

MEETING

WEST AREA PLANNING SUB-COMMITTEE

DATE AND TIME

WEDNESDAY 5TH DECEMBER, 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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| 14. | Any other items that the Chairman decides are Urgent | |

FACILITIES FOR PEOPLE WITH DISABILITIES

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

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AGENDA ITEM 7

LOCATION: 7 Accommodation Road, London, NW11 8ED
REFERENCE: F/03540/12 **Received:** 16 September 2012
Accepted: 16 October 2012
WARD(S): Childs Hill **Expiry:** 11 December 2012

Final Revisions:

APPLICANT: Neway International

PROPOSAL: Retention of roof extension as built (variation of approved application Ref: F/01580/10 dated: 22/06/2010) Variation to include: reduction in rear rooflights and parapet alterations to facilitate construction.

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site and Location Plan; Plan No's: AR 22A SCHEME 3; Access & Design Statement.

Reason:

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

2 The rooflights/windows on the rear elevation shall remain obscured glass and restricted to 100mm opening.

Reason:

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

INFORMATIVE(S):

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

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

In particular the following policies are relevant:

Core Strategy (Adopted) 2012:

Relevant policies: CS NPPF, CS1, CS5.

Development Management Policies (Adopted) 2012:

Relevant Policies: DM01, DM02, DM06.

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

The proposal complies with Council policies that seek to preserve the character of areas and individual properties and it is considered to have an acceptable impact on the Golders Green Conservation Area. The proposal as conditioned does not have a detrimental impact on the amenity 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.

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). The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy.

Relevant Core Strategy Policies: CS NPPF, CS1, CS5.

Relevant Development Management Policies (Adopted) 2012: DM01, DM02, DM06.

Other Material Considerations:

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 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.

Barnet will soon be consulting on two lower tier documents to implement the Core Strategy and Development Management Policies documents. These are now material considerations. The links to the DPRs for each document are set out below.

Residential Design Guidance:

<http://barnet.moderngov.co.uk/ieDecisionDetails.aspx?Id=4342>

Sustainable Design and Construction:

<http://barnet.moderngov.co.uk/ieDecisionDetails.aspx?Id=4343>

Relevant Planning History:

Application: Planning **Number:** F/00617/11
Validated: 04/03/2011 **Type:** APF
Status: DEC **Date:** 18/04/2011
Summary: Refused **Case Officer:** Robert Marchant
Description: Formation of a mansard roof to rear elevation and two front dormer windows.

Reason for refusal: The proposed dormer windows by reason of their siting, size, height, bulk and design would form a visually dominant, obtrusive feature detrimental to the character and appearance of the host property and the Golders Green Conservation Area. This is contrary to policies GBEnv1, GBEnv2, D1, D2 & HC1 of the adopted Unitary Development Plan (2006).

Application: Planning **Number:** F/01580/10
Validated: 21/04/2010 **Type:** APF
Status: DEC **Date:** 25/06/2010
Summary: Approved **Case Officer:** Robert Marchant
Description: Extension of roof including raised ridge height and rear mansard roof to provide an additional floor of office space.

Application: Planning **Number:** F/03611/11
Validated: 22/08/2011 **Type:** APF
Status: DEC **Date:** 21/11/2011
Summary: Refusal **Case Officer:** Robert Marchant
Description: Alterations to mansard roof to raise the ridge to the rear elevation and Installation of roof lights to front and rear.

Reason for refusal: The proposed development, by reason of the size of the rear rooflights, the size of the buttresses and the height of the rear parapet is out of character with surrounding buildings and causes harm to the character and appearance of the Golders Green Town Centre conservation area contrary to policies GBEnv1, GBEnv4, D1, D2 and HC1 of the Barnet Adopted Unitary Development Plan (2006).

Consultations and Views Expressed:

Neighbours Consulted: 92 Replies: 9
Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

- The development is a significant impairment on our lives and property.
- The windows are not obscured - windows appear to be only temporarily obscured. They are also not obscured but in fact have a film covering which can be removed at a later stage.
- The windows open and are regularly opened beyond 100mm
- The buttresses are unsightly and not in keeping with the neighbourhood and should be removed.
- The overall design is unapproved and is unsightly as agreed in Committee.
- The construction was in breach of the approved plans, and a demolition order would be issued – we had been under the impression that a demolition order was to be issued and wonder why no steps have been taken to rectify this breach.
- No enforcement action has been taken over the past one year.

- Loss of the amenity of my garden and the change in character to the rear of our properties.
- Rear aspect intrudes in the privacy of the properties of Woodstock Road

Internal /Other Consultations:

- Urban Design & Heritage - No objection.

Date of Site Notice: 25 October 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a terraced property situated on Accommodation Road, this is a rear service road located behind Golders Green Road. The site is located within the boundary of the Golders Green Conservation Area and to the rear of a number of Grade II listed buildings which are situated along Golders Green Road.

The properties along Accommodation Road back onto the rear gardens of the properties along Woodstock Road, which is a residential road running parallel to Accommodation Road.

Proposal:

The application is for the retention of roof extension as built (variation of approved application reference: F/01580/10 dated: 22/06/2012). The variation includes a reduction/alteration in the number of rear rooflights and changes to the parapet.

There are now 4 rooflights on the rear elevation in comparison to the previously approved application F/01580/10 which proposed five rear rooflights. The rooflights measure 1.2m x 0.9m and they have been installed with a restricted 100mm opening with obscured film.

There are no proposed changes to the front elevation rooflights to that which was previously approved within application F/01580/10.

The previously approved application (F/01580/10) was determined at planning sub-committee in June 2010 was for the conversion of the roof into office space involves the raising of the ridge height by approximately 40cm in order to accommodate additional headroom. The proposed conversion also involved the conversion of the rear roof slope, which will alter to a mansard roof form and four rooflights for the front and rear elevation.

Planning Considerations:

The changes from the previous permission relate solely to changes the rear rooflights and parapet/buttresses.

There have been no changes to the front rooflights to that previously approved in

planning application F/01580/10. Three rooflights at the front elevation of the property and are considered to be in keeping with the Golders Green Conservation Area. The rooflights consist of a conservation style with the maximum dimensions of 460mm x 610mm and have a central, vertical glazing bar.

The raising of the ridge level by approximately 450-500mm is as per the approved application it is relatively small, taking it slightly above the property at number 6, and is no higher than the ridge level of number 8 and does not look conspicuous in relation to surrounding properties or significantly out of character with the area. The mansard roof conversion occurs to the rear of the roof slope and the principle of the mansard roof has been granted consent previously F/01580/10. The mansard roof to the rear is within the footprint of the building and is slightly pitched away from the rear gardens of 14 and 16 Woodstock Road, which assists with reducing the sense of enclosure to these properties. As the property is a terrace, this element is not visible from the front elevation adjacent to Accommodation Road. It is therefore not envisaged that this part of the proposal would have a demonstrable harmful impact on the Golders Green Conservation Area.

A previous application (F/00617/11) for "Alterations to mansard roof to raise the ridge to the rear elevation and Installation of roof lights to front and rear" was refused for the following reason:

The proposed development, by reason of the size of the rear rooflights, the size of the buttresses and the height of the rear parapet is out of character with surrounding buildings and causes harm to the character and appearance of the Golders Green Town Centre conservation area contrary to policies GBEnv1, GBEnv4, D1, D2 and HC1 of the Barnet Adopted Unitary Development Plan (2006).

The raising of the rear parapet is no longer proposed as part of the current application. The rooflights inserted on the rear elevation face the rear of these properties on Woodstock road. The windows have an obscured film fitted to ensure that the amenities of adjacent residents on Woodstock Road are protected. The windows have been restricted to 100mm opening to aid ventilation which is minimal and will not give rise to issues of overlooking or loss of privacy to neighbouring occupiers. The area of glazing is broadly similar to that previously approved in application F/01580/10 and the number of windows reduced from 5 to 4 since the previous refusal and thus is considered to be acceptable. It is considered that with the reduction of the number of rooflights and the obscured film, the proposal do not cause demonstrable harm to the amenities visual appearance of the property or the residential amenity of occupiers of properties on Woodstock Avenue.

The raising of the parapets/buttresses to the sides is not considered to warrant refusal for the application. This aspect of the proposals is not considered to harm the character and appearance of the application site, the amenity of neighbouring occupiers or the character and appearance of the conservation area. The amendments to the previously approved application F/01580/10 are considered to be appropriate to the application site and will not harm the amenities of neighbouring occupiers.

3. COMMENTS ON GROUNDS OF OBJECTIONS

1. *The windows are not obscured - windows appear to be only temporarily obscured. They are also not obscured but in fact have a film covering which can be removed at a later stage.*

A condition has been attached to ensure that the film remains in place in order to protect the amenity of neighbouring residents.

2. *The windows open and are regularly opened beyond 100mm.*

The windows are only restricted to an opening of 100mm to aid ventilation - this does not result in overlooking to gardens.

3. *The buttresses are unsightly and not in keeping with the neighbourhood and should be removed.*

This was required for construction purposes and as explained above is not considered to harm to the neighbourhood.

4. *The overall design is unapproved and is unsightly as agreed in Committee.*

The design of the proposal does not cause a demonstrable harm to the character of the area.

5. *The construction was in breach of the approved plans, and a demolition order would be issued – we had been under the impression that a demolition order was to be issued and wonder why no steps have been taken to rectify this breach. No enforcement action has been taken over the past one year.*

The enforcement team has been liaising to ensure that the development complies with the previously approved plans, this current application has been a result of enforcement investigations.

6. *Loss of the amenity of my garden and the change in character to the rear of our properties. Rear aspect intrudes in the privacy of the properties of Woodstock Road.*

The rear windows are restricted to 100mm opening and have been inserted an obscured film in order to protect the amenity of neighbouring residents.

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 would comply with council policies that seek to preserve the character of areas and individual properties and it is considered to have an acceptable impact on the Golders Green Conservation Area. The size, siting and design of the extension is such that it would not have a detrimental impact on the amenity of neighbouring occupiers. The application is therefore recommended for **APPROVAL**

SITE LOCATION PLAN: 7 Accommodation Road, London, NW11 8ED

REFERENCE: F/03540/12



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AGENDA ITEM 8

LOCATION: 44 Purcells Avenue, Edgware, Middx, HA8 8DZ
REFERENCE: H/03172/12 **Received:** 16 August 2012
Accepted: 15 August 2012
WARD: Edgware **Expiry:** 10 October 2012
Final Revisions:

APPLICANT: Mr Prince
PROPOSAL: Variation of condition 1 (Plan numbers) for planning permission H/03226/10 dated 16/12/10 for "Amendment to previous planning application allowed under appeal reference APP/N5090/A/08/2082935/NWF dated 22/01/2009 for 'Conversion of existing house into 4x2 bed flats and 1x1 bed flat, First floor rear extension and extension to roof with rooflights to front, side and rear elevations and conversion of garage to habitable room'.

Amendments include increase in height to approved first floor rear extension, and infill ground floor front extension.

Approve Subject to Unilateral Undertaking

RECOMMENDATION I:

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Libraries (financial) £451.00**
A contribution towards Library Facilities and Resources in the borough
- 4 **Health £3,522.00**
A contribution towards Health Facilities and Resources in the borough
- 5 **Monitoring of the Agreement £198.65**
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: H/03172/12 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 838-BA-001A, 838-BA-002A, 838-BA-003A, 838-BA-004A, 838-BA-005, 838-BA-006, 838-BA-007, 838-BA-008, 838-BA-009, 838-BA-038, 838-BA-040, 838-BA-042, 838-BA-055, 838-BA-056B, 838-BA-057B, 838-BA-058B, 838-BA-059, 838-BA-060, 838-BA-061, 838-BA-062, 838-BA-063, 838-BA-065, 838-BA-066

Reason:

- For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
 - 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s) unless otherwise agreed in writing by the local planning authority.
Reason:
To safeguard the visual amenities of the building and the surrounding area.
 - 4 No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontage(s) of Purcells Avenue and Green Lane from a point 2.4m from the highway boundary for a distance of 2.4m on both sides of the vehicular access(es).
Reason:
To prevent danger, obstruction and inconvenience to users of the adjoining highway and the premises.
 - 5 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.
Reason:
To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.
 - 6 Before the development hereby permitted is 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 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the following operation(s) shall not be undertaken without the prior specific permission of the Local Planning Authority Insertion of flank windows in the east first floor flank wall facing no.42 Purcells Avenue.
Reason:
To safeguard neighbouring privacy and amenity.
 - 8 Prior to the occupation of the units a copy of the Pre-completion Sound Insulation Test Certificate of Part E of the Building Regulations 2000 (or any subsequent amendment in force at the time of implementation of the permission) shall be submitted to the Local Planning Authority and shall indicate at least 3 decibels above the Performance Standard.
Reason:
To protect the amenities of future and neighbouring residential occupiers.
 - 9 No construction work resulting from the planning permission shall be carried out

on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

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

- 10 Before the development hereby permitted is occupied the parking spaces/garages shown on Plan 838-BA-43 Revision C shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

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

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 London Plan (Consolidated with Alterations since 2004) and the Adopted Barnet Unitary Development Plan (2006).

In particular the following polices are relevant:

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

In particular the following polices are relevant:

Adopted Barnet Unitary Development Plan 2006: GBEnv1, D1, D2, D5, CS2, CS8, IMP1, IMP2, M11, M12, M14, H23, H26, H27

Supplementary Design Guidance 5: Extensions to Houses

Supplementary Design Guidance 7: Residential Conversions

Supplementary Planning Document: Sustainable Design and Construction

Supplementary Planning Document : Planning Obligations

Supplementary Planning Document : Contributions to Education

Supplementary Planning Document : Contributions to Libraries

Supplementary Planning Document : Contributions to Health

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

The proposed development would provide additional housing units to meet a known demand. The proposals would not have a detrimental impact on the character and appearance of the area, or harm the amenities of neighbouring occupiers. It accords with the relevant policies.

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

- 2 Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.
The Council of the London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended. Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from:

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

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

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

- 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.

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

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

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

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

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

RECOMMENDATION III

That if an agreement has not been completed by 06/03/2013, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application H/03172/12 under delegated powers for the

following reason/s:

The development would require a Unilateral Undertaking/Section 106 Agreement and no formal undertaking has been given to the Council, as a result the proposed development would, by reason of the developer not meeting the identified additional health and library facilities, and the associated monitoring costs which would be incurred by the community as a result of the development, be contrary to Policies CS10, CS11 & CS15 of the Local Plan Core Strategy (Adopted 2012); and the adopted Supplementary Planning Documents, "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations".

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: 3.5, 6.1, 7.4, 7.6

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

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

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. 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, CS15

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. 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, DM08, DM17.

Relevant Planning History:

H/03226/10 - Amendment to previous planning application allowed under appeal reference APP/N5090/A/08/2082935/NWF dated 22/01/2009 for 'Conversion of existing house into 4x2 bed flats and 1x1 bed flat, First floor rear extension and extension to roof with rooflights to front, side and rear elevations and conversion of garage to habitable room'. The proposed amendments namely include a ground and first floor front extension, alterations and extensions to roof (including 0.1m increase in height of apex) with introduction of side and rear dormers to facilitate a loft conversion and omission of the first floor rear extension. - Approved - 16/12/2010

Consultations and Views Expressed:

Neighbours Consulted: 41 Replies: 10
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- Original application should not have been approved
- Roofline should not be increased as this sets others being able to do so in the future
- Loss of privacy
- Proposals are out of character for the area and would change the skyline
- Lack of room on such a small plot for extension of this size
- Cars enter driveway illegally over kerb
- Design and access statement is impossible to understand
- Most people have been on holiday and unable to respond
- Boundary fencing should be provided
- Committee were reluctant to agree previous proposals so further increases should not be supported
- Lack of provision for refuse/recycling
- Conversion of properties to smaller units would damage character of the locality

Internal /Other Consultations:

N/A

Date of Site Notice: 30 August 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is a detached dwellinghouse on the north side of Purcells Avenue, sited adjacent to the junction with Green Lane.

The site locality can be characterised as predominantly being residential single-family dwelling houses. The site has an existing area of hardstanding to the front of the property which is used as a parking area. The site property has previously been extended by means of two storey side and rear extensions.

Proposal:

The proposals are for amendments to the approved scheme under reference H/03226/10. Planning permission was granted for extensions to the property in association with the conversion of the property into 5 flats following the approval at appeal.

The current application seeks planning permission for revised extensions to the property in association with the conversion of the property into 5 flats.

The changes to the previously approved scheme are as follows:

The amendments include an increase of 200mm height to the hipped roof to the rear of the property and an infill to the recess to the front elevation.

Planning Considerations:

The main issues are considered to be:

- Whether the principle of the development is acceptable
- Whether the proposals would have an acceptable impact on the amenities of neighbouring and future occupiers
- Whether the proposals would have an acceptable impact on the character and appearance of the streetscene and general locality
- Whether the proposals would harm highway and pedestrian safety
- Whether the proposals make appropriate provision towards local education, libraries and health infrastructure

Policy context

Since the time of the previous approval, the most recent version of the Mayor's London Plan, as well as the Barnet Core Strategy and Development Management Policies have been adopted.

Whether the principle of the development is acceptable

The application follows the approval of application H/03226/10 for the conversion of the property to five flats with extensions. The principle of the conversion was established under application ref: H/01592/08 which was allowed at appeal. It is not considered that any changes in policy since this time would warrant refusal of the application. It is also noteworthy that the applicant could implement planning permission H/03226/10 which is extant.

Whether the proposals would have an acceptable impact on the amenities of neighbouring and future occupiers

The proposed extensions consist of an increase of 200mm in height to the hipped roof to the rear of the property and an infill to the recess to the front elevation.

The extension to the front of the property infills an area behind the greater approved projection on the side nearest no.42. As a result this would have no appreciable impact on the visual or residential amenities of no.42.

The proposed increase to height of the first floor rear extension by 200mm. The apex of this pitched roof would be 7m from the boundary with no.42. Consequently given the relatively small increase to the height of the roof it is not considered that the proposals would harm neighbouring amenity.

It is noted that three of the proposed units previously approved would no longer meet internal space standards specified by policy 3.5 of the London Plan.

The current proposals would slightly improve this, as one of the units at ground floor would be closer to meeting the standard. Ultimately, given that the existing permission is still extant, it is not considered that refusal of the current scheme on the grounds that three of the units fail to meet current London Plan standards.

It is not considered that any policy changes have occurred that would warrant refusal of the application, given that the content of the relevant policies is substantially the same.

Whether the proposals would have an acceptable impact on the character and appearance of the streetscene and general locality

The rear of the site is visible from Green Lane. Consequently the additional increase to the height of the rear projection would be perceptible from this viewpoint. However the extension would be no deeper and the highest point of the roof would not be higher than the highest part of the roof.

The front extension would infill an area that does not extend as far as the already approved front extension on the side nearest no.42. Therefore this would not appear unduly dominant in the context of the streetscene.

It is not considered that the proposals would harm the character and appearance of the streetscene and general locality.

Whether the proposals would harm highway and pedestrian safety

The proposals are for the conversion of the existing dwellinghouse into 2no. 1 bedroom flats, 2no. 2 bedroom flats and 1 no. 3 bedroom flat.

It should be noted that no highway objections were made to the previous proposals for 4no 2 bedroom flats and 1 no. 1 bedroom flat. The principle of the conversion has already been established by the appeal decision and the subsequent approval. The proposed change to the composition of the flats would not materially impact highway or pedestrian safety. The parking layout is the same as previously approved under application ref: H/03226/10.

It is not considered that any changes in policy or circumstance have occurred that would warrant refusal of the application on highways grounds.

Whether the proposals make appropriate provision towards local education, libraries and health infrastructure

Under the revised layout, the following planning obligations would be required.

- £2,650.00 towards education costs associated with the development.
- £451.00 towards library costs associated with the development.
- £3638.00 towards health costs associated with the development.
- £336.93 towards associated monitoring costs.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Original application should not have been approved - *The previous decision cannot be challenged at this stage and is a material consideration.*

Roofline should not be increased as this sets others being able to do so in the future - *Proposals need to be assessed on their own merits*

Loss of privacy - *Considered in the main report*

Proposals are out of character for the area and would change the skyline - *Considered in the main report*

Lack of room on such a small plot for extension of this size - *Considered in the main report*

Cars enter driveway illegally over kerb - *Permission would be required from the Council for any changes required to the vehicular accesses*

Design and access statement is impossible to understand - *It is considered that the document is adequate for the purposes of assessing the application*

Most people have been on holiday and unable to respond - *Consultation has been undertaken in accordance with the Council's code of practice which exceed statutory requirements*

Boundary fencing should be provided - *A condition is attached requiring this*

Committee were reluctant to agree previous proposals so further increases should not be supported - *Proposals need to be assessed on their own merits*

Lack of provision for refuse/recycling - *It is considered that there is adequate room on the site to provide acceptable refuse storage. Therefore a condition is suggested.*

Conversion of properties to smaller units would damage character of the locality - *Considered in the main report*

4. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities. Applicant seeks to extend and convert property to provide total of four self-contained units for which there is an identified need.

5. SECTION 106 ISSUES

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

6. CONCLUSION

Subject to the signing of the formal Unilateral Undertaking in relation to contribution to educational, libraries and health facilities the application is recommended for **APPROVAL**.

SITE LOCATION PLAN: 44 Purcells Avenue, Edgware, Middx, HA8 8DZ

REFERENCE: H/03172/12



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AGENDA ITEM 9

LOCATION: 14 Dollis Avenue, London, N3 1TX
REFERENCE: F/02194/12
WARD: Finchley Church End

Received: 07 June 2012
Accepted: 08 June 2012
Expiry: 03 August 2012

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 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 0216-2B, 12 0216-3A, 12 0216-4D, 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 the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.
Reason:
To safeguard the visual amenities of the locality.
- 5 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.
Reason:
To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway.
- 6 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.
Reason:
To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.
- 7 Before the building hereby permitted is occupied the proposed first and second floor kitchen and bathroom windows as shown on drawing 12 0216-2 B 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.
- 8 Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.
Reason:
To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.
- 9 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 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 DM02 of the adopted Local Plan (2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

- 13 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.

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, Core Strategy (Adopted) 2012 and the Development Management Policies (Adopted) 2012. In particular the following policies are relevant:
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

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

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

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

- 4 Any 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 Council's term contractor for Highway Works.

RECOMMENDATION III

That if an agreement has not been completed by 21/12/2012, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application F/02194/12 under delegated powers for the following reason:

1. The development would require a Unilateral Undertaking 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 additional education, health and library facilities, and the associated monitoring costs which would be incurred by the community as a result of the development; contrary to Policies CS10 and CS11 of the Local Plan Core Strategy (Adopted) 2012; and the adopted Supplementary Planning Documents "Contributions to Education", "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations".

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011

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).

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 are used for day-to-day decision making.

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

Relevant Planning History:

| | |
|------------------------------|---|
| Site Address: | 14 Dollis Avenue London N3 1TX |
| Application Number: | C16371/05 |
| 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 3-storey building (with rooms in roofspace) to provide 9 self-contained flats. Basement parking for 12 cars. |
| Case Officer: | 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: F/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. The application was deferred from the November West Area Planning Sub-committee to enable an objector to speak.

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:

2. Policy Context including NPPF (National Planning Policy Framework)
3. The principle of development;
4. Whether harm would be caused to the character and appearance of the area and street scene;
5. The living conditions of future residents within the development having regard to

- the provision of amenity space;
6. The living conditions of existing & future residents within neighbouring properties having regard to overlooking, privacy and outlook;
 7. Trees & Landscaping;
 8. Parking, Access and Vehicle Movements;
 9. Whether the proposal would result in the community incurring extra educational costs that should be met by the developer;
 10. Whether the proposal would increase pressures on the services provided by libraries incurring additional costs that should be met by the developer;
 11. 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 policy DM02 of the London Plan 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 neighborliness is a yardstick against which proposals can be measured.

Local Plan Policy DM01 seeks 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 Local Plan 2012 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.

Adopted policy 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, health and social care facilities and library facilities where a residential development creates a need for school places contributions will be secured for such purposes via planning obligations.

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 5 additional residential units that are 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 policy 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 policy 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 5 additional residential units that are 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 policy 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 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 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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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

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

| | |
|-------------------|--|
| Ms Karina Sissman | Principal Planner, London Borough of Barnet |
| Mr Theo Panayi | Principal Engineer, London Borough of Barnet |

FOR THE APPELLANT:

| | |
|--------------------|--|
| Ms Carolyn Aparcar | Aparcar Smith Planning 28 Wellington Avenue, London N15 6AS |
| Mr Paul Mew | Paul Mew Associates, Traffic Consultants Unit 11, Princeton Court, 53-55 Felsham Road, Putney, London SW15 1AZ |

INTERESTED PERSONS:

| | |
|--------------------|---|
| Mr Julian Sutton ✓ | G L Hearn, Property Consultants 20 Soho Square, London W1D 3QW (for Mr & Mrs D Davis, 12 Dollis Avenue) |
| Mr & Mrs D Davis ✓ | 12 Dollis Ave, London N3 1TX |
| Mr J M Cohen ✓ | 7 Dollis Ave, London N3 1UD |
| Mr H Israel ✓ | 1 Dollis Ave, London N3 1UD |
| Mr J Campus ✓ | 44 Dollis Ave, London N3 1TX |
| Mrs E Bowers ✓ | 18 Dollis Ave, London 1TX |

DOCUMENTS

- 1 Unilateral Planning Obligation dated 15 November 2006
- 2 Copy of *The Three Strands Approach (June 2005)*, London Borough of Barnet

PLANS

PHOTOGRAPHS



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 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

AGENDA ITEM 10

LOCATION: 33 Norrice Lea, London, N2 0RD
REFERENCE: F/03038/12
WARD(S): Garden Suburb
APPLICANT: Mr Samuels
PROPOSAL: Creation of new basement level with associated lightwell and 4no ventilation grilles.

Received: 06 August 2012

Accepted: 14 August 2012

Expiry: 09 October 2012

Final Revisions:

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan / Block Plan; 1- Existing Ground Floor Plan; 2A- Proposed Ground Floor Plan; 3A- Basement Plan (Proposed); 4- Rear Elevation (Existing and Proposed); D2- Basement Plan (Structure Above: Stage 1 and 2); D3- Basement Plan (Structure Below: Stages 2 and 3); D4- Basement Plan (Structure Below: Pool- Stage 4); D5- Drainage Detail; Design and Access Statement; Martin Redston Associates- Proposed Construction Method Statement and Sequence of Works; Letter from Martin Redston Associates dated 24th October 2012 confirming the basement will be designed to BS8102 or other relevant water retaining structure Code of Practice; Email from applicant (Marc Samuels) dated 24th October 2012 confirming (i) any land drains uncovered during construction will be maintained and protected, (ii) sheet piling will be used to control water ingress, (iii) temporary land drainage solutions will be put in place and maintained throughout construction, (iv) a permanent land drainage for post construction will be installed and maintained.
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 proposed ventilation grilles at a scale of 1:20 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 All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
Reason:
To ensure a satisfactory appearance to the development.
- 5 Any shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
Reason:

- To ensure a satisfactory appearance to the development.
- 6 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.

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

Reason:

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

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

Reason:

In the interests of highway safety in accordance with Policy DM17 of the London Borough of Barnet's Local Plan.

- 9 All land drains on site are to be maintained and the drainage system designed by a qualified engineer.

Reason:

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

- 10 Prior to any works starting on site, further information on ground conditions and ground water levels should be submitted to establish how the soil will be stabilised during excavation and how ground water will be prevented from potentially entering the excavation and washing out soil to surrounding areas. Those details shall be submitted and agreed in writing by the Local Planning Authority before any works start on site.

Reason:

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

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
- i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and Barnet Local Plan (2010).

In particular the following policies are relevant:

Core Strategy (Adopted) 2012:

Relevant policies: CS NPPF, CS1, CS5, CS7

Development Management Policies (Adopted) 2012:

Relevant Policies: DM01, DM02, DM06, DM17

ii) The proposal is acceptable for the following reason(s): -
Having taken all material considerations into account, the proposed extension would not detrimentally impact on the qualities of this building and protect the character of this part of the Hampstead Garden Suburb Conservation Area or the amenity of neighbouring occupiers. The design of the alteration is such that, as conditioned, it preserves the character and appearance of the individual property, street scene, conservation area, and area of special character. The construction of the basement would have an acceptable on the area and the amenity of neighbouring occupiers subject to planning conditions.

- 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 £7875.

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

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

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

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

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

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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

The Mayor's London Plan (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.

Local Plan Core Strategy (September 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). The Core Strategy was adopted by the Council on 11 September 2012 and replaces the 2006 Unitary Development Plan.

Relevant Core Strategy Policies: CS NPPF, CS1, CS5.

Local Plan Development Management Policies (September 2012):

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies are used for day-to-day decision making. The Development Management Policies DPD was adopted by the Council on 11 September 2012 and replaces the 2006 Unitary Development Plan.

Relevant Development Management Policies: DM01, DM02, DM06, DM17

Adopted Supplementary Planning Guidance and Documents

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.

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.

Relevant Planning History:

Planning applications picked up in spatial search

Site Address: 33 Norrice Lea London N2 0RD
Application Number: C07735H/07
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 03/03/2008
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Part single, part two-storey rear extension.**
Case Officer: Laura Knight

Site Address: 33 Norrice Lea LONDON N2
Application Number: C07735C
Application Type: Full Application

Decision: Approve with conditions
Decision Date: 18/04/1989
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension and alteration to side elevation**
Case Officer:

Site Address: 33 Norrice Lea LONDON N2
Application Number: C07735B
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 13/08/1987
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Alterations to side elevation**
Case Officer:

Site Address: 33 Norrice Lea LONDON N2
Application Number: C07735E
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 20/04/1993
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single and two storey rear extensions**
Case Officer:

Site Address: 33 Norrice Lea LONDON N2
Application Number: C07735D
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 25/02/1992
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension**
Case Officer:

Site Address: 33 Norrice Lea N2
Application Number: C07735
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 31/03/1982
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **single storey rear extension.**
Case Officer:

Site Address: 33 Norrice Lea N2
Application Number: C07735A
Application Type: Full Application
Decision: Approve
Decision Date: 30/09/1982
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension - details of facing materials pursuant to condition 2 of planning permission ref. C.7735 dated 31.3.82**
Case Officer:

Consultations and Views Expressed:

Neighbours Consulted: 10 Replies: 5
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Concerns about overflow of water caused by proposed development
- Hydrological problems
- Flooding
- Size of ventilation grilles too large and out of character
- Light spillage as a result of proposed lightwells
- Concerns the excavations will damage the existing boundary hedges
- Overdevelopment of the property
- Impact on local wildlife
- Subsidence
- Basement too large contravening Design Guidance
- Nuisance
- Noise and disturbance

Internal /Other Consultations:

- Urban and Design and Heritage- No objection
- Hampstead Garden Suburb Conservation Area Advisory Committee- Objection: lightwells on the north boundary a source of light pollution for the neighbours, need to be reconsidered

Date of Site Notice: 23 August 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located on the eastern side of Norrice Lea within Area 13: Holne Chase and Norrice Lea, of the Hampstead Garden Suburb Conservation Area. The existing building on site is a linked, two-storey residential dwelling house with rooms in the roofspace. It has been designated as a locally listed following the adoption of the Hampstead Garden Suburb Character Appraisal in 2010.

The Conservation Area Character Appraisal notes; "*The Norrice Lea Synagogue and its hall and classroom block dominate the entrance to Norrice Lea from Lyttleton Road. On the west side of the road a group of houses by Caspari have distinctive metal windows, shallow roof and show modernist influences in their horizontal lines. No 26 has an original door case and is perhaps the most successful of this group. At the junction with Linden Lea, the gentle curve is marked by a sequence of Neo-Georgian houses Nos. 33-43 by Butler. These are the most distinguished houses in the road, showing Butler's refined Lutyens-influenced style.*"

Proposal:

This application seeks consent for the creation of a new basement level with associated internal lightwell and 4no. ventilation grilles, all measuring 2m width by

1m.

The new basement is proposed to project beyond the footprint of the house into the garden.

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.

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 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 of the Development Management Policies (Adopted) 2012 states that where appropriate, all development will be expected to demonstrate compliance with national and Londonwide standards support by the guidance set out in the council's Supplementary Planning Documents.

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.

The provision of new basement accommodation is a relatively recent phenomenon in the Hampstead Garden Suburb Conservation Area. The adopted Design Guidance (2010) notes that; *"Both Barnet Council and the Trust will carefully control all external changes associated with basement development to protect the character and appearance of the Suburb and the setting of individual houses and groups"*. In the case of this application it is considered that the proposed basement is acceptable as it meets a number of stipulations set out in the Design Guidance, including; *"The above ground evidence of a basement should be as discreet as possible so as to have little impact on the setting of the house or garden"*, the external manifestations of the basement proposed at the application site are four modest lightwells.

The proposed lightwells to the rear and sides are proposed be covered with a metal grille flush with the ground level. None of the proposed lightwells are proposed to be located over the threshold of any doors, in line with the adopted Hampstead Garden Suburb Conservation Area Design Guidance (2010) which stipulates that *"Structural glass lightwells or grilles should not be located at the threshold of doorways from the house to garden"*. As such, the proposed lightwells are not considered to harm the setting of the host building. The proposed lightwells are consistent with other lightwells approved in the conservation area. Although basements may not always be appropriate within the conservation area, it is considered acceptable in this particular case, due to the size and footprint of the proposed excavation, location of surrounding trees and minimal external alterations to the building. The external alterations would not be visible from the street, and their number and size is considered to be restrained, and therefore acceptable.

Other stipulations of basement accommodation set out in the adopted Design Guidance include; *"Basements should generally be limited to the footprint of the house. In larger houses with extensive gardens it may be possible to extend under part of the rear garden."* It is also noted that; *"lightwells or skylights must be located away from the property boundary to enable a planted boundary to be maintained."*

In the case of this application it is noted that the proposed basement projects beyond the rear footprint of the property into the rear garden by 7.5m. It is considered that due to the size of the garden, the existing hardstanding and other landscaping features this projection will not detrimentally harm the character of the existing

property, the amenities of neighbouring occupiers will be maintained and there will be no harm caused to the wider conservation area.

The position of the basement in relation to neighbouring trees is considered acceptable and would not result in significant harm to their health or amenity. There are no protected trees within the boundary of the application site, nor within the gardens of neighbouring properties. The existing boundary hedge between the application property and No. 31 Norrice Lea is located within a retaining wall and therefore it is not considered the proposed basement development, in particular the lightwells proposed to the side passage will not cause harm to this hedge.

To mitigate against excessive noise and disturbance during construction a construction management plan is requested by way of condition. In addition, the hours of work that construction can be carried out during have been restricted via the implementation of a condition and it is also requested that the wheels of construction vehicles are cleaned when leaving the site to prevent unnecessary disturbance to the highway.

The Hampstead Garden Suburb Trust have given provisional consent to the scheme with a number of conditions following an assessment by an independent engineer. They could see no reason to object to the proposals on either engineering or hydrological grounds.

These proposed alterations are considered to ensure that this proposal would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. As conditioned, they would preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area and area of special character.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The main basis of objections relate to hydrology issues on which the scheme is considered to be acceptable. As a result of those objections, the applicant commissioned a hydrological report, which was passed on to the objectors for comment. A group of objectors commissioned their own hydrology assessment in response to the report provided by the applicant. All reports have been further assessed by the Council, as well as an independent hydrologist commissioned by the Hampstead Garden Suburb Trust. The Council's Principal Structural Engineer has commented that the application can be approved on those grounds subject to condition 10 recommended above to ensure that the proposed basement development does not prejudice the amenity of neighbouring occupiers. The condition requires the submission of further information on ground conditions and water ground levels before any works start on site.

4. EQUALITIES AND DIVERSITY ISSUES

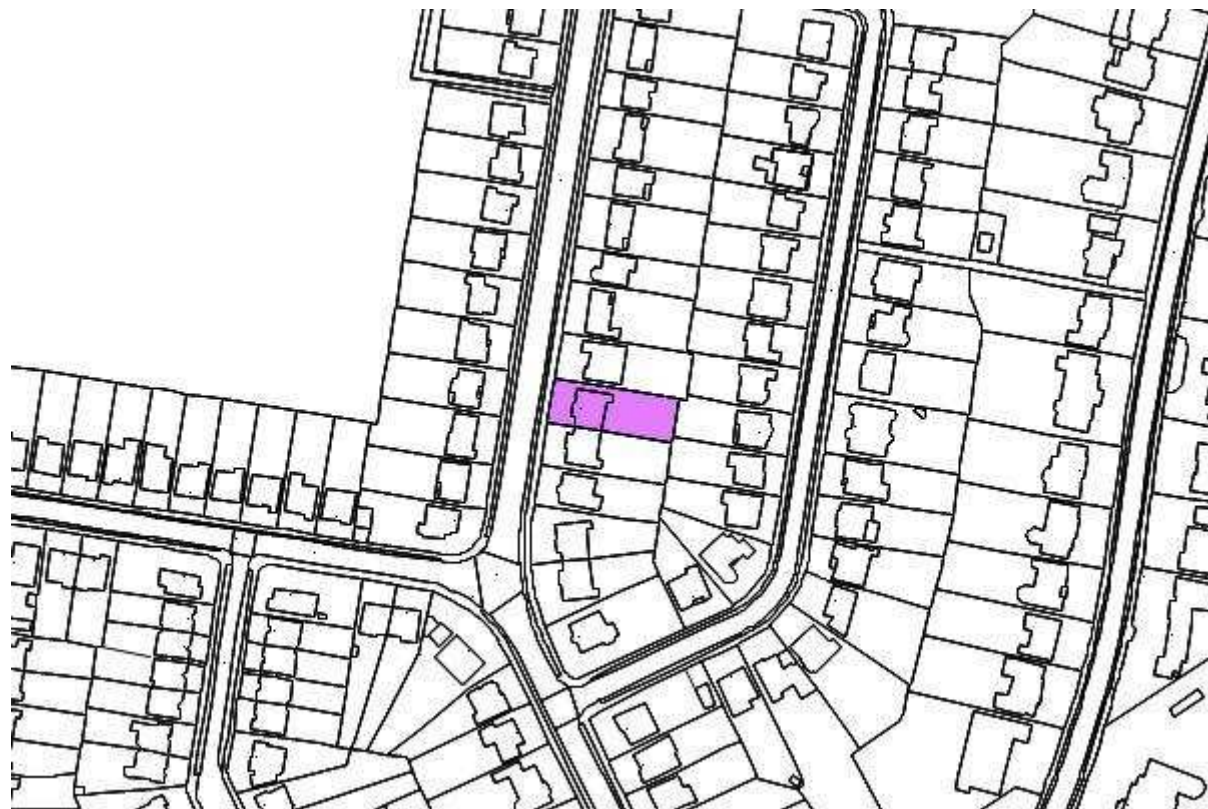
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

Having taken all material considerations into account, the proposed extension would not detrimentally impact on the qualities of this building and protect the character of this part of the Hampstead Garden Suburb Conservation Area or the amenity of neighbouring occupiers. The design of the alteration is such that, as conditioned, it preserves the character and appearance of the individual property, street scene, conservation area, and area of special character. The construction of the basement would have an acceptable on the area and the amenity of neighbouring occupiers subject to planning conditions.

SITE LOCATION PLAN: 33 Norrice Lea, London, N2 0RD

REFERENCE: F/03038/12



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AGENDA ITEM 11

LOCATION: The Post Shop Ltd, 14 Vivian Avenue, London, NW4 3YB
REFERENCE: H/03469/12 **Received:** 11 September 2012
Accepted: 12 September 2012
WARD(S): West Hendon **Expiry:** 07 November 2012
Final Revisions:

APPLICANT: Tesco Stores Ltd
PROPOSAL: Installation of a new shopfront.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 10859-204, 10859-203, 10859-201, 10859-202, 10859-211, 10859-212 Rev A and Planning, 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 Core Strategy (Adopted) 2012 and Development Management Plan (Adopted) 2012 .

In particular the following policies are relevant:

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

Development Management Policies (Adopted) 2012: DM01.

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

The proposal is acceptable for the following reason: - Having taken all material considerations into account, it is considered that the proposal would comply with the Council's policies and guidelines and would not cause unacceptable harm to the existing building, the street scene or the amenities of any neighbouring 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.

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.

Design Guidance Note No 10 – Shopfronts

This Guidance Note advises on designing shopfronts. The principles and guidelines set out below will be used when the council assesses planning applications. The main purpose of a shopfront is to display goods on sale. Shopfronts help to project the image of a shop. A well designed shopfront constructed of quality materials will project a good image and enhance the display of items on sale. Shopfronts have a vital role to play in our shopping centres. They are obvious to the observer because they are at the pedestrian level. They can help to attract shoppers and contribute to the health of a shopping centre. Inappropriate and ill-designed shopfronts can downgrade a shopping centre. An attractive centre is more likely to be a profitable shopping centre. Historically shopfronts were designed as an integral part of a building. They tended to display the basic and timeless lessons of good design, being well proportioned and detailed. They had rich decoration to add interest. The character and quality of an area is easily eroded by this type of poor, careless and unsympathetic alteration. There is no reason why a modern shopfront cannot be attractive and relate properly to the design of the building which it fronts. By putting careful thought into the design and choosing appropriate materials, a modern design of shopfront can enhance the shop and the street, while at the same time achieving the type of display necessary in today's competitive retail world. This advice aims to set down a number of principles of good design to enable local retailers, when the opportunity arises, to

improve the image of their shops and thereby the quality of the shopping parade or centre generally. The Council and local retailers need to work together to ensure that our shopping centres attract shoppers. This design guidance is intended to help achieve this. Before choosing a shopfront design, you should consider the context that the shopfront will be set in and the detailed design. Each shopfront should be designed as a whole and not merely as an assembly of separate elements.

Sustainable Design and Construction SPD

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.

Barnet's Local Plan

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

Core Strategy (Adopted) 2012:

The Core Strategy was adopted by the Council on September 11 2012. The Core Strategy sits at the heart of the Local Plan. It sets out where, when and how change will take place, providing a shared vision of what Barnet will be like as a place in 2026.

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 are used for day-to-day decision making.

Relevant Development Management Policies (Adopted) 2012: DM01, DM02.

Relevant Planning History:

Site history for current landparcel :

152531 - The Post Shop Ltd, 14 Vivian Avenue, London, NW4 3YB

Case Reference: **H/03469/12**

| | | | |
|---------------------|--|----------------------|----------------|
| Application: | Planning | Number: | W/09702/C/99 |
| Validated: | 19/10/1999 | Type: | S63 |
| Status: | DEC | Date: | 20/12/1999 |
| Summary: | AP | Case Officer: | Junior C. Moka |
| Description: | Retention of single storey flat roofed extension at rear of the retail shop. | | |

Planning applications picked up in spatial search

Site Address: 16 Vivian Avenue LONDON NW4
Application Number: W09702
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 25/06/1991
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Change of use from shop (Class A1) to Restaurant (Class A3)**
Case Officer:

Site Address: 16 Vivian Avenue LONDON NW4
Application Number: W09702B
Application Type: Section 192
Decision: Unlawful Development
Decision Date: 17/08/1994
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **New shopfront as an extension to that existing at No. 14.**
Case Officer:

Site Address: 14 Vivian Avenue LONDON NW4
Application Number: W09527A
Application Type: Outline Application
Decision: Approve with conditions
Decision Date: 07/11/1990
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **New shop front.**
Case Officer:

Consultations and Views Expressed:

Neighbours Consulted: 82 Replies: 0
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

One general petition was received, objecting to the presence of Tesco generally.

101 signatures were collected. However, only 39 are valid as they have been accompanied by an address.

Internal /Other Consultations:

None

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a shop unit which is located on the corner of Vivian Avenue and Alderton Crescent. The site is located within the primary retail frontage of Hendon Central Town Centre.

Proposal:

The applicant wishes to install a new shopfront whilst retaining as much of the existing facade as possible. The main change will be the implementation of automatic double sliding doors to the centre of the left hand section of the frontage facing Vivian Avenue. The existing front elevation is comprised of two large glass panels and a large set of double sliding doors. The proposal will see a reduction in the size of the double sliding doors and an extra glazed panel to the right of them. The shopfront on the side elevation will remain largely unchanged.

Planning Considerations:

The main considerations are the impacts on the property, the surrounding area and on any neighbouring properties.

The changes to the existing shopfront, include reducing the size of the doors on the front elevation and as a result the inclusion of an extra panel of glazing to the shopfront. It is considered that the proposed changes are relatively minor and given the wide variety of shopfronts along the Hendon Central town centre the proposal would be acceptable in planning terms.

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

3. COMMENTS ON GROUNDS OF OBJECTIONS

A petition was received objecting to the presence of Tesco in the town centre.

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 comply with the Council's policies and guidelines and would not cause unacceptable harm to the, the existing building, the street scene or the amenities of any neighbouring property.

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

SITE LOCATION PLAN:
NW4 3YB

The Post Shop Ltd, 14 Vivian Avenue, London,

REFERENCE:

H/03469/12



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AGENDA ITEM 12

LOCATION: The Post Shop Ltd, 14 Vivian Avenue, London, NW4 3YB
REFERENCE: H/03475/12 **Received:** 11 September 2012
Accepted: 12 September 2012
WARD(S): West Hendon **Expiry:** 07 November 2012
Final Revisions:

APPLICANT: Tesco Stores Ltd
PROPOSAL: Installation of a new ATM.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans numbers :10895-203, 10895-204, 10895-312 Rev A, 10895-202, 10895-201 and Planning, 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, the Core Strategy (2012) and the Development Management Policies (2012).

In particular the following polices are relevant:

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

Development Management Policies (Adopted) 2012: DM01, DM02, DM17.

- ii) The proposal is acceptable because it preserves the visual amenities of the locality and the residential amenities of adjoining occupiers.
The proposal is considered to comply with Council Policy and would not materially compromise community safety or increase the risk of crime taking place in the area
- 2 The applicant is advised that the installation of an ATM Privacy Space should be considered. Guidance on Privacy Spaces has been provided via the Local Government Association Alert no. 36/07 Cash Machines- 'Privacy Space' markings on the ground in front of cash machines significantly reduce the incidence of robbery.

1. MATERIAL CONSIDERATIONS

National Planning Policy:

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 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.

Barnet Local Plan 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).

Relevant Core Strategy Policies (Adopted) 2012: CS NPPF, CS.

Barnet Local Plan Development Management Policies (Adopted 2012):

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

Relevant Development Management Policies (Adopted) 2012: DM01, DM11, DM17.

Relevant Planning History:

Site history for current landparcel :

152531 - The Post Shop Ltd, 14 Vivian Avenue, London, NW4 3YB

Case Reference: **H/03475/12**

Site Address: 16 Vivian Avenue LONDON NW4
Application Number: W09702
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 25/06/1991
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Change of use from shop (Class A1) to Restaurant (Class A3)**
Case Officer:

Site Address: 16 Vivian Avenue LONDON NW4
Application Number: W09702B
Application Type: Section 192
Decision: Unlawful Development
Decision Date: 17/08/1994
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **New shopfront as an extension to that existing at No. 14.**
Case Officer:

Site Address: 14 Vivian Avenue LONDON NW4
Application Number: W09527
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 31/07/1990
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Enclosure of yard to form single-storey reextension**
Case Officer:

Site Address: 14 Vivian Avenue LONDON NW4
Application Number: W09527A
Application Type: Outline Application
Decision: Approve with conditions
Decision Date: 07/11/1990
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **New shop front.**
Case Officer:

Consultations and Views Expressed:

Neighbours Consulted: 82 Replies: 0
Neighbours Wishing To Speak 0

A petition was received as part of the consultation

One general petition was received, objecting to the presence of Tesco generally.

101 signatures were collected. However, only 39 are valid as they have been accompanied by an address.

The objections raised may be summarised as follows:
None received

Internal /Other Consultations:

- Metropolitan Police Service

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is comprised of two shop units (Nos 14 and 16) on the corner of Vivian Avenue and Alderton Crescent. The site is located within the primary retail frontage of Hendon Central town centre and currently appears to be vacant. The floors above the two shop units are comprised of residential dwellings.

Proposal:

This application seeks consent for the installation of a new ATM (cash machine). The new ATM unit would be inserted within the shopfront and would measure 2450mm high and 1130mm wide and the keypad would be 885mm above the ground level. The ATM unit would have an external light fitted above the actual ATM itself at a height of 2.45m above ground level. The proposed ATM would not project beyond the proposed shop facade.

Planning Considerations:

The main considerations are whether or not the proposal is appropriate to the area and whether it would give rise to an increase in crime.

As the application site falls within the primary retail frontage it is considered that ATM's are appropriate at this site. Crime, as fear or reality prevents people from enjoying the full use of their environment. The council is committed to reducing opportunities for crime and fear of crime. In terms of the impact of the installation of this ATM on people's perception of crime and crime itself, this development is not considered to result in crime or opportunities for crime. The subject property lies within the Hendon Central Town Centre which has a sufficient level of natural surveillance as a result of the amount of pedestrian footfall and passing vehicular traffic. The streets and paths in the immediate vicinity are well and appropriately lit. It is considered that the development as proposed would not lead to opportunities to commit crime or affect people's feelings of safety and security.

The proposed ATM is considered is to have an acceptable impact on the character of the street scene and general area and on the appearance of the subject property. Equipment such as ATMs are recognised as being part and parcel of a functioning viable town centre and in light of this, introducing an ATM in this location is not considered to be inappropriate.

As a result of the above, this application is therefore recommended for **approval**, subject to conditions.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Petition received and noted but considering the factors above the application is considered acceptable.

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 ATM is considered to have an acceptable impact on the character of the street scene and general area

SITE LOCATION PLAN:
NW4 3YB

The Post Shop Ltd, 14 Vivian Avenue, London,

REFERENCE:

H/03475/12



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AGENDA ITEM 13

LOCATION: The Post Shop Ltd, 14 Vivian Avenue, London, NW4 3YB
REFERENCE: H/03658/12 **Received:** 26 September 2012
Accepted: 02 October 2012
WARD(S): West Hendon **Expiry:** 27 November 2012

Final Revisions:

APPLICANT: Tesco Stores Ltd
PROPOSAL: Installation of 3no. Air Conditioning units and 1no. condenser
RECOMMENDATION: **Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 10859-204, 10859-203, 10859-202, 10859-201 and 10895-512 Rev C.

Reason:

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

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

Reason:

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

- 3 The level of noise emitted from the air conditioning units hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of 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 and the Adopted Barnet Local Policies.

In particular the following policies are relevant:

Core Strategy (Submission version) 2011: CS 5

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

- ii) The proposal is acceptable for the following reason(s): - Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, 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.

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 is charged at a rate of £35 per square metre of net additional floorspace.

Core Strategy (Adopted) 2012:

The Core Strategy was adopted by the Council on September 11 2012.

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.

Relevant Development Management Policies: DM01, DM02, DM04.

Relevant Planning History:

Site history for current landparcel :

152531 - The Post Shop Ltd, 14 Vivian Avenue, London, NW4 3YB

Case Reference: **H/03658/12**

Planning applications picked up in spatial search

Site Address: 16 Vivian Avenue LONDON NW4
Application Number: W09702
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 25/06/1991
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Change of use from shop (Class A1) to Restaurant (Class A3)**
Case Officer:

Site Address: 16 Vivian Avenue LONDON NW4
Application Number: W09702B
Application Type: Section 192
Decision: Unlawful Development
Decision Date: 17/08/1994
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **New shopfront as an extension to that existing at No. 14.**
Case Officer:

Site Address: 14 Vivian Avenue LONDON NW4
Application Number: W09527A
Application Type: Outline Application
Decision: Approve with conditions
Decision Date: 07/11/1990
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **New shop front.**
Case Officer:

Enforcement Notices picked up in spatial search

None

Consultations and Views Expressed:

Neighbours Consulted: 83 Replies: 2
Neighbours Wishing To Speak 0

One petition of 101 signatures was received objecting to the presence of Tesco in the town centre.

The objections raised may be summarised as follows:

- Tesco will cause demise of other convenience businesses in the local area

One comment received was in support of the application.

Internal /Other Consultations:

- Environmental Health -

On advice of the environmental health officer a condition has been imposed as a part of the conditional approval regarding the noise generated by the Air Conditioning Equipment

Date of Site Notice: 18 October 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a shop unit which is located on the corner of Vivian Avenue and Alderton Crescent. The site is located within the primary retail frontage of Hendon Central Town Centre.

Proposal:

The proposal relates to the installation of three air conditioning units to the rear court yard and one condenser. Following some amendments one of the larger units has now been reduced in height and louvered fencing has been introduced to one elevation to reduce the visual impact from Vivian Avenue.

Planning Considerations:

When considering the impact of this development it has to be noted that the condenser units are not prominently located nor would they be perceived readily from any public viewpoint. The harmonious character set out by the street façade would be preserved.

In this particular case the air conditioning units would be seen from Vivian Avenue. In order to mitigate the negative visual impact of these units from the Town Centre the applicant has proposed louvered screens which would allow sound/noise to pass through, but would limit visual impact from the Town Centre. Such a measure would help to maintain the townscape and lessen the impact on the area's character.

Turning to the matter of noise, following advice from the Environmental Health team a condition has been imposed as a part of the conditional approval. The applicant has also provided, on request, a list of mitigation measures that will be incorporated in order to reduce noise levels. Considering these facts, the application is considered acceptable.

It is considered that the application will not give rise to any loss of amenity to any neighbouring property, or harm the appearance of the building, the surrounding area

and the character of the street scene.

3. COMMENTS ON GROUNDS OF OBJECTIONS

A petition was received objecting to the presence of Tesco in the Hendon Central Town Centre generally.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

Having taken all material considerations into account, the proposal would not detrimentally impact on the qualities of the building and protect the character of the area. The proposed alterations are such that, as conditioned, it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual properties and street scene. **APPROVAL** is recommended.

SITE LOCATION PLAN:
NW4 3YB

The Post Shop Ltd, 14 Vivian Avenue, London,

REFERENCE:

H/03658/12



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