

Accepted: 06 June 2012

Expiry: 01 August 2012

Final Revisions:

APPLICANT: Mr Roze

PROPOSAL: Single storey rear extension.

RECOMMENDATION: Refuse

- 1 The proposed single storey rear extension and the cumulative rearward projection would be visually obtrusive and detrimental to the character and appearance of the existing building, and general locality contrary to the Adopted 2006 Unitary Development Plan Policies GBEnv, GBEnv2 and D2 and Supplementary Design Guidance Note 5: Extensions to Houses and Policy DM01 of the Emerging Local Plan Development Management Policies (Adoption Version)2012

INFORMATIVE(S):

- 1 The plans accompanying this application are:- 6084 - 01/KEE and 6084 - 02/KEE.

1. MATERIAL CONSIDERATIONS

The application is reported to the Committee at the request of Councillor Gordon

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 (Adoption 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 is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 16 policies in the CS. 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 (Adoption version) 2012: 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.

Development Management Policies is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. 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 Development Management Policies (Adoption version) 2012: DM01, DM02.

Relevant Planning History:

Site Address: 47 Stanway Gardens EDGWARE MIDDX
Application Number: W05795A
Application Type: Full Application
Decision: Refuse
Decision Date: 20/08/1991
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Roof extension to form gable end to side and second floor extension to rear.

Case Officer:

Site Address: 47 Stanway Gardens EDGWARE MIDDX
Application Number: W05795B
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 19/11/1991

Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Second floor side and rear extensions
Case Officer:

Site Address: 47 Stanway Gardens Edgware
Application Number: W05795
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 13/07/1978
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Single-storey rear extension.
Case Officer:

Consultations and Views Expressed:

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

The objections raised may be summarised as follows:
No objection received on this application

Internal /Other Consultations:
None

Date of Site Notice: None

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site relates to a semi- detached single family dwelling house located on the northern side of Stanway Gardens, which is predominantly residential in character.

Proposal:

Planning permission is sought for an excessive second single storey rear extension. The proposed second single storey rear extension would be 4.65 metres deep, 4.73 metres wide and a height of 3.4m to the succah roof light and 3 metres at the parapet wall with a flat roof. It would be set in 2.8 metres from the side boundary with No.49 Stanway Gardens and on the common boundary with No.45 Stanway Gardens.

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 of the Unitary Development Plan (2006) aims to maintain and improve the character and quality of the environment.

Policies D1 and D2 of the Unitary Development Plan (2006) 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 of the Unitary Development Plan (2006) requires new development to safeguard outlook and light of neighbouring residential occupiers

Policy H27 of the Unitary Development Plan (2006) 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.

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

Whether harm would be caused to the character and appearance of the area, having regard to the size and siting of the proposal.

The proposed single storey rear extension providing a family room is considered an unacceptable addition to the property and would not meet the design considerations listed within the aforementioned guidance note.

The Design Guidance No.5 Extensions to Houses (2010) recommends a 3.5m depth rear extension for semi - detached houses.

The proposed 4.65m deep single storey rear extension would be an addition to the existing 3.1m depth single storey rear extension. It is considered that cumulatively the extensions would not be a proportionate addition to the dwelling house. It would have an overall depth of 7.75m beyond the host property original building line which is considered unacceptable. The proposal due to its depth would be detrimental to the character and appearance of the site property and the general locality.

The 5.3 metre deep single storey rear extension with polycarbonate roof at No.45 Stanway Gardens was refused permission on 28 September 2000(Reference W05958B/00). It is considered that the existence of this extension does not justify approval of the current proposal which far exceeds the guidelines adopted in Design Guidance Note 5.

Impact on the residential amenity

The 4.65m depth of the proposed rear extension together with the existing 3.1m depth rear extension would result in a 7.75m deep extension overall.

It is considered that the proposed extension although 7.75m deep in total would not have a detrimental effect on the residential amenities of the neighbouring occupiers in terms of loss of outlook, given that it would be largely screened from No. 49 by the existing detached garage and the existing extension at No.45 Stanway Gardens.

3.COMMENTS ON GROUNDS OF OBJECTIONS

None

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 single storey rear extension in addition to the existing 3.1m deep extension will not comply with the Adopted Barnet UDP policies and would not be keeping with the character and appearance of the host property and the surrounding area. It is considered that the proposed development would have a detrimental impact on the character and appearance of the area, the living conditions of the neighbouring occupiers and residential amenities of neighbouring occupiers. This application is therefore recommended for **Refusal**.

In the event of an appeal:

The following conditions should apply:-

1- Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans: Plan Nos. 6084 -01 /KEE, and 6084 -02/KEE,

Reason:

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

2- Time Limit on Full Planning Permission

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 - Materials to Match.

The materials to be used in the construction of 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.

SITE LOCATION PLAN: 47 Stanway Gardens, Edgware, Middx, HA8 9LN

REFERENCE: H/02117/12



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2012. All rights reserved. Ordnance Survey Licence number LA100017674.

This page is intentionally left blank

LOCATION: Belmont Farm, The Ridgeway, London, NW7 1QT
REFERENCE: H/04579/11
WARD(S): Mill Hill

AGENDA ITEM 12
Received: 08 November 2011
Accepted: 08 November 2011
Expiry: 03 January 2012

Final Revisions:

APPLICANT: Vodafone UK Ltd & Telefonica UK Ltd.
PROPOSAL: Installation of an 11.8m high slimline monopole and 2no. equipment cabinets to replace the existing equipment within the existing Vodafone compound at Belmont Farm.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans and submitted documentation: Design and Access Statement, Site Specific Supplementary information, Declaration of conformity with ICNIRP guidelines, email on replanting 17.7.2012, Ecological Survey May 2012, Panoramic Photographs 100 Issue 2, 200 issue 2, 201 issue 3 Amended Plans dated 17.7.2012, 300 issue 2, 301 issue 1, 400 issue 1 and email confirmation that the equipment will be dark brown in colour.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 A 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.
- 4 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.
- 5 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.
- 6 The development shall be carried out in accordance with the specifications set out in the Arboricultural Impact Assessment Report and the Ecological Assessment, including the mitigation and enhancements specified.
Reason: To protect existing trees and the ecological value of the site.

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, D7, D16, HC1, HC5, O1 & O2

Supplementary Planning Documents:

- Sustainable Design and Construction (Adopted)

Mill Hill Conservation Area Character Appraisal

Core Strategy (Adoption version) 2012: CSNPPF CS1 and CS5

Development Management Policies (Adoption version)2012: DM01 & DM02

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

The proposed development is considered to have an acceptable impact on the character and appearance of the property, wider locality of the Mill Hill Conservation Area, Area of Special Character, Green Belt and would not harm the visual or residential amenities of any neighbouring occupier.

- 2 The applicant is advised that due consideration shall be given to the Wildlife and Countryside Act 1981 and ensure that 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.

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 NPPF says that local planning authorities should, whilst supporting the expansion of the electronic communications network, aim to keep the number of sites for such installations to a minimum. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified.

The NPPF also say that the site should be screened.

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, D7, D16, HC1, HC5, O1 & O2

Policy D16 Telecommunications equipment will normally be permitted provided that:

- i. There is no significant adverse effect on the skyline.
- ii. They do not adversely affect the external appearance of the building on which they are located.
- iii. The possibility of sharing facilities, such as masts and satellite dishes, and erecting antennae on existing buildings or other structures has been considered.
- iv. Technologies to miniaturise and camouflage telecommunications apparatus are employed where practicable.
- v. They are appropriately designed, coloured and landscaped to take account of their setting.

The Council's Supplementary Planning Document "Sustainable Design and Construction" adopted June 2007 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 (Adoption 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 is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 16 policies in the CS. 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 (Adoption version) 2012: 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.

Development Management Policies is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. 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 Development Management Policies (Adoption version) 2012: DM01, DM02.

Relevant Planning History:

Site history for current landparcel :

25981 - Belmont Farm, The Ridgeway, London, NW7 1QT

Case Reference: **H/04579/11**

Application:	Planning	Number:	W/00180/BF/02
Validated:	07/03/2002	Type:	PRN
Status:	APD	Date:	26/04/2002
Summary:	DIS	Case Officer:	Martin Cowie
Description:	Erection of 21 metre high lattice mast with 4 antennae in new post and rail fenced compound, in addition to a separate, ancillary single storey equipment cabin.		

Application:	Planning	Number:	W/00180/BL/03
Validated:	23/12/2003	Type:	APF
Status:	DEC	Date:	06/02/2004
Summary:	REF	Case Officer:	Lesley Feldman
Description:	Installation of 27m high telecommunications lattice mast with 6 cross		

polar antennae and 2 relay dishes and associated equipment cabin and 1.8m high chain-link fence.

Application:	Planning	Number:	W/00180/BQ/05
Validated:	22/02/2005	Type:	APF
Status:	APD	Date:	13/04/2005
Summary:	APC	Case Officer:	
Description:	The Installation of a 10m monopole (telecommunications mast) with telegraph pole design, with 3 No. shrouded antennas, radio equipment housings and ancillary development. - appeal allowed 24/3/2006 Para.8 "The proposal comprises a replica telegraph mast, two equipment cabinets and an electricity supply cabinet. The proposal including shrouded antennae, would be 12 metres in height".		

Consultations and Views Expressed:

Neighbours Consulted:	39	Replies:	6
Neighbours Wishing To Speak			0

2 letters of support - no objection

- This development should go ahead as the signal is always bad in the locality.

The objections raised may be summarised as follows:-

- health hazards
- the existing unwanted telecommunication equipment by reason of its siting and its proximity to residential properties is perceived as having an unacceptable health risk notwithstanding PPG8 guidelines
- spoils Green Belt, area features Sheepwash pond. St. Paul's Church built by William Wilberforce, St. Paul's Playgroup and St. Paul's Primary School and a number of popular walks.
- mast is too large and far too close to residential properties
- detrimental to visual amenities
- detrimental to conservation area
- excessive height the equipment will be visible above the trees
- the extra cabinet will be highly visible as some trees are to be removed, impacting on character and appearance of this part of The Ridgeway, which is predominantly rural in character, with the adjacent pond and farm entrance
- previous applications for mast have been refused, the current changes do not warrant approval

Mill Hill Preservation Society

-The proposed monopole of 11.8m height is higher than the existing. This increase in height would be very visible from The Ridgeway, especially as the proposed monopole has a wider diameter at the top.

The mast will project above the tree line and would be highly obtrusive in this sensitive part of the Conservation Area, especially when the leaves are off the trees.

Extra cabinet at ground level will be highly visible as some trees are to be removed and would have a detrimental impact on the character and appearance of this part of The Ridgeway, which is predominantly rural in character.

Internal /Other Consultations:

- Traffic & Development - N/A
- Conservation Area Advisory Committee (CAAC) - This application was for a 11.8m high monopole aerial to replace the existing 11.4m one. The proposed mast would have an obtrusive "bulge" at its top end, and the cabinet units on the ground would be significantly bigger. The Committee opposed this application on the grounds of its greater size and visibility, which would be damaging to the Conservation Area at this point.
- Trees and Landscaping – No objection to proposed landscaping, treeworks and ecological report, subject to an informative.
- Conservation and Design Team - Some concern that the amended monopole would be detrimental to the character and appearance of this part of the Mill Hill Conservation Area.

Date of Site Notice: 17 November 2011

2. PLANNING APPRAISAL

Site Description and Surroundings

The proposal site is within a piece of land at Belmont Farm located on the east side of The Ridgeway (within Mill Hill Conservation Area, and Area of Special Character). The site fronts onto The Ridgeway and currently accommodates a "telegraph pole" style mast with total height of 11.4m and equipment cabinet contained within a fenced compound surrounded by tall mature trees. The proposed development covers a small 4m by 7m area of planted woodland and widespread vegetation. Within the immediate vicinity there are telegraph and street lighting columns.

The site area is predominately residential in character however there are a number of schools and similar establishments in the wider area. The land is undulating and there are numerous mature trees along the main roads. The area is designated Green Belt. It should be noted that the existing monopole is 11.4m high.

Proposal

The proposal would comprise of the installation of an 11.8m high slimline monopole and 2 equipment cabinets to replace the existing equipment within the Vodafone compound at Belmont Farm. The proposal would facilitate the sharing of the mast by 2 operators, in accordance with planning policy. The proposed equipment cabinets are as follows

- i) Telefonica 02 Cannon B would have the following dimensions 789mm deep,

height 1650mm and width 1898mm. This cabinet has opening doors within the front and side elevations. This equipment is located adjacent to the proposed planting on the northern boundary.

ii) Proposed Vodafone equipment cabinet "RBS 2016" would be 925mm deep, 1615mm high and 1300mm wide. The cabinet would be located closer to the southern boundary.

The existing Vodafone RBS 3106 Cabinet is to be removed, concrete base to be disc cut and removed to allow installation of telegraph pole leaving the meter cabinet in the existing location. The dimensions of this cabinet are as follows:- 1300mm deep, 750mm wide and 1923mm high. This cabinet is currently located in a central area within the compound.

The existing young hawthorn trees which are planted along the northern boundary of the compound are to be removed and replanted following the installation of replacement equipment. There will be no further removal of trees as part of this development and 2 additional hawthorn trees are to be planted along The Ridgeway boundary which is considered acceptable. Details of these trees will be discharged under the landscaping condition.

Planning considerations

The proposal is for a small scale development which would not harm the established character of the Green Belt. The Planning Inspector when considering the existing development planning ref. W00180BQ/05 allowed on 24th March 2006 considered that "the proposal would be neutral in its effect on the Conservation Area and Area of Special Character".

The site is visible from the road particularly during the period of the year when leaves are off the trees; by those using The Ridgeway and when viewed by occupants of the dwellings surrounding the area. The top of the mast accommodating the aerials needs to be clear of the foliage in order for users to be able to have adequate reception.

The proposed mast in this instance would be 40cm higher than the existing one allowed at appeal. The proposed pole is slimmer than the existing pole by 0.06cm with only the upper antenna section being marginally wider by approximately 0.2m. It is considered that the proposed mast, when compared to the existing, although would be more visible, this is considered to be marginal. Given that the resulting height of the proposed pole would not be significantly greater and the fact that the proposal involves mast-sharing involving a reduction in the total number of masts required for coverage in the area, it is considered that the marginal adverse impact in the Green Belt and on the character and appearance of this part of the Conservation Area and Area of Special Character is acceptable.

The equipment cabinets which replace the existing are of acceptable size and scale, similar appearance to other familiar roadside equipment. The cabinets

would be well screened and would not have an adverse visual impact. Given the similar characteristics of the proposed development compared to the existing allowed on appeal it is considered that there would not be a significant impact on the character and appearance of the Conservation Area.

Health Impact

Potential health impact was a matter given consideration by the Planning Inspector when considering the existing development and stated in his report paragraph. 24 that the "public concern about health risk arising from the proposal was not a justifiable reason for dismissing the appeal". The application is accompanied by the appropriate ICNIRP certificate.

Ecological, trees and landscaping impact

An ecological survey was carried out and submitted which assessed the trees on site for roosting bat potential, and the development risk that might arise in relation to other protected species. The Planning Inspector in allowing the previous appeal attached a condition regarding the submission of an ecological report.

With regards to potential ecological impact, the details of the tree removal and proposed planting and ecological information are considered adequate. The ecological information suggests that there is only 1 tree with limited potential for use by roosting bats and it is not proposed for removal. The ecological report proposes various ecological enhancements.

A condition has been added in relation to landscaping. Amended plans show the provision of 2 hawthorn trees close to the southern boundary, details of which will be the subject to the application to discharge the landscaping condition. The proposed replanting of the hawthorn trees on the northern boundary is considered to be acceptable.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Covered in body of report.

4. EQUALITIES AND DIVERSITY ISSUES

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

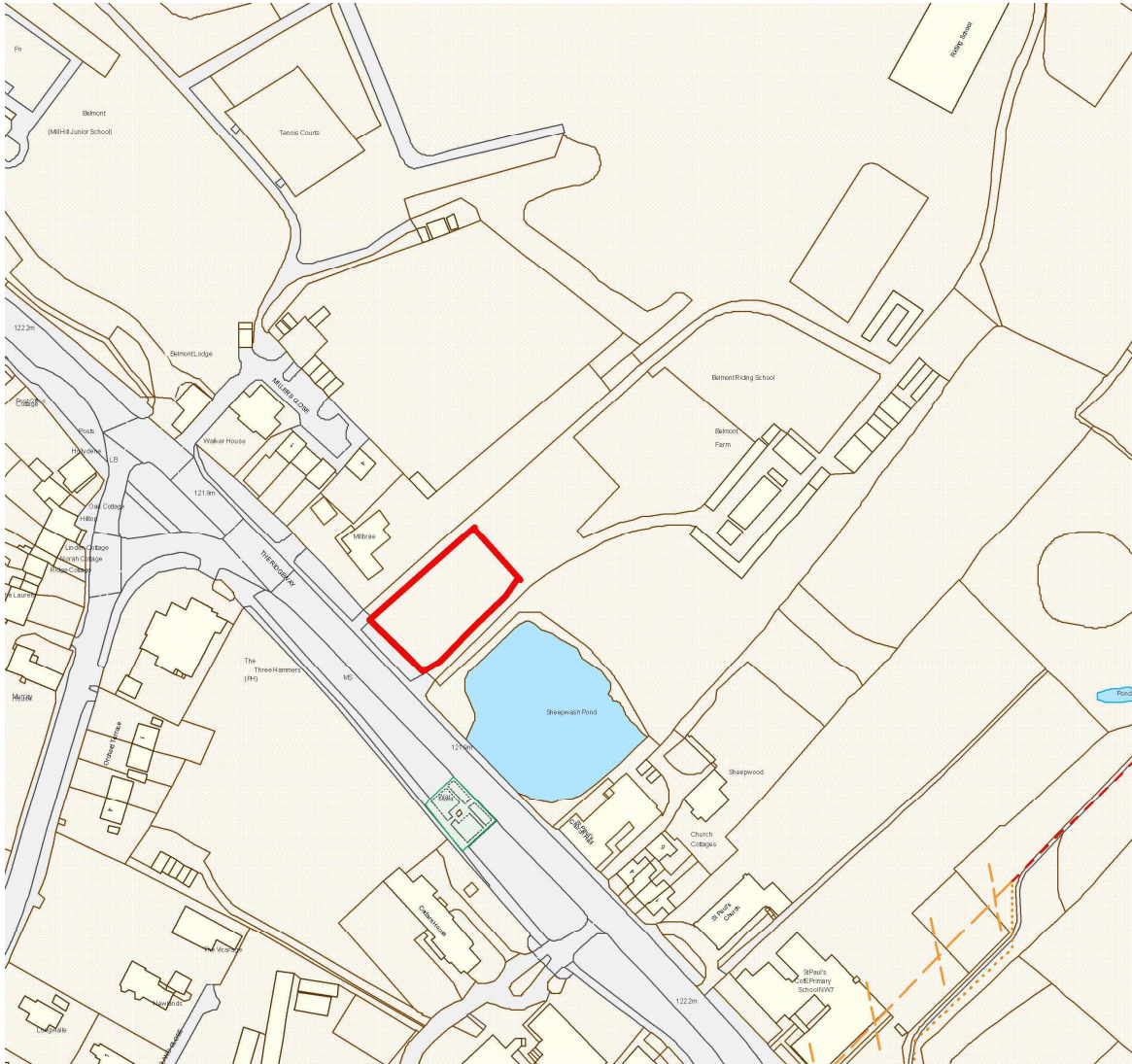
5. CONCLUSION

Having taken all material considerations into account the proposal would comply with Policies D16, GBEnv1, GBEnv2, D1, D2, D7, D16, HC1, HC5, O1 & O2 of the adopted Unitary Development Plan (2006). There would not be a significant detrimental impact on the openness of the Green Belt or character and appearance of the Conservation Area and Area of Special Character and complies with the requirement of sharing facilities, as set out in the NPPF.

This application is therefore recommended for **APPROVAL** subject to conditions.

SITE LOCATION PLAN: Belmont Farm, The Ridgeway, London, NW7 1QT

REFERENCE: H/04579/11



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2012. All rights reserved. Ordnance Survey Licence number LA100017674.

This page is intentionally left blank