

**MEETING**

**WEST AREA PLANNING SUB-COMMITTEE**

**DATE AND TIME**

**MONDAY 12 NOVEMBER, 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

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2.	Absence of Members	
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**LOCATION:** 785 Finchley Road, London, NW11 8DP

**REFERENCE:** F/00492/12

**Received:** 07 February 2012

**Accepted:** 14 February 2012

**Expiry:** 10 April 2012

**AGENDA ITEM 7**

**WARD(S):** Childs Hill

**Final Revisions:**

**APPLICANT:** Saljem

**PROPOSAL:** Erection of a 4 storey building to provide 6 self contained flats including basement level for car parking, following demolition of the existing building.

**RECOMMENDATION: Approve Subject to Conditions**

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Plan No's: J 13 11 E1 r1; J 13 11 E2 r1; J 13 11 T r1a; DP100L; DP 101G, DP102H, DP103M, Unilateral Undertaking completed 4th April 2012.

Reason:

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

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

Reason:

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

3 Before the development hereby permitted is occupied the parking spaces/garages shown on Plan DP 101G shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

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

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

Reason:

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

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

Reason:

To safeguard the visual amenities of the locality.

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

Reason:

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

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

Reason:

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

- 9 Before the building hereby permitted is occupied the proposed window(s) in the north elevation facing 787 Finchley Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

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

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

Reason:

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

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

- 14 Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval.

Reason:

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

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

Reason:

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

- 16 No siteworks or works on this development shall be commenced before a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 *Trees in relation to design, demolition and construction - Recommendations* are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.

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

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

Reason:

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

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

- 19 The level of noise emitted from any plant installed on site shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any

point 1 metre outside the window of any room of a neighbouring residential property.

Reason:

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

**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, the Adopted Barnet Unitary Development Plan (2006) and the Local Plan (2012).

In particular the following policies are relevant:

National Policy:

National Planning Policy Framework

London Plan (2011):

3.5A, 3.5B, 7.4A

Adopted Barnet Unitary Development Plan (2006):

GSD, GBEnv1, GBEnv2, GBEnv3, GBEnv4, GParking, Env12, Env13, D1, D2, D3, D4, D5, D11, D13, HC1, M4, M5, M11, M12, M13, M14, H1, H16, H17, H18, H20, H21, CS2, CS8, CS13, IMP1, IMP2.

Local Development Framework:

Core Strategy (Adopted) 2012 – CS NPPF, CS1, CS3, CS4, CS5, CS10, CS11.

Development Management Policies (Adopted) 2012 – DM01, DM02, DM04, DM13, DM14, DM17.

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

Having taken all material considerations into account, it is considered that the proposed development would be in keeping with the character and appearance of the surrounding area. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring developments and would provide good quality residential accommodation. The proposals would not impact detrimentally on the health of protected trees. The proposals are acceptable on highways grounds.

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

- 2 The 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 £6,895.

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](http://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](mailto: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](mailto:street.naming@barnet.gov.uk) or by telephoning: 0208 359 7294.

- 4 The gradient for the proposed ramp leading to the underground parking area should have a gradient no steeper than 1:10 or in accordance with the guidelines in IStructE Design recommendations for multi-storey and underground car parks 3rd Edition.

## **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.

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published on 27 March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

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

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

#### The Mayor's London Plan July 2011:

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

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

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

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

#### Relevant Unitary Development Plan Policies:

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

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

Relevant policies: GSD, GBEnv1, GBEnv2, GBEnv3, GBEnv4, GParking, Env12, Env13, D1, D2, D3, D4, D5, D11, D13, HC1, M4, M5, M11, M12, M13, M14, H1, H16, H17, H18, H20, H21, CS2, CS8, CS13, IMP1, IMP2.

In June 2005 the Council published its "Three Strands Approach", setting out a

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

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

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

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

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

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

#### Core Strategy (Adopted) 2012:

Barnet's 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 (Core Strategy and Development Management Policies documents) 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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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: CS NPPF, CS1, CS3, CS4, CS5, CS10, CS11.

#### Development Management (Adopted) 2012:

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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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: DM01, DM02, DM04, DM13, DM14, DM17.

#### Relevant Planning History:

Nil

#### Consultations and Views Expressed:

Neighbours Consulted:	121	Replies:	8
Neighbours Wishing To Speak	1		

The objections raised may be summarised as follows:

1. Out of scale and appearance with surrounding properties;
2. This should be retained as a single dwelling house;
3. Overdevelopment of the site;
4. No need for the development given the flat development opposite;
5. Proposal disproportionate compared to the site/existing footprint;
6. The surrounding area is characterised by domestic houses;
7. No similar houses have been demolished and converted into flats in this section of Finchley Road;
8. Where there are flats these have been created through the conversion of existing properties;
9. If flats are needed then the existing property should be modified and extended.

10. West Heath Place was constructed on a derelict commercial site, no residential properties were demolished;
11. Given the good public transport connections in the area the increase in parking to provide 2 spaces per flat is not necessary;
12. The proposed underground parking is out of character and is very close to Hodford Lodge which could cause nuisance to residents;
13. Concerns about structural impact on adjoining properties with the creation of a basement;
14. Development of West Heath Place caused cracks to Hodford Place due to the piling;
15. Loss of Privacy to Flats 1, 4 and 6 in Hodford Lodge;
16. Loss of light to Flats 1, 4 and 6 in Hodford Lodge.

It should be noted that 7 of the objections were received in relation to the larger original proposals. A second round of consultation was carried out following amendments to the scheme and the 8th response was received at that time.

#### Internal /Other Consultations:

Environment & Transport (Street Trees)

No objection following the submission of amended drawings.

Traffic and Development (F&GG)

The proposed development is acceptable on highway grounds subject to the comments noted in the conditions and informatives.

Date of Site Notice: 23 February 2012

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

785 Finchley Road is a large detached Edwardian/Victorian property which occupies a corner plot at the junction of Finchley Road and Hodford Road. The property fronts Finchley Road. The property has a return frontage and its main access is from Hodford Road. A single storey detached garage is located to the rear of the property which is accessed from Hodford Road via an existing crossover. A mature hedge forms the front boundary treatment. The street trees along the Hodford Road frontage are covered by a recent Tree Preservation Order.

To the rear of the site is Hodford Lodge a pair of semi detached houses which has been converted to flats. Opposite the site is West Heath Place a new part 4/part 5 storey development of flats. Levels drop from front to rear of the site and the existing building utilises the drop in levels to reduce its height.

The site has an area of 0.07 hectares.

The site is located within an established residential area in a tight knit suburban area. The properties on Hodford Road are predominantly two storey Edwardian terraced and semi detached dwellings. The properties on Finchley Road are large

detached houses.

The accessibility of the site is indicated with the Public Transport Accessibility Level (PTAL). This rating measures the amount of public transport service available. The site has been assessed to have a PTAL of 5, 6 being the highest level of accessibility.

#### Proposal:

The application is for the demolition of 785 Finchley Road and its replacement with a 4 storey building to provide six, 2 bed self contained flats. A basement car park with 9 parking spaces and space for cycle parking would be constructed under the majority of the site. The parking would be accessed from Hodford Road with the vehicular access located on adjacent to the boundary with Hodford Lodge

The proposed building would be set 0.4m off the boundary with 787 Finchley Road and 0.7m off the boundary with Hodford Road. The proposed rear elevation would be 18m off the rear boundary with Hodford Lodge and between 14-15m off the front boundary with the Finchley Road. The proposed front building line would line through with that on adjoining properties fronting the Finchley Road.

The proposed building would be approx 11.7m high. The height is due to the depth of the roof (5.8m) as it would accommodate two floors of accommodation.

300sqm of communal amenity space is proposed in the form a grassed area to the front and a terraced area to the rear.

#### Planning Considerations:

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

The main issues are considered to be:

- i. Principle of development;
- ii. Intensification of use;
- iii. Highway safety and parking provision;
- iv. Impact on the street scene;
- v. Impact on the residential amenity of adjoining properties;
- vi. Sustainable design and construction;
- vii. Future health of street trees;
- viii. Whether the proposal would result in the community incurring extra educational costs that should be met by the developer;
- ix. Whether the proposal would increase pressures on the services provided by libraries incurring additional costs that should be met by the developer;

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

Principle of development:

The NPPF advocates that the government is committed to maximising the re-use of previously developed land and empty properties to minimise the amount of green field land being taken for development, therefore the principle of residential development is acceptable.

However, whilst the Government is committed to maximizing the re-use of previously developed land and empty properties to promote regeneration the NPPF also advocates that new housing development of whatever scale should not be viewed in isolation.

Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development. Higher densities should not be achieved at the expense of good quality design or the amenity of the surrounding area.

This is further reinforced by policies contained within the adopted UDP and the emerging Local Plan.

Policy DM01 advocates that loss of houses in roads characterised by houses will not normally be appropriate. Whilst Hodford Road is characterised by family housing the Finchley Road onto which the property fronts is characterised by original properties converted to flats or purpose built blocks. It is therefore considered that the loss of the existing house and its replacement with a purpose built block is not out of character and therefore in accordance with this policy.

Intensification of Use:

The current property is a single family dwelling house. The proposal would result in the creation of 6, two bedroom flats. As a result the proposal would result in an intensification of activity at the site. However, it is considered that the majority of activity will be located at the front of the site adjacent to the Finchley Road. The access to the basement car park is located at the rear of the site. Whilst the proposal will introduce noise from vehicles entering and exiting the site into this area it is not considered given the number of vehicles proposed that this would result in noise and disturbance to adjoining properties to such a level as to warrant a refusal. The proposal is therefore considered to be in accordance with Policies Env12 and Env13 of the adopted UDP and Policies CS13 and DM04 of the emerging Local Plan.

The proposal would increase the density of the site to 257hr/ha. The London Plan advocates that in suburban areas that a density range of between 200-350hr/ha for a PTAL of 4-6 is acceptable. The proposal would be at the lower end of this scale and is therefore considered to be in accordance with London Plan Policy 3.3, Policy H21 of the adopted UDP and Policy CS3 of the emerging Local Plan. The proposal is not

considered to result in an overdevelopment of the site in accordance with Policy D4 of the adopted UDP and Policies CS5, DM01 and DM02 of the emerging Local Plan.

The proposal will provide 300sqm of amenity space in the form of communal gardens to the front and rear of the property. The provision is in accordance with current council policy requirements and the proposed layout helps to maintain the traditional front and rear garden format found in this area.

#### Highway safety and parking provision:

Nine parking spaces are proposed in a basement car park with a circular ramped access that would be accessed from Hodford Road. One of the proposed spaces would be designed for use by blue badge holders and is located in close proximity to the lift. The parking provision is in accordance with the Parking Standards set out in the adopted UDP and DM17 of the emerging Local Plan. Cycle parking is also provided within the basement.

The Council's Traffic and Transport section have raised no objections to the scheme subject to a number of conditions.

#### Impact on the streetscene:

The current property is a large domestic house constructed of white painted render; red brick and clay tiles. It is of a late Victorian/Early Edwardian design and includes traditional features such as chimneys; dormer features and cat slide roofs. The original windows have been replaced. The rear of the site is dominated by a large single storey flat roofed garage. The current property has been poorly maintained.

The proposal would result in the demolition of all of the existing buildings at the site and their replacement with a four storey structure that would extend across the full width of the site. The proposal would retain the existing front building line but extend the rear building line to give a return frontage to Hodford Road.

A crown roof of a depth of 11m is proposed in order to be able to accommodate two floors of accommodation and to reduce the bulk and mass of the proposed building. The height of the proposed building would be 0.4m lower than the current highest point of the existing building. The current proposal has re-interpreted traditional features and materials such as dormers; projecting bays; chimneys; clay tiles and brick in order to reflect and respect the existing streetscene.

The Hodford Road frontage has been redesigned in order to enable the retention of a number of protected street trees thereby helping to maintaining the existing suburban character of the area.

The proposal is therefore considered to be in accordance with Policies D1, D2, D3, D6 and H16 of the adopted UDP and Policies CS1, CS5, DM01, DM02 and DM15 of the Local Plan.

#### Impact on the residential amenity of adjoining properties:



The main impact of the proposal will be on the adjoining properties No. 787 Finchley Road which is located to the north of the suite and Hodford Lodge which is located to the rear (west) of the site.

The current property is located close to the boundary with 787 Finchley Road. The current proposal would retain this set off. A number of small windows are proposed in this elevation. However, they serve non-habitable rooms (bathrooms and the stair core). Accordingly, subject to a condition requiring these windows to be obscure glazed the proposal is not considered to result in overlooking/loss of privacy to this property.

Hodford Lodge has a side to back relationship with the site. There are a number of windows in the side elevation facing the application site, most notably a large obscure glazed window that serve the stairwell. A tree screen of mature trees helps to screen a number of the remaining windows from the application site.

The proposal would be approx 17-18 m from the windows in the side elevation of Hodford Lodge however as there are existing windows in the rear elevation of 785 Finchley Road and it is considered that on balance the proposal would not result in unacceptable overlooking of this property. Due to its orientation, the proposed distance between the buildings and the rooms effected it is not considered that the proposal would result in a loss of light sufficient to warrant a refusal.

The issues of potential noise and disturbance have been considered earlier in this report.

Accordingly, the proposal is considered to be in accordance with policies D5, H16 and H17 of the adopted UDP and Policies DM01, DM02 of the Local Plan.

#### Sustainable design and construction:

Sustainable development is a key priority of Central Government and the Council. Any new residential development in Barnet is expected to meet Code Level 3 of the Sustainable Homes and this will to be enforced by a Code for Sustainable Homes condition.

#### Future health of three street trees:

A Tree Preservation Order has been served on all nearby street trees following submission of the planning application. It was considered necessary in order to ensure their protection.

The Local Planning Authority doesn't consider that the movement of the location of the ramp, the basement or the building away from the street can only relieves pressure on this tree. The LPA has requested further detailed information on site levels; a method statement to cover the demolition and removal of existing structures on the site; proposed root protection areas for the three trees; and the location and specification of protecting fence-work by means of conditions. The additional information would ensure the continuing health of the three trees.

### The Community Infrastructure Levy Regulations 2010:

The NPPF and the Council's adopted SPD for section 106 related planning obligations is applicable for this site in respect of the following areas:

The education, library services, health facilities & monitoring fee of 5% contributions have been adjusted.

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

The NPPF sets out three policy tests that must be met by the LPA when seeking planning obligations. In addition, Regulation 122 of the Community Infrastructure Levy Regulations, which came into force on 6 April 2010, makes it unlawful for a planning obligation to be taken into account in determining a planning application if it does not meet the three tests set out in Regulation 122.

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

### Education needs generated by the development

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

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

To accord with UDP Policy CS8; DM13 of the Local Plan Development Management Policies (Adopted) 2012, Policies CS10 and CS11 of the Local Plan Core Strategy (Adopted) 2012, and the SPD the proposed scheme would require a contribution of £4,005 (calculated at the time of this application) and a monitoring fee of 5%.

### Contributions to library services

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

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

To accord with UDP Policy CS2; DM13 of the Local Plan Development Management Policies (Adopted) 2012, Policies CS10 and CS11 of the Local Plan Core Strategy (Adopted) 2012, and the SPD the proposed scheme would require a contribution of £590 (calculated at the time of this application) and a monitoring fee of 5%.

### Contributions to Health facilities

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

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

To accord with UDP Policy CS13; DM13 of the Local Plan Development Management Policies (Adopted) 2012, Policies CS10 and CS11 of the Local Plan Core Strategy (Adopted) 2012, and the SPD the proposed scheme would require a contribution of £5,088 (calculated at the time of this application) and a monitoring fee of 5%.

The education, library services, health facilities & monitoring fee of 5% contributions were required to be secured by Unilateral Undertaking. This Unilateral Undertaking has been offered by the applicant and agreed by the Local Planning Authority in relation to the above matters, which was completed on 4 April 2012.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

The majority of these have been considered. However, the following additional comments can be made that Structural damage to adjoining properties as a result of construction are a civil matter and not a material planning consideration.

### **4. EQUALITIES AND DIVERSITY ISSUES**

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

## **5. CONCLUSION**

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

**SITE LOCATION PLAN:** 785 Finchley Road, London, NW11 8DP

**REFERENCE:** F/00492/12



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**LOCATION:** Garage to the rear of 8 Chilton Road, Edgware, HA8.  
**REFERENCE:** H/02844/12 **Received:** 24 July 2012 **AGENDA ITEM 8**

**WARD(S):** Edgware **Accepted:** 07 August 2012  
**Expiry:** 02 October 2012  
**Final Revisions:**

**APPLICANT:** Mrs Grace Rashty  
**PROPOSAL:** Use of the garage for storage ancillary to number 12 Chilton Road.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plan: Location plan.  
Reason:  
For the avoidance of doubt and in the interests of proper planning.
- 2 The garage the subject of the application shall be used in a manner ancillary and incidental to the use of no. 12 Chilton Road and not for any other purpose, without the prior consent of the Local Planning Authority.  
Reason:  
To ensure that the variation of the condition would not lead to a detriment to the residential amenity of occupiers of neighbouring properties and to accord with Policies GBEnv1 and D5 of the Unitary Development Plan and Policy DM17 of the adopted Development Management Policies of the Local Development Framework.

**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) and D2 (Character).

Core Strategy (Adopted) 2012:  
Relevant policies: CS NPPF.

Development Management Policies (Adopted) 2012:  
Relevant Policies: 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 a condition to define the use as being ancillary and incidental to the use of no. 12 as a dwellinghouse, this proposal complies with the Adopted Barnet UDP and Local Plan policies and would make no change to the character and appearance of the surrounding area. It is considered to not have a detrimental impact on the residential amenities of neighbouring occupiers and no material adverse impact to highway safety.

**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 Government's 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 and D5.

#### Core Strategy (Adopted) 2012:

Barnet's 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 (Core Strategy and Development Management Policies documents) 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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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: CS NPPF.

### Development Management Policies (Adopted) 2012:

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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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 (Adopted) 2012: DM17.

### Relevant Planning History:

<b>Application:</b>	Planning	<b>Number:</b>	W06070
<b>Validated:</b>		<b>Type:</b>	HSE
<b>Status:</b>	REG	<b>Date:</b>	9/5/79
<b>Summary:</b>	DEL	<b>Case Officer:</b>	Sally Fraser
<b>Description:</b>	Five terraced houses, three garages and three parking spaces..		

### Consultations and Views Expressed:

Neighbours Consulted: 8                      Replies: 5  
Neighbours Wishing To Speak 0

- Road is small and congested, many heavy lorries coming through would cause major disruption
- Previous use for storage caused obstruction to vehicles, noise early morning and late at night
- This is a quiet residential area and not to be used for business purposes
- Fire hazard from large amount of flammable items stored
- Insufficient access for commercial vehicles may cause damage to parked cars
- May lead to parked vehicles denying access to other garages
- Additional traffic generated may prevent free access for social carers to an elderly, disabled resident

## 2. PLANNING APPRAISAL

### Site Description and Surroundings:

The application site is that of a lock up garage with a painted metal up-and-over type door. The garage is of normal dimensions to accommodate a single car. The garage is set among two others on a concrete surfaced piece of ground to the side of a terrace of houses on the south-western side of Chilton Road. On the south-western side of Chilton Road are five fairly modern terraced houses numbered consecutively from 8 to 12. On the north-eastern side of Chilton Road are seven houses of "thirties" appearance, numbered consecutively from 1 to 7.

Chilton Road is a cul-de-sac of Manor Park Crescent, near the junction of Manor Park Crescent with High Street, Edgware.

### Proposal:

This application seeks to change a condition on a planning permission. In 1979 planning permission (W.6070) was granted for five terraced houses, three garages and three parking spaces. A condition was imposed that the garages should be used only as garages and no vehicles other than private vehicles be housed in the garages. The applicant wishes that one of the garages be used for domestic storage associated with the use of number 12 Chilton Road, other than solely for the parking of private vehicles. The applicant has agreed to the description of the proposal being "Use of the garage for storage ancillary to number 12 Chilton Road."

### Planning Considerations:

The application follows action by planning enforcement (ENF/01651/09 refers). The site history is complicated in that it is understood that the owner of no.12 also owns no. 7 and the owner may have used the garage in association with either property in the past. However, a picture which emerges from looking at the history of this matter is that nos. 12 and 7 have been leased out, sometimes in the past to tenants who have at times used the garage in association with their livelihood or trade. The history of the garage having been used by a variety of tenants may have made a number of residents in this cul-de-sac sensitive to any proposal which could be conducted in an inconsiderate way.

The reason for the condition in question as stated on the decision notice is "To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties."

No physical alterations are involved in the proposal. The main issue is whether storage ancillary to the use of a residential property as such would cause an undue impact on occupiers of neighbouring properties or on the use of a public highway.

General Policy GBEEnv1 of the Unitary Development Plan (2006) aims to maintain and improve the character and quality of the environment. Policy D2 of the Unitary Development Plan (2006) aims to ensure compatibility with the established character of existing and adjoining properties and the general location in terms of impact on

neighbouring properties.

Policy CS NPPF of the Core Strategy (2012) states that where there are no policies relevant to the application the council will grant permission unless material considerations indicate otherwise.

Policy DM17 of the Development Management Policies (2012) states that the council will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users.

It is considered important to make clear that the variation to the condition being sought would not allow business use of the garage. Enforcement action could be taken if consent were given to the proposal but a business use occurred instead. The variation would allow domestic storage in a manner that many garages are used. The use of the garage for storage ancillary to no. 12 would cause no undue impact on occupiers of neighbouring houses or on the public highway. It would therefore be unreasonable not to grant consent for the application.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Addressed above.

### **4. EQUALITIES AND DIVERSITY ISSUES**

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

### **5. CONCLUSION**

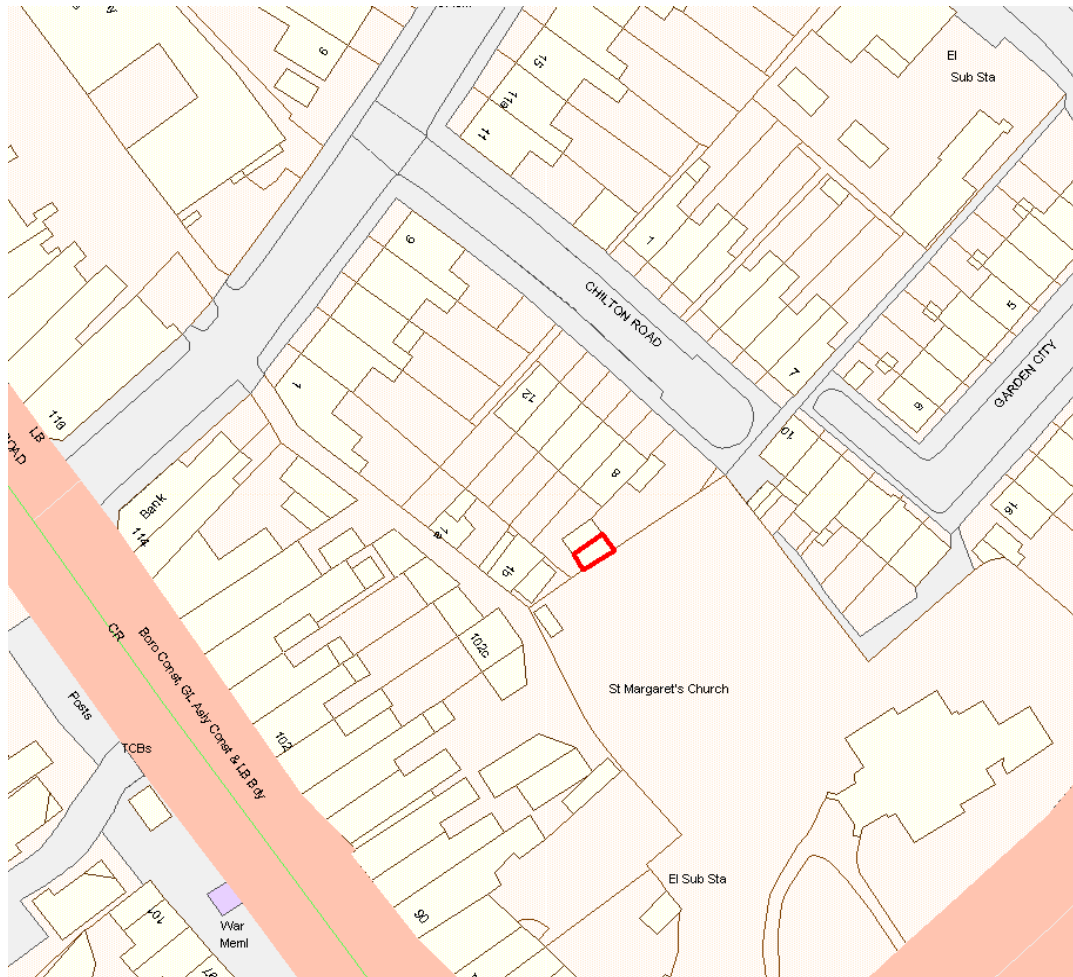
Having taken all material considerations into account, it is considered that subject to compliance with a condition to define the use as being ancillary and incidental to the use of no. 12 as a dwelling house, this proposal complies with the Adopted Barnet UDP and Local Plan policies and would make no change to the character and appearance of the surrounding area. It is considered to not have a detrimental impact on the residential amenities of neighbouring occupiers and no material adverse impact to highway safety. This application is therefore recommended for **APPROVAL**.

**SITE LOCATION PLAN:  
HA8.**

**Garage to the rear of 8 Chilton Road, Edgware,**

**REFERENCE:**

**H/02844/12**



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**LOCATION:** 48 High Street, Edgware, Middx, HA8 7EQ

**REFERENCE:** H/03514/12

**Received:** 17 September 2012

**Accepted:** 14 September 2012

**WARD(S):** Edgware

**Expiry:** 09 November 2012

**Final Revisions:**

**APPLICANT:** Edgware Muslim Community Centre

**PROPOSAL:** Change of use of existing office building (B1) to Muslim Community Centre (D1) including internal alterations.

**RECOMMENDATION: Approve Subject to Conditions**

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Sheet 1 of 5, Sheet 2 of 5, Sheet 3 of 5, Sheet 4 of 5, Sheet 5 of 5.

Reason:

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

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

Reason:

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

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

Reason:

To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

4 The use hereby permitted shall not be open before 11am or after 11pm on weekdays and Sundays and Bank Holidays, or before 11am or after 12am on Saturdays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

5 The proposed use shall not be occupied by more than 80 people at any time.

Reason: To safeguard highway safety.

6 Before the development hereby permitted is occupied the parking spaces/garages shown on Plan Sheet 4 of 5 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

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

**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, CS1, EMP2, EMP7.

Core Strategy (Adopted) 2012: CS5, CS10

Development Management Policies (Adopted) 2012: DM01, DM11, DM13

ii) The proposal is acceptable for the following reason(s): - the proposals would provide a new Muslim Community Centre and would not materially harm highway and pedestrian safety, and neighbouring amenity. In this case, the loss of the employment use on site is considered acceptable.

## **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: 3.9, 3.16

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, CS1, EMP2, EMP7.

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 (Adopted) 2012:

Barnet’s 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 (Core Strategy and Development Management Policies documents) 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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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: CS NPPF, CS1, CS5, CS10

#### Development Management Policies (Adopted) 2012:

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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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 (Adopted) 2012: DM01, DM02, DM13, DM14.

Relevant Planning History:

**Site Address:** 48 High Street EDGWARE  
**Application Number:** W00137Q  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 16/01/1998  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Addition of 2 roller-shutter doors to side of building at the rear of the site.**

**Case Officer:**

**Site Address:** 48 High Street Edgware  
**Application Number:** W00137A  
**Application Type:** Advertisement  
**Decision:** Refuse  
**Decision Date:** 15/02/1967  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Advert**  
**Case Officer:**

**Site Address:** 48 High Street Edgware  
**Application Number:** W00137B  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 01/03/1972  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **change of use of showroom to offices**  
**Case Officer:**

**Site Address:** 48 High Street Edgware  
**Application Number:** W00137C  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 14/06/1972  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **change of use of showroom to office**  
**Case Officer:**

**Site Address:** 48/48a High Street Edgware  
**Application Number:** W00137D  
**Application Type:** Section 191  
**Decision:** Lawful Development  
**Decision Date:** 16/11/1976  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **use for cash and carry of textiles, toys and soft goods, approximately 50% retail trade.**

**Case Officer:**

**Site Address:** 48 High Street Edgware  
**Application Number:** W00137  
**Application Type:** Full Application  
**Decision:** Approve  
**Decision Date:** 20/12/1965  
**Appeal Decision:** No Appeal Decision Applies



**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** erection of furniture showroom.  
**Case Officer:**

**Site Address:** 48 High Street EDGWARE  
**Application Number:** W00137P  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 28/06/1994  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Variation of condition 1 of Planning Consent W00137N approved July 1989 for a part five/part six storey building on frontage and part three/part four storey building with basement car park for B1 use namely to**  
**Case Officer:**

**Site Address:** 48 High Street EDGWARE  
**Application Number:** W00137M  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 12/07/1989  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of part five/part six-storey building on frontage and part three/part four-storey building with basement car park at rear for B1 business use.**  
**Case Officer:**

**Site Address:** 48 High Street EDGWARE  
**Application Number:** W00137L  
**Application Type:** Full Application  
**Decision:** Withdrawn  
**Decision Date:** 08/11/1988  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of seven-storey building on frontage and three-storey building with basement at rear for B1 business use and associated carparking DUPLICATE APPLICATION**  
**Case Officer:**

**Site Address:** 48 High Street EDGWARE  
**Application Number:** W00137K  
**Application Type:** Full Application  
**Decision:** Withdrawn  
**Decision Date:** 08/11/1988  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of seven-storey building on frontage and three-storey building with basement at rear for B1 business use and associated carparking**  
**Case Officer:**

**Site Address:** 48 High Street Edgware  
**Application Number:** W00137J  
**Application Type:** Full Application  
**Decision:** Approve  
**Decision Date:** 11/07/1985  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists

**Proposal:** New Brick filled facade and roof on front elevation and installation of windows on side and rear elevations

**Case Officer:**

**Site Address:** 48 High Street Edgware  
**Application Number:** W00137H  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 02/08/1985  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** Erection of car port.  
**Case Officer:**

**Site Address:** 48 High Street Edgware  
**Application Number:** W00137G  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 18/04/1985  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** Howbrick filled facade and roof on front elevation and installation of windows on side and rear elevations.

**Case Officer:**

**Site Address:** Rear of 48 High Street Edgware Middlesex HA8 7EQ  
**Application Number:** W00137R/03  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 12/09/2003  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** Erection of three-storey office block to provide approx 612 square metre of floorspace and provision of 6no. off-street car parking spaces accessed from High Street.

**Case Officer:**

**Site Address:** 48 High Street EDGWARE  
**Application Number:** W00137N  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 12/07/1989  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** Erection of part five/part six-storey building on frontage and part three/part four-storey building with basement car park at rear for B1 business use. (DUPLICATE APPLICATION).

**Case Officer:**

**Site Address:** 48 High Street, Edgware, Middx, HA8 7EQ  
**Application Number:** H/03514/12  
**Application Type:** Full Application  
**Decision:** Not yet decided  
**Decision Date:** Not yet decided  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** Change of use of existing office building (B1) to Muslim Community Centre (D1) including internal alterations.

**Case Officer:** Graham Robinson

**Site Address:** Rear of 48 High Street, Edgware, Middx, HA8 7EQ  
**Application Number:** 01222/09  
**Application Type:** Conditions Application  
**Decision:** Approve  
**Decision Date:** 26/08/2009  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Submission of details Condition 5 (refuse store) 6 (windows glazing) 7 (contamination) 8 (drainage) pursuant to planning application W00137R/03.**  
**Case Officer:** Graham Robinson

Consultations and Views Expressed:

Neighbours Consulted: 141    Replies: 42  
Neighbours Wishing To Speak 0

33 Letters of support have been received

9 Letters of objection have been received.

The objections raised may be summarised as follows:

- Site is in a commercial area and next to a school
- There is insufficient parking. The area is already congested with the school and VIP lounge opposite and access is narrow
- Would result in more coming and goings

The letters of support may be summarised as follows

- Would provide a centre for prayers. There is currently nowhere where Muslims can pray.

Internal /Other Consultations:

- Property Services - No comments received at the time of writing report. Any comments will be reported in the addendum.
- Traffic & Development - No objection subject to conditions.

Date of Site Notice: 27 September 2012

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The site property is a two storey with rooms in the roofspace office building fronting High Street, close to Edgware town centre. The site is adjacent to Elizabeth House

to the north, a 9 storey office building, and an access road to the south which serves office development to the rear. The area is mixed in character with Edgware Infant and Nursery School further to the south.

### Proposal:

The proposals are for the change of use of the existing office building to a Muslim community centre including internal alterations.

### Planning Considerations:

The main issues are considered to be:

- *Whether the proposed use is appropriate for the site in terms of its impact on the character of the area*
- *Whether the proposed loss of the office use is acceptable in terms of the impact on the Boroughs supply of employment land*
- *Whether the proposals would have an acceptable impact on highway and pedestrian safety*

### *Planning Context*

#### **Policy DM01: Protecting Barnet's character and amenity**

- a. All development should represent high quality design which demonstrates high levels of environmental awareness and contributes to climate change mitigation and adaptation.
- b. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.
- c. Development proposals should ensure attractive, safe and, where appropriate, vibrant streets which provide visual interest, particularly at street level and avoid blank walls.
- d. Development proposals should create safe and secure environments and reduce opportunities for crime and minimise the fear of crime.
- e. Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.
- f. Development proposals for lighting schemes should not have a demonstrably harmful impact on residential amenity or biodiversity.
- g. Development proposals should retain private garden amenity space having regard to its character.
- h. Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate
- i. Loss of houses in roads predominantly characterised by houses will not normally be considered appropriate
- j. Development proposals will be required to include hard and soft landscaping that:
  - i. Is well laid out in terms of access, car parking and landscaping
  - ii. Considers the impact of hardstandings on character
  - iii. Achieve a suitable visual setting for the building

- iv. Provide an appropriate level of new habitat including tree and shrub planting
- v. Make a positive contribution to the surrounding area
- vi. Contributes to biodiversity including the retention of existing wildlife habitat and trees
- vii. Adequately protects existing trees and their root systems
- k. Trees should be safeguarded. When protected trees are to be felled the Council will require replanting with suitable size and species of tree where appropriate.

**Policy DM13: Community and education uses**

**a: Loss of community / educational use**

Loss of community / educational use will only be acceptable in exceptional circumstances where:

- i. New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or
- ii. There is no demand for continued community or education use, and that the site has been marketed effectively for such use.

**b: New community or educational use**

Where it can be demonstrated that no town centre or local centre site is available, new community or educational uses should be located where they are accessible by public transport, walking and cycling.

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

**Policy DM14: New and existing employment space**

**a: Existing employment space**

- i. Proposals which result in a redevelopment or change of use of a Locally Significant Industrial Site or Industrial Business Location as shown on the Proposals Map to a non B Class use will not be permitted.
- ii. Outside these locations loss of a B Class use will only be permitted where it can be demonstrated to the Council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of active marketing has been undertaken. Where this can be demonstrated the priority for re-use will be a mixture of small business units with residential use.
- iii. Office space (Class B1) should be retained in town centres and edge of centre locations. Loss of office space (Class B1) will only be permitted in town centres and edge of centre locations where it can be demonstrated to the Council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of active marketing has been undertaken. Where this can be demonstrated the proposal will be expected to provide appropriate mixed use re-development which provides some re-provision of employment use, residential and community use.
- iv. Proposals to redevelop or reuse an existing employment space which reduces the levels of employment use and impacts negatively on the local economy will be resisted.
- v. Where appropriate, loss of employment space will be expected to provide mitigation in the form of contributions to employment training.

## **Policy DM17: Travel impact and parking standards**

### **a: Road Safety**

The Council will ensure that the safety of all road users is taken into account when considering development proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users.

### **b: Road Hierarchy**

The Council will seek to ensure that roads within the borough are used appropriately according to their status in the defined road hierarchy. In taking into account the function of adjacent roads the council may refuse development proposals which would result in inappropriate road use, or adversely affect the operation of roads in an area

### **c: Development, Location and Accessibility**

The Council will expect major development proposals with the potential for significant trip generation to be in locations which are, or will be made, highly accessible by a range of transport modes.

### **d: Transport Assessment**

In considering planning applications for new development, the Council will require developers to submit a full Transport Assessment (as defined by Department for Transport criteria) where the proposed development is anticipated to have significant transport implications in order to ensure that these impacts are considered. This assessment should include an analysis of accessibility by all modes of transport.

### **e: Travel Planning**

For significant trip generating developments, (defined by Department for Transport criteria), the Council will require the occupier to develop, implement and maintain a satisfactory Travel Plan (or plans) to minimise increases in road traffic and meet mode split targets. In order to ensure that they are delivering this the travel plan will need to contain measurable outputs so that they can be monitored.

### **f: Local Infrastructure Needs**

i. Developments should be located and designed to make the use of public transport more attractive for all users by providing improved access to existing facilities, and if necessary the development of new routes and services, including improved and fully accessible interchange facilities.

ii. The Council will expect development to provide safe and suitable access arrangements for all road users to new developments. Where improvements or changes to the road network are necessary by virtue of an approved development, the Council will secure a Legal Agreement from the developer.

iii. The Council will require appropriate measures to control vehicle movements, servicing and delivery arrangements. Where appropriate the Council will require Construction Management and/or Delivery and Servicing Plans.

iv. Where appropriate, development will be required to improve cycle and pedestrian facilities in the local catchment area by providing facilities on site and/or funding improvements off site

### **g: Parking management**

1. The Council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the standards will be:

- i. 2 or more spaces per unit for detached and semi detached houses (4 or more bedrooms)
- ii. 1 or more spaces per unit for terraced houses and flats (1 to 3 bedrooms)

2. Residential development may be acceptable which proposes limited or no parking where either of the following can be demonstrated:

- i. surveys indicate that there is sufficient on-street parking capacity and
- ii. In cases where the proposal is within a Controlled Parking Zone (CPZ) or town centre and surveys indicate there is not sufficient on street parking capacity, the roads outside a CPZ which are in close proximity to the proposal will need to have sufficient on-street parking capacity to accommodate parking from the development and the applicant is willing to enter into a legal agreement which restricts future occupiers from obtaining on street parking permits.

UDP Policy CS1 states that development proposals for community and religious facilities will be permitted where they:

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

Policy EMP2 states that For other sites apart from those listed in Table 10.2 that are used, or have last been used, for class B1, B2, B8 or similar industrial uses, the council will not grant planning permission to redevelop or change them to non-industrial or non-business uses. Exceptions will only be made where there is no realistic prospect of re-use in the short, medium and long-term, or of redevelopment for industrial purposes. In these cases, the priority for re-use will be a mixture of small business units with residential uses.

Policy EMP7 states that The development of offices for non-employment uses will be granted planning permission only where there is no realistic prospect of their re-use or redevelopment for office purposes. Where this is the case, the priority for re-use would be as a mixed use development.

#### Whether the proposed loss of the office use is acceptable in terms of the impact on the Boroughs supply of employment land

Some information has been submitted with the application in support of the loss of the existing offices. However this is somewhat limited.

A letter from Dewe Ferrari have been received stating that there is vacant office space at Elizabeth House and Premier House within the locality. However, the site differs from these in that it is a two storey building. This information at the time of writing the report has not been verified by valuation officers. The letter advises that the premises has been marketed since September 2011, though there is limited evidence of this.

In any case, the loss of the office needs to be weighed up against the benefit provided by the community centre. The NPPF states that Local Planning Authorities

*'should normally approve planning applications for change of use to residential use and any associated development from commercial buildings where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate....'*

Whilst ideally there would be a more comprehensive report demonstrating that there is no interest in the property for future employment use, the proposals would provide community benefit. These issues need to be weighed up, and it is considered that the loss of the employment use is outweighed in this instance by the benefits provided.

#### Whether the proposed use is appropriate for the site in terms of its impact on the character of the area

The surrounding area is mixed in character. The proposals would occupy a two storey building as a community centre. There are not residential properties in the immediate vicinity, so it is not considered that there would be any harmful impact on neighbouring amenity.

The hours of use of the premises could be controlled by condition. The applicant has suggested between 11am-11pm Monday-Friday and Sundays and Bank Holidays, and 11am-12am on Saturdays. There would be no objection to the facility being open earlier in planning terms, therefore it is suggested that any condition attached reflects this.

It is considered that the principle of the use is acceptable.

#### Whether the proposals would have an acceptable impact on highway and pedestrian safety

Highway officers have assessed the proposals and have advised that the proposals are acceptable in terms of their impact on highway safety. Eleven car parking spaces would be retained on site.

The applicant has advised that the premises would be occupied by up to 80 people. Conditions restricting this and hours of use are attached in order to ensure that the proposals do not harm highway safety and neighbouring amenity.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Site is in a commercial area and next to a school - *Noted however this is itself is not reason to refuse the application.*

There is insufficient parking. The area is already congested with the school and VIP lounge opposite and access is narrow - *Noted however the proposal is considered acceptable in terms of its impact on surrounding highway safety and the free flow of traffic.*

Would result in more coming and goings - *Noted however the area is not residential in character. It is not considered that the proposed use would*



#### **4. EQUALITIES AND DIVERSITY ISSUES**

The proposals would provide a Muslim Community Centre for which there is known demand. The proposals would result in the loss of office space which is considered justifiable in this instance.

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.

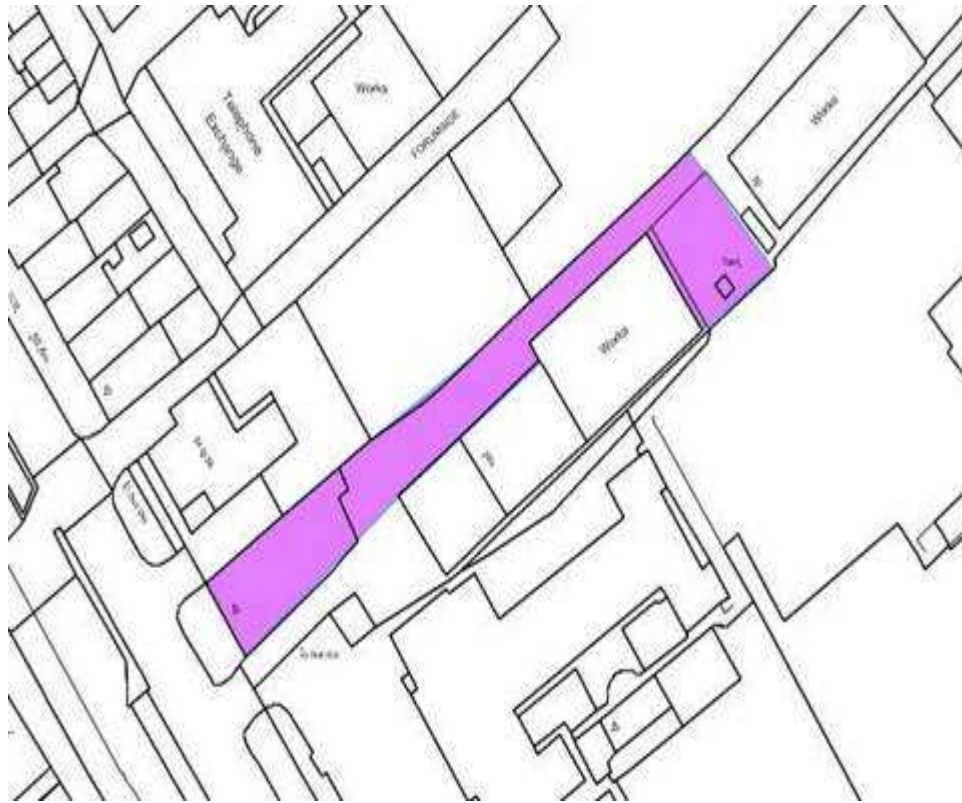
#### **5. CONCLUSION**

Taking the above matters into account, it is considered that the loss of the employment use is acceptable given the proposed use as a community centre and information submitted. The proposals would have acceptable impacts on highway safety and neighbouring amenity.

The proposal scheme is recommended for **APPROVAL**.

**SITE LOCATION PLAN: 48 High Street, Edgware, Middx, HA8 7EQ**

**REFERENCE: H/03514/12**



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**LOCATION:** The Avenue Tennis Club, The Avenue, London, N3  
**REFERENCE:** F/00532/12

**Received:** 06 February 2012  
**Accepted:** 14 February 2012  
**Expiry:** 10 April 2012

**WARD(S):** Finchley Church End

**Final Revisions:**

**APPLICANT:** The Avenue Tennis Club  
**PROPOSAL:** Installation of 12 floodlights to existing tennis courts and a new children's court and fence enclosure following the reduction of levels to the rear of the site.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; High Output Environmental Sports Luminaire [Using 'RLS-TE-100-EC' Single Lamp High Output Sports Luminaire] document; 'Lo-Line EC' Lighting Column' document; Plan no's: Lighting Design (Pack of 4 Drawings) - ALX06131201 dated 13 June 2012; TC1-EX1; TC1-EX3 (Date stamped 28 February 2012); TC1-PP3 (Date stamped 28 February 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 floodlights operation hereby permitted shall not be in use before 9:00 or after 21:30 on Monday to Fridays and before 9:00 or after 20:00 on Saturday to Sundays, unless otherwise agreed in writing by the Local Planning Authority.  
Reason:  
To safeguard the amenities of occupiers of adjoining residential properties.
- 4 The floodlights hereby permitted shall cease, and be removed within three months of the date of failure to meet requirement (i) as outlined below:-  
(i) within three months of implementation, a photometric test certificate showing that illuminated levels outlined within the approved documents have been achieved shall be submitted to and approved in writing by the Local Planning Authority and the floodlights and equipment hereby approved shall be retained on site in accordance with the approved details.  
Reason:  
To ensure the protection of the amenities of the occupiers of surrounding dwellings.

**INFORMATIVE(S):**

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -  
i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011, the Adopted Barnet Unitary Development Plan (2006) and the Local Plan (2012).  
In particular the following polices are relevant:

National Policy:  
National Planning Policy Framework  
  
Adopted Barnet Unitary Development Plan (2006):

GBEnv1, GBEnv2, D1, D2, D5, ENV6, ENV12, L19, L20.

Local Development Framework:

Core Strategy (Adopted) 2012 – CS NPPF, CS1, CS5.

Development Management Policies (Adopted) 2012 – DM01, DM02, DM04, 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 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.

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published on 27 March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

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

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

### 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, ENV6, ENV12, L19, L20.

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

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

### Core Strategy (Adopted) 2012:

Barnet's 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 (Core Strategy and Development Management Policies documents) 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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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: CS NPPF, CS1, CS5.

## Development Management (Adopted) 2012:

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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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: DM01, DM02, DM04, DM17.

### Relevant Planning History:

**Site Address:** The Avenue Lawn Tennis Club The Avenue London N3  
**Application Number:** C01669B  
**Application Type:** Outline Application  
**Decision:** Approve with conditions  
**Decision Date:** 24/10/1968  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of a pavilion**  
**Case Officer:**

**Site Address:** The Avenue Lewn Tennis Club The Avenue London N3  
**Application Number:** C01669A  
**Application Type:** Outline Application  
**Decision:** Approve with conditions  
**Decision Date:** 21/12/1967  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of Sports Club Pavilion**  
**Case Officer:**

**Site Address:** The Avenue Finchley London N3  
**Application Number:** C01669  
**Application Type:** Outline Application  
**Decision:** Refuse  
**Decision Date:** 25/10/1967  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of a new pavilion**  
**Case Officer:**

**Site Address:** Tennis Club, The Avenue, London, N3  
**Application Number:** F/04618/09  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 16/02/2010  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of new single storey building to replace existing tennis clubhouse. Installation of 12 floodlights to existing tennis courts.**

**Case Officer:** Robert Marchant

**Site Address:** Avenue Tennis Club, The Avenue, London  
**Application Number:** F/04857/11  
**Application Type:** Conditions Application  
**Decision:** Approve  
**Decision Date:** 26/01/2012  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Submission of details for condition 3 (Materials) pursuant to planning permission F/04618/09 dated 16/2/10.**  
**Case Officer:** Neetal Rajput

**Site Address:** The Avenue Tennis Club, The Avenue, London N3  
**Application Number:** F/01866/12  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 10/07/2012  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Construction of a new junior tennis court and fence enclosure following the reduction of levels to the rear of the site.**  
**Case Officer:** Junior C. Moka

#### Consultations and Views Expressed:

Neighbours Consulted: 45                      Replies: 17  
Neighbours Wishing To Speak 2

\* Please note that a petition of 47 signatures was submitted against this proposal

The objections raised may be summarised as follows:

1. Already affected by the size of the new club house;
2. All the trees have been cut and the landscaping has been changed resulting in the loss of natural light and noise barriers;
3. The flood lights will be very invasive leading to a loss of privacy;
4. Surrounding properties and their gardens are within a close proximity to this development;
5. Parking concerns on Sylvan Avenue, The Avenue and Lichifield Grove as a result of the increase use of the site if this proposal is approved. Parking is already difficult on both these surrounding roads as a result of visitor's cars;
6. Light pollution and spillage as a result of this proposal resulting in a negative impact for immediate neighbours;
7. Noise pollution and nuisance as a result of the increased use of the site if this proposal is approved - it approved the LPA may be subject to litigation claims by residents of light and noise nuisance from premises under the Environmental Act 2005 should this scheme proceed and allow late night games;
8. A possible solution could be to consider reducing the height of the floodlights;
9. A condition restricting the hours of artificial light to 7pm, 8.30pm or 9pm would seem sensible and more considerate (*each time respective time was suggested by 3 different objectors*);
10. Concerns about the scale and appearance of the floodlights which are completely out of synchronisation with the location of the club.

#### Internal /Other Consultations:

### Street Lighting

Unfortunately light levels escaping boundary limits are still over the lux levels which the council stipulated.

The baffles proposed are very effective. However due to the close proximity of installation to residents properties this will always be an issue.

Light levels do drop to acceptable levels by properties; however properties to left & right will have some light intrusion at rear of gardens. According to the applicants submitted design.

### Highways

No objection

Date of Site Notice: 23 February 2012

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site is a small tennis club located on The Avenue in Finchley Church End, the club is accessed via a pedestrian walkway located just off Sylvan Avenue.

### Proposal:

The proposal relates to the installation of 12 floodlights to existing tennis courts and a new children's court and fence enclosure following the reduction of levels to the rear of the site.

The floodlights are 6.7 metres tall with the use of 'RLS-TE-100-EC' single lamp high output sports luminaire.

This application follows the recent approval planning permission (F/01866/12 dated 10/07/2012) for the '*construction of a new junior tennis court and fence enclosure following the reduction of levels to the rear of the site*'.

Previous to this application, there was a approval for planning permission (F/04618/09 dated 16/02/2010), for the '*erection of new single storey building to replace existing tennis clubhouse. Installation of 12 floodlights to existing tennis courts*' in which during the consultation process to this application 2 objection letters were received.

### Planning Considerations:

The main considerations in this case are the impact of the proposal on:

- Living conditions on existing/future residential occupiers surrounding the site;
- Character of the use of the site and surrounding area.



### Living conditions of existing/future 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.

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

The site currently has three tennis courts on it and is not considered that the addition of a further court will generate a significant increase in noise and disturbance than currently exists. It is also not considered that an unacceptable level of noise or disturbance as a result of comings and goings would result.

The Statutory Development Plan is the London Borough of Barnet Unitary Development Plan adopted on 18th May 2006. The Council refers to Policies GBEnv1, GBEnv2, D2, ENV6, L19 and L20 of the adopted Unitary Development Plan 2006.

In considering these policies the LPA following advice from the Council's Street Lighting team need to make a judgement with regard to this issue. As noted above, light levels do drop to acceptable levels by properties; however properties to left & right will have some light intrusion at rear of gardens which has been caused by minimal screening either natural or man made.

On balance considering all matters and the approved planning permission (F/04618/09 dated 16/02/2010) which also included the installation of 12 floodlights, this application is considered to comply with National, London Plan, and Council Policies (Local Plan & UDP) and Guidelines regarding matters relating to living conditions of existing/future neighbouring residents.

It is considered that a condition restricting hours to 9:00 - 21:30 Monday to Friday and 9:00 - 20:00 Saturday to Sunday all year round will not cause additional disturbance for surrounding properties. In addition, consideration has been given to the use during the winter months, with the floodlights being on for significantly longer periods of time, but due to the distance of the floodlights from the surrounding properties this would not cause acceptable disturbance or the loss of amenity to these neighbouring properties through light spill and light intrusion.

### Character and appearance

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings.

It is considered that the new junior tennis court and fence enclosure following the reduction of levels to the rear of the site will not have a significant impact on the character of the area and residential amenity of neighbouring properties that back onto the site. The size, location and design would not cause unduly over shadowing to gardens of these neighbouring properties.

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

The application is also considered to comply with National, London Plan, and Council Policies (Local Plan & UDP) and Guidelines regarding matters relating to Character and appearance following the previous approval for the construction of a new junior tennis court and fence enclosure following the reduction of levels to the rear of the site.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Considered to have been covered in the above appraisal. It is considered that the planning related concerns raised on this application were not sufficient to constitute a reason for refusal. The attached condition restricting hours is considered to address objectors concerns.

### **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'.

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

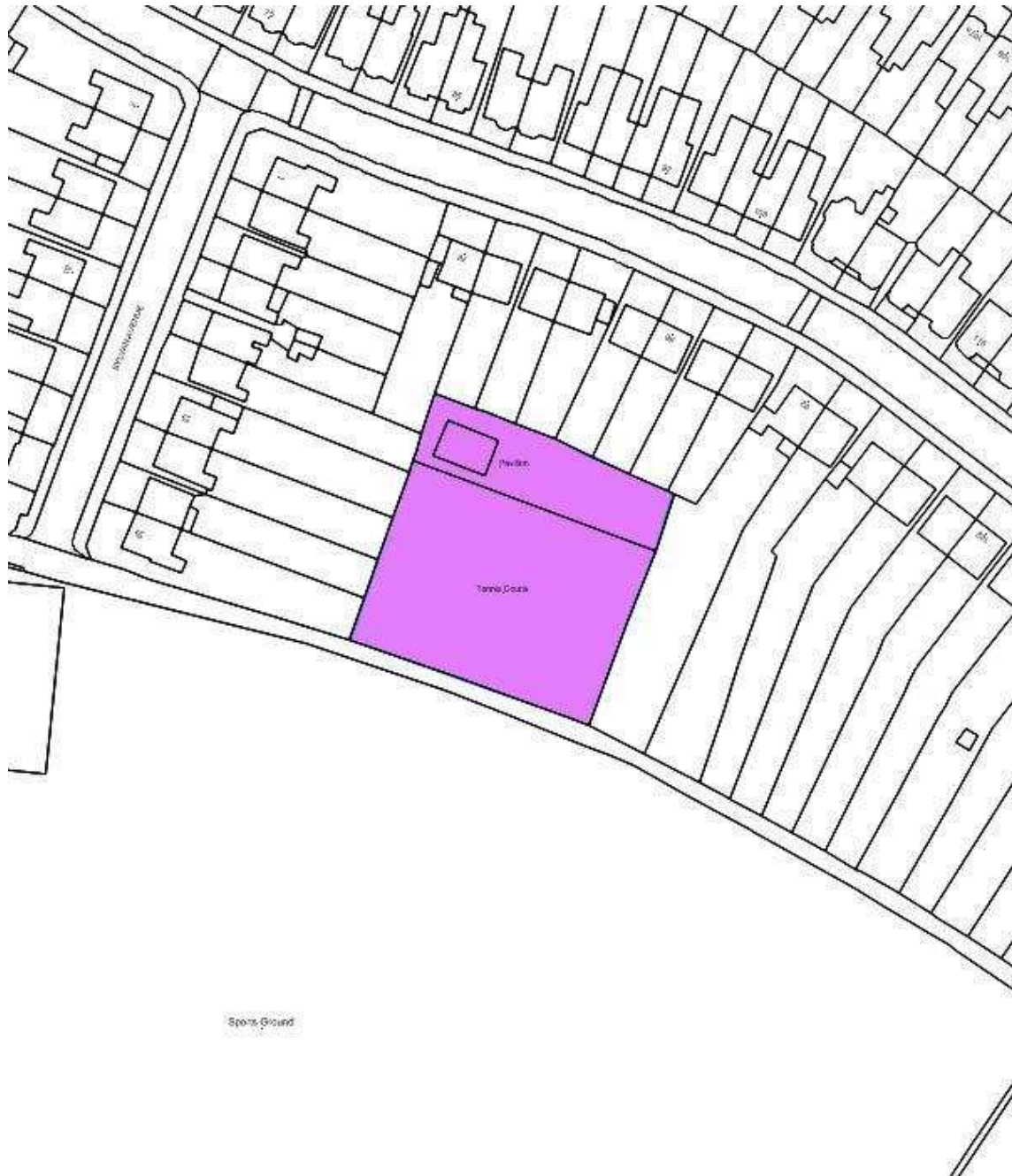
Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities 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:**  
**N3**

**The Avenue Tennis Club, The Avenue, London,**

**REFERENCE:**

**F/00532/12**



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**LOCATION:** 14 Dollis Avenue, London, N3 1TX  
**REFERENCE:** F/02194/12

**AGENDA ITEM 11**  
**Received:** 07 June 2012  
**Accepted:** 08 June 2012  
**Expiry:** 03 August 2012

**WARD:** Finchley Church End

**Final Revisions:**

**APPLICANT:** Fusion Residential  
**PROPOSAL:** Demolition of existing dwelling and erection of a detached 2-Storey building with rooms in the roofspace and basement including basement parking and access ramp to provide 6 no. 2 bed flats. Single storey detached poolhouse in rear garden.

**Approve , Subject to a Unilateral Undertaking**

**RECOMMENDATION I:**

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (excl. libraries) £4,005.00**  
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £590.00**  
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £5,088.00**  
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £484.15**  
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/02194/12 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 12 0216-100, 12 0216-2, 12 0216-3 12 0216-4 C, 12 0216-5 A, 12 0216-6, an Arboricultural Implication Assessment and Arboricultural Method Statement by Patrick Stileman Ltd, a Tree Survey Report, a Design and Access Statement, Demolition and Sit Waste Management Statement and a Sustainability Checklist.  
Reason:  
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of this permission.  
Reason:  
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

- 3 Before the development hereby permitted is occupied the parking spaces/garages shown on the hereby approved plans shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.  
Reason:  
To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area.
- 4 Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.  
Reason:  
To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.
- 5 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.  
Reason:  
To safeguard the visual amenities of the locality.
- 6 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.  
Reason:  
To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway.
- 7 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.  
Reason:  
To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.
- 8 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.  
Reason:  
To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.
- 9 Before the building hereby permitted is occupied the proposed window(s) in the side elevations facing 12 and 16 Dollis Avenue shall be glazed with obscure

glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

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

- 10 No structure or erection with a height exceeding 1.05m above footway level shall be placed above the frontage of the development on Dollis Avenue for a distance of 2.4m on both sides of the vehicle access.

Reason:

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

- 11 Before the development hereby permitted commences details of a suitably covered and secured cycle parking facility should be submitted to and approved in writing by the local planning authority and shall be provided at the site before the development is occupied.

Reason:

To ensure that cycle parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area.

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

Reason:

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

- 13 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.

- 14 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.

- 15 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.

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

approved by the local planning authority.

Reason:

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

- 17 Before installation of any air conditioning units, lifts or any other plant or ventilation openings, a scheme for controlling their environmental impact shall be submitted and approved in writing by the Local Planning Authority. The impacts to be controlled include noise and vibration.

Reason:

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

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

Reason:

To ensure that the amenities of neighbouring occupiers are protected.

- 19 Details of screens to all balconies shall be submitted to and approved in writing by the Local Planning Authority. The screens shall be erected in accordance with the approved details before the development hereby permitted in occupied.

Reason:

To preserve the amenities of neighbouring occupiers.

**INFORMATIVE(S):**

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D9, D11, M11, M12, M13, M14, H2, H16, H17, H18, H21, CS2, CS8, CS13, IMP1 and IMP2.

Core Strategy (Adopted) 2012:

Relevant policies: CS NPPF, CS1, CS5, CS10, CS15.

Development Management Policies (Adopted)2012:

Relevant Policies: DM01, DM02, DM03, DM08, DM14 and DM17.

ii) The proposal is acceptable for the following reason(s): - Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would comply with the Council's policies and guidelines and would not cause unacceptable harm to the area, the existing building or the amenities of any neighbouring property. The proposals are acceptable on highway grounds. The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

The proposed development includes provision for appropriate contributions in



accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

- 2 If the development is carried out it will be necessary for a crossover to be formed on the footway by the Highway Authority at the applicant's expense and you may obtain an estimate for this work from the Highways Group, Building 4, North London Business Park, London, N11 1NP (telephone 020 8359 3018).
- 3 The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £30,030.

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](http://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](mailto:cil@barnet.gov.uk)

- 4 Any redundant crossovers must be removed and reinstated back to footway construction at the end of the works. Any street furniture, lighting column, road markings or parking bays will be relocated at the applicants expense, under a rechargeable works agreement by the Council's term contractor for Highway Works.

## **1. MATERIAL CONSIDERATIONS**

National Planning Policy Framework

The Mayor's London Plan: July 2011

Relevant Unitary Development Plan Policies: GBEnv1, GBEnv2, D1, D2, D3, D4, D5,

D9, D11, M11, M12, M13, M14, H2, H16, H17, H18, H21, CS2, CS8, CS13, IMP1 and IMP2.

### Core Strategy (Adopted) 2012

### Development Management Policies (Adopted) 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 (CS) 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: CS NPPF, CS1, CS5, CS10, 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: DM01, DM02, DM03, DM08, DM14 and DM17.

### Relevant Planning History:

<b>Site Address:</b>	14 Dollis Avenue London N3 1TX
<b>Application Number:</b>	C16371/05
<b>Application Type:</b>	Full Application
<b>Decision:</b>	Refuse
<b>Decision Date:</b>	02/01/2007
<b>Appeal Decision:</b>	Dismissed
<b>Appeal Decision Date:</b>	02/01/2007
<b>Proposal:</b>	<b>Demolition of existing house, garages and ancillary buildings and construction of a 3-storey building (with rooms in roofspace) to provide 9 self-contained flats. Basement parking for 12 cars.</b>
<b>Case Officer:</b>	Karina Sissman

**Site Address:** 14 Dollis Avenue London N3 1TX  
**Application Number:** C16371C/07  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 15/09/2008  
**Appeal Decision:** Dismissed  
**Appeal Decision Date:** 15/09/2008  
**Proposal:** **Demolition of existing house and erection of a three storey building with basement car parking comprising of 5 self-contained flats and construction of swimming pool at end of garden.**  
**Case Officer:** Karina Sissman

**Site Address:** 14 Dollis Avenue London N3 1TX  
**Application Number:** C16371A/06  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 02/01/2007  
**Appeal Decision:** Dismissed  
**Appeal Decision Date:** 02/01/2007  
**Proposal:** **Demolition of existing house, garages and ancillary buildings and construction of a three-storey building (with rooms in roofspace) to provide 7no. self-contained flats. Basement parking for 12 cars. (Amended description)**  
**Case Officer:** Karina Sissman

**Site Address:** 14 Dollis Avenue London N3 1TX  
**Application Number:** C16371B/06  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 13/02/2007  
**Appeal Decision:** Withdrawn  
**Appeal Decision Date:** 13/02/2007  
**Proposal:** **Demolition of existing house, garages and ancillary buildings and construction of a three-storey building (with rooms in roofspace) to provide 6No. self-contained flats. Basement parking for 12 cars.**  
**Case Officer:** Karina Sissman

**Site Address:** 14 Dollis Avenue, London, N3 1TX  
**Application Number:** F/01970/11  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 13/07/2011  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of existing dwelling and erection of 2no detached dwellings with integral garages, basement accommodation, and rooms in roofspace. Erection of ancillary 2no single storey outbuildings to accommodate private swimming pools. Associated landscape alterations at front and rear garden, and amenity space.**  
**Case Officer:** David Campbell

**Site Address:** 14 Dollis Avenue, London, N3 1TX  
**Application Number:** F/02194/12  
**Application Type:** Full Application  
**Decision:** Not yet decided  
**Decision Date:** Not yet decided  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of existing dwelling and erection of a detached 2-Storey**

**building with rooms in the roofspace and basement including basement parking and access ramp to provide 6 no. 2 bed flats. Single storey detached poolhouse in rear garden.**

**Case Officer:** David Campbell

**Site Address:** 14 DOLLIS AVENUE, LONDON, N3 1TX

**Application Number:** 00793/08

**Application Type:** Full Application

**Decision:** Approve with conditions

**Decision Date:** 30/07/2008

**Appeal Decision:** No Appeal Decision Applies

**Appeal Decision Date:** No Appeal Decision Date exists

**Proposal:** **Erection of two dwelling houses with internal garages.**

**Case Officer:** Alissa Fawcett

### Consultations and Views Expressed:

Neighbours Consulted: 56                      Replies: 19  
Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

- Increase in traffic.
- Parking and access.
- Out of character.
- Out of scale.
- Flats have been refused before.
- The street's character is based on large houses.
- Increase pollution following increase in gas heating.
- Reduction in neighbouring property values.
- The size of the building is out of scale.
- Increase in traffic.
- Overdevelopment.
- Disruption during building works.
- Harm to trees.
- Would be harmful when the development at Dukes House is considered.
- Pool house is harmful and would increase activity.
- Increase in noise and disturbance.
- Loss of light.
- Loss of privacy.
- Residential amenity.
- The previous Inspector stated that flats were not characteristic of the road, which under emerging council policy, road which are not characterised by flats should be refused.
- The council has approved two houses on the site therefore consider it appropriate for houses.
- The design, siting, appearance, scale, mass, bulk, height is not appropriate.
- The proposal does not comply with policy.
- This will act as a precedent for future applications.
- The proposals have been misrepresented.

A petition with 35 signatures has also been received.

Date of Site Notice: 21 June 2012

**Two rounds of public consultation were carried out. A second letter of consultation was sent to all original consultees and objectors following receipt of amendments to the originally proposed scheme.**

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The site contains a large detached house in a residential street in the Finchley Church End ward, outside of any of the borough's conservation areas. The site is bounded by a detached two storey development comprising of nine flats to the north and a two storey detached house to the south. Both of these properties have accommodation in the roof. To the rear, the site is bounded by the rear gardens of properties in Priory Close and Rathgar Close.

### Proposal:

The application seeks consent for the demolition of existing dwelling and erection of a detached 2-Storey building with rooms in the roofspace and basement including basement parking and access ramp to provide 6 no. 2 bed flats and a single storey detached poolhouse in the rear garden.

The application has been amended since first being submitted. The footprint and massing of the building has been reduced, most rear balconies and terraces have been removed and design changes to the rest of the elevations have been made following advice from officers.

The site benefits from an extant planning permission for the construction of two detached houses. A number of other applications have been refused and dismissed at appeal - details of which are contained in the planning history above as an appendix to this report.

### Planning Considerations:

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

The main issues are considered to be:

1. Policy Context including NPPF (National Planning Policy Framework)
2. The principle of development;

3. Whether harm would be caused to the character and appearance of the area and street scene;
4. The living conditions of future residents within the development having regard to the provision of amenity space;
5. The living conditions of existing & future residents within neighbouring properties having regard to overlooking, privacy and outlook;
6. Trees & Landscaping;
7. Parking, Access and Vehicle Movements;
8. Whether the proposal would result in the community incurring extra educational costs that should be met by the developer;
9. Whether the proposal would increase pressures on the services provided by libraries incurring additional costs that should be met by the developer;
10. Whether the proposal would increase the demand for health care facilities incurring extra costs that should be met by the developer.

### Policy Context:

The NPPF has been adopted since the previous application. The relevant sections are as follows:

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

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

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

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

Paragraph 56 states “the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

### The Principle of Development

In 2007, an appeal Inspector dealing with an application for a flatted development stated: 'Dollis Avenue is an attractive tree-lined road in a well-established residential area, consisting of mainly of two or sometimes three storey, medium to large size houses in mature gardens. Although there is often no great distance between the houses, the density of the frontage is off set by the depth and size of both front and

rear gardens and the vegetation, in particular the trees around them. There are four purpose-built blocks of flats in the road but, given they represent a small proportion of the number of properties in the road, they cannot be said to be characteristic of Dollis Avenue'.

In 2008, another appeal Inspector dealing with an application for a flatted development stated: 'Making more effective use of land is a key principle of government policy, to which the appellant makes extensive reference, and I have come to the view that ***Dollis Avenue has not reached the point where new apartment development should, as matter of principle, be resisted.***'

The Council's Local Plan which has been adopted states in policy DM01 part i: 'Loss of houses in roads characterised by houses will not normally be appropriate'.

It is considered that although there are more houses than flats on Dollis Road, two of them, Georgian Court and Dukes House are in close proximity to the application site. As such it is not considered that an application on this part of Dollis Avenue could be refused on flats being out of character. The 2008 appeal decision and comments from the Inspector are material planning consideration. The Local Plan policy are considered in line with the 2007 and 2008 appeal Inspectors' comments and as a result it is not considered that the application could be refused on these grounds alone.

#### Proposed siting, character and appearance:

The proposed footprint would respect the character and pattern of buildings in this part of Dollis Avenue and allow for sufficient gaps in between the site and surrounding buildings. The front building line would align with the neighbouring property 12 Dollis Avenue but would be set further away from the boundary than previous consented houses scheme and will be 3m from the boundary. The block will be 5.6m from the other neighbouring flats at Georgian Court, a greater separation than the approved scheme, and 2.5m further into the garden. It is considered that the bulk and mass of the flatted scheme is comparable to the two house scheme, except without the gap in between.

In light of this increase in bulk, mass and scale, it is considered that the proposed footprint would relate to surrounding dwellings in position and form, whilst also considering that the existing building is of a comparable with to the current proposals. The height of the block would also be the same as the consent house scheme. It is acknowledged that the houses would project into the garden further than the approved houses, it is not considered that this would be harmful to neighbours given the inset of the building from both boundaries. Overall, it is considered that the size, height, mass and appearance of the building would be harmonious with and not over dominate the surrounding scale or adversely affect the character of the locality. The application has been amended since it was first submitted, which reduces the width and projection of the building. There have also been some alterations to the roof which are considered to enhance the scheme at the front of the property.

The pool house is also considered to be acceptable, and is considered to be an

improvement from the consented scheme, given that it is further away from the trees and incorporates a green roof.

The proposed design and appearance of the scheme is considered to be acceptable within an area with a wide variety of differing designs.

Amenity of future occupiers:

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

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

The proposed intensification of use from 1 unit to six is not expected to result in a detrimental loss of amenity for occupiers of this part of Dollis Avenue or future occupiers of the adjacent neighbouring dwellings.

When assessed against the London Plan's density matrix, the scheme provides 29 units per hectare and 116 habitable rooms per hectare, in an area where 35-65 units per hectare and 150-250 habitable rooms per hectare would be acceptable. The scheme is therefore less dense than the London Plan policies normally recommend and as such there are no objections on the proposed density. It is considered that as there is one property on the property on site at the moment, the scheme could not be refused on the shortfall in the number of units, when compared to the requirements of the density matrix on this occasion.

Amenity of existing/future neighbouring occupiers:

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

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

It is considered given the increased distance (compared to the two house scheme) between the proposed building and Georgian Court & 12 Dollis Avenue, that it would not detract from the amenities of adjoining occupiers in terms of the loss of light,



outlook or privacy. There are windows on both side elevations but all are to be conditions to be obscure glazes. The intensification of use and associated comings and goings are not considered to warrant refusal for the application.

It is also considered that due to the nature of the design of the balconies, which are inset within the main building, the significant natural screening in neighbouring gardens, and the distances between neighbouring properties there would not be any significant overlooking into neighbouring properties. Other balconies which were considered to give rise to overlooking have been removed from the scheme.

#### Trees & Landscaping:

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

The site and surrounding sites has a number of trees however, none are protected by Tree Preservation Orders. The proposed scheme has taken account of the trees and be in accordance with standards. whilst some trees will be removed to accommodate the development, other trees are to be retained and enhanced with further planting. Landscaping conditions have been attached to ensure that full details follow the application.

#### Parking, Access and Vehicle Movements:

A total of 8 car parking spaces (including two disabled car parking space) are being provided on a site with a PTAL score of 3. The parking provision is in accordance with the Parking Standards set out in the Unitary Development Plan 2006 and there are no highways objections. The access to the site is also considered to be acceptable.

#### The Community Infrastructure Levy Regulations 2010:

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

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

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

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

obligations. Policy CS13 states that the Council will seek to enter into planning obligations in conjunction with new residential developments to secure the provision of health and social care facilities.

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

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

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

#### Education needs generated by the development:

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

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

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

To accord with UDP Policy CS8 and the SPD the proposed scheme of 7 residential units (net increase of 2x 3 bedroom units) would require a contribution of £4,005 plus a monitoring fee of 5%.

#### Contributions to library services:

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

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

It is considered that a financial contribution towards library services is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this. To accord with UDP Policy CS2 and the SPD the proposed scheme would require a contribution of £590 plus a monitoring fee of 5%.

#### Contributions to Health facilities:

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

It is considered that a financial contribution towards future health care facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this. To accord with UDP Policy CS13 and the SPD the proposed scheme would require a contribution of £5,088 and a monitoring fee of 5%.

The education, library services, health facilities & monitoring fee of 5% contributions will be secured by unilateral undertaking.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

The grounds of objection have been addressed below:

- *Increase in traffic* - It is not considered that the council could demonstrate that any increases in traffic would be harmful to Dollis Avenue.
- *Parking and access* - The proposed number of parking spaces and the access to the development is considered to be acceptable. No objections have been raised by the council's Traffic and Development Team.
- *Out of character* - It is not considered that the development is out of character with the area as has been explained above.
- *Out of scale* - It is considered that the development is acceptable in terms of mass, scale and bulk. There are no objections on these grounds.
- *Flats have been refused before* - It is considered for the reasons given in the main report that the application overcomes the previous reasons for refusal and the previous Inspector's comments.
- *The street's character is based on large houses* - There are other examples of flats on Dollis Avenue and as such it is not considered that flats are out of character as a matter of principle.
- *Increase pollution following increase in gas heating* - It is not considered that the

increase in pollution following increase in gas heating is a reason to refuse consent.

- *Reduction in neighbouring property values* - This is not a material planning consideration.
- *The size of the building is out of scale* - It is considered that the development is acceptable in terms of mass, scale and bulk. There are no objections on these grounds.
- *Overdevelopment* - It is considered that the proposals are acceptable and do not represent overdevelopment of the site. The scheme fall short of the advice given in the London Plan's density matrix.
- *Disruption during building works* - This is not a material planning consideration.
- *Harm to trees* - It is considered that there will not be harm to the trees on site.
- *Would be harmful when the development at Dukes House is considered* - The application must be considered on its own merits.
- *Pool house is harmful and would increase activity* - It is not considered that the pool house would give rise to significant increases in noise and disturbance and would not be harmful to neighbouring amenity.
- *Increase in noise and disturbance* - It is not considered that the application would give rise to significant increases in noise and disturbance.
- *Loss of light* - It is considered that there will be no loss of light as a result of the application.
- *Loss of privacy* - It is considered that subject to the conditions on obscure glazing and balcony screens, there will be no loss of privacy.
- *Residential amenity* - It is considered that the proposed scheme will not cause harm to the amenities of neighbouring properties as has been explained in the main report.
- *The previous Inspector stated that flats were not characteristic of the road, which under emerging council policy, road which are not characterised by flats should be refused* - This has been addressed in the main report. There are other examples of flats in Dollis Avenue.
- *The council has approved two houses on the site therefore consider it appropriate for houses* - This does not mean that the site is inappropriate for any other development.
- *The design, siting, appearance, scale, mass, bulk, height is not appropriate* - These have all been assessed in the main report and found to be acceptable.
- *The proposal does not comply with policy* - The proposal has been assessed in line with policy and is therefore considered to be acceptable.
- *This will act as a precedent for future applications* - Future application will be determined on their own merits.
- *The proposals have been misrepresented* - It is considered that the information submitted is acceptable and as decision can be made on their basis.

#### **4. EQUALITIES AND DIVERSITY ISSUES**

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

## 5. CONCLUSION

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would comply with the Council's policies and guidelines and would not cause unacceptable harm to the area, the existing building or the amenities of any neighbouring property. The proposals are acceptable on highway grounds. The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

It is considered that the development is acceptable and therefore the application is recommended for **APPROVAL**.

**SITE LOCATION PLAN:** 14 Dollis Avenue, London, N3 1TX

**REFERENCE:** F/02194/12



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# Appeal Decision

Site visit made on 1 September 2008

by **Martyn Single DipTP MRTPI**

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

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**Decision date:**  
**15 September 2008**

## Appeal Ref: APP/N5090/A/08/2070055 14 Dollis Avenue, Finchley, N3 1TX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Aramis Developments Ltd against the decision of the Council of the London Borough of Barnet.
- The application (Ref C16371C/07), dated 19 December 2007 was refused by notice dated 6 March 2008.
- The development proposed is demolition of existing house and erection of 5 no residential apartment units in one self-contained block.

### Decision

1. I dismiss the appeal.

#### Preliminary Matter

2. It is evident that there were some inconsistencies between the submitted drawings showing the proposed floor plans and north side elevations in respect of windows to first floor apartments C and D. Amended drawings nod. F417/P100/A and P201/A have been submitted with the appeal documents to address the discrepancies. I am satisfied that I can consider these drawings without prejudice to the interests of either the main parties or local residents.

### Main Issues

3. There are two main issues in this appeal, the first being the effect of the proposal on the character and appearance of the area. The second is its effect on the amenities of adjoining occupiers with particular regard to its impact on their outlook.

### Reasons

4. The appeal property is a large two storey dwelling on a very substantial plot in an established residential suburb. I note that two earlier appeals on the site in respect of a greater number of flats were dismissed in January 2007. It is the basis of the appellant's case that the current appeal proposal has taken account of the concerns expressed by the previous Inspector in determining those appeals. I have also noted that the current proposal has been the subject of both pre and post application negotiations with the Council's officers in seeking to secure a development proposal that would

overcome previous objections, and that the recommendation to the Planning Committee was to grant permission.

5. In connection with this appeal I have received a significant number of representations from local residents raising a range of concerns. However, I consider that several of these cover matters that are not the subject of dispute between the Council and the appellant and were not of concern to the Inspector in 2007. I therefore propose, prior to dealing with the main issues set out above, to establish that there is no objection in principle to the development of this site for a more intensive form of development than a single dwelling. Making more effective use of land is a key principle of government policy, to which the appellant makes extensive reference, and I have come to the view that Dollis Avenue has not reached the point where new apartment development should, as matter of principle, be resisted. Although there are some apartment developments of various styles the avenue as a whole still comprises predominantly large family dwellings, and the issue before me is whether this particular proposal with its siting and form of building would compromise the quality of the environment in the terms used in Planning Policy Statement 3 *Housing* (PPS3).
6. Likewise I believe that concerns regarding traffic, impact on trees, and noise and disturbance are not substantiated in the submissions. The development would provide adequate basement parking within the footprint of the building and on my site visit I considered closely its proximity to existing trees. Any loss would be predominantly of small fruit trees or those of inferior quality.

*Character and appearance of the area*

7. Dollis Avenue has an attractive verdant and mature character, not only from being lined with highway trees but from the amount of landscaping and tree planting within individual curtilages. Contributing to its character is the fact that whilst some of the properties extend close to their respective side boundaries they are set well back from the road with generous front gardens, and this applies equally to more recent apartments as it does to individual dwellings.
8. Because of the intensity of greenery, at least in the summer months, some of the properties are quite well screened in more distant views in the street scene. The existing dwelling on the site is very substantial, with a double gabled front elevation, but is screened by existing deciduous trees along the northern site boundary. When not in leaf, however, these trees would not be so effective. The existing dwelling is set back behind the building line of Georgian Court to the north whereas the proposal before me would align with it. In this regard I believe the appellant to have addressed previous concerns, particularly having recessed the section closest to Georgian Court by about 6.5 metres for a width of 6 metres by the use of the cruciform footprint.
9. Although I consider this to now lead to the proposal having a more acceptable impact on the character and appearance of Dollis Avenue from that particular direction I do not consider this to apply from the opposite



side. The neighbouring dwellings, nos. 12 and 14 respect what I would regard as the more traditional building line in Dollis Avenue which has contributed to its character. The existing dwelling also follows that alignment whereas the new proposal, even with its cruciform footprint, would stand substantially forward of the established building line. Being on the outside of the shallow bend and with a more open aspect from this side I believe that the mass of the side elevation, shown clearly on drawing no. F471/P201/A, with its high gabled roof extending above the main ridge of the property would be extremely dominant in the street scene. The depth of the whole building at about 25 metres would contrast with the overall pattern of property in the vicinity. I acknowledge that Georgian Court to the north has a depth of about 19 metres overall but there are aspects of that development that convince me that particular care needs to be taken in the design of such apartment proposals where they are to be integrated into the overall mass and scale of an established and traditional street scene. The appeal proposal would have greater depth than Georgian Court and would have more than twice the depth of its neighbours to the south.

10. The Council's decision letter refers to the height of the proposal and, in this respect, I consider the appellant to have put forward a design which, when viewed directly from the front, would respect the height of adjoining properties. On this ground alone it would not have an adverse impact. The Inspector in January 2007 expressed concern at the overall length of the building, by which I take it to mean its built frontage. The new proposal is only slightly narrower but I am satisfied that this is not an issue of concern with this scheme because of the overall reduction in height and recognition of neighbouring ridge heights. Therefore, from the front my concern is in respect of its mass, siting and scale of projection well forward of the adjoining properties at nos. 10 and 12 when seen approaching from the direction of Hendon Lane. The cruciform design to lessen its impact in this regard is inadequate and the building would appear very dominant and out of character.
11. Having regard to these factors I acknowledge that the appellant has substantially reduced the footprint and the number of flats from the previous proposals; reflected the height of adjoining properties; and produced a design that would be more compatible with its surroundings. However, these matters are outweighed by the design and mass of the building in oblique views from the south where there is a more open aspect. The mass of the projecting front gable and the substantial scale of its ridge, extending almost 22 metres to the back of the block, would appear unacceptably dominant and incongruous. I conclude that it would be out of keeping with the character and appearance of the area contrary to Policies GBEnv1, D2, and D4, of the Barnet Unitary Development Plan 2006.

*Impact on adjoining occupiers*

12. Georgian Court to the north is a somewhat unusual design having side facing windows on upper floors on both flank elevations. Some of those facing the appeal site appear to be to habitable rooms. These currently face the side of the existing house some 12 metres away or look out over the

rear garden of the appeal property. The appeal proposal would bring the flank wall of the new building to about 7 metres of these windows, with the mass of its sloping roof above the eaves and, furthermore, the block would extend much further into the rear garden than the existing house. In my judgement the outlook from those properties would be substantially affected by the appeal proposal, a situation exacerbated by the difference in ground level between the two sites.

13. I was able to view the appeal site from within no. 12 Dollis Avenue and from its rear garden. This, along with that of the neighbouring property, is particularly short compared with the norm for the area. From that garden the extent to which the existing form of Georgian Court projects into the open areas at the back of properties along the east side of Dollis Avenue was particularly striking, even when seen across the whole width of the appeal site. The appeal proposal would project even further into this and the aspect that neighbouring properties enjoy would be seriously harmed. The fact that the appellant has inset the rear wing some 10.5 metres from the boundary to avoid direct overlooking (and to meet the requirements of UDP Policy H17) does not mitigate my concern that this would appear as an intrusive building in this setting. The occupiers of adjoining properties would, in my judgement, with their own short gardens be entitled to feel unduly hemmed in by the appeal proposal.
14. The neighbours at no. 12 also refer in submissions to the impact of the proposal on the enjoyment of their first floor balcony area. This is above the garage and wraps around the front corner of the dwelling nearest the appeal site. The current aspect across the appeal site of the side gable of no. 14 beyond a single storey extension would be replaced by the 2 storey side wall of the new block surmounted by the flank sloping roof rising to approximately nine metres above ground level.
15. It appears to me that the enjoyment of the adjoining property by its occupiers would be harmed by a combination of factors which cumulatively are sufficient to justify dismissal of the appeal by reason of the unacceptable impact on their outlook. I conclude that the proposal would not accord, in this regard, with UDP Policy D5 which is intended to protect adjoining occupiers from unreasonable loss of amenity.
16. Finally I have considered all of the other very extensive submissions before me by the appellants, Council and other interested parties. I recognise that significant efforts have been made by the appellant to overcome previously identified obstacles to development, but I find that these do not, overall, outweigh the conclusions that I have reached that the proposal would be unacceptable.

*Martyn Single*

INSPECTOR

C16371/05

C16371A/05



## Appeal Decision

Hearing held on 30 November 2006

Site visit made on 30 November 2006.

by **J Mansell Jagger MA(Cantab) DipTP MRTPI IHBC**

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

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Date

- 2 JAN 2007

**Appeal A: APP/N5090/A/05/1193965**

**Appeal B: APP/N5090/A/06/1199089**

14 Dollis Avenue, London N3 1TX

- The appeals are made under section 78 of the Town and Country Planning Act 1990 against refusals to grant planning permission.
- The appeals are made by Dorchester Sparks Ltd against the decisions of the London Borough of Barnet.

### Appeal A

- The application ref: C16371/05, dated 25 August 2005, was refused by notice dated 12 October 2005.
- The development proposed is demolition of existing house, garages and ancillary buildings, erection of four-storey block of 9 flats with semi-basement car park.

### Appeal B

- The application ref: C16371A/06, dated 31 March 2006, was refused by notice dated 30 May 2006.
- The development proposed is demolition of existing house, garages and ancillary buildings, erection of four-storey block of 7 flats with semi-basement car park.

**Summary of Decisions: The appeals are dismissed.**

### Preliminary Matters

1. The second reason for refusal of both applications referred to the absence of an undertaking by the developer in respect of a financial contribution towards additional educational costs that would be incurred by the community as a result of the proposed development. At the Hearing, the appellant submitted a Unilateral Planning Obligation (UPO) under section 106 of the Town and Country Planning Act 1990. The Council was not inclined to accept the UPO without time to consider the document and it was agreed that, if I were to allow either appeal, I would deal with the matter by way of a suitable condition.
2. Two applications for award of costs were made at the Hearing; the first, in respect of Appeal A, on behalf of the London Borough of Barnet for a full award of costs against the appellant and the second, in respect of Appeal B, on behalf of the appellant for a partial award of costs against the London Borough of Barnet. These applications are the subject of separate Decisions.

### Main Issues

3. The main issues are as follows:
  - 1) The effect of the proposals on the character and appearance of the area.
  - 2) The effect of the proposals on the amenities of adjoining residents, particularly with regard to daylight and sunlight, outlook and privacy.
  - 3) The effect of the proposal on car parking, traffic flow and road safety (Appeal B)

**Planning Policy**

4. The development plan for the area includes the London Plan (LP) 2004 and the Barnet Unitary Development Plan (UDP) 2006.
5. LP policies 3A.1 and 3A.2 are concerned with increasing the provision of additional housing from all sources. Policy 4B.1 seeks, among other things, to ensure that new developments should maximise the potential of sites and be accessible, but also respect local context, character and communities.
6. UDP Policy GBEnv1 is a general policy to protect and enhance the environment. Policies D2 and D3 require new buildings and the spaces around buildings to respect the character and appearance of the surrounding area. Policy D4 seeks to avoid over-development, whilst D5 aims to protect the amenities of adjoining occupiers. Policy H16 states that new residential developments should harmonise with and respect the character of the area; be well laid out in terms of access, car parking and landscaping; preserve adequate daylight and outlook; and prevent overlooking.
7. Policy CS8 requires developers to enter into a planning obligation to meet extra educational costs incurred as a result of the development. The Council approved Supplementary Planning Guidance (SPG) on *Educational Needs Generated by New Housing Development*, in August 2000.
8. Policies from the previous UDP (1991) were referred to in the Refusal Notice for the first application, but they have been superseded by the 2006 adopted UDP.
9. Relevant Government guidance is set out in Planning Policy Guidance Note 3 (PPG3): *Housing* and Planning Policy Statement 1 (PPS1): *Delivering Sustainable Development*.
10. In June 2005 the Council published *The Three Strands Approach*, which has, as one of its aims, the protection of the character of the traditional lower density suburbs in the Borough. The Council intends to take this forward in the preparation of the Local Development Framework (LDF), but as it is not a formal planning document it carries little weight at this stage.

**Reasons**

*The Site*

11. Dollis Avenue is an attractive tree-lined road in a well-established residential area, consisting mainly of two or sometimes three-storey, medium to large sized houses in mature gardens. Although there is often no great distance between the houses, the density of the frontage is offset by the depth and size of both front and rear gardens and the vegetation, particularly trees, within and around them. There are four purpose-built blocks of flats in the road but, given that they represent a small proportion of the number of properties in the road, they cannot be said to be characteristic of Dollis Avenue.
12. The appeal property is a large two-storey house in mock Tudor style on the east side of the road, set well back from the street frontage and occupying a large plot. About a third of the rear garden is grassed, the remainder being semi-wild and well treed. On the north side is Georgian Court (No.16), a three-storey block of flats in Neo-Georgian style, the top storey being accommodated in a tall, false mansard roof. Adjoining on the south are a pair two-storey detached houses (Nos.10 and 12), in smaller plots, again

with Neo-Georgian elements and a third storey in the roof space.

#### **Appeal A**

##### *Character and Appearance*

13. The proposed building would be significantly higher and wider than the existing house and more than twice as deep. The footprint represents an increase of some 250% over that currently existing. From the road the frontage would appear as four storeys and at least one storey higher than the buildings on either side. Even though an attempt has been made to reduce its impact by the use of false mansard and swept roofs, the size and bulk of the building would not only be considerably greater than Georgian Court, which is itself larger than other properties in the immediate vicinity, but would dwarf Nos.10 and 12 and the houses on the opposite side of Dollis Avenue. The increased length of the building and the horizontal scale of the windows and dormers would accentuate its size.
14. The depth of the frontage would be reduced from 10.00m to 7.70m, to line up with Georgian Court, but well forward of Nos.10 and 12, bringing the building into much greater prominence in the street scene. The lack of trees on the frontage would expose the building to views along the street and there would be little opportunity for screen planting of any size. The bulk and mass of the building would be evident from the road in oblique views of the side elevations. The result would be a building that would be dominant and overpowering in the street scene and out of scale with other buildings in the road.
15. The building would take up most of the open, grassed area at the rear and extend as far as the end of the rear gardens of Nos.10 and 12. The sense of spaciousness, which is a characteristic of the area, would be lost and the proposal would, in my view, represent over-development of the site.
16. There is little consistency in the design and, for example, the mixture of window shapes, sizes and proportions and the juxtaposition of roof planes, seems to have no rationale. The side elevations are particularly poor in this respect.
17. I understand the appellant's view that the proposal would maximise the efficient use of urban land, but PPG3 makes it clear that, in raising densities, local character should be respected and the quality of the environment not unduly compromised.
18. Because of its height, size, bulk, scale and massing, I conclude that the building would represent over development of the site, over-dominate the neighbouring properties and be out of keeping with the character and appearance of the area. The proposal would therefore conflict with development plan policies (LP) 4B.1 and (UDP) GBEnv1, D2, D3 and D4.

##### *Amenities of Adjoining Residents*

19. Although, at ground floor level, the side of the new building would be no closer to No.12 than the existing house, the greatly increased depth and bulk of the building would be clearly evident from the balcony and rear garden of No.12. On the north side, the building would be far closer than the existing house to the side of Georgian Court, where there are habitable rooms with windows that would look directly out onto the new building. Although there is some element of screening from vegetation on the boundary with Georgian Court, I believe that the proposed building would be

oppressive and overbearing on the outlook of residents of both Georgian Court and No.12.

20. Three second-floor rooms on the south side of the new building have dormer windows that would overlook the balcony of No.12, which would clearly detract from the neighbours' enjoyment of their balcony. Although two of the rooms have other windows, the central one, a bedroom, does not and it would not be acceptable to use obscure glazing in this case. The windows at upper ground floor level of the proposed building are relatively small but it is possible that people using the balcony of No.12 would be able to see into those rooms
21. From the plans and a view of the site from within the garden of No.14, it would appear that there could be mutual overlooking of windows of habitable rooms in both the new building and Georgian Court, though since it was not possible to view the site from inside Georgian Court, this could not be confirmed.
22. There would be a series of stepped terraces at the rear of the building, and although the provision of 1.70m high obscure-glazed screens would prevent direct side views, it is likely that the garden of No.12 would be overlooked in angled views from these terraces, particularly at first and second floor level. This would lead to a significant loss of privacy for the neighbours and detract from their reasonable enjoyment of their private garden space.
23. Property Consultants G L Hearn were commissioned by Mr and Mrs Davis at No.12 Dollis Avenue to assess the effect of the proposed development on the daylight amenity to their property and to Georgian Court. Using the 'vertical sky component' (VSC) recommended in BRE Report 209 *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* (1991), they concluded that the windows tested to each of the properties would suffer a significant reduction in the level of daylight admitted to the rooms they serve. In their view, the proposed development would fail to meet the guidelines set out in the BRE Report and therefore fail to meet the daylight requirements under UDP policy D5.
24. The appellant commissioned a study of the effect of the proposal on daylight and sunlight in relation to the second scheme that is the subject of Appeal B, but not for the first scheme. The appellant claimed that the methodology used in that study would be appropriate in both cases but, in the absence of specific evidence to the contrary I accept that the proposal in Appeal A could result in a reduction of daylight received in the kitchen of No.12 and two habitable rooms in flats in Georgian Court, which could materially affect the living conditions of the occupiers of those properties. Since the proposed building in Appeal A would be closer to Georgian Court than that in Appeal B, it would be reasonable to conclude that the impact on that property, in relation to daylight and sunlight, would be greater in this first case.
25. For these reasons I conclude that the proposal would have a detrimental effect on the residential amenity of neighbours at No.12 Dollis Avenue and Georgian Court, particularly with regard to daylight, outlook and privacy. It would therefore conflict with UDP policies D5 and H16.

#### **Other Considerations**

26. Local residents are concerned that the development would not provide enough car parking and that future occupiers and visitors would park on the road, adding to the

current problems of too much traffic and congestion at the junctions with Hendon Road and Hendon Lane. However, the number of spaces proposed meets the Council's approved car parking standards and I note that the highway Authority has not objected. In the absence of specific evidence to the contrary, I conclude that the proposal would be unlikely to result in any significant harm to highway safety.

#### **Appeal B**

##### *Character and Appearance*

27. This proposal is for a revised scheme, of a different design, with the number of flats reduced from nine to seven. The building is similar in width to the previous proposal, but would be closer to No.12. The central terrace part of the front elevation would project well forward of the building line of Georgian Court, which is itself further forward than most of the properties in the area, further reducing the depth of the frontage to Dollis Avenue. On the south side the building would project about 4.50m in front of No.12 and about 11.00m at the rear.
28. The total footprint of the building appears to be even larger than in the previous scheme and again would occupy most of the existing open area at the rear and extend to the full depth of the gardens of Nos.10 and 12. The characteristic sense of spaciousness would be lost and, like the previous scheme, I believe this proposal would represent over-development of the site.
29. An attempt has been made to reduce the impact on the street scene by lowering the building, so that the frontage would appear as three storeys above ground level, and introducing 'catslide' roofs at the sides. The appellant argued that the building had been redesigned to take account of the Council's concerns and designed to have the appearance of a large single-family house. Although the architectural design has been improved, it cannot disguise the real height, bulk and mass of the building, which would be clearly evident in oblique views from the road and from adjoining properties. In my opinion, the building would be over-prominent and overbearing in the street scene and out of scale with other buildings in the road.
30. Because of its height, size, bulk, scale and massing, I conclude that the building would represent over development of the site, over-dominate the neighbouring properties and be out of keeping with the character and appearance of the area. The proposal would therefore conflict with development plan policies (LP) 4B.1 and (UDP) GBEnv1, D2, D3 and D4.

##### *Amenities of Adjoining Residents*

31. At its closest point, the new building would be only about 1.50m from the side of No.12. I accept that the angle of the 'catslide' roof planes would not be significantly different from the existing and that the building would be dug into the ground and step down in a series of terraces at the rear; nevertheless, the greatly increased depth and bulk of the building at both front and rear would be oppressive and have an overbearing impact on the neighbours' outlook from their balcony and garden.
32. In order to avoid overlooking between the proposed flats and No.12, the drawings show obscure glazing to the lower half of roof lights to two bedrooms at second floor and penthouse level. It was apparent from the site visit that most of the window area of bedroom 2 of Flat 4 at first floor in the proposed building would need to be obscure-glazed, in order to avoid direct overlooking from the balcony of No.12. The problems of

overlooking or the impression of overlooking would affect not only the amenity of the neighbours at No.12, but also the living conditions of future residents in the proposed flats. The problems arise when habitable rooms are too close to adjoining property and it seems to me that obscure glazing is not a satisfactory solution in this case.

33. There would be wide terraces at the rear at first and second floor level. As in the earlier scheme, the provision of obscure-glazed screens would prevent direct sideways views of the garden of No.12, but would not prevent angled views, nor overcome the impression of overlooking or potential loss of privacy that would significantly detract from the neighbours' reasonable enjoyment of their property.
34. The appellant commissioned a report by Gordon Ingram Associates (GIA) on the impact of the proposal on daylight and sunlight received by No.12 and Georgian Court. The report acknowledges that, using the VSC method, a number of windows in these properties would suffer a reduction in the amount of daylight received. However, the GIA report uses the 'Average Daylight Factor' method, which it says is more refined. Using this method, GIA concludes that the affected rooms in both properties would meet BRE guidelines. In relation to winter sunlight, GIA say that one window in Georgian Court would receive slightly beneath the recommended level within the BRE guideline.
35. G L Hearn acting for Mr & Mrs Davis concluded that, because the building would be closer to No.12 and of greater mass in front of overlooking fenestration, the revised scheme would have an even worse effect on No.12 Dollis Avenue.
36. It is a matter of contention whether the effect of the proposed building on the daylight and sunlight received by the adjoining properties would be acceptable in terms of the BRE guidelines and the Council's policies, but the fact that there would be some reduction is not disputed. I conclude that because of the combined detrimental impact on daylight, outlook and privacy, the proposal would fail to protect the residential amenities of adjoining residents, especially at 12 Dollis Avenue, and would therefore conflict with UDP policies D5 and H16.

*Car Parking, Traffic Flow and Road Safety*

37. The Council's main concerns were with the access to the basement car park, particularly in relation to the steepness of the ramp, the sharp turn at the bottom of the ramp and the position of the waiting bay, which, without signal controls, would be detrimental to highway safety and the free flow of traffic.
38. It is clear that there would be limited space for manoeuvring of vehicles, both in the access and within the car park area. At the foot of the ramp, drivers of large cars would have to apply full lock and travel at no more than 5mph to avoid hitting a wall or risk grounding. However, the studies carried out by traffic consultants PMA show that the technical requirements for vehicle manoeuvrability, ramp gradient and access and egress would be met, though the appellant agreed that a signal system would be necessary, for which further details could be supplied and agreed through a suitable condition. The Council accepted that there was no great problem with the visibility splays.
39. I was assured that the issue of potential pedestrian/vehicular conflict with residents using the refuse and cycle stores in the basement could also be resolved through the signal system and that the location and operation of security doors could be dealt with



by submission of further details.

40. Local residents were concerned that the number of flats would generate a demand for more car parking than was proposed, which would lead to more on-street parking and increased levels of traffic that would cause problems, particularly at the junctions with Hendon Lane and Hendon Avenue. At the Hearing, the Council expressed concerns that the constraints to access and manoeuvrability in the basement car park might cause residents to park on the road.
41. However, the number of car parking spaces proposed meets the Council's parking requirements set out in the UDP. Additionally, the Council did not dispute the findings of the parking beat survey carried out by PMA, which showed sufficient availability of on-street parking spaces in the vicinity to cater for any additional parking arising from the proposed development.
42. I conclude on this issue that, subject to agreement on signal controls and further details regarding security gates, the proposal would provide a satisfactory number of spaces and management regime and would not result in significant risk to highway safety or the free flow of traffic. It would, therefore, not conflict with the relevant development plan policies.

#### **Conclusions**

43. Although the proposals would meet the Council's car parking requirements and not cause undue risk to highway safety or the free flow of traffic, I have concluded on both appeals that the proposals would represent over-development of the site, be out of keeping with the character and appearance of the area, and have a detrimental impact on the residential amenities of adjoining residents. I have considered all other matters raised but, for the reasons given above, I conclude that the appeals should be dismissed.

#### **Formal Decision**

44. I dismiss these appeals.

*J Mansell Jagger*

INSPECTOR



**LOCATION:** Regent Banqueting Suite, 331 Regents Park Road, London, N3  
1DP **AGENDA ITEM 12**

**REFERENCE:** F/03200/12 **Received:** 17 August 2012  
**Accepted:** 17 August 2012

**WARD(S):** Finchley Church End **Expiry:** 12 October 2012

**Final Revisions:**

**APPLICANT:** The Regent Banqueting suite  
**PROPOSAL:** Retention and alterations of a new goods lift as replacement for pre-existing manual lift (hoist). (LISTED BUILDING CONSENT)

**RECOMMENDATION: Approve Subject to Conditions**

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 2012/C003/01; 2012/C003/02; 2012/C003/03; 2012/C003/04; 2012/C003/05 Rev B; 2012/C003/06 Rev A; 2012/C003/07 Rev A; 2012/C003/08 Rev A; 2012/C003/09 Rev B (Date Stamped 18 October 2012); 2012/C003/15 Rev B (Date Stamped 18 October 2012).

Reason:

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

2 All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason:

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

**INFORMATIVE(S):**

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D5, HC1 and HC5.  
Finchley Church End Conservation Area Character Appraisal (2011)

Core Strategy (Adopted) 2012:

NPPF CS, CS1 and CS5

Development Management Policies (Adopted) 2012:

DM01, DM02 and DM06

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

The proposal would not result in significant harm to the host property, a listed building, the Finchley Church End Conservation Area or the amenity of neighbouring properties.

- 2 Failure to implement this planning permission within three months from the date of this decision may result in an enforcement notice being served on the property.

## **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.

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published on 27 March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

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

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

Section 12 of the NPPF states that local authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In addition to this the NPPF advises that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.

### The Mayor's London Plan July 2011:

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

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

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

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

#### Relevant Unitary Development Plan Policies:

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

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

Relevant policies: GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D5, HC1 and HC5.

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.

#### Core Strategy (Adopted) 2012:

Barnet's 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 (Core Strategy and Development Management Policies documents) 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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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: CS NPPF, CS1, CS5.

#### Development Management (Adopted) 2012:

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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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: DM01, DM02, DM06.

Relevant Planning History:

**Site Address:** Regent Banqueting Suite, 331 Regents Park Road, London, N3 1DP  
**Application Number:** F/03198/12  
**Application Type:** Full Application  
**Decision:** Not yet decided  
**Decision Date:** Not yet decided  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **New goods lift as replacement for pre-existing manual lift (hoist).**  
**Case Officer:** Junior C. Moka

Internal /Other Consultations:

- The building was originally statutorily listed in the year 2000, at which time it has been stated that the previous yellow hoist had already been insitu for some years. It appears not to have been an impediment to the building being designated as a heritage asset. It might therefore be considered that in principle, the existence of such machinery is not in itself damaging to the heritage asset.
- It is noted that there is no recognition of the original hoist in either the list description for the building, and neither is it mentioned as a in the August 2011 Finchley Church End Conservation Area Character Appraisal and Management Proposals as being detrimental or a perceived threat to the character of the Conservation Area.
- Following the site visit on the 19<sup>th</sup> Sept 2012, and the objections raised with regard to the appearance of the existing lift, the applicant has proposed a new glazed and painted appearance which will help to minimise the impact on the heritage asset. It is also noted that the existing lift, by virtue of being tucked away in the rear courtyard of the listed building, has a minimal impact on the character and appearance of the Conservation Area.
- Paragraph 134 of the NPPF states the following: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. As such the lift currently insitu, whilst having a negative impact on a heritage asset, is considered less than substantially harmful and it can be considered that the continuing existence of a lift allows the building to remain occupied and thereby secure its optimum viable use, both now and for the immediate future.

Date of Site Notice: 30 August 2012

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The site consists of a four-storey building in use as a banqueting suite located at the corner where Hendon Lane meets Regents Park Road. The main entrance to the site is off Regents Park Road. This is a grade II listed building located in the Church End Finchley Conservation Area. Neighbouring residential flats are contained within the same building and share the communal courtyard in which the new lift has been installed.

### Proposal:

The application relates listed building consent for the retention and alterations of a new goods lift as a replacement for the pre-existing manual lift (hoist). The proposal includes a new lift shaft with glazed panels to accommodate a new lift measuring 1.55m (w) x 1.28m (d); the lift frame would be painted black to match the existing fire escape (external staircase). The proposal would be located in the communal courtyard area situated centrally within the site.

### Planning Considerations:

- The impact on the listed building and conservation area
- The impact on neighbouring residents

#### The impact on the listed building and conservation area

In the first instance, it is noted that the existence of the original hoist on the building did not affect the building being designated as a heritage asset when it was listed in 2000. On this basis the heritage officer has advised that 'in principle' a proposed lift in itself would not be damaging to the listed building. In addition to this the Finchley Church End Conservation Area Character Appraisal (2011) does not reference the original hoist as being detrimental or as a perceived threat to the Conservation Area. Although some concerns were raised over the appearance of the original scheme, having a metallic appearance, the Heritage Officer, in their comments on the application, notes paragraph 134 of the NPPF which supports the public benefits of the proposal in regard to securing its viable use over any less than substantial harm to the significance of the heritage asset. In this regard, due to its scale and location and given the existing situation, the proposal would not harm the setting or fabric of host listed building and is considered acceptable. In regard to the Conservation Area, the proposal would be located centrally within the site, thereby screened from public views and as such is considered to have a minimal impact on the character and appearance of the Conservation Area.

#### The impact on neighbouring residents

The key concerns raised by residents as a result of the new lift relate to the

impact of the proposal on health and safety including fire safety, a decrease in privacy, an increase in dangerous parking and an overall increase in noise and disturbance from the site. In regard to the health and safety issues, this is not considered a planning matter and in this regard the proposal cannot be found unacceptable. Whilst it is appreciated that the lift is capable of carrying persons due to its increased size and the introduction of a platform, the impact upon privacy of occupiers in the neighbouring flats is not considered to be any worse than that potentially emanating from users of the external staircase and in this regard the proposal is considered acceptable. Finally, in respect of the increase in noise and disturbance from the new lift, this is not considered to be any worse than the existing situation given that the scheme does not involve the operating of machinery or a motor. Additionally the Council's Environmental Protection officer has not raised any objections to the scheme. Overall in terms of its impact on neighbouring properties the proposal is not considered harmful enough to be refused on these grounds.

### **3. EQUALITIES AND DIVERSITY ISSUES**

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

### **4. CONCLUSION**

Having taken all material considerations into account, it is considered that the proposal would not result in significant harm to the host property, a listed building, the Finchley Church End Conservation Area or the amenity of neighbouring properties and in this regard is acceptable and complies with the Council's relevant policies and guidance.



**SITE LOCATION PLAN:**  
Road, London, N3 1DP

**Regent Banqueting Suite, 331 Regents Park**

**REFERENCE:**

**F/03200/12**



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**LOCATION:** Regent Banqueting Suite, 331 Regents Park Road, London, N3  
1DP

**REFERENCE:** F/03198/12

**Received:** 17 August 2012

**Accepted:** 17 August 2012

**WARD(S):** Finchley Church End

**Expiry:** 12 October 2012

**Final Revisions:**

**APPLICANT:** The Regent Banqueting suite

**PROPOSAL:** Retention and alterations of a new goods lift as replacement for pre-existing manual lift (hoist).

**RECOMMENDATION: Approve Subject to Conditions**

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 2012/C003/01; 2012/C003/02; 2012/C003/03; 2012/C003/04; 2012/C003/05 Rev B; 2012/C003/06 Rev A; 2012/C003/07 Rev A; 2012/C003/08 Rev A; 2012/C003/09 Rev B (Date Stamped 18 October 2012); 2012/C003/15 Rev B (Date Stamped 18 October 2012).

Reason:

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

2 Details of the design and external appearance of the new goods lift shall be approved by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the development does not prejudice the appearance of the listed building, the conservation area or the enjoyment by neighbouring occupiers of their properties.

**INFORMATIVE(S):**

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D5, HC1 and HC5.  
Finchley Church End Conservation Area Character Appraisal (2011)

Core Strategy (Adopted) 2012:

NPPF CS, CS1 and CS5

Development Management Policies (Adopted) 2012:

DM01, DM02 and DM06

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

The proposal would not result in significant harm to the host property, a listed building, the Finchley Church End Conservation Area or the amenity of neighbouring properties.

- 2 Failure to implement this planning permission within three months from the date of this decision may result in an enforcement notice being served on the property.

## **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.

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

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

Section 12 of the NPPF states that local authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In addition to this the NPPF advises that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.

### 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.

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Relevant policies: GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D5, HC1 and HC5.

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#### Core Strategy (Adopted) 2012:

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The Core Strategy was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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: CS NPPF, CS1, CS5.

#### Development Management (Adopted) 2012:

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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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: DM01, DM02, DM06.

Relevant Planning History:

**Site Address:** Regent Banqueting Suite, 331 Regents Park Road, London, N3 1DP  
**Application Number:** F/03200/12  
**Application Type:** Listed Building Consent  
**Decision:** Not yet decided  
**Decision Date:** Not yet decided  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **New goods lift as replacement for pre-existing manual lift (hoist). (LISTED BUILDING CONSENT)**  
**Case Officer:** Junior C. Moka

Consultations and Views Expressed:

Neighbours Consulted: 96                      Replies: 13  
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Lift shaft completely blocks fire escape
- Lift is considerably larger than the previous lift
- Lift causes obstruction and danger to all occupiers and users
- Lift would result in a significant increase in parking of vehicles in a haphazard manner
- There will be a reduction in privacy for occupiers of neighbouring properties by persons operating the new lift
- The new lift would increase noise pollution and disturbance to neighbouring residents

\* Please note that since these objections were received, the applicant has submitted amendments in an attempt to address these points of objection.

Internal /Other Consultations:

- The building was originally statutorily listed in the year 2000, at which time it has been stated that the previous yellow hoist had already been insitu for some years. It appears not to have been an impediment to the building being designated as a

heritage asset. It might therefore be considered that in principle, the existence of such machinery is not in itself damaging to the heritage asset.

- It is noted that there is no recognition of the original hoist in either the list description for the building, and neither is it mentioned as a in the August 2011 Finchley Church End Conservation Area Character Appraisal and Management Proposals as being detrimental or a perceived threat to the character of the Conservation Area.
- Following the site visit on the 19<sup>th</sup> Sept 2012, and the objections raised with regard to the appearance of the existing lift, the applicant has proposed a new glazed and painted appearance which will help to minimise the impact on the heritage asset. It is also noted that the existing lift, by virtue of being tucked away in the rear courtyard of the listed building, has a minimal impact on the character and appearance of the Conservation Area.
- Paragraph 134 of the NPPF states the following: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. As such the lift currently insitu, whilst having a negative impact on a heritage asset, is considered less than substantially harmful and it can be considered that the continuing existence of a lift allows the building to remain occupied and thereby secure its optimum viable use, both now and for the immediate future.

Date of Site Notice: 30 August 2012

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The site consists of a four-storey building in use as a banqueting suite located at the corner where Hendon Lane meets Regents Park Road. The main entrance to the site is off Regents Park Road. This is a grade II listed building located in the Church End Finchley Conservation Area. Neighbouring residential flats are contained within the same building and share the communal courtyard in which the new lift has been installed.

### Proposal:

The application relates full planning for the retention and alterations of a new goods lift as a replacement for the pre-existing manual lift (hoist). The proposal includes a new lift shaft with glazed panels to accommodate a new lift measuring 1.55m (w) x 1.28m (d); the lift frame would be painted black to match the existing fire escape (external staircase). The proposal would be located in the communal courtyard area situated centrally within the site.

### Planning Considerations:

- The impact on the listed building and conservation area
- The impact on neighbouring residents

### The impact on the listed building and conservation area

In the first instance, it is noted that the existence of the original hoist on the building did not affect the building being designated as a heritage asset when it was listed in 2000. On this basis the heritage officer has advised that 'in principle' a proposed lift in itself would not be damaging to the listed building. In addition to this the Finchley Church End Conservation Area Character Appraisal (2011) does not reference the original hoist as being detrimental or as a perceived threat to the Conservation Area. Although some concerns were raised over the appearance of the original scheme, having a metallic appearance, the Heritage Officer, in their comments on the application, notes paragraph 134 of the NPPF which supports the public benefits of the proposal in regard to securing its viable use over any less than substantial harm to the significance of the heritage asset. In this regard, due to its scale and location and given the existing situation, the proposal would not harm the setting or fabric of host listed building and is considered acceptable. In regard to the Conservation Area, the proposal would be located centrally within the site, thereby screened from public views and as such is considered to have a minimal impact on the character and appearance of the Conservation Area.

#### The impact on neighbouring residents

The key concerns raised by residents as a result of the new lift relate to the impact of the proposal on health and safety including fire safety, a decrease in privacy, an increase in dangerous parking and an overall increase in noise and disturbance from the site. In regard to the health and safety issues, this is not considered a planning matter and in this regard the proposal cannot be found unacceptable. Whilst it is appreciated that the lift is capable of carrying persons due to its increased size and the introduction of a platform, the impact upon privacy of occupiers in the neighbouring flats is not considered to be any worse than that potentially emanating from users of the external staircase and in this regard the proposal is considered acceptable. Finally, in respect of the increase in noise and disturbance from the new lift, this is not considered to be any worse than the existing situation given that the scheme does not involve the operating of machinery or a motor. Additionally the Council's Environmental Protection officer has not raised any objections to the scheme. Overall in terms of its impact on neighbouring properties the proposal is not considered harmful enough to be refused on these grounds.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Since the application was originally submitted, the proposal has been amended. It is considered that have received these amendments they comply with the National, London Plan, and Council Policies and Guidelines. As a result it is considered that the planning related concerns raised on this application relating to design and amenities are not sufficient to constitute a reason for refusal.

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



#### **4. EQUALITIES AND DIVERSITY ISSUES**

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

#### **5. CONCLUSION**

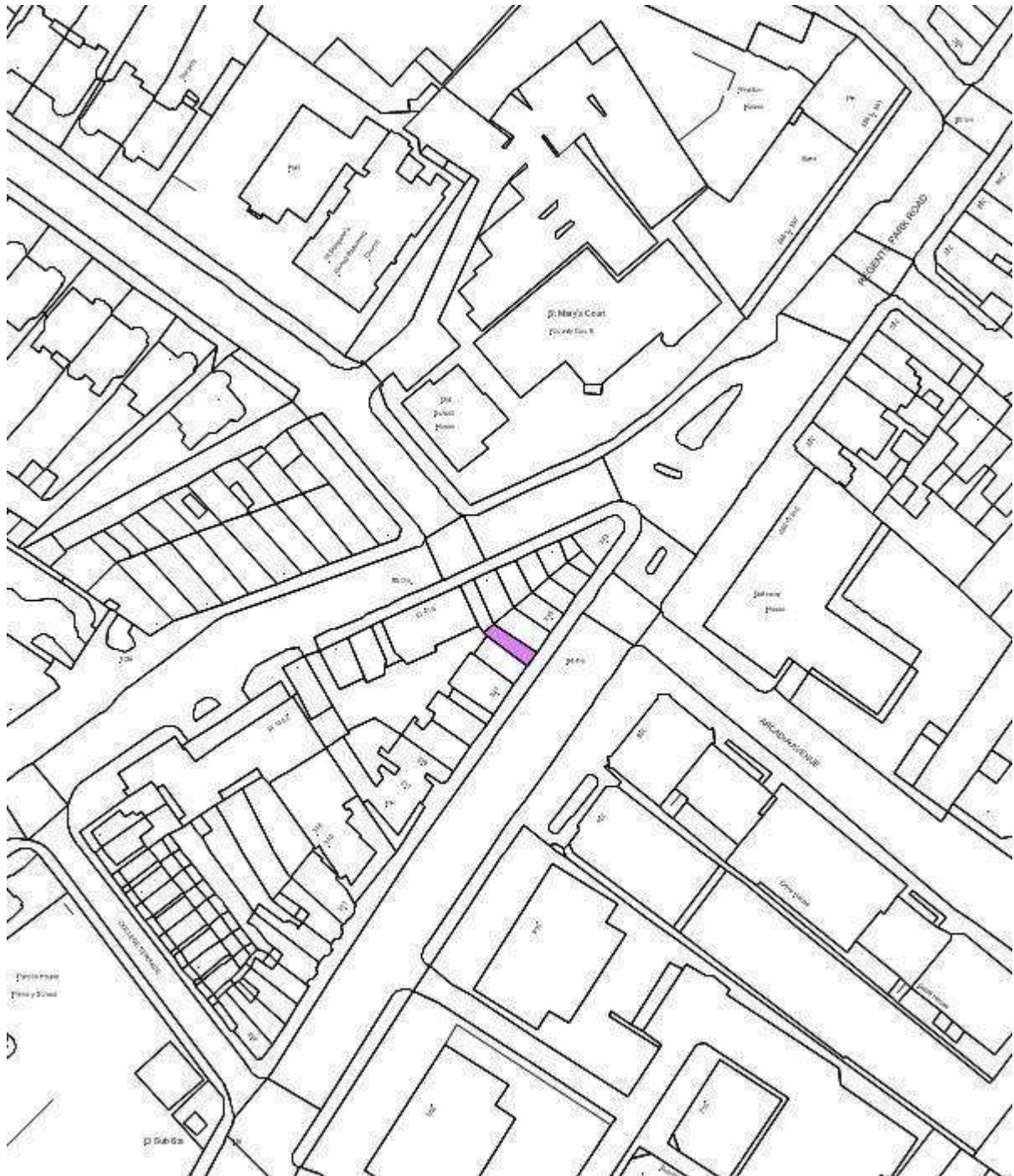
Having taken all material considerations into account, it is considered that the proposal would not result in significant harm to the host property, a listed building, the Finchley Church End Conservation Area or the amenity of neighbouring properties and in this regard is acceptable and complies with the Council's relevant policies and guidance.

**SITE LOCATION PLAN:**  
Road, London, N3 1DP

**Regent Banqueting Suite, 331 Regents Park**

**REFERENCE:**

**F/03198/12**



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**LOCATION:** 100-102 Hamilton Road, London, NW11 9DY

**REFERENCE:** F/02415/12

**Received:** 22 June 2012

**AGENDA ITEM 14**

**Accepted:** 16 July 2012

**WARD:** Golders Green

**Expiry:** 10 September 2012

**Final Revisions:**

**APPLICANT:** Woodshore Ltd

**PROPOSAL:** Demolition of existing building and the construction of a two-storey building and a room in roofspace. The building will include two A1 units at ground floor level and 3 studio residential units on first and second floor levels.

### **Approve, Subject to a Unilateral Undertaking**

#### **RECOMMENDATION I:**

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Libraries (financial) £417.00**  
A contribution towards Library Facilities and Resources in the borough
- 4 **Health £2,406.00**  
A contribution towards Health Facilities and Resources in the borough
- 5 **Open Spaces (ward level) £3,000.00**  
A contribution towards the improvement of open spaces in Golders Green & Childs Hill wards
- 6 **Monitoring of the Agreement £291.15**  
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/02415/12 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Design & Access Statement; Location Plan; Existing Plan - HR02P; HR01E Rev C; HR02E; HP02P Rev B; HP03P Rev B; HR04P Rev B; HP05P Rev B.

Reason:

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

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

Reason:

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

- 3 Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any

other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

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

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

Reason:

To safeguard the visual amenities of the locality.

- 5 The ground floor premises shall be used for the purposes of Class A1 and no other purpose.

Reason:

To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

2007).

- 10 The non-residential development is required to meet the following generic environmental standard (BREEAM) and at a level specified at Section 6.11 of the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007). Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason:

To ensure that the development is sustainable and complies with Strategic and Local Policies.

- 11 Before the ground floor commercial units are occupied, details of their opening hours shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To protect the amenity of neighbouring residents.

- 12 Sample panels of facing brickwork in the elevation fronting 94 Hamilton Road to form a feature wall showing the proposed colour, texture, facebond and pointing shall be provided on site and approved by the Local Planning Authority before the relevant works commence and has been approved. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

**INFORMATIVE(S):**

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

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011, the Adopted Barnet Unitary Development Plan (2006) and the Local Plan (2012).

In particular the following policies are relevant:

National Policy:

National Planning Policy Framework

London Plan (2011):

3.5A, 3.5B, 7.4A

Adopted Barnet Unitary Development Plan (2006):

GSD, GParking, GCS1, GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, H1, H16, H17, H18, M11, M13, M14, TCR19, CS2, CS8, CS13, IMP1, IMP2.

Local Development Framework:

Core Strategy (Adopted) 2012 – CS NPPF, CS1, CS4, CS5, C6, CS10, CS11.

Development Management Policies (Adopted) 2012 – DM01, DM02, DM12, DM13, DM17

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

- 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 £4,238.50. This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge

will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://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](mailto: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](mailto:street.naming@barnet.gov.uk) or by telephoning: 0208 359 7294.

### **RECOMMENDATION III**

That if an agreement has not been completed by 07/12/2012, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application F/02415/12 under delegated powers for the following reason:

1. The development would require a Unilateral Undertaking/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 the identified health

and library facilities, and the associated monitoring costs which would be incurred by the community as a result of the development; contrary to Policy CS2, CS13, IMP1 and IMP2 of the adopted Unitary Development Plan; contrary to Policy DM13 of the Local Plan Development Management Policies (Adopted) 2012; contrary to Policies CS10 and CS11 of the Local Plan Core Strategy (Adopted) 2012; and the adopted Supplementary Planning Documents "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations".

2. The development does not provide sufficient amenity space for the proposed flats and no formal undertaking is given to meet the costs of making necessary improvements to local parks and open space to meet the needs of potential future occupiers of the proposed residential development, contrary to Policies H18, IMP1 and IMP2 of the adopted Unitary Development Plan; and Policies DM01 and DM02 of the Local Plan Development Management Policies (Adopted) 2012.

## **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.

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published on 27 March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

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

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

### The Mayor's London Plan July 2011:

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

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

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

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

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

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

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

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

#### Relevant Unitary Development Plan Policies:

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

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

Relevant policies to this case: GSD, GParking, GCS1, GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, H1, H16, H17, H18, M11, M13, M14, TCR19, CS2, CS8, CS13, IMP1 and IMP2.

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



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

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

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

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

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

#### Core Strategy (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: CS NPPF, CS1, CS4, CS5, C6, CS10, CS11.

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: DM01, DM02, DM12, DM13, DM17.

Relevant Planning History:

**Site Address:** 100A Hamilton Road LONDON NW11  
**Application Number:** C10909A  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 30/07/1999  
**Appeal Decision:** Dismissed  
**Appeal Decision Date:** 30/07/1999  
**Proposal:** **Erection of first floor ancillary to groundfloor hair salon.**  
**Case Officer:**

**Site Address:** 100A Hamilton Road London NW119DY  
**Application Number:** C10909C/05  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 25/11/2005  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Change of use to 24 hour radio-controlled administrative booking office for private hire vehicles.**  
**Case Officer:** Karina Sissman

**Site Address:** 100A Hamilton Road London NW119DY  
**Application Number:** C10909B/05  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 1/16/2006  
**Appeal Decision:** Dismissed  
**Appeal Decision Date:** 1/16/2006  
**Proposal:** **Change of use from beautician (Class A1) to mini cab office (sui generis).**  
**Case Officer:** Karina Sissman

**Site Address:** 100A Hamilton Road London NW119DY  
**Application Number:** C10909D/06  
**Application Type:** Section 192  
**Decision:** Lawful Development  
**Decision Date:** 18/07/2006  
**Appeal Decision:** No Appeal Decision Applies

**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Use as internet cafe.**  
**Case Officer:** Alissa Fawcett

**Site Address:** 100A Hamilton Road, London, NW11 9DY  
**Application Number:** F/00083/09  
**Application Type:** Full Application  
**Decision:** Withdrawn  
**Decision Date:** 09/02/2009  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Change of use to chauffeur rental call centre plus small sandwich bar serving hot and cold food and drink.**  
**Case Officer:** Neil Goldberg

### **Enforcement Notices**

**Reference Name** ENF/00342/10/F  
**Description** **Enforcement Notice served under section 217(3)of the Town and Country Act 1990.**

### Consultations and Views Expressed:

Neighbours Consulted: 146 Replies: 5  
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

1. Having provision for only 2 car spaces for a the proposed 3 flats & 2 retail units would result in the increase to existing parking pressures;
2. The plans suggest that the front elevation (on the side of Hamilton Road) would be an extension to the existing front line of the building, this dose not ascetically keep with in the linear lines of the roads buildings and in essences would look out of place to the neighbouring dwellings in the area;
3. The tally up and display differing points;
4. The increase in height is unacceptable resulting in a loss of light and privacy from the looking of gardens;
5. No objection to the principle of shops;
6. Noise concerns from increased comings and goings.

\* Please note that since these objections were received, the applicant has submitted amendments in an attempt to address these points of objection.

### Internal /Other Consultations:

Traffic and Development (F&GG)  
The proposed development is acceptable on highway grounds.

Date of Site Notice: 19 July 2012

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

Hamilton Road is a minor road running approximately north to south, in the most part

parallel to and east of the Hendon Way (A41).

Hamilton Road is predominantly residential in character comprising of mainly terraced houses. The application site, however, sites with a small neighbouring shopping parade of Class A1 units.

The site has good access to Public Transport and has a PTAL value of 4. The site is within 210 metres of Brent Cross LUL (Northern Line) station and is with 200 metres of three bus stops (Q P R) forming part of the Brent Cross Shopping Centre terminus. The site is within easy walking distance of Brent Cross Shopping Centre.

#### Proposal:

The proposal relates to the demolition of existing building and the construction of a two-storey building and a room in the roofspace. The development will provide two A1 units at ground floor level and three studio residential units on first and second floor levels.

#### Planning Considerations:

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

The main issues are considered to be:

- i. Policy Context;
- ii. Principle of redevelopment and whether harm would be caused to the character and appearance of the area and street scene;
- iii. Sub-divided of retail space;
- iv. Design of the new development;
- v. The living conditions of adjoining occupiers;
- vi. Amenity of future occupiers;
- vii. Sustainability;
- viii. Parking, Access and Vehicle Movements;
- ix. Whether the proposal would result in the community incurring extra educational costs that should be met by the developer;
- x. Whether the proposal would increase pressures on the services provided by libraries incurring additional costs that should be met by the developer;
- xi. Whether the proposal would increase the demand for health care facilities incurring extra costs that should be met by the developer.

#### Policy Context:

The proposed development is considered to be compliant with national policy (NPPF), the London Plan, and local policy within the UDP. The general message of

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

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

The proposed development is considered to be compliant 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'.

#### Principle of Redevelopment and Character

The principle of demolition is considered acceptable. The property is not within a conservation area.

The location of the proposed development would be in keeping with Planning Policy Guidance and Regional Policy Guidance recommending the need for the effective use of land within urban areas and the use of previously developed land as far as possible.

Council Policies state that new residential developments must harmonise with and respect the character of the area. The proposed traditional approach to the design is welcomed in this part of the road.

#### Sub-divided of retail space:

The Council's policies seek to encourage development proposals which incorporate a mix of uses within buildings or areas in town centres and other appropriate locations as long as they take account of the character and diversity of the area, potential nuisance to other users and the accessibility of the site by a range of modes of transport. Paragraph 11.3.1.1 of the UDP states that new retail development should sustain and enhance the vitality and viability of the borough's Regional, Major, District and Local Town Centres.

The proposed retail floorspace has been sub-divided into two separate commercial units with separate entrances. The size of the proposed retail units is considered to be in keeping with the size of the existing units in the locality and a condition to retain the layout shown on the drawings is recommended. The units are considered to be of a retail scale and function appropriate to small parade of retail frontage either side of the site.

The proposal is considered to offer an opportunity and therefore contribute to, and enhance, its retail function of this small neighbouring shopping parade without adversely impacting on the vitality and viability of the Brent Cross Shopping centre.

#### Design:

It is considered the design of the proposed dwelling would compliment the design of neighbouring existing buildings and is not would not have any adverse visual effect on the character of the locality or the street scene generally. The success of the building will depend on the quality of the materials to be used and the materials to be used in the construction of the dwelling will have a conditioned to this recommendation to ensure that the proposed materials are acceptable.

The proposed buildings would be located within the site to best fit the current alignment other buildings on street frontage of both Woodville Road and Hamilton Road.

The proposed height of the new building would remain as per the neighbouring existing properties' heights and the pitch of the roof to ensure that the proposed building respects the heights and built form of these other surrounding properties.

In this context, it is considered that the design and sitting of the proposal is acceptable and would be compatible with adjoining properties, the character of the surrounding area and the streetscene. It is considered that this proposed new development will result in the improvement to the appearance of this part of the road compared to the current situation.

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

#### The living conditions of adjoining occupiers:

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

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

As well as requiring that new residential developments harmonise with and respect the character of the area in which they are situated, UDP policy H16 states that they provide and preserve adequate daylight, outlook and residential amenity, provide a safe and secure residential environment, maintain privacy and provide adequate private gardens or amenity space neighbouring properties.

In considering Policy DM01 of the Development Management Policies (Adopted) 2012, it is considered given the distance between the proposed building and neighbouring buildings, it would not detract from the amenities of adjoining occupiers in terms of the loss of light, outlook or privacy to an unacceptable level.

The development would not be obtrusive and would preserve an adequate outlook for the neighbouring occupiers in accordance with adopted policies.

Amenity of future occupiers:

One way in which a satisfactory quality of life can be achieved for people living in the Borough is to ensure that any new housing development is designed to provide good living conditions for the future occupiers.

All three units would meet the minimum space standards as outlined in Policy 3.5 (table 3.3) of the London Plan July 2011 for a 1 bed 1 person unit which is 37m<sup>2</sup>.

The Council require garden space to be provided for new dwellings in order to help to protect and improve the quality of residential areas and maintain living standards, and it is recognised that residential units with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers. For flat developments, the space can be provided communally around buildings but it must be usable. Front gardens that do not provide a reasonable level of privacy, areas that are overlooked by neighbouring development and areas whose use is hindered by their size or the siting of refuse storage enclosures will not be regarded as usable. For flat developments, in appropriate locations and where there is no significant overlooking, balconies may be considered an acceptable substitute for garden space.

Policy H16 of the Barnet Unitary Development Plan (May 2006) [UDP] states that new residential developments should harmonise with and respect the character of the area within which they are situated and should, among other matters, provide adequate levels of private garden or amenity space. UDP policy H18 sets out minimum amenity space standards. The following standard, with the emphasis being on 'usable amenity space' for flats:

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

The development would fail to provide sufficient amounts of on site private usable outdoor space for the enjoyment of future occupiers in order to comply with Policy H18. However, it is acknowledged that the site is located near a town centre and a public park.

As such where no or limited private amenity space for new residential units is provided this leads to subsequent pressure on the play areas/parks and recreational areas provided by the Council. The applicant has agreed to offer a contribution of £3,000 (plus monitoring costs) for greenspaces provision to address the issues as part of the Unilateral Undertaking.

### Sustainability:

Sustainable development is a key priority of Central Government and the Council. Any new residential development in Barnet is expected to meet Code Level 3 of the Sustainable Homes - the applicant has indicated in his sustainability submission that this will be achieved (this is to be enforced by a Code for Sustainable Homes condition).

For the commercial units there is a condition attached to this recommendation that requires the two units to achieve the BREEAM level specified at Section 6.11 of the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

### Parking, Access and Vehicle Movements:

No parking spaces are being provided. The proposed development would need to provide 3 parking spaces to meet the parking standards as set out in the UDP 2006.

However, taking into consideration the following:

- Good public transport accessibility;
- Our site observation indicated that there is on street parking available in on roads in the vicinity of the site.

On balance the proposal is acceptable on highway grounds.

### The Community Infrastructure Levy Regulations 2010:

The NPPF and the Council's adopted SPD for section 106 related planning obligations is applicable for this site in respect of the following areas:

The education, library services, health facilities & monitoring fee of 5% contributions have been adjusted.

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

The NPPF sets out three policy tests that must be met by the LPA when seeking planning obligations. In addition, Regulation 122 of the Community Infrastructure Levy Regulations, which came into force on 6 April 2010, makes it unlawful for a planning obligation to be taken into account in determining a planning application if it does not meet the three tests set out in Regulation 122.

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



### Education needs generated by the development

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

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

To accord with UDP Policy CS8; DM13 of the Local Plan Development Management Policies (Adopted) 2012, Policies CS10 and CS11 of the Local Plan Core Strategy (Adopted) 2012, although it seems that a blanket requirement on all new residential development is usually imposed, in this case, because of the nature of the proposal, the Supplementary Planning Document "Contributions to Education" doesn't require an education contribution. It is therefore concluded that the requirement for education contributions in this case would not accord with the advice given in The NPPF as there is no identified need related to the development.

### Contributions to library services

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

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

To accord with UDP Policy CS2; DM13 of the Local Plan Development Management Policies (Adopted) 2012, Policies CS10 and CS11 of the Local Plan Core Strategy (Adopted) 2012, and the SPD the proposed scheme would require a contribution of £417 (calculated at the time of this application) and a monitoring fee of 5%.

### Contributions to Health facilities

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

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

To accord with UDP Policy CS13; DM13 of the Local Plan Development Management Policies (Adopted) 2012, Policies CS10 and CS11 of the Local Plan Core Strategy (Adopted) 2012, and the SPD the proposed scheme would require a contribution of £2,406 (calculated at the time of this application) and a monitoring fee of 5%.

The library services, health facilities, local parks & monitoring fee of 5% contributions are required to be secured by a Unilateral Undertaking.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Since the application was originally submitted, the proposal has been amended and drawing correctly reflect the proposed development. It is considered that have received these amendments they comply with the National, London Plan, and Council Policies and Guidelines. As a result it is considered that the planning related concerns raised on this application relating to design and amenities are not sufficient to constitute a reason for refusal.

Highway related planning matters are considered to have been covered in the above appraisal.

### **4. EQUALITIES AND DIVERSITY ISSUES**

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

### **5. CONCLUSION**

The 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:** 100-102 Hamilton Road, London, NW11 9DY

**REFERENCE:** F/02415/12



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**LOCATION:** Woodstock Vehicle Recovery Specialists, 94 Woodstock Avenue, London, NW11 9RJ **AGENDA ITEM 15**

**REFERENCE:** F/03455/12 **Received:** 08 September 2012  
**Accepted:** 10 September 2012

**WARD(S):** Golders Green **Expiry:** 05 November 2012

**Final Revisions:**

**APPLICANT:** Woodstock Motors  
**PROPOSAL:** Change of use of established motor vehicle repair workshop to part MOT centre. Removal of existing garage roof and replacement with a new aluminium mansard style roof including rooflights. Repair and reinstatement of perimeter walls and replacement of workshop floor (Amended description).

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement, dated August 2012; Philip Acoustics Noise and Vibration Report, dated 30/04/12, ref: 11091-004; Plan No: 309/12-01; 309/12-02; 309/12-03; 309/12-04; 309/12-05; 309/12-06; 309/12-07; 309/12-08; 309/12-09; 309/12-000.  
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 During the specified hours of operation, the doors of the building shall remain closed at all times and all works associated with the use shall be carried out inside the building.  
Reason:  
To safeguard the amenities of occupiers of adjoining and neighbouring residential properties.
- 5 The use hereby permitted shall not be operational before 8.30am or after 6pm from Monday to Fridays and before 08:30am or after 1pm on Saturdays. The use hereby permitted shall not be open on Sundays, Public or Bank Holidays.  
Reason:  
To safeguard the amenities of occupiers of adjoining residential properties.
- 6 The premises shall be used as a vehicle repair garage, body repair shop and MOT testing facility and no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).  
Reason:

- To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.
- 7 The MOT bay shall remain within the garage as marked on the plans, and that no MOT-related activity shall take place outside the curtilage of the building.
- Reason:  
To safeguard the privacy and amenities of occupiers of adjoining residential properties.
- 8 Before development commences, a report should be carried out by an approved acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development with regards to its use as a garage. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels. It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied/ the use commences).
- Reason:  
To ensure that the amenities of neighbouring premises are protected from noise from the development.
- 9 Before development commences, a report should be carried out by a competent acoustic consultant and submitted to the LPA for approval, that assesses the likely noise impacts from the development of the ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels. It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied/ the use commences).
- Reason:  
To ensure that the amenities of neighbouring premises are protected from noise from the development.
- 10 Before development commences, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development of the ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels. It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied / the use commences).
- Reason:  
To ensure that the amenities of neighbouring premises are protected from noise from the development.

- 11 A scheme for close boarded fencing on the boundary between the frontages of 92 and 94 Woodstock Avenue shall be submitted in writing and approved by the LPA prior to development. This scheme shall be fully implemented before the development hereby permitted is brought into use.

Reason:

To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their home(s).

**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, D2, ENV12, ENV13, M11, M12, GEMP1, GEMP4.

Core Strategy (Adopted) 2012:

CS NPPF, CS1, CS5, CS8.

Development Management Policies (Adopted) 2012:

DM01, DM02, DM04, DM17.

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

The proposed change of use of established motor vehicle repair workshop to part MOT centre is considered to be appropriate given the mixed character of the immediate locality and is not considered to detract from the character or appearance of Woodstock Avenue. The alterations to the application site are not considered to have a significantly harmful impact on the residential or visual amenities of the neighbouring occupiers. The proposed use of the premises is not considered to represent a danger to the existing road network for both pedestrians and road users nor is it considered to result in undue noise and disturbance. The use of the site will also assist in maintaining existing local employment.

This proposal is in accordance with the aforementioned policies.

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

The council's supplementary planning document on Sustainable Design and

Construction requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements

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

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

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework:

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

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

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

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

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

### The Mayor's London Plan July 2011:

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



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

#### 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, D2, ENV12, ENV13, M11, M12, GEMP1, GEMP4.

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 (Adopted) 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 (Adopted) 2012: CS NPPF, CS1, CS5, CS8.

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 (Adopted) 2012: DM01, DM02, DM04, DM17.

Relevant Planning History:

**Site Address:** 94 Woodstock Avenue NW11  
**Application Number:** C02883  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 19/08/1970  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Rebuilding existing garage/workshop**

**Site Address:** 94 Woodstock Avenue NW11  
**Application Number:** C02883A  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 13/02/1975  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **reconstruction of roof over workshop area**

**Site Address:** 94 Woodstock Avenue LONDON NW11  
**Application Number:** C02883C  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 12/10/1988  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Single storey brick built office to replace existing timber shed**  
**Case Officer:**

**Site Address:** 94 Woodstock Avenue LONDON NW11  
**Application Number:** C02883B  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 07/10/1988  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Single storey brick built office to replace existing timber shed**

**Site Address:** 94 Woodstock Avenue, London, NW11 9RJ  
**Application Number:** F/03813/09  
**Application Type:** Section 191  
**Decision:** Lawful Development  
**Decision Date:** 18/01/2010  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Established use of car workshop, office and forecourt.**  
**Case Officer:** Neetal Rajput

**Site Address:** Woodstock Vehicle Recovery Specialists, 94 Woodstock Avenue, London, NW11 9RJ  
**Application Number:** 00920/11  
**Application Type:** Full Application  
**Decision:** Not yet decided  
**Decision Date:** Not yet decided



- Significant increase in activity on the public highway with the generation of new business
- Inconvenience caused by noise, industrial lighting and increased commercial activity
- The proposal would result in an increase in the number of 'Failed' MOT vehicles in the area thereby putting school children and local residents at risk
- The increased volume of traffic by its very nature will increase the number of minor accidents which will be reflected in the cost of increased insurance premiums, an increase in the cost of repairs and increased depreciation of their private motor vehicles.
- The site does not have sufficient car parking space to accommodate its pre-existing business
- No mention is made in the application of the opening hours, collection or delivery hours of the proposed MOT centre.
- The proposal gives no details as to how the increased car parking requirements will be dealt with
- A significant number of houses in the locality are let on multiple occupancy basis, which has increased the volume of road traffic locally in addition to putting pressure on the availability of resident parking spaces
- The planning section has not properly taken into account the converted properties, many of which do not have planning permission and approval of the MOT centre application would exacerbate these problems.

Internal /Other Consultations:

- Environmental Health - No objection subject to relevant conditions.

Date of Site Notice: 20 September 2012

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site is located on Woodstock Avenue in the Golders Green ward. This particular part of Woodstock Avenue is considered to be predominantly residential in nature.

A certificate of lawfulness was granted (F/03813/09) in January 2012 for *established use of car workshop, office and forecourt*. There have also been two previous withdrawals of applications for similar proposals (F/00920/11 & F/04011/11).

The application site is within a controlled parking zone for residents and the hours of operation are between 11am to midday.

Proposal:

The application relates to change of use of established motor vehicle repair workshop to part MOT centre. There will also be the removal of existing garage roof and replacement with a new aluminium mansard style roof including rooflights. It

should be noted that there will be no increase in the height of the roof, only a change in style of the roof. There will also be the repair and reinstatement of perimeter walls and replacement of workshop which is currently in a poor condition and the premises require an upgrade.

During a site visit it was evident that there is area available for parking spaces within the curtilage of the site and the application form states that a number of 8 cars can be present at site at any one time. The access to the building will remain as existing via the existing access road off Woodstock Avenue.

#### Planning Considerations:

The main considerations in this case are the impact of the addition of an MOT testing centre and alterations to the roof on:

- Living conditions on existing/future residential occupiers surrounding the site.
- Character of the use of the site and surrounding area

#### *Living conditions of existing/future neighbouring residents:*

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

Policy ENV12 says that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive developments will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted as stated in policy DM04 of the Development Management (2012).

The site currently runs as car garage, works include the fitting and sale of new tyres and general repair works. The provision of an MOT testing bay within the site is not considered to generate a significant increase in noise and disturbance than currently exists. The site has been established for a period of over 10 years and it is not considered that an unacceptable level of noise or disturbance as a result of comings and goings would result. The provision of an MOT testing bay is not considered to harm the established character of the area.

The part change of use from an established motor vehicle repair workshop to part MOT centre is not considered to have a detrimental impact on the character of the area and the appearance of the street. There will be no increase in the footprint of the building and therefore the proposed change of use is considered to be acceptable and in keeping with the character of the immediate vicinity. Ambulant conditions are recommended including hours of operation, details of a noise report, no MOT related activity to take place outside the curtilage of the building to protect the amenities of neighbouring residents.

The alterations to the roof to form a mansard roof would not appear to be obtrusive or over dominate as there is no increase in the overall height of the roof. The

relationship of the site with neighbouring residential properties is considered acceptable, there is a distance of approximately 12 metres to the rear elevation of the properties fronting Sandringham Road. The use of the part of the MOT centre will be located towards the front of the premises and thus levitating harm to No. 92 Woodstock Avenue. The orientation of this property in relation to the application premises is that it is slightly angled away at the front. It is considered that the proposed use of the site would not result in undue noise and disturbance which would be harmful to the amenities of those living at No. 92 Woodstock Avenue.

Whilst, it is acknowledged that a number of cars could be stored at the premises at one time and would need to drive in and out to arrive and leave the premises, the potential car use in conjunction with the use itself is not considered to result in noise levels which would be significantly higher than what is existing given the nature of the site.

Policies M11 and M12 within the Adopted London Borough of Barnet Unitary Development Plan 2006 relate to both the safety of road users and the road network. The Council will ensure that the safety of road users, particularly those at greater risk is taken fully into account when considering development proposals. Furthermore, the council will seek to reduce accidents by refusing development proposals that unacceptably increase conflicting movements on the road network, or increase the risk, or perceived risk to vulnerable road users. Within the application no changes are proposed to the vehicle access. The number of parking spaces as stated in the application form for this unit is 8. The proposed change of use is not expected to have a detrimental impact on the public highways and safety for highways users. The potential comings and goings which may arise as a result of the proposed use is not considered to represent a danger to the existing highway network or road users/pedestrians. It is not considered that the comings and goings from the application site will result in a significantly higher amount of traffic and parking stress than what already exist with the current use. It would have a minimal impact on the public highway and is not expected to have a detrimental effect on the free flow of traffic or highways users safety. The proposal is considered acceptable on highways grounds.

The Environmental Health Team were consulted as part of the application process. There were no adverse comments on this proposal and therefore it is considered to be acceptable on Environmental Health Grounds. The advise from our Environmental Health department is that there would be a reduction in the level of noise due to the new proposed acoustic roof which is welcomed. This lowers the high level noises to a level more in line with the general neighbouring road noise at the frontage of the development onto the main road. Also, there is no direct line of sight from the proposed workshop open doors to the residential at the nearest neighbouring residential. The back of the neighbouring residential also has a high level of noise protection. Conditions have been recommended requesting details of the ventilation and extraction equipment.

As a result of the above, this application is considered to have an acceptable impact on the character and appearance of Woodstock Avenue and surrounding locality. It is also considered to have a minimal impact on the surrounding public highway network and the safety of both road users and pedestrians. Furthermore, it is not

considered to have an adverse impact on the residential amenities of neighbouring residents along Woodstock Avenue and Sandringham Road. In this instance, the part change of use to a MOT centre is considered to be appropriate in this area. This application is therefore recommended for approval, subject to conditions.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

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

### **4. EQUALITIES AND DIVERSITY ISSUES**

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

### **5. CONCLUSION**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, 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: Woodstock Vehicle Recovery Specialists, 94  
Woodstock Avenue, London, NW11 9RJ**

**REFERENCE: F/03455/12**



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**LOCATION:** 12 Eleanor Crescent, London, NW7 1AH

**REFERENCE:** H/03259/12

**Received:** 23 August 2012

**AGENDA ITEM 16**

**Accepted:** 06 September 2012

**WARD(S):** Mill Hill

**Expiry:** 01 November 2012

**Final Revisions:**

**APPLICANT:** Mr & Mrs Katz

**PROPOSAL:** Erection of a new two storey building including front and rear dormer windows and rooflights with 2no. off-street parking following demolition of the existing building.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan, 12EC12/01, 12EC12/02, 12EC12/03, 12EC12/04 (Received 29/10/2012), 12EC12/05, 12EC12/06, 12EC12/07 (Received 29/10/2012)

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 5 Before the building hereby permitted is occupied the proposed rooflight window(s) in the flank elevations shall be glazed shall be obscure-glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained as such thereafter with only a fanlight opening.

Reason:

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

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

Reason:

To safeguard the visual amenities of the locality.

- 7 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00

am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason:

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

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, E, F of Part 1 to Schedule 2 of that Order shall be carried out within the area of 12 Eleanor Crescent hereby approved.

Reason:

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

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

Reason:

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

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

Reason:

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

#### **INFORMATIVE(S):**

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

Adopted Barnet Unitary Development Plan (2006): GBEEnv1, GBEEnv2, D1, D2, D3, D4, D5, D6, H16.

Supplementary Planning Document: Sustainable Design and Construction.

Core Strategy (Adopted) 2012: CS5

Development Management Policies (Adopted) 2012: DM01, DM02

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

considered to have an acceptable impact on the amenities of the neighbouring occupiers and the character and appearance of the streetscene and general locality.

- 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 £3,290.

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](http://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](mailto:cil@barnet.gov.uk)

## **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: 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:

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, H16.

Design Guidance Note No 5 – Extensions to Houses  
Supplementary Planning Document: Sustainable Design And Construction

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 (Adopted) 2012:

Barnet's 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 (Core Strategy and Development Management Policies documents) 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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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: CS NPPF, CS1, CS5.

#### Development Management Policies (Adopted) 2012:

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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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 (Adopted) 2012: DM01, DM02.

#### Relevant Planning History:

**Site Address:** 'Fairholm' Eleanor Crescent London NW7

**Application Number:** W04109  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 13/06/1973  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** rear extension to lounge and glazed lean-to  
**Case Officer:**

#### 14 Eleanor Crescent

W11468 - Single storey front, side and rear extension, new and extended roof to contain living accommodation, and new patio. - Refused - Allowed at Appeal - 11/08/1998

W11468A - Single storey front, side and rear extensions, and extended roof to contain living accommodation. - Refused - Allowed at Appeal - 14/10/1998

W11468B - Single storey front, side and rear extension, new roof to main house. - Approved - 16/12/1998

W11468C - Single-storey front, side and rear extension, new and extended roof to contain living accommodation and new patio - amendment to planning permission W11468A allowed on appeal in February 1999 by the introduction of a front dormer window - Approved - 24/08/1999

#### 16 Eleanor Crescent

W13596/04 - Single storey front, side and rear extension. Construction of new roof with front and rear dormer windows to provide additional floor space to first level. - 03/05/2004

#### Consultations and Views Expressed:

Neighbours Consulted: 22                      Replies:                      7  
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- Road is private, unmade and has no drainage
- Hardstanding and Cars to front of property will be detrimental to appearance of the area
- Owner has not been served notice, the applicant was not the owner of the property at the time the application was made.
- There has been no assessment of flood risk.
- Proposal is over development of the of the site, overbearing and visually obtrusive.
- No need for parking spaces to front of property and loss of gardens.
- Overlooking and loss of privacy.
- Loss of light
- Loss of grass verge
- Eleanor Crescent road surface cannot cope with heavy goods vehicles.

- Developments at no.14 and no.16 have eroded character of the area and should not set precedent. Policy has changed since this time.
- Impact on traffic access and parking
- Effect on biodiversity

Internal /Other Consultations:

N/A

Date of Site Notice: 13 September 2012

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The site property is a detached bungalow on the west side of Eleanor Crescent.

The surrounding area is mixed in character. Roof extensions have been constructed at no.14 and no.16 to form an additional storey. No.10 is of similar appearance to the site property, whereas other buildings such as those to the north and south are two storey, with a variety of designs.

Eleanor Crescent is a private Road. a grassed strip runs between the site and the highway.

Proposal:

Planning permission is sought for The erection of a new two storey building including front and rear dormer windows and rooflights with 2no. off street parking spaces following demolition of the existing building.

The proposed replacement dwelling would extend approximately 1.8m further rearwards than that existing at single storey level. This would be sited approximately 1m from the boundary with no.14 and 0.4m from no.10.

The building would extend approximately in line with the rear building line of no.14.

The proposals feature a front dormer window which has been reduced in width following discussions with the case officer. This would now be 1.8m wide. A rear dormer window is also proposed.

The drawings show that the building would be 8m high from the front and 7m from the rear.

The proposals include changes to the front garden to create car parking spaces for two cars. The layout has been amended to include some soft landscaping.

The proposed roof would be L shaped, extending closer to the boundary with no.10 to the rear.

## 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 GBEEnv1 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 H16 advises that new residential developments should harmonise with and respect the character of the area within which they are situated and should:

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

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

Policy DM02 advises that where appropriate, development will be expected to demonstrate compliance with the following national and Londonwide standards and those set out in the Council's suite of Supplementary Planning Documents:

1. By Design, the CABI urban design principles
2. Lifetime homes, the 16 design criteria required by the London Plan policy 3.8
3. Code for Sustainable Homes, the national standard for sustainable homes
4. BREEAM, the environmental assessment method for non residential development
5. Wheelchair accessibility, the London Plan policy 3.8
6. Minimum floor space, the London Plan policy 3.5
7. Outdoor amenity space



8. Secured by Design, the national Police initiative
9. Play space, the London Plan policy 3.6

*Impact on neighbouring amenity*

The proposed new building would extend approximately 1.8m beyond the rear wall of no.10. It is not considered that this relationship would cause material harm to the living conditions enjoyed by the occupiers no.10. No.10 has been extended previously with a conservatory.

The replacement dwelling would be of similar depth to that approved and constructed at no.14. It is considered that this would have an acceptable impact on the visual and residential amenities of the occupiers of no.14. The additional height of the building is not considered to harm neighbouring visual amenity.

The front of the building has been set back on the side nearest no.10 to prevent undue loss of light or outlook to the front and side windows of no.10.

It is considered that the proposals would have an acceptable impact on neighbouring visual and residential amenity.

*Impact on the character and appearance of the streetscene and locality*

The surrounding area has a mixture of building designs, including bungalows, chalet bungalows and two storey buildings, some of modern construction.

The land slopes down to the north across Eleanor Crescent. However, the building at no.12 is built at a similar level as no.14. No.14 has since been extended to have a higher roof. The proposals would involve replacing the building with a dwelling marginally lower than that at no.14. It is recognised that no.10 is at a lower level than the site property.

The proposals involve the creation of parking areas to the front of the property. The applicant advises that hardstanding will be combined paving stones with grass as the photo below. It will be drained through grated channels to an underground rainwater harvesting tank. There would be some opportunities for soft landscaping. It should be noted that other dwellings in the locality do have hardstanding areas across the front drive. However, it would appear that these have been done without the benefit of planning permission.

It is considered that the proposed replacement dwelling would have an acceptable impact on the character and appearance of the streetscene and general locality.

*Whether the development would be acceptable in sustainability terms*

The new dwelling would need to comply with the Council's SPD on Sustainable Design and Construction. A condition is proposed to ensure that the development meets this standard.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Road is private, unmade and has no drainage - *This is noted.*

Owner has not been served notice, the applicant was not the owner of the property at the time the application was made. - *This has been raised with the applicant. It would appear that notice was served on the owner's solicitors at the time of making the application.*

There has been no assessment of flood risk. - *The site is not within an area of flood risk. The front landscaping scheme makes provision for drainage.*

Proposal is over development of the of the site, overbearing and visually obtrusive. - *It is not considered that the proposals are an overdevelopment of the site.*

No need for parking spaces to front of property and loss of gardens. - *It is considered that the parking provision is acceptable*

Loss of grass verge - *This falls outside the site. The creation of a vehicular access is normally permitted development, the road is not classified. The visual impact on the streetscene is considered acceptable.*

Eleanor Crescent road surface cannot cope with heavy goods vehicles. - *Given the nature of the scheme, it is not considered that the proposals would result in harm to highway safety. In any event it would be difficult to justify the refusal of the application on the grounds that construction vehicles would harm the road surface.*

Developments at no.14 and no.16 have eroded character of the area and should not set precedent. Policy has changed since this time. - *Policy has changed somewhat, however it is not considered that the proposals would materially harm the appearance of the area.*

Impact on traffic access and parking - *This is considered acceptable. The proposals would provide 3 parking spaces which is considered acceptable in highway terms.*

Effect on biodiversity - *It is not considered that there would be a material impact on biodiversity.*

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

The proposals are recommended **APPROVAL**.

**SITE LOCATION PLAN:** 12 Eleanor Crescent, London, NW7 1AH

**REFERENCE:** H/03259/12



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**LOCATION:** 11 Neville Drive, London, N2 0QS

**REFERENCE:** F/03639/11

**Received:** 26 August 2011

**Accepted:** 23 August 2011

**Expiry:** 18 October 2011

**Final Revisions:**

**WARD(S):** Garden Suburb

**APPLICANT:** Mr D Cohen

**PROPOSAL:** Demolition of existing house and erection of new replacement house.

**RECOMMENDATION: Approve Subject to Conditions**

1 The development hereby permitted shall be carried out in accordance with the following approved plans: 4130 01A, 4130 02 A, site plan and Design and Access Statement.

Reason:

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

2 This work must be begun not later than three years from the date of this consent.

Reason:

To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

3 The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been executed and planning permission has been granted for the redevelopment for which the contract provides. Evidence that this contract has been executed shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to any demolition works commencing.

Reason:

To preserve the established character of the Conservation Area pending satisfactory redevelopment of the site.

4 No siteworks or works on this development shall be commenced before a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 *Trees in relation to design, demolition and construction - Recommendations* are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.

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

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

Reason:

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

**INFORMATIVE(S):**

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D11, D13, HC1, HC5, M11, M13, M14, H16, H17, H18, H21, CS2, CS8, CS13, IMP1 and IMP2.

Core Strategy (Adopted) 2012: CS NPPF, CS1, CS5

Development Management Policies (Adopted) 2012: DM01, DM02, DM06, DM17

ii) The proposal is acceptable for the following reason(s): - The proposals would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. As conditioned, they would preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, trees, conservation area and area of special character.

## **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.

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published on 27 March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

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

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

### The Mayor's London Plan July 2011:

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

The London Plan provides a unified framework for strategies that are designed to

ensure that all Londoners benefit from sustainable improvements to their quality of life.

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

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

#### Relevant Unitary Development Plan Policies:

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

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

Relevant policies: GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D11, D13, HC1, HC5, M11, M13, M14, H16, H17, H18, H21, CS2, CS8, CS13, IMP1 and IMP2.

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

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

#### Core Strategy (Adopted) 2012:

Barnet's 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 (Core Strategy and Development Management Policies documents) 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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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: CS NPPF, CS1, CS5.

Development Management (Adopted) 2012:

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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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: DM01, DM02, DM06, DM17.

Relevant Planning History:

<b>Application:</b>	Planning	<b>Number:</b>	F/02405/10
<b>Validated:</b>	20/07/2010	<b>Type:</b>	APF
<b>Status:</b>	WDN	<b>Date:</b>	08/11/2010
<b>Summary:</b>	WIT	<b>Case Officer:</b>	David Campbell
<b>Description:</b>	Demolition of existing house and erection of a two storey detached dwelling including basement level and rooms in roofspace.		

<b>Application:</b>	Planning	<b>Number:</b>	F/02406/10
<b>Validated:</b>	20/07/2010	<b>Type:</b>	CAC
<b>Status:</b>	WDN	<b>Date:</b>	08/11/2010
<b>Summary:</b>	WIT	<b>Case Officer:</b>	David Campbell
<b>Description:</b>	Demolition of existing house and erection of a two storey detached dwelling including basement level and rooms in roofspace. (CONSERVATION AREA CONSENT)		

<b>Application:</b>	Planning	<b>Number:</b>	F/03638/11
<b>Validated:</b>	06/09/2011	<b>Type:</b>	APF
<b>Status:</b>	PDE	<b>Date:</b>	
<b>Summary:</b>	APC	<b>Case Officer:</b>	David Campbell
<b>Description:</b>	Demolition of existing house and erection of a two storey detached dwelling including basement level and rooms in roofspace.		

<b>Application:</b>	Planning	<b>Number:</b>	F/03639/11
<b>Validated:</b>	23/08/2011	<b>Type:</b>	CAC
<b>Status:</b>	PDE	<b>Date:</b>	
<b>Summary:</b>	APC	<b>Case Officer:</b>	David Campbell
<b>Description:</b>	Demolition of existing house and erection of new replacement house.		



### Consultations and Views Expressed:

Neighbours Consulted: 2                      Replies: 5  
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- There is nothing wrong with the existing property.
- The owner does not need more space.
- No design and access statement has been submitted.
- Impact on the water table of the basement
- It is not certain where the party wall is.
- Impact of the works on neighbouring properties.
- Loss of amenity.
- Security measures should be used during construction.
- Over development.
- Out of Character with the conservation Area.
- The building is too high
- Design
- There are too many chimneys.

### Internal /Other Consultations:

- Urban Design & Heritage - No objections.
- The HGS CAAC have objected to the application on a lack of existing plans.

Date of Site Notice: 08 September 2011

## **2. PLANNING APPRAISAL**

Site Description and Surroundings: The application site is located within the Hampstead Garden Suburb Conservation Area, on the north side of Neville Drive, within the Holne Chase and Norrice Lea Character Area, Number 13. The Character Appraisal notes that 7 to 15 (odd) Neville Drive are examples of poorly-integrated 1950s homes, many of which have been substantially modified. These properties and number 3, were built by Bloom and Partners (1956-60) and are of typical 1950s contemporary style. All have large, front windows enhancing their flat, geometric appearance, wood boarding panels as a decorative feature and an open design. Some have been substantially modified and as a group they sit uneasily with the 1930s developments and do not add to the character of the area.

Neville Drive runs west-east and is gently curved, with an include towards the east. The two sides of the road have different ambiances. On the north side of the road, there is less greenery, boundaries are often marked by low stone walls; ion some cases the forecourts are open to the pavement. The architecture is much more varied and the open frontages do not reflect the Garden Suburb character. This road has an eclectic mixture of houses.

This site slopes downwards from the road towards the rear of the rear garden.

Proposal: The proposal relates to the demolition of No 11 Neville Drive and the erection of a replacement detached dwellinghouse (14.9m wide, 14.7m deep, 9.7m tall), with a red-brick two storey property with a pitched roof and two front and one rear facing gable.

Associated works include installation of a rear terrace, accessed from the ground floor (14.7m wide, 3.6m deep and has six bedrooms with accommodation at basement and roof level

#### Planning Considerations:

Policy HC1 is a Historic Conservation policy stating that the Council will refuse planning permission for development proposals which fail to preserve or enhance the character or appearance of Conservation Areas. When considering development proposals the Council will give special consideration to advice provided within the Council's Conservation Area Character Appraisal Statements and other supplementary design guidance.

Policy HC5 is a Historic Conservation policy stating that the Council will refuse development proposals which fail to safeguard and enhance the landscape and townscape features which contribute to the identity of Areas of Special Character.

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Unitary Development Plan, as an "Area of Special Character". The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The Planning Listed Buildings and Conservation Area Act controls the demolition of buildings within the Conservation Area. There is a general presumption in favour of retaining buildings which make a positive contribution. The existing dwelling holds no significant architectural merit and is not considered to either preserve or enhance the significance of the Conservation Area; at best it is a neutral building. The demolition of the house is considered acceptable subject to a suitable replacement and conditions to protect trees.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

The grounds of objection have been addressed below:

- *There is nothing wrong with the existing property* - It is considered that the existing property does not significantly contribute to the character and appearance of the conservation area and can be demolished.
- *The owner does not need more space* - this is not for the council to decide.
- *No design and access statement has been submitted* - A design and access

statement has been submitted.

- *Impact on the water table of the basement* - It is not considered that there is any evidence demonstrating that this would be a reason to refuse permission.
- *It is not certain where the party wall is* - Party wall matters are no material planning considerations.
- *Impact of the works on neighbouring properties* - Development during construction is not a planning consideration. Conditions on hours of works and wheel washing have been attached to the application.
- *Loss of amenity* - It is not considered that the property will lead to neighbouring loss of amenity.
- *Security measures should be used during construction* - An enclosure condition has been attached to the application. This is also covered under the building regulations.
- *Over development* - It is not considered that the application represents over development.
- *Out of Character with the conservation Area* - This is not considered to be the case
- *The building is too high* - It is considered that the height of the building is acceptable in relation to neighbouring properties.
- *Design* - It is considered that the design of the scheme is acceptable.
- *There are too many chimneys* - It is considered that the chimneys are acceptable also.

#### **4. EQUALITIES AND DIVERSITY ISSUES**

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

#### **5. CONCLUSION**

Having taken all material considerations into account, the proposal would not detrimentally impact on the qualities of both buildings and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, subject to a number of conditions to control the quality of materials and detailing the proposal would preserve the character of the area. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring developments. This application is considered to comply with National, London Plan, and Council Policies and Guidelines and is recommended for **APPROVAL**.

**SITE LOCATION PLAN:** 11 Neville Drive, London, N2 0QS

**REFERENCE:** F/03639/11



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**LOCATION:** 11 Neville Drive, London, N2 0QS

**REFERENCE:** F/03638/11

**Received:** 26 August 2011

**AGENDA ITEM 18**

**Accepted:** 06 September 2011

**WARD(S):** Garden Suburb

**Expiry:** 01 November 2011

**Final Revisions:**

**APPLICANT:** Mr D Cohen

**PROPOSAL:** Demolition of existing house and erection of a two storey detached dwelling including basement level and rooms in roofspace.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 4130 01A, 4130 02 A, site plan and Design and Access Statement.  
Reason:  
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of this permission.  
Reason:  
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.  
Reason:  
To safeguard the visual amenities of the locality.
- 4 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.  
Reason:  
To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway.
- 5 No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.  
Reason:  
To safeguard the health of existing tree(s) which represent an important amenity feature.
- 6 Before the development hereby permitted commences, further details of the following items shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.
  - a) new windows, dormer windows, doors and decorative brickwork surrounding the front door at scale 1:10 including materials, opening and frames;

b) new eaves and gable features at scale 1:10;

Reason:

To safeguard the visual amenities of the locality and ensure that the hereby approved building respects the setting of the surrounding buildings and conservation area.

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

Reason:

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

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

- 11 Detailed drawings of all windows, dormer windows, external doors including surrounds, garage doors, eaves, quoins, chimneys and balustrading to the rear basement well/bay window shall be submitted at a scale of 1:10 scale, 1:1 for glazing bars, and approved in writing by the Local Planning Authority before any development hereby permitted is commenced. Development shall be carried out in accordance with the approved plans.

Reason:

To preserve the special character and appearance of the conservation area.

- 12 Detailed drawings of boundary treatment to be used in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before any development hereby permitted is commenced.

Development shall be carried out in accordance with the approved details.

Reason:

To preserve the special character and appearance of the conservation area.

- 13 All rainwater goods to be used on the development hereby permitted shall be made of cast iron.

Reason:

To preserve the special character and appearance of the conservation area.

- 14 All new windows, in the side elevations facing 9 and 15 Neville Drive shall be glazed with obscure glass only and shall be permanently retained as such

thereafter and shall be permanently fixed shut with only a fanlight opening, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

- 15 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), no windows shall be inserted into the new extensions hereby approved without the prior specific permission of the Local Planning Authority.

Reason:

To protect the privacy and amenity of the adjoining property.

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

Reason:

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

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

Reason:

To safeguard residential amenity.

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

Reason:

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

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

Reason:

To safeguard residential amenity.

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

Reason:

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

- 21 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.

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

Reason:

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

- 23 No siteworks or works on this development shall be commenced before a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 *Trees in relation to design, demolition and construction - Recommendations* are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.

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

- 24 Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval.

Reason:

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

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

Reason:

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

#### **INFORMATIVE(S):**

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

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

In particular the following polices are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D11, D13, HC1, HC5, M11, M13, M14, H16, H17, H18, H21, CS2, CS8, CS13, IMP1 and IMP2.

Core Strategy (Adopted) 2012: CS NPPF, CS1, CS5



Development Management Policies (Adopted) 2012: DM01, DM02, DM06, DM17

ii) The proposal is acceptable for the following reason(s): - The proposals would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. As conditioned, they would preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, trees, conservation area and area of special character.

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

- 2 The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet.
- 3 You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location. In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

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

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

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

- 4 The applicant is advised that prior to any alteration to the public highway (including pavement) will require consent of the local highways authority. You may obtain an estimate for this work from the Chief Highways Officer, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.
- 5 In the event that any alteration to the existing crossover or new crossovers is required then it will be subject to detailed survey by the Crossover Team in Highways Group as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. An estimate for this work could be obtained from London Borough of Barnet, Highways Group, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.
- 6 Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall

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

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy 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.

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published on 27 March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

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

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

### The Mayor's London Plan July 2011:

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

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

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

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

### Relevant Unitary Development Plan Policies:

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

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

Relevant policies: GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D11, D13, HC1, HC5, M11, M13, M14, H16, H17, H18, H21, CS2, CS8, CS13, IMP1 and IMP2.

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

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

### Core Strategy (Adopted) 2012:

Barnet's 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 (Core Strategy and Development Management Policies documents) 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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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: CS NPPF, CS1, CS5.

### Development Management (Adopted) 2012:

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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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: DM01, DM02, DM06, DM17.

#### Relevant Planning History:

<b>Application:</b>	Planning	<b>Number:</b>	F/02405/10
<b>Validated:</b>	20/07/2010	<b>Type:</b>	APF
<b>Status:</b>	WDN	<b>Date:</b>	08/11/2010
<b>Summary:</b>	WIT	<b>Case Officer:</b>	David Campbell
<b>Description:</b>	Demolition of existing house and erection of a two storey detached dwelling including basement level and rooms in roofspace.		

<b>Application:</b>	Planning	<b>Number:</b>	F/02406/10
<b>Validated:</b>	20/07/2010	<b>Type:</b>	CAC
<b>Status:</b>	WDN	<b>Date:</b>	08/11/2010
<b>Summary:</b>	WIT	<b>Case Officer:</b>	David Campbell
<b>Description:</b>	Demolition of existing house and erection of a two storey detached dwelling including basement level and rooms in roofspace. (CONSERVATION AREA CONSENT)		

<b>Application:</b>	Planning	<b>Number:</b>	F/03639/11
<b>Validated:</b>	23/08/2011	<b>Type:</b>	CAC
<b>Status:</b>	REG	<b>Date:</b>	
<b>Summary:</b>	DEL	<b>Case Officer:</b>	David Campbell
<b>Description:</b>	Demolition of existing house and erection of new replacement house.		

#### Consultations and Views Expressed:

Neighbours Consulted: 17                      Replies: 5  
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- There is nothing wrong with the existing property.
- The owner does not need more space.
- No design and access statement has been submitted.
- Impact on the water table of the basement
- It is not certain where the party wall is.
- Impact of the works on neighbouring properties.
- Loss of amenity.
- Security measures should be used during construction.
- Over development.
- Out of Character with the conservation Area.

- The building is too high
- Design
- There are too many chimneys.

Internal /Other Consultations:

- Urban Design & Heritage - No objections.
- The HGS CAAC have objected to the application on a lack of existing plans.

Date of Site Notice: 29 September 2011

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site is located within the Hampstead Garden Suburb Conservation Area, on the north side of Neville Drive, within the Holne Chase and Norrice Lea Character Area, (Number 13). The Character Appraisal notes that 7 to 15 (odd) Neville Drive are examples of poorly-integrated 1950s homes, many of which have been substantially modified. These properties and number 3, were built by Bloom and Partners (1956-60) and are of typical 1950s contemporary style. All have large, front windows enhancing their flat, geometric appearance, wood boarding panels as a decorative feature and an open design. Some have been substantially modified and as a group they sit uneasily with the 1930s developments and do not add to the character of the area.

Neville Drive runs west-east and is gently curved, with an include towards the east. The two sides of the road have different ambiances. On the north side of the road, there is less greenery, boundaries are often marked by low stone walls; ion some cases the forecourts are open to the pavement. The architecture is much more varied and the open frontages do not reflect the Garden Suburb character. This road has an eclectic mixture of houses.

This site slopes downwards from the road towards the rear of the rear garden.

Proposal:

The proposal relates to the demolition of No 11 Neville Drive and the erection of a replacement detached dwellinghouse (14.9m wide, 14.7m deep, 9.7m tall), with a red-brick two storey property with a pitched roof and two front and one rear facing gable.

Associated works include installation of a rear terrace, accessed from the ground floor (14.7m wide, 3.6m deep and has six bedrooms with accommodation at basement and roof level

Planning Considerations:

The main issue in this case is whether or not the alterations would be visually obtrusive forms of development which would detract from the character and

appearance of the street scene and this part of the Hampstead Garden Suburb Conservation Area and have an adverse and visually obtrusive impact upon the amenity of the occupiers of the neighbouring property.

The supplementary planning guidance for the Suburb is the Hampstead Garden Suburb Design Guidance which has been the subject of public consultation and Local Planning Authority approval. The guidance says:-

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an "Area of Special Character of Metropolitan Importance". The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 – 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

The Conservation Area Advisory Committee for Hampstead Garden Suburb comments are noted above.

Council's policies and guidelines in respect of alterations to residential properties seek to ensure that they respect the scale, character and design of any building on which they are to be placed and are compatible with the character of the locality. Alterations will not be permitted if they do not have regard to the amenities enjoyed by neighbours.

#### Policy Context:

The proposed development is considered to be compliant with national policy

(NPPF), the London Plan, and local policy within the UDP. The general message of policy 57 advises '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'.

Policy HC1 is a Historic Conservation policy stating that the Council will refuse planning permission for development proposals which fail to preserve or enhance the character or appearance of Conservation Areas. When considering development proposals the Council will give special consideration to advice provided within the Council's Conservation Area Character Appraisal Statements and other supplementary design guidance.

Policy HC5 is a Historic Conservation policy stating that the Council will refuse development proposals which fail to safeguard and enhance the landscape and townscape features which contribute to the identity of Areas of Special Character.

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

Policy DM06 of the Development Management Policies (Adopted) 2012 states that development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

There is no in principle objection to the proposed demolition and replacement of the property..

### Character and Appearance

The proposed building lines are considered acceptable in that it would respect the building lines created by other houses on this part of Neville Drive. It is considered that the footprint of the proposed new dwelling respects the constraints of the site even though it is larger than the existing. The scale and mass of the replacement dwelling compliments the character of other properties within the immediate vicinity and poses no significant detriment to the setting of the neighbouring buildings. The proposed basement would not be visible from the road.

The proposed design is considered acceptable and has been the subject of a number of discussions and amendments since the application was submitted. Overall the proposed house would achieve an acceptable height/width relationships with the neighbouring houses and it is considered that it would enhance the character and appearance of this part of the conservation area.

### Impact on Neighbours

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

The plans show that the proposed replacement building at 11 Neville Drive is 1.1m

from the boundary with 9 Neville Drive and 1.3m from the boundary with 15 Neville Drive (excluding chimneys). The house would be approximately 2.9m away from 9 Neville Drive and 2.1m away from 15 Neville Drive. This is considered to be an acceptable relationship between the proposed property and the two adjoining neighbours.

The proposed building would also have an approximate depth of 14.7m at the ground floor which is comparable to other properties in Neville Drive and is not considered to cause harm to either neighbour.

Conditions have been recommended that seek to further protect the amenities of the neighbours, with obscure glazing to all new side windows and a condition preventing other side windows being inserted into the flank walls. A condition has also been recommended that seeks to protect the character and appearance of the existing building by ensuring that the materials used on the external surfaces are submitted to the Local Planning Authority and approved before any works commence.

There are therefore no objections on these grounds, and it is considered that the policy requirements of policy D5 have been met.

### Trees

Trees contribute significantly to the character and appearance of the Hampstead Garden Suburb Conservation Area.

As is self-evident from the name, trees and the landscape are of particular importance to the design and philosophy of the Hampstead Garden Suburb. In many of their writings, Parker and Unwin (the founding architects / planners of the Hampstead Garden Suburb) referred to the importance of trees, green spaces, and landscape, together with the critical relationship between site and design (e.g. *The Art of Building a Home* (1901) Longmans).

Wherever possible, in laying out the design for “the Garden Suburb” particular care was taken to align roads, paths, and dwellings to retain existing trees and views. Extensive tree planting and landscaping was considered important when designing road layouts in Hampstead Garden Suburb, such that Maxwell Fry, one of the pioneer modernists in British architecture, held that “Unwin more than any other single man, turned the soulless English byelaw street towards light, air, trees and flowers.”

Guidance for building in juxtaposition to trees is given in the British Standard: Trees in relation to construction - Recommendations. The British Standard recommends that in order to avoid damage to the roots or rooting environment of retained trees, a root protection area (RPA) of area equivalent to a circle with a radius 12 times the stem diameter (measured at 1.5m above ground level), should be left undisturbed around each retained tree.

The protected trees on site are to the back of the rear garden where it is not considered that they would be harmed by the development. However, to ensure this is the case, conditions which seek to provide further protection to the trees on site



have been attached.

### Contributions

As the house is a replacement dwelling, it is not considered that any contributions towards education libraries and healthcare would be required on this occasion.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

The grounds of objection have been addressed below:

- *There is nothing wrong with the existing property* - It is considered that the existing property does not significantly contribute to the character and appearance of the conservation area and can be demolished.
- *The owner does not need more space* - this is not for the council to decide.
- *No design and access statement has been submitted* - A design and access statement has been submitted.
- *Impact on the water table of the basement* - It is not considered that there is any evidence demonstrating that this would be a reason to refuse permission.
- *It is not certain where the party wall is* - Party wall matters are no material planning considerations.
- *Impact of the works on neighbouring properties* - Development during construction is not a planning consideration. Conditions on hours of works and wheel washing have been attached to the application.
- *Loss of amenity* - It is not considered that the property will lead to neighbouring loss of amenity.
- *Security measures should be used during construction* - An enclosure condition has been attached to the application. This is also covered under the building regulations.
- *Over development* - It is not considered that the application represents over development.
- *Out of Character with the conservation Area* - This is not considered to be the case
- *The building is too high* - It is considered that the height of the building is comparable to the neighbour at 15 Neville Drive. It is noted that the road does slope down towards 9 Neville Drive, however given there is an existing property on site at the moment, it is not considered that this would result in any loss of light or amenity.
- *Design* - It is considered that the design of the scheme is acceptable.
- *There are too many chimneys* - It is considered that the chimneys are acceptable also.

### **4. EQUALITIES AND DIVERSITY ISSUES**

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

### **5. CONCLUSION**

Having taken all material considerations into account, the proposal would not detrimentally impact on the qualities of both buildings and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, subject to a number of conditions to control the quality of materials and detailing the proposal would preserve the character of the area. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring developments. This application is considered to comply with National, London Plan, and Council Policies and Guidelines and is recommended for **APPROVAL**.

**SITE LOCATION PLAN:** 11 Neville Drive, London, N2 0QS

**REFERENCE:** F/03638/11



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**LOCATION:** Annemount School, 18 Holne Chase, London, N2 0QN  
**REFERENCE:** F/03185/12 **Received:** 16 August 2012 **AGENDA ITEM 19**  
**WARD(S):** Garden Suburb **Accepted:** 05 September 2012  
**Expiry:** 31 October 2012

**Final Revisions:**

**APPLICANT:** Annemount Preparatory School  
**PROPOSAL:** Demolition of existing single storey extensions on the side (West) and rear (North) elevations following the construction of a single storey extension on the side (West) elevation and a two storey extension on the rear (North) elevation; The creation of a new basement extension and internal reconfigurations across all floors; Provision of two conservation style rooflights to the existing and extended pitched roof; Refuse storage and bicycle storage space with associated landscaping.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan - S.00; Arboricultural Method Statement Prepared by Alex Monk of CBA Trees dated August 2012; Structural Pre Planning Report Prepared by Lyons O'Neil Structural Engineers dated August 2012; Annemount School - Supporting Information; Plan No's: S.01; EX.00; EX.01; EX.02; EX.03; EX.04; EX.05; GS.00 Rev A; GS.01; GE.00 Rev B; GE.01 Rev B; GA.00 Rev A; GA.01 Rev A; GA.02 Rev A; GA.03 Rev A; GA.04 Rev B.  
Reason:  
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of this permission.  
Reason:  
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).  
Reason:  
To safeguard the visual amenities of the building and the surrounding area.
- 4 Before the development hereby permitted commences, details of the front rootlight bench of the basement at a scale of 1:10 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.  
Reason:  
To safeguard the visual amenities of the locality.
- 5 The premises shall be used purposes ancillary to the school and no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).  
Reason:  
To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.
- 6 Notwithstanding the details shown on the hereby approved drawings, the

rooflights hereby approved shall be of a "conservation" type (with central, vertical glazing bar), set flush in the roof.

Reason:

To safeguard the character and appearance of the Conservation Area.

- 7 The hereby approved windows shall match the original windows in material and style.

Reason:

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

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

Reason:

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

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

Reason:

To ensure a satisfactory appearance to the development.

- 10 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.

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

Reason:

To ensure a satisfactory appearance to the development.

- 12 Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval.

Reason:

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

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

Reason:

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

- 14 No siteworks or works on this development shall be commenced before a method statement expanding on the principle set out in Arboricultural Method Statement Prepared by Alex Monk of CBA Trees dated August 2012 and Structural Pre Planning Report Prepared by Lyons O'Neil Structural Engineers dated August 2012 for the proposed development at Annemount School, 18 Holne Chase, in particular in respect of:
1. Arrangement for access to rear garden;
  2. Work phasing;
  3. Machinery and vehicle Access;
  4. Storage of materials;
  5. Method of construction to ensure the protection of the mature Predunculate Oak tree.

This information must be in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 *Trees in relation to design, demolition and construction - Recommendations* are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.

Reason:

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

- 15 There shall be no more than 115 children registered at the school at any one time. No children other than those registered shall study at the school.

Reason:

To safeguard the residential amenity of neighbouring occupiers.

- 16 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: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011, the Adopted Barnet Unitary Development Plan (2006) and the Local Plan (2012).

In particular the following policies are relevant:

National Policy:

National Planning Policy Framework

Adopted Barnet Unitary Development Plan (2006):

GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D6, HC1, HC5, ENV12, ENV13, CS4,

CS5, CS8, D11, D12, D13, D15.

Local Development Framework:

Core Strategy (Adopted) 2012 – CS NPPF, CS1, CS5, CS7, CS10, CS13.

Development Management Policies (Adopted) 2012 – DM01, DM02, DM04, DM06, DM13, DM16.

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

Having taken all material considerations into account, the proposed building as conditioned, would not impact detrimentally on the residential amenity of neighbouring occupiers. The proposed building would protect this part of the Hampstead Garden Suburb Conservation Area and Area of Special Character. The proposed building, by reason of its siting, scale, design, detailing and relation with existing buildings would result in a subordinate addition to the site and would respect the setting of surrounding building. The proposals are acceptable on tree grounds and, as conditioned, would not impact on the health of trees of special amenity value. The proposals are acceptable on Highways Grounds.

## **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, GBEnv4, D1, D2, D3, D6, HC1, HC5, ENV12, ENV13, CS4, CS5, CS8, D11, D12, D13, D15.

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

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

#### Core Strategy (Adopted) 2012:

Barnet's 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 (Core Strategy and Development Management Policies documents) 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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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: CS NPPF, CS1, CS5, CS7, CS10, CS13.

## Development Management Policies (Adopted) 2012:

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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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: DM01, DM02, DM04, DM06, DM13, DM16.

### Relevant Planning History:

**Site Address:** 18 Holne Chase LONDON N2 OQN  
**Application Number:** C12062B  
**Application Type:** Full Application  
**Decision:** Withdrawn  
**Decision Date:** 04/06/1996  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Ground floor front extension to, and conversion of existing garage and first floor bay extension to provide additional classroom space.**

**Case Officer:**

**Site Address:** 18 Holne Chase LONDON N2 OQN  
**Application Number:** C12062C  
**Application Type:** Full Application  
**Decision:** Approve  
**Decision Date:** 06/08/1996  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Continued use of first floor for educational purposes. (APPROVED)  
Extension of bay to first floor and ground floor front extension to, and conversion of, existing garage to provide additional classroom space. (REFUSED)**

**Case Officer:**

**Site Address:** Anne Mount School, 18 Holne Chase LONDON N2  
**Application Number:** C12062D  
**Application Type:** Retention/ Contin. Use  
**Decision:** Approve with conditions  
**Decision Date:** 26/08/1997  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Variation of Condition 2 of planning permission dated 17.1.97 for continued use of first floor for educational purposes, first floor bay extension and conversion of garage to provide teaching space so that the number**

**Case Officer:**

**Site Address:** Anne Mount School, 18 Holne Chase LONDON N2

**Application Number:** C12062F  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 14/01/1998  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Part retention and modification of childrens play area and play equipment ancillary to school use of the site. (Amended description).**

**Case Officer:**

**Site Address:** Annemount School 18 Holne Chase London N2 0QN  
**Application Number:** C12062G/03  
**Application Type:** Section 192  
**Decision:** Lawful Development  
**Decision Date:** 22/07/2003  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Conversion of garage to a toilet block.**  
**Case Officer:**

**Site Address:** Anne Mount School, 18 Holne Chase, London, N2 0QN  
**Application Number:** F/00224/09  
**Application Type:** Advertisement  
**Decision:** Refuse  
**Decision Date:** 29/06/2009  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of one pole mounted sign in the front garden of the school.**  
**Case Officer:** David Campbell

**Site Address:** Annemount School, 18 Holne Chase, London, N2 0QN  
**Application Number:** F/03186/12  
**Application Type:** Conservation Area Consent  
**Decision:** Withdrawn  
**Decision Date:** 22/10/2012  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of existing single storey extensions on the side (West) and rear (North) elevations following the construction of a single storey extension on the side (West) elevation and a two storey extension on the rear (North) elevation; The creation of a new basement extension and internal reconfigurations across all floors; Provision of two conservation style rooflights to the existing and extended pitched roof; Refuse storage and bicycle storage space with associated landscaping. (CONSERVATION AREA CONSENT)**  
**Case Officer:** Junior C. Moka

#### Consultations and Views Expressed:

Neighbours Consulted: 81  
Support: 56  
Object: 24  
Neighbours Wishing To Speak 3

The support raised may be summarised as follows:

- The school deserves the right to provide a larger space for its children;
- The proposal will not impact the local environment and no additional pupils are

proposed;

- This is a wonderful local school that needs to update its facilities.

The objections raised may be summarised as follows:

1. Any decision should be based upon attendance;
2. The application should not have been submitted or accepted without full details of how many students are proposed;
3. The proposal will double the school's capacity;
4. The school, based on its size should not have more than 70 children taking into account noise, disturbance and parking;
5. The proposal shows 12 to 14 classrooms in places of the present 7, with additional offices;
6. The "so called" music rooms are clearly intended as regular classrooms;
7. The proposed male and female changing rooms in the basement, shower and sports equipment room, are not in keeping with an infant school and would appear as a mechanism to provide additional toilet facilities for additional pupils;
8. No explicit undertaking has been provided that school numbers will increase despite requests from the Suburb Trust dated 4 April 2012. An undertaking could persuade this objector to change their mind about the proposal;
9. The proposal contradicts the vision of Dame Henrietta Barnet of picturesque dwelling houses which would not spoil each other's outlook;
10. Being a residential property originally, the building should comply with restrictions placed upon residential dwelling houses elsewhere in the suburb;
11. Pupil numbers have increased over recent years, increasing traffic in this area, and this proposal would encourage further expansion;
12. Drivers dropping off and picking up students cause noise and disturbance with parking on verges and blocking residential entrances, particularly by coaches used for that purpose and the H2 bus often gets blocked by heavy traffic;
13. Suggestion that existing facilities be refurbished rather than extend;
14. Proposals to take away front garden to be used for parking, bicycle sheds and bin housing would be detrimental to the Conservation Area and be dangerous for children;
15. Impact on the trees;
16. Water table concerns

#### Internal /Other Consultations:

Hampstead Garden Suburb CAAC

An inappropriately large ' commercial' development in a residential area. In detail the proposals destroy the character of the original building.

Urban Design & Heritage

No objection

Planning Trees

No objection following amendments having been received subject to trees related conditions.

Development Team, Highways Group

No objection

Date of Site Notice: 13 September 2012

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

Annemount School is a Preparatory School located in heart of Hampstead Garden Suburb sited on the west side of Holne Chase. The site is located within the part of the Conservation Area that has an Article 4 Direction. The Hampstead Garden Suburb Conservation Area is identified in the Unitary Development Plan as an area of special character.

### Proposal:

The proposal relates to the demolition of the existing single storey extensions on the side (West) and rear (North) elevations following the construction of a single storey extension on the side (West) elevation and a two storey extension on the rear (North) elevation; The creation of a new basement and internal reconfigurations across all floors; Provision of two conservation style rooflights to the existing and extended pitched roof; Refuse storage and bicycle storage space with associated landscaping.

### Planning Considerations:

There is no in-principle objection to the demolition of the existing rear extension which is not considered to significantly contribute towards the enhancement on this part of the conservation area.

Policy GCS1 (Community Facilities) of the UDP (2006) states that the council will seek to ensure that an adequate supply of land and buildings is available for educational facilities to meet the needs of residents in the borough. Policy CS9 (Enlargement of School Facilities) of the UDP (2006) states that the council will encourage proposals to enlarge school buildings and sites to meet Department for Education and Skills space and playing field standards. It is considered that in view of the justified need of the school to upgrade its accommodation, the principle of extension is justified and acceptable in principle.

A consideration in this case is whether or not the alterations would be visually obtrusive forms of development which would detract from the character and appearance of the street scene and this part of the Hampstead Garden Suburb Conservation Area and have an adverse and visually obtrusive impact upon the amenity of the occupiers of the neighbouring property.

The supplementary planning guidance for the Suburb is the Hampstead Garden Suburb Design Guidance which has been the subject of public consultation and Local Planning Authority approval. The guidance says:

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its

inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an “Area of Special Character of Metropolitan Importance”. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a ‘who’s who’ of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 – 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

Council’s policies and guidelines in respect of alterations to properties seek to ensure that they respect the scale, character and design of any building on which they are to be placed and are compatible with the character of the locality. Alterations will not be permitted if they do not have regard to the amenities enjoyed by neighbours.

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

Policy DM06 of the Development Management Policies (Adopted) 2012 states that development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

Policies ENV12 and ENV13 of the UDP (2006) and Policies CS13 and DM04 of the Local Plan (2012) seek to control uses which generate noise.

Policies CS4, CS5 and CS8 of the UDP (2006) and Policies CS10 and DM13 of the Local Plan (2012) support development for educational purposes where need can be demonstrated.

The buildings have been designed so as not to compete with the main building but to still draw on features of the building so there is a sense of commonality between the

buildings. More generally, the proposed height, size, mass and bulk of the extensions are acceptable. The proposed building would not obscure important views of surrounding buildings and would respect the setting of nearby building and more generally this part of the Hampstead Garden Suburb conservation area. The proposals would not impact detrimentally on the residential amenity of neighbouring occupiers.

In view of the site's orientation, the proposed building is not considered to result in loss of light to neighbouring garden areas. It is considered that due to the distance between the proposed building and neighbouring gardens, the scheme would not result in an overbearing building that would impact on outlook from neighbouring properties or the enjoyment of private gardens. Overall, the proposals would not impact detrimentally on the residential amenity of neighbouring occupiers.

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 Holne Chase, 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 applicant has advised the Local Planning Authority that the intention for the works is to improve the facilities at the school for the existing students including the resulting turnover of pupils as they go to Junior School and the new pupil entrance to the school replace these students. As condition has been attached to this recommendation restricting the number of students on this site at any one time.

Given the existing school pupil numbers and the proposal to provide additional facilities on site (including multi purpose hall, special needs therapies, music rooms, improved staff facilities, storage, library, IT, and improved classroom space for KS1 pupils) it is not considered that the amount of activity on site would be anymore harmful than that which currently exists on site.

Traffic and Development Group have looked at the proposed travel plan and are satisfied by this information.

#### Trees and Landscaping:

Policies D12 and D13 of the UDP (2006) and CS7 and DM16 of the Local Plan (2012) seek protection of trees of amenity value.

Policy D11 of the UDP (2006) and CS5, CS7, DM01, DM02 and DM13 seek landscaping which enhances the visual amenity of a locality.

The site and surrounding sites has a number of trees that are protected by virtue of them being within the Conservation Area. Any scheme proposed on these sites would have to take account of the trees and be in accordance with BS5837:2012. Even if a scheme were shown on plan to not encroach onto the Root Protection Areas of the trees etc, there is a concern as to how a scheme of this nature could

actually be built given the limited working space etc; without harming the trees. A full method statement will be required expanding on the principle of the points made within the Arboricultural Method Statement Prepared by Alex Monk of CBA Trees dated August 2012 and Structural Pre Planning Report Prepared by Lyons O'Neil Structural Engineers dated August 2012.

The trees in the Hampstead Garden Suburb Conservation Area are an important part of the character of the street and their retention is critical to any development. The mature Predunculate Oak tree within the rear garden offers a relief from the buildings and act as a screen for the buildings.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

In relation to point 1, this is not considered to change the way in which the application should be determined by the Local Planning Authority.

In relation to points 2 and 11, the attachment of condition 15 to this recommendation is considered to safeguard this position.

In relation to points 3 and 4, information has been provided by the applicant to show that this isn't the case and also it is considered that the attachment of condition 15 to this recommendation safeguards this position.

In relation to points 5, 6, 7, 9, 10 and 13, it is considered that the proposal complies with National, London Plan and Council policies. It is considered that the proposal has been designed to respect the amenities of neighbouring occupiers. It is considered that, as conditioned, the proposal would have an acceptable impact on the amenity of neighbouring occupiers.

In relation to point 8, since this objection has been received the applicant has been provided in respect to existing and future numbers at the school.

In relation to point 12, after having discussions with the council's Highway team, it is considered that this proposal would comply with Council policies. The applicant has outlined within the submitted design and access statement that this proposal offers a solution to this matter.

In relation to point 14, it is considered the proposal complies with NPPF Paragraph 53 and all other relevant policies and a landscaping condition has been attached to the recommendation.

In relation to point 15, it is true that the mature Predunculate Oak tree is protected by virtue of it being within the Conservation Area and detailed consideration for the protection of this trees has been of the utmost importance during the determination of this application to ensure that the tree remain of sufficient amenity value to the street and to the site itself. The attachment of conditions 12, 13 and 14 to this recommendation are considered to safeguard this position.

In relation to point 16, brief discussions have been had with Building Control regarding the water table levels but this isn't considered to warrant the refusal of this



application.

#### **4. EQUALITIES AND DIVERSITY ISSUES**

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

#### **5. CONCLUSION**

Having taken all material considerations into account, the proposed building as conditioned, would not impact detrimentally on the residential amenity of neighbouring occupiers. The proposed building would protect this part of the Hampstead Garden Suburb Conservation Area and Area of Special Character. The proposed building, by reason of its siting, scale, design, detailing and relation with existing buildings would result in a subordinate addition to the site and would respect the setting of surrounding building. The proposals are acceptable on tree grounds and, as conditioned, would not impact on the health of trees of special amenity value. The proposals are acceptable on Highways Grounds. **APPROVAL** is recommended.

**SITE LOCATION PLAN:  
0QN**

**Annemount School, 18 Holne Chase, London, N2**

**REFERENCE:**

**F/03185/12**



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**LOCATION:** 15 Tenterden Drive, London, NW4 1EA

**REFERENCE:** H/03039/12

**Received:** 05 August 2012

**Accepted:** 14 August 2012

**Expiry:** 09 October 2012

AGENDA ITEM 20

**WARD(S):** Hendon

**Final Revisions:**

**APPLICANT:** Mr & Mrs Bhudia

**PROPOSAL:** Amendments to approved planning application H/04376/11 for 'Demolition of the garage and construction of a ground floor side and rear extension, a first floor side and rear extension and a rear dormer window' to include increasing the size and altering the roof of the ground floor rear extension.

**RECOMMENDATION: Approve Subject to Conditions**

1 The development hereby permitted shall be carried out in accordance with the following approved plans: RE:EAP08.12, EE.EAP08.12, GFS.EAP.08.12 and RP.StP.EAP08.12, received 12 August 2012.

Reason:

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

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

Reason:

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

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

Reason:

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

4 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area, without the benefit of the grant of further specific permission in writing from the Local Planning Authority.

Reason:

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

5 Before the building hereby permitted is occupied the proposed window(s) in the flank elevation facing number 17 Tenterden Drive shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

**INFORMATIVE(S):**

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1 (Character), D2

(Built Environment / Character), and H27 (Extensions to Houses and Detached Buildings), and:

Core Strategy (Adopted) 2012:

Relevant policies: CS NPPF, CS1, CS5

Development Management Policies (Adopted) 2012:

Relevant Policies: DM01, DM02,

ii) The proposal is acceptable because it does not cause harm to the visual amenities of the locality or 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 (Adopted) 2012:

Barnet’s 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 (Core Strategy and Development Management Policies documents) 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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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: CS NPPF, CS1, CS5.

Development Management Policies (Adopted) 2012:

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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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 (Adopted) 2012: DM01, DM02.

Relevant Planning History:

<b>Application:</b>	Planning	<b>Number:</b>	H/04376/11
<b>Validated:</b>	24/10/2011	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	09/03/2012
<b>Summary:</b>	APC	<b>Case Officer:</b>	Sally Fraser

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

Consultations and Views Expressed:

Neighbours Consulted: 19                      Replies: 7  
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Construction already taken place, larger than approved. Appears more like a new house rather than extensions to an existing.
- Overdevelopment which is out of character with this residential street.
- Concerned that works should be carried out with materials to match existing.
- Hours of working outside permitted hours
- Concern that property will be converted to flats
- Neighbours note that the proposed porch is larger than that approved.

## 2. PLANNING APPRAISAL

### Site Description and Surroundings:

The application site is a 2 storey single family semi detached dwelling house sited on the north side of Tenterden Drive on a corner plot. The site backs onto garages at Boltmore Close.

### Proposal:

Planning Permission H/04376/12 previously approved on this site:

- The demolition of the existing garage.
- Erection of a ground floor rear/side extension (2.7m wide, 4.5m deep, 3.8m tall) and a connected rear extension (6.6m wide where attached to the house, reducing to 5m wide at the rear elevation, 4.8m deep, 3.8m tall).
- Erection of a first floor side extension, 3.5m wide, with a subordinate pitched roof, extending to the rear where it would be 3m deep with a subordinate hipped roof, set off the shared boundary with number 13 by 3m.
  
- Installation of a rear dormer window (1m wide, 2m deep, 1.5m tall) with a flat roof, sited centrally in the main roof slope.

This application (H/03039/12) seeks to amend the rear/side and rear extensions approved by permission H/04376/12, with the following amendments:

- The rear/side extension will be altered so that its western wall will extend outwards at an angle, tracking the boundary fence, resulting in the rear wall of the proposed dining room being 0.7m wider at the rear elevation, at 3.8m wide.
- The proposed rear/side and rear ground floor extensions also have proposed amendments to their roofs, comprising changing the roofs from having hipped ends and flat roofs to both having a lean to roof with hipped sides.

### Planning Considerations:

The main issues 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 street scene 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 (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

The proposed amendments would comply with the aforementioned policies and Council Design Guidance on Extensions to Houses and would be a proportionate addition to the dwelling house. The proposed footprint is not significantly greater and the proposed roof is not taller overall and is in fact less bulky overall. Although the height adjacent to the boundary is greater, overall the monopitch roof is less bulky than that previously approved. It would have an acceptable impact on the character and appearance of the street scene, site property, general locality and the residential amenity of neighbouring occupiers causing no material impact on visual or residential amenity.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Note: this application should be considered on its own merits and does not relate to the additional proposed side garage / extension, presently being constructed, which is subject to ongoing enforcement enquiries.

This application does not relate to any alterations to the porch.

The permission granted and current proposal are for extensions to a single family house. Any conversion to flats or bedsits would require a separate planning permission.

### **4. EQUALITIES AND DIVERSITY ISSUES**

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

### **5. CONCLUSION**

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: 15 Tenterden Drive, London, NW4 1EA**

**REFERENCE: H/03039/12**



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**LOCATION:** 2A Rundell Crescent / 64-66 Vivian Avenue, London, NW4 3XH

**REFERENCE:** H/03556/12 **Received:** 19 September 2012  
**Accepted:** 19 September 2012

**WARD(S):** West Hendon **Expiry:** 14 November 2012

**Final Revisions:**

**APPLICANT:** Sainsbury's Supermarkets Limited

**PROPOSAL:** Installation of new shopfronts, atm including anti-ram bollards, new customer entrance door and a new means of escape to Vivian Avenue frontage

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: P-3172-100, P-3172-101, P-3172-111A, P-3172-201, P-3172-210B and Design and access statement.

Reason:

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

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

Reason:

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

**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.

Core Strategy (Adopted) 2012: CS1.

Development Management Policies (Adopted) 2012: DM01 and DM02.

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

The proposed shop front would have an acceptable impact on the character of the host building and the street scene. It complies with all relevant council policy and design guidance.

**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 Government's 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.

#### Core Strategy (Adopted) 2012:

Barnet's 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 (Core Strategy and Development Management Policies documents) 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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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: CS NPPF, CS1.

Development Management Policies (Adopted) 2012:

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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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 (Adopted) 2012: DM01, DM02.

<b>Application:</b>	Planning	<b>Number:</b>	H/03559/12
<b>Validated:</b>	19/09/2012	<b>Type:</b>	APF
<b>Status:</b>	REG	<b>Date:</b>	
<b>Summary:</b>	DEL	<b>Case Officer:</b>	Sally Fraser
<b>Description:</b>	Single storey rear extension following partial demolition of existing extension and replacement of rear emergency staircase.		

<b>Application:</b>	Planning	<b>Number:</b>	H/03561/12
<b>Validated:</b>	19/09/2012	<b>Type:</b>	ADV
<b>Status:</b>	PDE	<b>Date:</b>	
<b>Summary:</b>	APC	<b>Case Officer:</b>	Sally Fraser
<b>Description:</b>	Installation of 3no. internally-illuminated fascia signs, 1no. internally-illuminated projecting sign and 1no. non-illuminated poster panel sign.		

Consultations and Views Expressed:

Neighbours Consulted: 95                      Replies: 7  
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- Objections relate to the proposed use of the unit for a Sainsbury's store.  
Objections relate to lack of parking and width of the service road in terms of ability of construction vehicles to reach the site.

Date of Site Notice: 27 September 2012

## 2. PLANNING APPRAISAL

### Site Description and Surroundings:

The application site is a ground floor vacant retail unit on the corner of Vivian Avenue and Rundell Crescent.

### Relevant applications

Two further applications have been submitted relating to the use of the unit as a Sainsbury's store. All 3 applications have been referred for decision at sub committee.

### Proposal:

The applicant requests permission for the installation of a new shopfront with additional entrance door an ATM including anti- ram bollards and a new means of escape to the Vivian Avenue frontage.

The shopfront would be glazed with a grey powder coated framework.

### Planning Considerations:

The proposed shop fronts on the Vivian Avenue and Rundell Crescent elevations would be in keeping with the character of the area, which is mixed commercial and residential.

The design and appearance of the proposed ATM is considered acceptable given the sympathetic scale and nature of the proposal. The ATM would respect the character of host building and the surrounding area and would be sympathetic to the existing frontage. In addition to this the proposal would not adversely harm the safety of members of the public in the local vicinity. In this regard the scheme would comply with the aforementioned policies.

## **3. COMMENTS ON GROUNDS OF OBJECTIONS**

The objections raised do not relate to the design/ appearance of the shopfront.

## **4. EQUALITIES AND DIVERSITY ISSUES**

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

## **5. CONCLUSION**

The proposed development complies with all relevant council policy and design guidance.

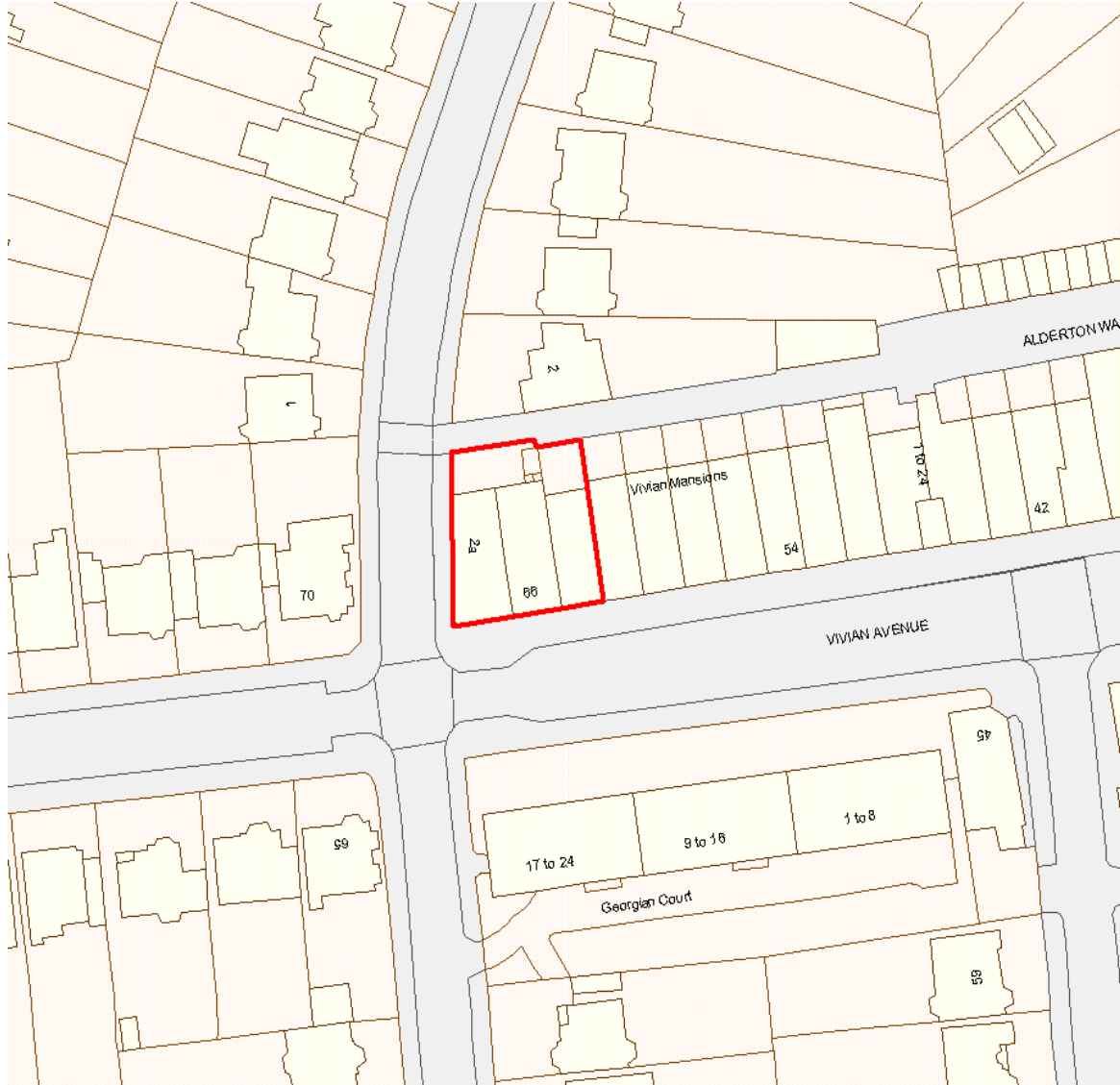
**Approval** is recommended.

**SITE LOCATION PLAN:**  
London, NW4 3XH

**2A Rundell Crescent / 64-66 Vivian Avenue,**

**REFERENCE:**

**H/03556/12**



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**LOCATION:** 2A Rundell Close / 64-66 Vivian Avenue, London, NW4 3XH  
**REFERENCE:** H/03559/12 **Received:** 19 September 2012

**AGENDA ITEM 22**

**WARD(S):** West Hendon **Accepted:** 19 September 2012  
**Expiry:** 14 November 2012

**Final Revisions:**

**APPLICANT:** Sainsbury's Supermarkets Limited  
**PROPOSAL:** Single storey rear extension following partial demolition of existing extension and replacement of rear emergency staircase.

**RECOMMENDATION: Approve Subject to Conditions**

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and access statement, P-3172-100, P-3172-101, P-3172-111A, P-3172-201, P-3172-210B.

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 construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason:

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

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

Reason:

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

## **INFORMATIVE(S):**

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

Core Strategy (Adopted) 2012: CS1.

Development Management Policies (Adopted) 2012: DM01 and DM02.

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

The proposed development would have an acceptable impact on the amenities of the neighbouring occupiers and the appearance of the building and the street scene. It complies with all relevant council policy and design guidance.

## **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 Government's 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.

GSD, GBEnv1, GBEnv2, D1 and D2

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 (Adopted) 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 (Adopted) 2012: CS NPPF, CS1, CS2 and CS5.

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

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.

**Application:** Planning  
**Validated:** 19/09/2012  
**Status:** PDE  
**Summary:** APC  
**Description:** Installation of new shopfronts, atm including anti-ram bollards, new customer entrance door and a new means of escape to Vivian Avenue frontage

**Number:** H/03556/12  
**Type:** APF  
**Date:**  
**Case Officer:** Sally Fraser

**Application:** Planning  
**Validated:** 19/09/2012  
**Status:** PDE  
**Summary:** APC  
**Description:** Installation of 3no. internally-illuminated fascia signs, 1no. internally-illuminated projecting sign and 1no. non-illuminated poster panel sign.

**Number:** H/03561/12  
**Type:** ADV  
**Date:**  
**Case Officer:** Sally Fraser

Consultations and Views Expressed:

Neighbours Consulted: 95                      Replies: 7  
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- Objections relate to the proposed use of the unit for a Sainsbury's store.  
Objections relate to lack of parking and width of the service road in terms of ability of construction vehicles to reach the site.

Date of Site Notice: 27 September 2012

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site is a ground floor vacant retail unit on the corner of Vivian Avenue and Rundell Crescent.

There is a service road running along the rear of the site, know as Alderton Way.

Relevant Applications

Two further applications have been submitted relating to the use of the unit as a Sainsbury's store. All 3 applications have been referred for decision at sub committee.

Proposal:

The applicant requests permission for the demolition of an existing rear extension

and the erection of a replacement single storey rear extension, for use as storage ancillary to the retail use.

There would be two sections of extension. The first would be sited adjoining the boundary of the site with Rundell Crescent and would match the existing extension in footprint. The other section of extension would also be sited on land currently occupied by an extension and would involve the relocation of an external staircase. The extensions would be a maximum of 2.5m high.

#### Planning Considerations:

It is not considered that the extensions, given that they are a replacement of existing extensions, would cause undue additional undue harm to the neighbouring occupiers. A condition would be placed on the application to ensure that the external materials used in the construction of the extension would match existing materials.

The proposed extension would be acceptable in size and design and would not be detrimental to the appearance of the host building or to the street scene.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

The use of the unit as a Sainsbury's store does not require planning permission. Issues of feasibility of construction is not a material planning consideration.

### **4. EQUALITIES AND DIVERSITY ISSUES**

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

### **5. CONCLUSION**

The proposed extension complies with all relevant council policy and design guidance.

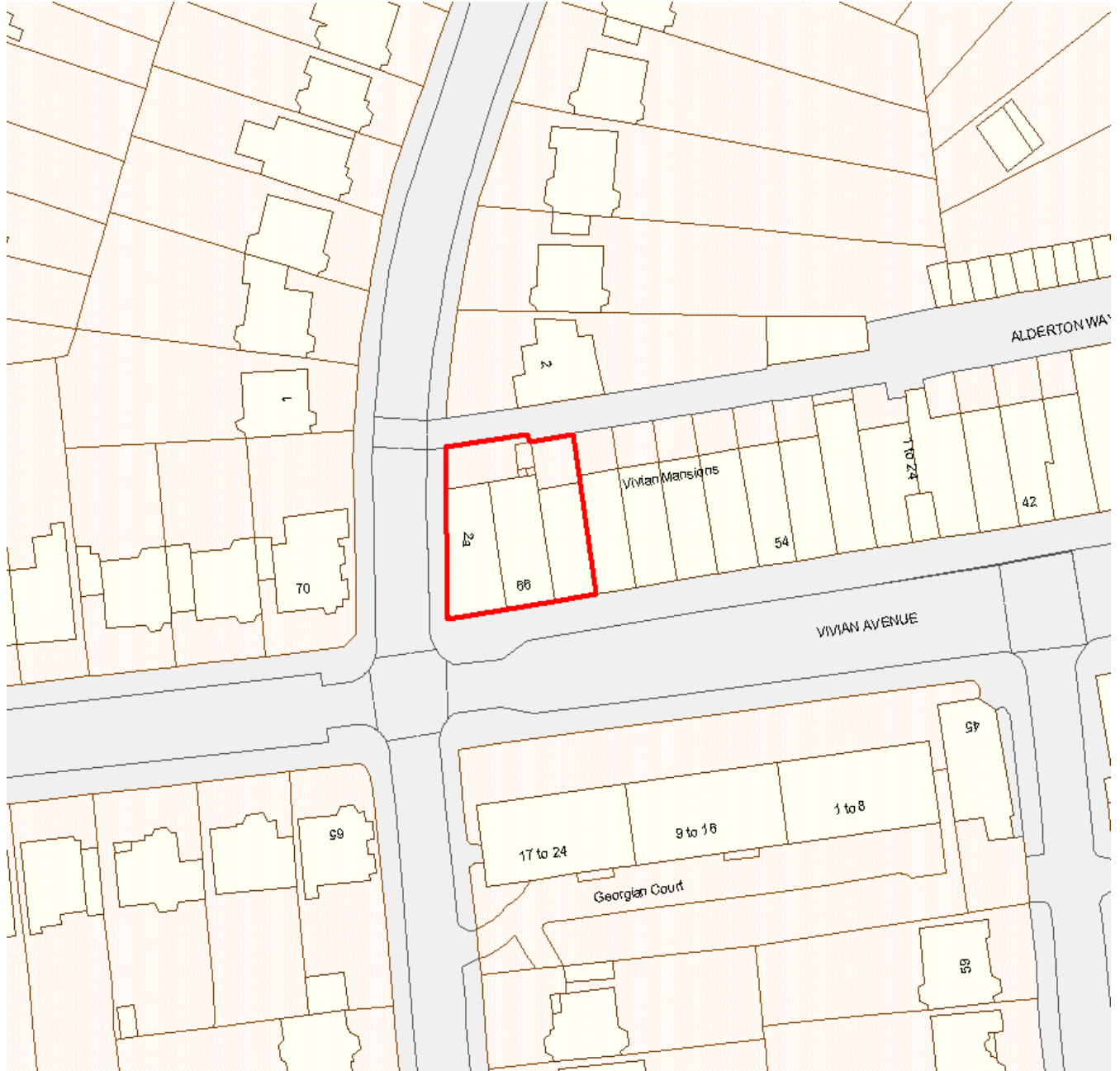
**Approval** is recommended.

**SITE LOCATION PLAN:**  
NW4 3XH

**2A Rundell Close / 64-66 Vivian Avenue, London,**

**REFERENCE:**

**H/03559/12**



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**LOCATION:** 2A Rundell Crescent / 64-66 Vivian Avenue, London, NW4 3XH  
**REFERENCE:** H/03561/12 **Received:** 19 September 2012 **AGENDA ITEM 23**  
**WARD(S):** West Hendon **Accepted:** 19 September 2012  
**Final Revisions:** **Expiry:** 14 November 2012  
**APPLICANT:** Sainsbury's Supermarkets Limited  
**PROPOSAL:** Installation of 3no. internally-illuminated fascia signs, 1no. internally-illuminated projecting sign and 1no. non-illuminated poster panel sign.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: P-3172-100, P-3172-212 A, P-3172-211 B, P-3172-210 B, P-3172-101, P-3172-111 A, P-3172-201, P-3172-215.  
Reason:  
For the avoidance of doubt and in the interests of proper planning.
- 2 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site, to the reasonable satisfaction of the Local Planning Authority.  
Reason:  
To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- 3 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.  
Reason:  
To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- 4 Where an advertisement is required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity and shall be carried out to the reasonable satisfaction of the Local Planning Authority.  
Reason:  
To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- 5 The maximum luminance of the signs shall not exceed the values recommended in the association of Public Lighting Engineer's Technical Report No.5, Zone 3.  
Reason:  
In the interest of highway safety and amenity.
- 6 No advertisement shall be sited or displayed so as to endanger persons using the highway, obscure or hinder the ready interpretation of any road traffic sign, or hinder the operation of any device used for the purpose of security or surveillance.  
Reason:  
To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 7 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason:

To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 8 The period of consent shall be a period of five years commencing with the date of this decision.

Reason:

To comply with Part 3, Section 14, Para (7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

#### **INFORMATIVE(S):**

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
- i) The proposed development accords with strategic planning guidance and policies as set out in The 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, D2.  
Supplementary Design Guidance Note 1: Advertising and Signs.

Core Strategy (Adopted) 2012: CS NPPF, CS5.

Development Management Policies (Adopted) 2012: DM01.

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

The proposed signage is considered to be acceptable and appropriate for this site. It is considered to relate well with the building on which the signage will be placed and is not considered to result in visual clutter or harm the visual amenities of the locality. This proposal is in accordance with the aforementioned policies.

#### **1. MATERIAL CONSIDERATIONS**

##### National Planning Policy Guidance / Statements:

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

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

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



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

Paragraph 67 states that “poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”.

#### 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.

### 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, D2, M11, M12.

Design Guidance Note 1 (Advertising and Signs) was approved in 1994 following public consultation. It states that advertisements should relate to their surrounding in terms of size, scale and siting. In addition they should be located to avoid visual clutter and not conflict with traffic signs or signals or be likely to cause confusion or danger to road users. In respect to council policy and guidance it is considered that the proposed signage is acceptable.

### Core Strategy (Adopted) 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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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 (Adopted) 2012: CS NPPF, 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.

Development Management Policies was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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 (Adopted) 2012: DM01, DM17.

### Relevant Planning History:

None

### Consultations and Views Expressed:

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

The comments made can be summarised as follows:

- Objections relate to the proposed use of the unit for a Sainsburys store.  
Objections relate to lack of parking and width of the service road in terms of ability of construction vehicles to reach the site.

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site relates to a ground floor retail unit fronting Vivian Avenue.

### Relevant applications

Two further applications have been submitted relating to the use of the unit as a Sainsbury's store. All 3 applications have been referred for decision at sub committee.

### Dimensions:

This application seeks advertisement consent for the installation of 1 illuminated double sided sign post mounted, 1 x internally illuminated amenity projecting sign, 3 x internally illuminated fascia signs and 1 non illuminated poster panel sign.

Poster sign to be located behind the shopfront fronting Rundell Crescent.

Projecting sign to be located 3.2m above ground level.

### Planning Considerations:

Government Circular 03/07 states that the local planning authority's power to control advertisements under the {Town and Country Planning (Control of Advertisements)} Regulations may be used only in the interests of "amenity" and "public safety". This is reinforced by paragraph 67 of the NPPF which advocates that advertisements should be subject to control only in the interests of amenity and public safety.

### Highway Safety

When considering public safety, Local Planning Authorities are expected to have regard to the adverts effect upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), on or over water, or in the air. Local Planning Authorities will therefore consider such matters as the likely behaviour of drivers of vehicles who will see the advertisement; possible confusion with any traffic sign or other signal; or possible interference with a navigational light or an aerial beacon. Local Planning Authorities will also bear in mind that some

advertisements can positively benefit public safety by directing drivers to their destination. In their assessment of the public safety implications of an advertisement display, Local Planning Authorities will assume that the primary purpose of an advertisement is to attract people's attention and will therefore not automatically presume that an advertisement will distract the attention of passers-by, whether they are drivers, cyclists or pedestrians.

The vital consideration, in assessing an advertisement's impact, is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and others' safety. Further advice on assessing the public safety implications of the display of an advertisement is given in DOE Circular 5/92 (WO 14/92).

When considering public safety factors, Local Planning Authorities will usually consult other relevant organisations that have an interest in the display of the advertisement. For example, they will consult the highway authority about an advertisement which is to be displayed alongside a trunk road or within view from a motorway, or where they consider that the safety of people using the highway may be affected.

The Council's Traffic and Development unit have been consulted and do not object to the proposals.

It is considered that the signs would not harm highway or pedestrian safety and that the application is therefore acceptable on this ground.

### Visual Amenity

When assessing an advertisement's impact on "amenity", Local Planning Authorities should have regard to its effect on the appearance of the building or on visual amenity in the immediate neighbourhood where it is to be displayed. They will therefore consider what impact the advertisement, including its cumulative effect, will have on its surroundings. The relevant considerations for this purpose are the local characteristics of the neighbourhood, including scenic, historic, architectural or cultural features, which contribute to the distinctive character of the locality.

Design Guidance note 1 (Advertising and Signs) states that advertisements should relate to their surrounding in terms of size, scale and siting. In addition they should be located to avoid visual clutter and not conflict with traffic signs or signals or be likely to cause confusion or danger to road users. In respect to council policy and guidance it is considered that the proposed signage is acceptable.

In view of the characteristics of the locality, it is considered that the signage is not harmful to visual amenity. The proposals are considered to be of an appropriate size and scale in relation to the building on which they are set and would not cause harm to the residential amenity of neighbouring occupiers or the street scene.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Not applicable

#### **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**

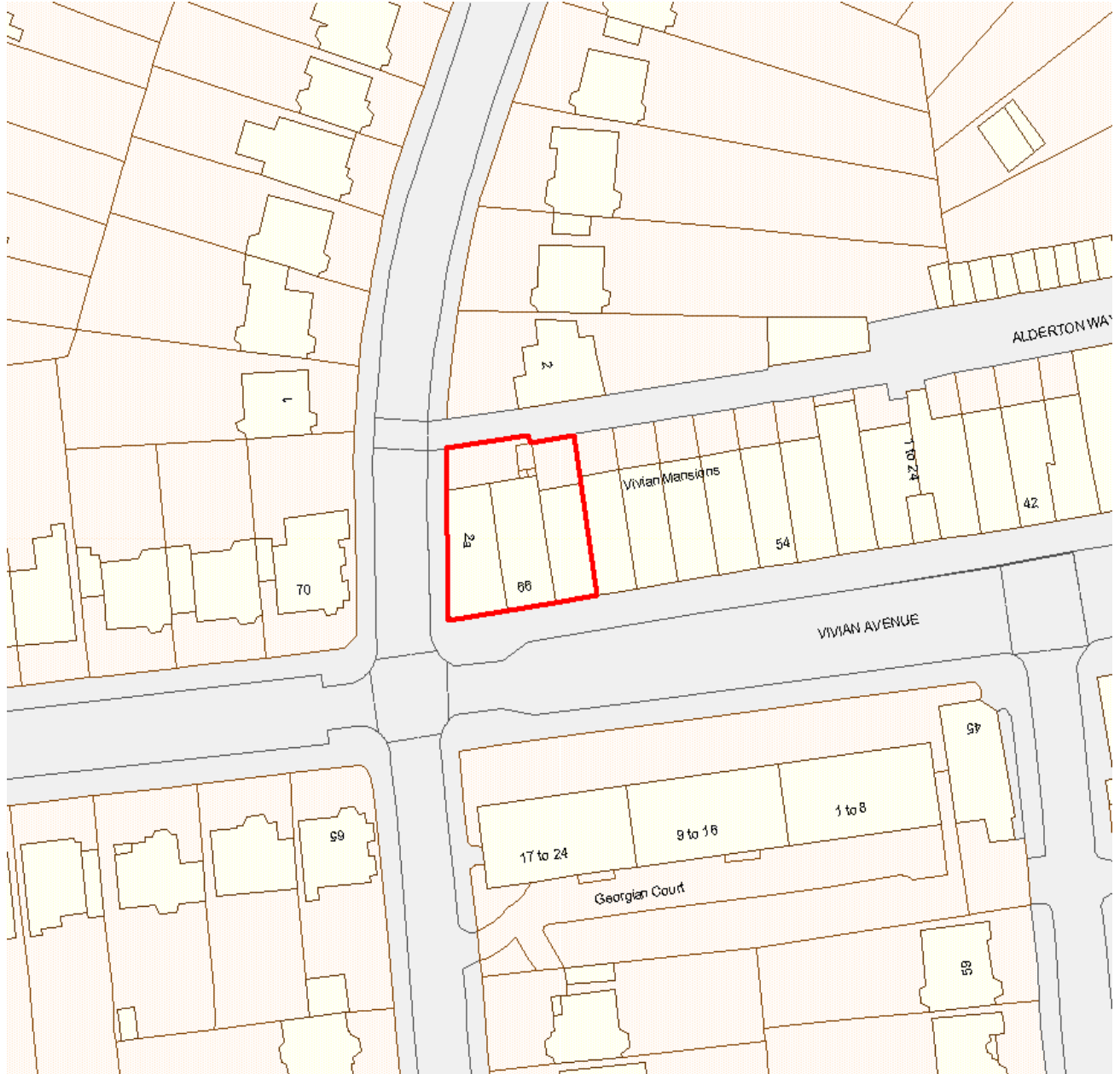
The proposals are considered not to adversely affect the amenity or public safety of the surrounding area and are therefore considered to accord with the NPPF, adopted and emerging policy and accordingly approval is recommended.

**SITE LOCATION PLAN:**  
London, NW4 3XH

**2A Rundell Crescent / 64-66 Vivian Avenue,**

**REFERENCE:**

**H/03561/12**



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**LOCATION:** Asmunds Place Allotments (Rear of 7 – 9 Asmunds Hill, London NW11 6ES)

**REFERENCE:** TPO/00421/12/F **Received:** 30 July 2012 **AGENDA ITEM 24**

**WARD:** GS **Expiry:** 24 September 2012

**CONSERVATION AREA** Hampstead Garden Suburb

**APPLICANT:** OCA UK Ltd

**PROPOSAL:** 1 x Oak (T5 Applicant's Plan) – Fell, T1 of Tree Preservation Order.

**RECOMMENDATION:**

**That Members of the Planning Sub-Committee determine the appropriate action in respect of the proposed felling of 1 x Oak (applicant's ref T5), T1 of Tree Preservation Order, either:**

REFUSE CONSENT for the following reason:

The loss of the tree of special amenity value is not justified as a remedy for the alleged subsidence damage on the basis of the information provided.

Or:

APPROVE SUBJECT TO CONDITIONS

1. The species, size and siting of the replacement tree(s) shall be agreed in writing with the Local Planning Authority and the tree(s) shall be planted within 6 months (or as otherwise agreed in writing) of the commencement of the approved treatment (either wholly or in part). The replacement tree(s) shall be maintained and / or replaced as necessary until 1 new tree(s) are established in growth.

Reason: To maintain the visual amenities of the area.

2. Within 3 months of the commencement of the approved treatment (either wholly or in part) the applicant shall inform the Local Planning Authority in writing that the work has / is being undertaken.

Reason: To maintain the visual amenities of the area.

## Consultations

Date of Press and Site Notices: 9<sup>th</sup> August 2012

Consultees:

Neighbours consulted: 9 also Hampstead Garden Suburb Trust

Replies: 70 0 support 70 objections

It may be noted that a number of objections were identically worded and in many cases multiple objections were received from different family members at the same address. The grounds of objection can be summarised as:

- Oak is an original boundary tree that predate houses
- Tree is one of oldest in Suburb (estimates between 100 to more than 350 years old)
- Presence of trees influenced design and layout of area

- Tree identified on Parker and Unwin 1911 plan of Hampstead Garden Suburb
- Oak significant to streetscene and allotments
- Oak integral part of Suburb's history
- Mature trees essential to unique green character and appearance of Suburb Conservation Area
- Oaks iconic species in Hampstead Garden Suburb
- Tree irreplaceable if removed / beauty and majesty take generations to replace
- Value for screening / privacy
- Importance for wildlife, particularly birds (including Green and Greater Spotted Woodpeckers, several species of finches and tits)
- Role of tree in filtering pollution and noise
- Tree is beautiful / fine / handsome / magnificent / 'the George Clooney of trees'
- CAVAT value of tree over £50,000
- Alternatives to tree removal
- Poor construction of extension with inadequate foundations
- Inaccuracies in supporting information submitted by applicant
- Problem with leaking drains
- Need to underpin
- Risk of heave
- Alternative causes for alleged property damage
- Tree felling is insurance company default position
- Argument based on cost to insurers does not take account of wider cost to community
- Precedent set by Northway Electricity Substation appeal decision
- The Hampstead Garden Suburb Trust submitted their own structural engineer's comments

## **MATERIAL CONSIDERATIONS**

### Relevant Recent Planning History:

#### Oak Tree

**TREC11846B** – crown thin 25% and deadwood, T1 of Tree Preservation Order  
- conditional approval 8<sup>th</sup> November 1996

**TREC11846D/04** – shorten back overhanging branches by up to 6ft, reduce density by up to 10%, T1 of Tree Preservation Order  
- conditional approval 16<sup>th</sup> February 2004

**TREC11846F/05** – thin by 20% to include removal of deadwood and necessary shaping. Remove 2 low branches encroaching laterally to main trunk, T1 of Tree Preservation Order  
- conditional approval 4<sup>th</sup> July 2005

**TREC11846H/08** – thin crown by 25%, remove deadwood and epicormic growth, T1 of Tree Preservation Order  
- conditional approval 10<sup>th</sup> March 2008

**TPO/00460/09/F** – reduce density by 15%, deadwood, lift low branch to 3m, T1 of Tree Preservation Order  
- conditional approval 12<sup>th</sup> October 2009



## 9 Asmunds Hill

**C02479C** – 9 & 11 Asmunds Hill – Single storey rear extensions to both houses. Alterations to ground floor and first floor windows to No. 9 Asmunds Hill.

- conditional approval 10<sup>th</sup> May 1995

**C02479D** – 9 & 11 Asmunds Hill – demolition of part of rear of both houses (Conservation Area Consent)

- conditional approval 10<sup>th</sup> May 1995

**C02479E** – Garden shed in rear garden

- conditional approval 11<sup>th</sup> May 1995

**C02479K/00** – Loft conversion involving new window in gable end and two traditional rooflights in rear roof

- conditional approval 30<sup>th</sup> August 2000

**C02479L/00** – Loft conversion involving new window in gable end and two traditional rooflights in rear roof. Internal alterations at first and second floor levels (Listed Building Consent)

- conditional approval 30<sup>th</sup> August 2000

**F/02012/12** – Internal alteration including piled raft to rear extension (Listed Building Consent)

- conditional approval 28<sup>th</sup> June 2012

## **PLANNING APPRAISAL**

### 1. Introduction

An application form proposing felling of the Oak tree on the boundary of the allotments in connection with alleged property damage at 9 Asmunds Hill was submitted via the Planning Portal in February 2012, however, there were discrepancies and shortcomings in the information – clarification was thus requested. Further information was submitted on 13<sup>th</sup> June and then on 30<sup>th</sup> July 2012, allowing registration of the application. In an e-mail on 30<sup>th</sup> July 2012, the applicant states “To clarify OCA UK Ltd were instructed in Jan 2012 in respect of the TPO Service that we provide and we submitted the TPO application in February 2012. Following your email of the 24 Feb 2012, which appears to have been interpreted as a refusal to validate the application and unfortunately some delays, we submitted a second application recently. As such there was no real delay between the last level monitoring of August 2011 and our instruction in January 2012.”

OCA UK Ltd also provided an Arboricultural Assessment Report dated September 2010 to Oriel Services Ltd, the agent for application F/02012/12 – an application for Listed Building Consent for Internal piled raft to rear extension of 9 Asmunds Hill – which was approved 28<sup>th</sup> June 2012.

9 Asmunds Hill is a two-storey semi-detached dwelling, as with other houses in this part of the Hampstead Garden Suburb Conservation Area, it is a Grade II Listed Building.

### 2. Appraisal

#### Trees and Amenity Value

The subject Oak stands on the boundary of the allotments between Asmunds Hill and Asmunds Place, to the rear of 7 Asmunds Hill, on land owned by Hampstead Garden Suburb Trust. The Oak subject of this application is approximately 18m in height with a trunk diameter (at 1.5m above ground level) of 88cm. The tree forks at approximately 4 metres and has been previously reduced in the distant past with subsequent regrowth; it has been previously lifted (including the removal of a quite large branch) and thinned with some localised rot at previous branch removal points, but it appears to be in reasonable condition with no major faults apparent.

The mature Oak is one of the original field boundary trees that pre-date the development of the Suburb. The tree is marked on an old Suburb map dating from 1911 drawn by Parker and Unwin, the Suburb's master-planners. The tree (and others adjacent) were retained and influenced the design and layout of this part of the Artisans' Quarter – the Oak(s) are clearly visible above the roofline and there are glimpsed views between the houses from Asmunds Hill, and it provides screening and privacy between the residential properties and the allotments. The Oak contributes to the general character and appearance of the Hampstead Garden Suburb Conservation Area. Hampstead Garden Suburb is also within a designated Area of Special Character.

Hampstead Garden Suburb is internationally renowned for the way in which mature landscape features have been incorporated into the built environment. As noted by many of the objectors, the Oak appears to be older than the surrounding development (it was originally a field boundary tree) and would have been present at the time the Hampstead Garden Suburb was designed. The retention of trees such as this Oak was an integral part of the design ethos during the development of the Garden Suburb. The Hampstead Garden Suburb Character Appraisal Statement is one of many documents setting out the importance of trees to the character and appearance of the area e.g.:

- “Trees and hedges are defining elements of Hampstead Garden Suburb. The quality, layout and design of landscape, trees and green space in all its forms, are inseparable from the vision, planning and execution of the Suburb”.
- “Wherever possible, in laying out the design for “the Garden Suburb” particular care was taken to align roads, paths, and dwellings to retain existing trees and views. Extensive tree planting and landscaping was considered important when designing road layouts in Hampstead Garden Suburb, such that Maxwell Fry, one of the pioneer modernists in British architecture, held that “Unwin more than any other single man, turned the soulless English byelaw street towards light, air, trees and flowers”.
- “Unwin’s expressed intention, which he achieved, was: ‘to lay out the ground that every tree may be kept, hedgerows duly considered, and the foreground of distant views preserved, if not for open fields, yet as a gardened district, the buildings kept in harmony with the surroundings.’”
- “Trees contribute fundamentally to the distinctive character and appearance of the Conservation Area in a number of different ways, including:
  - Creating a rural or semi-rural atmosphere
  - Informing the layout of roads and houses with mature field boundary trees
  - Providing links with pre-development landscape and remaining woodland
  - Creating glades, providing screening and shade, and marking boundaries
  - Framing views, forming focal points, defining spaces and providing a sense of scale

- Providing a productive, seasonal interest and creating wildlife habitats

As the Conservation Area Character Appraisal Statement notes “The Artisans’ Quarter was designed as a new kind of community in which attractively designed housing for a wide range of income groups was set within a green environment. The provision of large gardens and open recreational spaces was central to the vision.....The density of development is relatively high for the Suburb. However, houses were provided with generous gardens and there are areas of allotments, tennis courts and greens which provide generous open green spaces. Housing layouts were designed to retain existing mature trees.” In describing the overall character of the Artisans’ Quarter it notes “The retention of boundary oak trees from the pre-existing field boundaries, together with the street trees, hedges and the generous gardens, make a lush green setting for the houses.” and included amongst the Principal positive features are “mature oaks from earlier woodlands or field boundaries still thrive, particularly in allotments and back gardens or as focal points in the layout”; “trees and greenery rise above cottages in some areas”; and “there are glimpsed views, between houses, of greenery”.

The Oak is considered to be of special amenity value - in terms of its visual contribution to the streetscape; its environmental contribution to e.g. air quality, road noise attenuation, and to wildlife; its value for screening; and its historical significance in the layout of the Suburb. It contributes significantly to the character and appearance of the Hampstead Garden Suburb Conservation Area. The mature Oak is an original field boundary tree, if it was removed any replacement planting would take many years to attain a similar size and stature and its historic attributes would be lost - thus there would be considerable detriment to public amenity for decades and substantial harm to the character and appearance of the Conservation Area.

#### The application

The application submitted by OCA UK Ltd was registered on 30<sup>th</sup> July 2012. The reasons for the proposed removal of the Oak (applicant’s reference T5) cited on the application form are:

1. *The above tree works are proposed as a remedy to the differential foundation movement at [9 Asmunds Hill] and to ensure the long-term stability of the building.*
2. *The above tree works are proposed to limit the extent and need for expensive and disruptive engineering repair works at the insured property. In this instance the estimated repair costs are likely to vary between £8,000 and £28,000 depending upon whether the tree can be removed or have to remain.*
3. *The above tree works are proposed to limit the duration of any claim period and therefore allow the landowner their right to peaceful enjoyment of their property.*
4. *It is the case that an alternative to felling such as pruning or significant ‘pollarding’ of the tree would not provide a reliable or sustainable remedy to the subsidence in this case. We do not consider that any other potential means of mitigation, including root barriers, would be effective or appropriate in the circumstances.*
5. *I consider that in this specific instance the planting of either a container grown Silver Birch tree or Field Maple tree, 10 – 12cm stem diameter within 1m of the stump of T5; to the rear of the above would be a suitable replacement.*

The supporting documentation comprised:

- OCA Arboricultural Assessment Report dated 12 July 2012 based on survey dated 28 September 2010 including Cunningham Lindsey Engineering Appraisal Report dated 20<sup>th</sup>

September 2010 and CET Safehouse Ltd 'Factual Report of Investigation' dated 31<sup>st</sup> August 2010 and level monitoring 09/09//10 - 02/08/11

- Notwithstanding the OCA Report referring to the August 2010 CET Report, an updated CET Report issued 19<sup>th</sup> May 2012 was submitted which included trial pit and 2 borehole data dated 31<sup>st</sup> August 2010, soil testing dated 15<sup>th</sup> September 2010, root identification dated 3<sup>rd</sup> September 2010, drainage investigation 31<sup>st</sup> August / 1<sup>st</sup> September 2010; and a heave calculation dated 24<sup>th</sup> May 2012.

- There was also e-mail clarification that "[The insured] has confirmed that he has lost the Building regs certificate as it was so long ago. But it is very clear that the LA were involved at all stages [*sic*] and recalls the officer requested the foundations be dug deeper."

The OCA Tree Survey fails to include the neighbouring mature Oak (also an original field boundary tree) to the rear of 11 Asmunds Hill which is of a similar height and very slightly larger trunk diameter.

The Council's Structural Engineer having visited the site and assessed the information, notes:

### **Background Information**

An application for building regulations was made in June 1995 for the construction of a rear extension, however structural details were not provided, and a completion certificate was not issued.

The construction of the extension appears to be a single storey timber frame on a trench fill foundation with a ground bearing slab.

According to our records one site inspection was undertaken by the building control officer, the foundations were recorded as 1.7m deep and no roots were visible within 0.6m of the base.

### **Trees**

The OCA report shows the locations of trees around the property. Their report shows the Oak tree T5 in the allotments at the rear of the garden at a distance of 14.6m from the building and 18.8m high.

The other trees indicated are hazel T2, bay laurel T3 and cherry laurel T4.

Also there is another Oak tree in the allotments not shown on the OCA plan, which is approximately 20m from the building.

### **Damage**

The damage to the rear extension was discovered in August 2010.

The damage consists of sloping floors, gaps below skirting boards worst at the rear left hand corner, step in level of the floor at the junction with the main house, binding of doors and cracking to brickwork of the left flank wall.

The crack damage is classified as category 1 in accordance with BRE Digest 251. This classification of damage is described in the BRE digest as fine cracks which can be treated easily using normal redecoration.

The Cunningham Lindsey report states the main damage is to the floor within the extension.

## **Subsoil investigations**

CET carried out subsoil an investigation on 31/8/10. This consisted of a trial pit and borehole to the rear of the property and a control borehole at the front of the property.

Results of the investigation were as follows;

1. The foundations to the extension are 1650mm deep.
2. Firm/stiff brown Clay was encountered for the full depth of the borehole.
3. Roots extend to 2.0m depth. Dead and decomposing root fragments were recorded at 3.9m depth.
4. Oak tree roots identified at the underside of the foundation
5. No ground heave precautions were evident next to the foundation.

## **Soil Testing**

The soil analysis results indicate desiccation to 2m depth.

A ground heave prediction has been calculated in accordance with BRE Digest 412 using the soil suction test results. The predicted potential ground heave is 38mm.

## **Monitoring**

Level monitoring has been carried out from 9/9/10 to 2/8/11 and indicates seasonal movement with a maximum movement of 10mm to the rear left hand corner of the extension.

The distortion survey shows a large level difference across the extension. This does not relate to the monitoring results or the extent of the damage, and may simply indicate the extension was poorly constructed.

## **Drainage**

The drain survey showed the drains under the extension were in a poor condition and failed the water test.

However the trial pits and boreholes were dry, with some water seepage at 4.1m, and the cyclical pattern of movement demonstrated by the monitoring indicates the underground drainage was not implicated in the damage; water leaking from drainage usually causes progressive widening of the cracks.

## **Summary**

The site investigation results indicate the rear extension has been affected by a minor episode of subsidence due to tree root action affecting a narrow zone of soil under the foundations.

Roots have been found below the foundations and Oak roots were identified at the underside of the foundation. The most likely source of these roots shown on the OCA plan is the Oak tree T5 which is 14.6m from the building.

The extension does not have building regulations completion certificate according to our records, and the foundation depth does not meet NHBC guidelines for building near trees. On the basis of the proximity of the Oak tree T5 the recommended depth according to the 1985 NHBC guide is 2m deep. However, at the time of the excavation of the foundation in 1995 the depth of visible roots is recorded as 1.1m, the nearest Oak tree was already a mature specimen and it was most likely considered further extensive root growth was unlikely.

There was no record of any inspection of the ground floor slab and no details of the construction were provided to the building control department.

On the basis of the description of the damage in the Cunningham Lindsey report the crack damage is slight and could be repaired during normal redecorations.

The problem of the sloping floor appears to be of more concern with gaps under the skirting board and a step at the junction of the main house.

The predicted potential ground heave of 38mm could cause greater damage to the extension than currently experienced, and take several years to complete.

It should be noted that a significant part of the potential ground heave would occur above the foundation level, and although this could still affect the building due to the friction between the clay soil and the side of the trench fill foundation, this will have a lesser effect than ground heave occurring to the soil below the foundation.

A heave assessment of all properties within the influence zone of Oak tree T5 should be undertaken before the T5 Oak tree is considered for removal.

No. 7 Asmunds Hill which is directly opposite the Oak tree T5 has a rear extension on deep foundation which would limit the effects of ground heave on this property.

### **Conclusion**

Although the foundations of the extension are slightly shallower than the NHBC guidelines current at the time of construction, the crack damage to the superstructure slight and can be dealt with in the course of normal redecorations.

The main concern appears to be the sloping floor. This is most likely to be the result of constructing the concrete slab directly onto the ground where tree root activity was recorded.

In this situation where the ground has been affected by tree root action it is recommended the new ground floor is designed to span onto the foundations with a void between the underside of the floor and the ground level.

No inspection of the floor was carried out by the building control department and no construction details were provided for their assessment.

There are clear discrepancies between the applicant's contention and the Council's Building Control in respect of Building Regulations. In June 1995, a Building Notice Form was submitted to the Council – unlike a 'Full Plans application', this procedure does not involve checking of plans for compliance with Building Regulations and no approval notice is issued, but once the building / extension is subject of a satisfactory final inspection by Building Control, a completion certificate would be issued. However, if construction details are requested, they must be supplied by the applicant – in this case structural calculations for proposed timber beams and posts were requested but not provided, it appears that only one Building Control inspection took place and no completion certificate was issued. The foundations are some 300mm shallower than the NHBC guidance and the extension is not in compliance with Building Regulations. (Although unrelated to the current application, it may be noted that the loft conversion (C02479K & L/00) appears to have been implemented - also without Building Control approval.)

In Borehole 1, roots extend to 2m in depth – in accordance with NHBC guidance, this is the depth to which the foundations should have been constructed. Dead and decomposing

root fragments are noted to 3.9m in borehole 1 and to 3.5m in borehole 2 which is in the front garden remote from the Oaks – it is very likely that the condition of the roots is attributable to the defective drains which were not repaired until 12<sup>th</sup> October 2010 (although one objection notes that there were major drain problems in March 2011). The root analysis identifies Oak roots 1 – 1.5mm in diameter from the underside of trial pit 1, but the ‘thread-like’ root obtained from depth 1850 – 2000mm of borehole 1 was ‘too immature to analyse’.

The main damage is to the single storey rear extension of 9 Asmunds Hill, taking the form of sloping floors with gaps apparent below the skirting board, in addition there are cracks above the skirting, a step in level across the floor, binding doors and low level external brickwork cracking – the cracks are described as being within BRE Category 1, but that the main damage is to the floor. The damage was first discovered on 3<sup>rd</sup> August 2010 and it is reported to have appeared suddenly, first commencing in July 2010. BRE Digest 251 *Assessment of damage in low-rise buildings* includes a ‘Classification of visible damage to walls with particular reference to ease of repair of plaster and brickwork or masonry’. It describes category 1 damage as “Fine cracks which can be treated easily using normal decoration. Damage generally restricted to internal wall finishes; cracks rarely visible in external brickwork. Typical crack widths up to 1mm.” The BRE Digest concludes “Category 2 defines the stage above which repair work requires the services of a builder. For domestic dwellings, which constitute the majority of cases, damage at or below Category 2 does not normally justify remedial work other than restoration of the appearance of the building. For the cause of damage at this level to be accurately identified it may be necessary to conduct detailed examinations of the structure, its materials, the foundations and the local clear ground conditions. Consequently, unless there are clear indications that damage is progressing to a higher level it may be expensive and inappropriate to carry out extensive work for what amounts to aesthetic damage.”

The level monitoring data provided is for the period from 9/9/10 to 2/8/11, on updated monitoring being requested, the applicant responded “*I have checked with Cunningham Lindsey and they have confirmed that the level monitoring submitted [sic] in support of the application is all there is. Please could you therefore determine the application on these results.*” As the Suburb Trust’s objection notes, “The movement readings supplied are sparse and need updating. The existing readings show minor net movement. The maximum movement of 10mm is upward. Upward movement is the antithesis of subsidence. Although there is some net downward movement, the Trust is advised that the movement shown could be due to seasonal movement rather than subsidence.”

The Hampstead Garden Suburb Trust’s independent engineering advice suggests that the problems at 9 Asmunds Hill appear to be related to the construction of the extension at this property and its interaction with the original structure as opposed to tree root subsidence – the foundations of the extension not appearing appropriate for the site and not in accordance with the appropriate building regulations.

No ground heave precautions were evident next to the foundation. Heave calculations predict a potential ground heave of 38mm – were the tree to be removed, ground heave could take several years to complete and may result in even greater damage to the extension than is currently being experienced, and may have implications for neighbouring properties. In commenting on the assertion by the applicant that the heave risk is acceptable, the Suburb Trust’s Engineer states that they “do not consider that 38mm of heave is acceptable.....removal of T5 will not prevent damage to the extension reoccurring, but instead create a new set of problems. The damage to the extension is due to the way it has been built and not to T5. I consider that Mr Fox [engineer for Cunningham

Lindsey] should instead be addressing the facts that the extension was incorrectly designed and constructed.”

On 11<sup>th</sup> October 2012, the applicant submitted additional information which included a conservatory floor contour survey dated 9<sup>th</sup> September 2010; confirmation that monitoring stopped in August 2011, the last reading was the 2nd August 2011; and in regards to the monitoring, CET's instruction was to undertake:

- 1) Level monitoring, brick course level survey and floor slab level survey - all to the rear extension.
- 2) Set up level monitoring of the floor in the extension as well as the brick courses - if possible.

In response to this information, the Council's Structural Engineer commented:

The slab contour plan, which we have not seen before, shows a 30mm level difference across the slab, which is much greater than the recorded seasonal movement. This suggests the slab has been affected by tree root action to a greater extent than the foundations, or the leaking drains have contributed to the slab settlement.

Without monitoring results of the slab levels (which CET was supposed to carry out according to OCA) it is not possible to confirm if the tree roots or drains have had the greater effect.

#### Listed Building application

A Listed Building application (F/02012/12) for internal piled raft to rear extension at 9 Asmunds Hill was registered by the Council on 23<sup>rd</sup> May 2012. The application included an Arboricultural Assessment Report by OCA UK Ltd dated 30<sup>th</sup> September 2010 based on a survey dated 28<sup>th</sup> September 2010; a CET Safehouse Ltd 'Factual Report of Investigation' dated 19<sup>th</sup> May 2012 which included trial pit and 2 borehole data dated 31<sup>st</sup> August 2010, soil testing dated 15<sup>th</sup> September 2010, root identification dated 3<sup>rd</sup> September 2010, drainage investigation 31<sup>st</sup> August / 1<sup>st</sup> September 2010; a Design and Access Statement; a Heritage Statement; some plans; and a letter from Hampstead Garden Suburb Trust dated 14<sup>th</sup> June 2011 to Oriel Services Ltd (the applicant's agent).

The Hampstead Garden Suburb Trust letter includes the following:

*The Trust has now obtained advice from independent structural engineer in respect of the damage and movement at the above property a structural engineer of the Hampstead Garden Suburb Trust's considers that the form of construction of the extension at the rear of the property is a lightweight timber structure on 1.65m deep trench fill concrete foundations located on shrinkable clay. A structural engineer of the Hampstead Garden Suburb Trust's notes that the foundations have no anti heave precautions. On the basis of the disparity between the readings taken for the floor and the external level surveys, A structural engineer of the Hampstead Garden Suburb Trust's believes the floor is a solid ground bearing floor, which is built over a drain. A structural engineer of the Hampstead Garden Suburb Trust's advice is that the form of construction of the extension does not accord with the NHBC and Local Authority guidelines for a structure located 17m from an Oak tree, and that 'trench fill foundations are problematic in clay sites because they are prone to damage due to seasonal movement'.*



*The site investigations showed live Oak roots immediately under the trench fill foundations. As the Oak tree T5 on the Trust's land is a mature specimen, a structural engineer of the Hampstead Garden Suburb Trust's suggests that if these Oak roots emanate from Oak tree T5, then they would have been present when the extension was constructed. Therefore, the extension should have been constructed differently.*

*A structural engineer of the Hampstead Garden Suburb Trust's considers that the floor slab should have been suspended with a movement joint installed between the extension and the original house. This would cater for the differential movement between the lightly loaded timber extension on mass concrete trench fill foundations and the original masonry house likely to be built on shallow concrete strip foundations.*

*A structural engineer of the Hampstead Garden Suburb Trust 's advises that removing the Oak tree T5 "will not solve any problem and will indeed cause more problems, due to heave. As the ground under the extension is desiccated, albeit in a narrow band, the ground surrounding the trench fill will also be desiccated. Removing the tree will cause the ground to swell up, grip the sides of the trench fill concrete and force the extension out of the ground."*

*This advice contrasts with the comments in OCA's report dated 30 September 2010 which states "The Engineer does not consider heave to be a consideration should the adjacent vegetation be removed."*

*A structural engineer of the Hampstead Garden Suburb Trust 's concludes that the design of the extension is not appropriate for the site conditions and that differential movement induced by the design is considered the cause of the damage. The fact that the extension is rising (as shown in CET Safehouse's report of 8 April 2011) casts doubt on the assertion that the cause of the damage is only due to downward movement.*

The Design and Access Statement states "The works are required due to clay shrinkage & vegetation subsidence caused by moisture extraction from the nearby mature Oak Tree. To avoid further damage to the property, we feel the best solution is to carry out stabilisation works to the foundations to the rear addition. We are proposing to install internal piled underpinning to help stabilise the rear extensions foundations. The works will require the internal floor to be removed and a new suspended slab being installed."

The application for the internal piled raft to the rear extension was conditionally approved on 28<sup>th</sup> June 2012 – a month prior to the registration of the TPO felling application TPO/00421/12/F.

As the Appeal Inspector noted in his decision in respect of the proposed tree removal at the Northway Sub-station (TPO/00650/10/F) "The purpose of the TPO legislation is that trees of high amenity value should be protected, and it follows that other alternatives should be preferred to felling wherever possible." If stabilisation would be required in the light of the heave assessment or because of other factors, the proposed removal of the Oak may be considered excessive.

### 3. Legislative background

Government guidance advises that when determining the application the Council should (1) assess the amenity value of the tree and the likely impact of the proposal on the

amenity of the area, and (2) in the light of that assessment, consider whether or not the proposal is justified, having regard to the reasons put forward in support of it. It should also consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions.

The Town and Country Planning (Tree Preservation) (England) Regulations 2012 provide that compensation is payable for loss or damage in consequence of refusal of consent or grant subject to conditions. The provisions include that compensation shall be payable to a person for loss or damage which, having regard to the application and the documents and particulars accompanying it, was reasonably foreseeable when consent was refused or was granted subject to conditions. In accordance with the 2012 Regulations, it is not possible to issue an Article 5 Certificate confirming that the tree is considered to have 'outstanding' or 'special' amenity value which would remove the Council's liability under the Order to pay compensation for loss or damage incurred as a result of its decision.

In this case the applicant has indicated that "the estimated repair costs are likely to vary between £8,000 and £28,000 depending upon whether the tree can be removed or has to remain."

The Court has held that the proper test in claims for alleged tree-related property damage was whether the tree roots were the 'effective and substantial' cause of the damage or alternatively whether they 'materially contributed to the damage'. The standard is 'on the balance of probabilities' rather than the criminal test of 'beyond all reasonable doubt'.

In accordance with the Tree Preservation legislation, the Council must either approve or refuse the application i.e. proposed felling. The Council as Local Planning Authority has no powers to require lesser works or a programme of cyclical pruning management that may reduce the risk of alleged tree-related property damage. If it is considered that the amenity value of the tree is so high that the proposed felling is not justified on the basis of the reason put forward together with the supporting documentary evidence, such that TPO consent is refused, there may be liability to pay compensation. It is to be noted that the Council's Structural Engineer has noted "The most likely source of these roots [identified at the underside of the foundation]... is the Oak tree T5 which is 14.6m from the building." albeit having significant concerns about the construction of the extension and heave implications.

The compensation liability arises for loss or damage in consequence of a refusal of consent or grant subject to conditions - a direct causal link has to be established between the decision giving rise to the claim and the loss or damage claimed for (having regard to the application and the documents and particulars accompanying it). Thus the cost of rectifying any damage that occurs before the date of the decision would not be subject of a compensation payment. It is to be noted that Listed Building consent F/02012/12 was approved prior to the registration of the TPO felling application currently under consideration. At that time, the applicant's supporting documentation included the Hampstead Garden Suburb Trust's letter which indicated that the extension should have been constructed differently to take account of the proximity of the mature Oak tree(s) with a suspended floor slab and movement joint between the extension and original house to cater for the differential movement between the lightly loaded timber extension and original masonry house with their different foundations. If, as stated prior to the submission of the TPO felling application, the removal of *the Oak tree T5* "will not solve any problem and will indeed cause more problems, due to heave. As the ground under the extension is

*desiccated, albeit in a narrow band, the ground surrounding the trench fill will also be desiccated. Removing the tree will cause the ground to swell up, grip the sides of the trench fill concrete and force the extension out of the ground.” and “the design of the extension is not appropriate for the site conditions and that differential movement induced by the design is considered the cause of the damage. The fact that the extension is rising (as shown in CET Safehouse’s report of 8 April 2011) casts doubt on the assertion that the cause of the damage is only due to downward movement.”,* then it is to be questioned whether loss or damage could be considered to be in consequence of a refusal of consent.

The extension’s existing slab floor was not inspected by Building Control and appears not appropriate for site conditions. The suspended floor for which Listed Building consent has previously been granted would be an improvement on the construction of the existing floor and thus may represent ‘betterment’. A piled raft would be an excessive remedy for BRE category 1 crack damage to the superstructure.

If it is concluded that extension stabilisation works would be required in any event, regardless of the proposed tree removal; or if the removal would create even greater problems due to heave; it may be argued that loss or damage would not be in consequence of a refusal of TPO consent to fell.

However, if it is concluded on the balance of probabilities that the Oak’s roots are the ‘effective and substantial’ cause of the damage or alternatively whether they ‘materially contributed to the damage’ and that the damage would be addressed by the tree’s removal, there is likely to be a compensation liability (the applicant indicates repair works would be an extra £20,000 if the tree is retained) if consent for the proposed felling is refused.

## **COMMENTS ON THE GROUNDS OF OBJECTION**

Matters addressed in the body of the report.

## **CONCLUSION**

The applicant, OCA UK Ltd, arboricultural consultant on behalf of the building insurers of 9 Asmunds Hill, proposes to fell the former field boundary Oak standing in the allotments at the rear of 7 / 9 Asmunds Hill because of its alleged implication in subsidence damage to the property.

The proposed felling of the Oak would be significantly detrimental to the streetscene and would fail to preserve or enhance the character or appearance of the Hampstead Garden Suburb Conservation Area.

The Council’s Structural Engineer has assessed the supporting documentary evidence and has noted that the subject Oak is the closest to the property and the most likely source of roots found at the underside of the foundations. However, the extension’s existing slab floor was not inspected by Building Control and appears not appropriate for site conditions. Both the Council’s and Hampstead Garden Suburb Trust’s Structural Engineers have drawn attention to the shortcomings in the construction of the extension and believe that the applicant has considerably underestimated the heave potential of the proposed tree removal and have significant concerns about heave implications.

Bearing in mind the potential implications for the public purse, as well as the public amenity value of the tree and its importance to the character and appearance of the

Hampstead Garden Suburb Conservation Area, it is necessary to be considered whether or not the proposed felling is justified as a remedy for the alleged subsidence damage on the basis of the information provided, particularly in the light of the Structural Engineers' concerns about heave and the need, regardless of tree removal, for previously consented remedial works to the extension.

If it is concluded on the balance of probabilities that the Oak's roots are the 'effective and substantial' cause of the damage or alternatively whether they 'materially contributed to the damage' and that the damage would be addressed by the tree's removal, there is likely to be a compensation liability (the applicant indicates repair works would be an extra £20,000 if the tree is retained) if consent for the proposed felling is refused.

However, particularly given the amenity value of the tree, if it is concluded that extension stabilisation works would be required in any event, regardless of the proposed tree removal; or if the removal would create even greater problems due to heave; it may be argued that loss or damage would not be in consequence of a refusal of TPO consent to fell, and that it would be justifiable to refuse the application.

