

**MEETING**

**EAST AREA PLANNING SUB-COMMITTEE**

**DATE AND TIME**

**TUESDAY 8TH MAY, 2012**

**AT 7.00 PM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, NW4 4BG**

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

Chairman: Councillor Andreas Tambourides (Chairman),  
Vice Chairman: Councillor Bridget Perry (Vice-Chairman)

**Councillors**

|                   |                    |             |
|-------------------|--------------------|-------------|
| Alison Cornelius  | Stephen Sowerby    | Jim Tierney |
| Barry Rawlings    | Andrew Strongolou  |             |
| Alan Schneiderman | Joanna Tambourides |             |

**Substitute Members**

|                      |                 |                |
|----------------------|-----------------|----------------|
| Rowan Turner         | David Longstaff | Lisa Rutter    |
| Pauline Coakley Webb | Kath McGuirk    | Brian Salinger |
| Brian Coleman        | Alison Moore    |                |
| Anne Hutton          | Robert Rams     |                |

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

**Aysen Giritli – Head of Governance**

Governance Services contact: Maria Lugangira 020 8359 2761

Media Relations contact: Sue Cocker 020 8359 7039

**CORPORATE GOVERNANCE DIRECTORATE**

## ORDER OF BUSINESS

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| 1.      | Minutes   |         |
| 2.      | Absence of Members  |         |
| 3.      | Declaration of Members Personal and Prejudicial Interests                             |         |
| 4.      | Public Question Time (if any)   |         |
| 5.      | Members' Items (if any)   |         |
| 6.      | Applications for Planning Permission and Consent under the Advertisements Regulations |         |
|         | <b>East Barnet Ward</b>   |         |
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| b)      | 12B Pymmes Brook Drive, Barnet, Herts, EN4 9RU  | 13 - 20 |
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| c)      | 97 Leslie Road, London, N2 8BH  | 21 - 28 |
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| h) | Maple House, 9 The Pastures, London, N20 8AN   | 71 - 80  |
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| j) | 22 Avondale Avenue, London, N12 8EJ  | 87 - 96  |
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| 7. | Any Items that the Chairman decides are urgent   |          |
| 8. | Motion to Exclude the Press and Public<br><br>That under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Act (as amended) shown in respect of each item |          |
| 9. | 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 Maria Lugangira 020 8359 2761. People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

### **FIRE/EMERGENCY EVACUATION PROCEDURE**

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

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

Do not stop to collect personal belongings

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

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

**LOCATION:** 9 Albemarle Road, Barnet, Herts, EN4 8EQ

**REFERENCE:** B/05129/11

**Received:** 22 December 2011

AGENDA ITEM 6a

**Accepted:** 22 December 2011

**WARD(S):** East Barnet

**Expiry:** 16 February 2012

**Final Revisions:**

**APPLICANT:** Mr N Vadgama

**PROPOSAL:** Part single, part two storey front, side and rear extensions.  
Alterations and extension to roof including rear dormer window  
to facilitate loft accommodation

**RECOMMENDATION: Approve Subject to Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
AmR/V/PP1, AmR/V/PP2 (date received 22-Dec-2012), AmR/V/PP3 A, AmR/V/PP4 A, AmR/V/PP5 (date received 30-Jan-2012).  
  
Reason:  
For the avoidance of doubt and in the interests of proper planning.
2. This development must be begun within three years from the date of this permission.  
  
Reason:  
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
3. The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).  
  
Reason:  
To safeguard the visual amenities of the building and the surrounding area.
4. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the side elevation facing No.7 Albemarle Road without the prior specific permission of the Local Planning Authority.  
  
Reason:  
To safeguard the privacy and amenities of occupiers of adjoining residential properties.
5. The roof of the extensions hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.  
  
Reason:  
To ensure that the amenities of the occupiers of adjoining properties are not

prejudiced by overlooking.

## **INFORMATIVE(S):**

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, D1, D2, D5 and H27.  
Supplementary Design Guidance Note 5: Extensions to Houses

Core Strategy (Submission version) 2011:

Relevant policies: CS5

Development Management Policies (Submission version)2011:

Relevant Policies: DM01

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

The proposed extensions are considered to have overcome the previous reasons for refusal and dismissals at appeal. The extensions have an acceptable impact on the character and appearance of the host property and the residential street scene of Albemarle Road. Given the proposed changes within the current application, the extensions will not harm neighbouring residential amenity to an unacceptable degree and represent an improved relationship to No.7 when compared to the approval in 2004 and indeed the previous application in 2011. The proposal accords with the aforementioned policies.

2. The proposed development as approved shall be fully implemented within 4 months of the date of this decision notice to ensure that the existing unlawful works are removed in order to address the outstanding enforcement notice, upheld at appeal dated 7th November 2011.

## **1. MATERIAL CONSIDERATIONS**

NPPF 2012

The Mayor's London Plan: July 2011

7.4

Relevant Unitary Development Plan Policies:

GBEnv1, D2, D5, H27. SDGN 5: Extensions to Houses

Core Strategy (Submission version) 2011

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

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

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

Relevant Core Strategy Policies:

CS5

Relevant Development Management Policies:

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

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

DM01

Relevant Planning History:

**Site Address:** 9 Albemarle Road, Barnet, Herts, EN4 8EQ  
**Application Number:** 03706/09  
**Application Type:** Householder  
**Decision:** Withdrawn  
**Decision Date:** 08/12/2009  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Part single, part two-storey side and rear extension following demolition of existing garage. Single storey front extension.**

**Case Officer:** Fiona Dinsey

**Site Address:** 9 Albemarle Road London EN4 8EQ  
**Application Number:** N13591B/04

**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 16/09/2004  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Part single, part two storey front side and rear extensions and alterations to roof including rear dormer window to accommodate a loft conversion.**

**Site Address:** 9 Albemarle Road East Barnet, Herts EN4 8EQ  
**Application Number:** N13591A/04  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 15/04/2004  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Part single, part two storey front, side and rear extensions and alterations to roof including rear dormer window to facilitate a loft conversion.**

**Site Address:** 9 Albemarle Road East Barnet Barnet Hertfordshire EN4 8EQ  
**Application Number:** N13591/03  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 23/04/2003  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Part single, part two-storey front, side and rear extensions and alterations to roof including rear dormer window to facilitate a loft conversion.**

**Site Address:** 9 Albemarle Road, Barnet, Herts, EN4 8EQ  
**Application Number:** 00713/10  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 28/06/2010  
**Appeal Decision:** Dismissed  
**Appeal Decision Date:** 28/06/2010  
**Proposal:** **Part single, part two storey side & rear extension following demolition of existing garage. Single storey front extension.**

**Case Officer:** Fiona Dinsey

**Site Address:** 9 Albemarle Road, Barnet, Herts, EN4 8EQ  
**Application Number:** 00738/10  
**Application Type:** Householder  
**Decision:** Refuse  
**Decision Date:** 19/04/2010  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Single storey front, Part single part two storey side & rear extension**  
**Case Officer:** Fiona Dinsey

**Site Address:** 9 Albemarle Road, Barnet, Herts, EN4 8EQ  
**Application Number:** 02513/10  
**Application Type:** Householder  
**Decision:** Withdrawn  
**Decision Date:** 20/08/2010  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Single storey front extension and single storey side extension. Part single, part**



**two storey rear extension forming new basement level.**

Case Officer: Fiona Dinsey

**Site Address:** 9 Albemarle Road, Barnet, Herts, EN4 8EQ  
**Application Number:** B/04273/10  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 10/12/2010  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Single storey front extension and single storey side extension. Ground and lower ground floor rear extension forming a new basement level. New access stairs to rear garden.**

Case Officer: Fiona Dinsey

**Site Address:** 9 Albemarle Road, Barnet, Herts, EN4 8EQ  
**Application Number:** 04704/10  
**Application Type:** Section 191  
**Decision:** Unlawful Development  
**Decision Date:** 11/03/2011  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Part single, part two storey front side and rear extensions. Alterations to roof including rear dormer window to facilitate a loft conversion, as granted under reference number N13591B/04 dated 7th September 2004.**

Case Officer: Fiona Dinsey

**Site Address:** 9 Albemarle Road, Barnet, Herts, EN4 8EQ  
**Application Number:** B/01552/11  
**Application Type:** Householder  
**Decision:** Refuse  
**Decision Date:** 07/11/2011  
**Appeal Decision:** Dismissed  
**Appeal Decision Date:** 07/11/2011  
**Proposal:** **Part single, part two storey front, side & rear extensions. Alterations to roof including rear dormer window to facilitate a loft conversion**

Case Officer: Fiona Dinsey

**Site Address:** 9 Albemarle Road, Barnet, Herts, EN4 8EQ  
**Application Number:** 02160/09  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 14/08/2009  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Part single, part two-storey side and rear. Single storey front extension.**

Case Officer: Fiona Dinsey

ENF/450/10/B An Enforcement complaint was received in 2010 in respect of unauthorised building works. Applications have been submitted in respect of these works (see planning history above). An Enforcement Notice was served on 12/04/2011 requiring the following:

- Demolition of side and rear extensions
- The permanent removal of the property of all constituent materials resulting from the works in the demolition of the side and extensions

The period of compliance was six months. The applicant appealed against the enforcement notice in 2011. The appeal was dismissed and the notice upheld on 7th November 2011. The

expiry date for the period of compliance is now 8th May 2012.

### Consultations and Views Expressed:

Neighbours Consulted: 15

Replies: 13 of which 9 were objections and 4 were letters of support

Neighbours Wishing To Speak

The objections raised may be summarised as follows:

- The house is too big and ugly
- Looks like a block of flats
- Loss of privacy
- Overdevelopment of the site
- Overlooking
- Set a precedent for other large and inappropriate developments
- Original house has been swallowed by extensions
- As the side extension has been built so close to the neighbouring property a traditional guttering system cannot be used as this would overhang and does not match the original house
- Proposal is too large and deep
- Extra people living in the house will have a negative effect on the peaceful enjoyment of neighbouring properties
- There are little differences between this application and the previous application
- Neighbouring windows to toilets and landings have no natural light
- Views are of a brick wall
- Splayed wall built without planning permission is ugly and overbearing
- Visually obtrusive

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The property is a two-storey semi-detached single family dwelling in an established residential area. The dwelling is situated in a road of similar semi-detached properties.

There have been a number of extensions which are visible from the street, many of which were constructed under old policy and guidance.

Most properties have single garages to the side, with the exception of No.7 Albemarle Road as it was constructed on a narrower site due to the bend in the road.

The road has a significant slope resulting in a different finished floor level between each pair of semi-detached properties. The difference in floor levels ranges from 1-2m between each of the properties along the road.

The property previously had a single storey rear conservatory and a detached side garage but these have been demolished as an extension is currently under construction on the site,

and has been for some time.

The existing extension on site which is not yet completed will be amended and reduced as a result of this property. The application property has previously been extended by way of a large dormer and hip to gable roof extension. This will also be amended and reduced as a result of this proposal.

### Application History

Planning permission was approved in September 2004 for 'part single, part two storey front, side and rear extensions and alterations to roof including rear dormer window to accommodate a loft conversion'.

The foundations for this extension were constructed following this approval.

The property was then extended by way of a hip to gable roof extension and rear dormer window under permitted development.

Following this roof extension, another application for a 'part single, part two storey side and rear extension following demolition of existing garage and a single storey front extension' was submitted and subsequently refused in April 2010. This application was dismissed at appeal in June 2010.

The roof extensions were considered to have changed the character, appearance and roof form of the property and this change was considered to materially alter the impact of the previously approved extension.

So whilst the main differences between the approval in September 2004 and the application dismissed in June 2010 are relatively minor, due to the size, design and siting of the roof extensions, it was considered that the approved design can no longer be achieved on the site.

Various applications to overcome reasons for refusal have also since been considered, including the single storey extensions seen by the Chipping Barnet Area Sub-Committee in December 2010. The most recent application was refused in June 2011 and subsequently dismissed at appeal in November 2011.

### Proposal:

The current application seeks planning permission for an almost identical scheme to that refused and dismissed at appeal last year under reference B/01552/11.

In order to facilitate the proposed development the existing roof extensions will be removed and reduced and the existing ground floor extensions (currently under construction) will also be amended and reduced.

The differences between this application and the most recent refusal are as follows:

- Reduction in the width and depth of the ground floor side extension
- Internal alterations to provide an internal stairway leading down to a door at garden level

(rather than at the internal floor level)

At ground floor level the extension projects forward from the front wall by 1.3m. Extending to a maximum width of 3.2m it projects to the side boundary shared with No.7 and extends along this tapered site boundary rearwards for a depth of 6m. After this depth the extension cuts away from the boundary by a minimum of 0.2m and a maximum of 0.65m for a depth of 3m. At this point a flat roof is proposed at what would be ground level above what will be the internal stairwell allowing access to the garden. The existing wall along the boundary is to be reduced to the same height as the patio at No.7. The single storey rear extension would have a width of 8.3m, depth of 3.9m and a height of 4.5m.

The ground floor extensions as viewed from the front will have a maximum height of 4.1m with a pitched roof. Given that there is a change in levels across the site as it falls to the rear, the height of the extension increases. From the rear, the maximum height of the extension will reach 4.6m from the original ground level. The ground floor extensions to the rear propose a flat roof.

At first floor level the extension is set back from the main front wall of the house 1m and set in from the side boundary with No.7 by 1m. This extension also follows the tapered side boundary but the depth is less than at ground floor, extending to 6.5m. At this point the extension cuts away from the side boundary by a further 1.5m and projects from the main rear wall of the house by a further 2m to form a first floor rear extension. This had a width of 4.2m overall, set 3.5m from the boundary with the attached neighbour, No.11.

The overall height of the two storey extension is proposed at 8.4m to the front, set down from the main ridge by 0.4m. From the rear the extension is proposed at a maximum height of 8.8m with a pitched roof set down from the ridgeline.

At roof level a dormer window is proposed with a height of 1.8m, a width of 2m and a depth from the main roofslope of 2.4m.

One of the main changes in this proposal to that approved in 2004 is the introduction of a basement level which utilises the change in levels across the site. The ground level has been reduced by 0.5m from the boundary with No.11 to facilitate this development.

The access from the ground floor extension to the garden is now being provided via a door at basement (garden level).

### Planning Considerations:

#### *Character and Appearance*

On dismissing the appeal in November 2011, the Inspector stated '*The layout of the roads and buildings in the area gives scope in some cases for the erection of side extensions so they are not locally uncharacteristic features, if not always blending well with their surroundings*'. He then went on to state '*Both the 2004 permission and the previous appeal scheme involved extensions set on or next to the side boundary at ground floor level. That remains so under the current scheme, with a set in at first floor level of 1m, thus retaining the 2m gap between flank walls sought by the DGN. It would also be set further in at the front of the house at that level than under the dismissed proposal, again meeting the DGN figure, of*

*1m, and giving it a more subordinate appearance to the main house. Further, at the front of the house at least, the extension would be significantly less than half the width of the main house, albeit with a new porch'.*

Further comments include *'Despite the closing of the gap to the boundary at ground floor level therefore, the present proposal would blend well with neighbouring properties and maintain the appearance of the streetscene', 'Despite the size of the extensions therefore I do not consider the resulting building would be so obtrusive as to cause harm to the surroundings generally, nor therefore that on this issue it would be in conflict with the UDP..'*

The alterations to the rear were approved in September 2004 and are still considered to have an acceptable impact on the appearance of the property. The proposed basement level is not considered to harm the character and appearance of the host property and will not be readily visible to adjacent occupiers. The internal changes to provide a doorway at basement level are considered to be appropriate and would have a minimal impact on the character and appearance of the host property.

### *Residential Amenity*

The extensions as proposed are considered to have an acceptable impact on the residential amenities of adjacent occupiers given that this relationship was approved in September 2004. The main change in respect of amenity relates to the door in the rear elevation which was originally at floor level (above ground) with a landing area and steps next to the side boundary with No.7 as well as pulling the extension in off this boundary. The Inspector in dismissing the most recent appeal stated *'With such a marked drop in levels, and given the level of amenity presently enjoyed by the occupiers of No.7, this arrangement would result first in a still overbearing feature at this point, and more importantly, an unacceptable loss of privacy and sense of intrusion resulting from the passage of people to and from the garden so close to the boundary and well above it'*

By providing a doorway at garden level, with internal stairs ensures that when the occupiers of the host property are entering and leaving the extension, they will not be able to directly overlook the side boundary in to the neighbouring garden at No.7 nor is it considered to result in a perception of being overlooked especially given the presence of the boundary fencing/wall which is some 2.2m above the garden level of the application site. It is considered that whilst the proposed flat roof of the rear extension could be used as a balcony or terrace area, a suitably worded condition has been recommended to ensure that it is not used as an amenity area to prevent direct overlooking.

The splayed side wall which has been built on site will be retained as existing until it reaches the rear wall of the main house of No.7 and from then it will be reduced in height to no more than the patio level of No.7 and so would not be overbearing to the occupiers of No.7.

When considering the appeal in June 2010 the Inspector raised a concern that the proposed two storey side extension would appear overbearing to No.7, however amendments have been made to the proposal both in the current application and the previous application which was dismissed at appeal in 2011.

Whilst it is acknowledged that the windows to the side of No.7 will be sited close to the wall of the proposed side extension, these windows are not serving habitable rooms. As per the

Inspectors comments any loss of light or outlook to these windows cannot form a reason for refusal.

It is acknowledged that the ground floor rear extension, along the boundary with No.11, exceeds Council Design Guidance for single storey extensions. This is because it projects to a depth of 3.9m, 0.4m deeper than advised. However, in this instance the extension is considered acceptable at this depth and this is because the extension replaces a previously existing conservatory which projected to the same depth as proposed. It was also not raised as an issue by the Inspector who determined the most recent appeal.

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

Dealt with in the planning appraisal

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

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

### **5. CONCLUSION**

This application is considered to have overcome the previous reasons for refusal and the issues highlighted by the Inspector in the most recent appeal. The proposal would result in acceptable extensions to this property and would have a minimal impact on residential amenity. It is therefore recommended that this application is approved subject to conditions.

**SITE LOCATION PLAN: 9 Albemarle Road, Barnet, Herts, EN4 8EQ**

**REFERENCE: B/05129/11**



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**LOCATION:** 12B Pymmes Brook Drive, Barnet, Herts, EN4 9RU

**REFERENCE:** B/00401/12

**Received:** 31 January 2012

**WARD(S):** East Barnet

**Accepted:** 31 January 2012

**Expiry:** 27 March 2012

AGENDA ITEM 6b

**Final Revisions:**

**APPLICANT:** Mr & Mrs Graham Foskett

**PROPOSAL:** Two storey side and rear extensions. Single storey front extension with internal alterations.

**RECOMMENDATION: Approve Subject to Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

195\_EX\_01, 195\_EX\_02, 195\_EX\_03, 195\_EX-04, 195\_EX\_05, 195\_EX\_06, 195\_EX\_07, 195\_EX\_08, 195\_EX\_09, 195\_SL\_01, 195\_PR\_01, 195\_PR\_03, 195\_PR\_04, 195\_PR\_05, 195\_PR\_06, 195\_PR\_07, 195\_PR\_08, Design and Access Statement - January 2012 (date received 31-Jan-2012);

195\_PR\_02 Rev B (date received 25-Apr-2012).

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

5. The use of the extension hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit.

Reason:

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

6. The roof of the single storey front extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason:

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

7. Before the building hereby permitted is occupied the proposed window(s) in the flank elevations of the property facing No.12a Pymmes Brook Drive shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening as indicated on Drawing No. 195\_PR\_07.

Reason:

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

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

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, D2, D5, H27.  
Supplementary Design Guidance Note 5: Extensions to Houses

Core Strategy (Submission version) 2011:

Relevant policies: CS5

Development Management Policies (Submission version)2011:

Relevant Policies: DM01

ii) The proposal is acceptable for the following reason(s): - The proposed development is considered to have an acceptable impact on the character and appearance of the host property. The extensions are considered to have a limited visual impact on the street scene or general locality. The proposal is not considered to have a significantly adverse impact on the residential or visual amenities of the adjoining occupiers and would be in accordance with the aforementioned policies.

2. The applicant is advised that this grant of consent does not grant planning permission for the existing decking in the rear garden.

## 1. MATERIAL CONSIDERATIONS

NPPF 2012

The Mayor's London Plan: July 2011

7.4

Relevant Unitary Development Plan Policies: GBEnv1, D2, D5, H27. SDGN 5: Extensions to Houses.

Core Strategy (Submission version) 2011

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

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

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

Relevant Core Strategy Policies: CS5

Relevant Development Management Policies:

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

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

DM01

### Relevant Planning History:

|                            |  |
|----------------------------|--|
| <b>Site Address:</b>       | Land between 12 & 13 Pymmes Brook Drive NEW BARNET Herts |
| <b>Application Number:</b> | N02536S  |
| <b>Application Type:</b>   | Full Application   |



residential in character, comprised of detached single family dwellings, similar in age and style.

The host property and neighbouring property No.12a are later additions to the road but are similar to other properties in terms of design and form.

The property is gable ended at both the front and back.

In recent years, the application site has increased in size as a result of the purchase of land adjacent to the property (at the rear of properties in Park Road). The site as enlarged is much larger than the other sites in Pymmes Brook Drive.

The property is only visible when at the head of the road given that it is set back some 14m from the cul-de-sac. The recently acquired land to the side is not currently visible from the road given the screening provided by existing trees, which are not protected under a Tree Preservation Order.

Levels rise from the front to the rear of the site and continue to rise which means that properties in Park Road to the north are at a higher level than those on Pymmes Brook Drive. Access from the house into what was the original rear garden is provided via a decked area which does not appear to benefit from planning permission and does not form part of this application.

Properties in this road have a staggered building line which is continued around to include both No.12a and No.12b. This means that 12a sits further back than 12b and also projects further rearwards than No.12b. As a result of the layout of the road, No.13 is located some 15m in from of No.12b but is angled away towards the northeast so that the front of No.12b faces the flank wall of No.13.

#### Proposal:

This application seeks planning permission for a two storey side and rear extension with a single storey front extension and associated internal alterations.

The current submission follows the submission of a previous application in 2011 which was withdrawn.

For ease, the extensions whilst linked will be described separately. Starting with the two storey side extension, the ground floor element would measure 3.7m wide and have a depth of 6.9m. The first floor element would be 3.7m wide, 6.9m deep and the ridge of the roof would continue across but would be hipped at the front, back and side. Windows and juliet balconies are proposed within the flank elevation of the extension facing the enlarged garden.

The ground floor element of the rear extension would have a staggered depth with a minimum depth of 2m for a width of 3.15m, set off the boundary with No.12a by 0.9m. The depth would then increase to 3m from the original rear wall, maintained for a width of 7.2m. The first floor element would have the same depth as the ground floor element, with the same width. The roof of the rear extension would be part gabled, thus continuing the ridge of the main roof rearwards, before joining with the pitched hipped roof (as described above).

The single storey front extension would have a maximum width of 6.4m, angled away from the property, set off the boundary with No.13 by 3m. It would have a height of 2.75m with a flat roof and would extend around across the front of the property to form a roof above the entrance lobby (this will not be enclosed).

#### Planning Considerations:

The proposed development is considered to be acceptable for the following reasons:

The extensions would in effect wrap around the side of the dwelling however in view of its location, set back from the road and out of view from the majority of the street, it is considered that the majority of the bulk of the extended property would be satisfactorily accommodated on this site. The two storey side and rear extension would not be visible from the street given the set back of the side extension and the angling of the property, as well as the proximity of No.12a and as such these extensions would have a limited impact on the character and appearance of the street scene. Despite the lack of subordination in respect of the rooflines, the set back of the extension as well its siting would be of a character and appearance reflective of that on the main house and would be compatible with the surrounding locality.

The elevations of the property would be significantly altered as a result of the proposal. However the property is not considered to be of special architectural interest which would restrict such extensions such as that proposed. These elevations would not be visible from the public highway nor, given the degree of mature vegetation on this site and neighbouring sites, readily so from adjoining dwellings. The proposed fenestration detailing is considered to be in keeping with the treatment of the existing property.

The front extension would be visible from the public highway however it is considered that given its modest height and its overall design, it would be an acceptable addition to the this property, in keeping with its proportions and scale.

In terms of residential amenity, the proposed development is not considered to have a significantly adverse impact on the residential or visual amenities of the neighbouring occupiers, namely No.12a and 13 Pymmes Brook Drive. A new window is to be inserted within the first floor front elevation of the existing property however no window is proposed within the first floor front elevation of the two storey side extension. The new window would face the flank of No.13, some 16m away and given this, is not considered to give rise to overlooking or the perception of being overlooked given its siting and also the positioning of the property in relation to No.13. It is noted that potentially having a window within the flank elevation to the front may well result in some overlooking and as such a window has not been proposed. A suitably worded condition has been attached to ensure no windows are inserted to safeguard the residential amenities of those living at No.13.

Whilst the extensions are significant, they have been designed to ensure that they will not be overbearing to the neighbouring occupiers. The two storey rear extension has a staggered depth with the closest part to the boundary with No.12a not extending any further rearwards than the rear wall of No.12a. Whilst the depth is increased, this part of the extension is some 4m off the boundary and would only extend 1m beyond the rear wall of No.12a. This projection would therefore not be noticeable when inside No.12a and even from the rear garden, it would not be unduly overbearing.

The front wall of the two storey side extension would be some 11.8m off the boundary with No.13. Given that the extension is to the north of No.13 along with the change in levels between these two sites and the existing trees along the boundary, this extension is not considered to be overbearing nor would it result in a loss of light. Objections have been raised with regards to the loss of the boundary screening and the impact that the resultant extension would have without the screening. The assessment of this scheme has been based on the current situation which is that of mature planting along the boundaries of this site. No permission would be required for the removal of this planting as the Local Planning Authority has not placed a Tree Preservation Order (TPO) on the trees on this site, given their condition nor do the existing trees form part of an approved landscaping scheme for when the host property and 12a were built. Further information submitted during the course of the application indicates which trees along the boundary are to be removed. Two Conifer trees are to be removed to allow for the construction of the extension. These are located to the front of the site, set in off the boundary with No.13 and in front of other existing Conifers along the boundary. These removals are considered to be acceptable and given the retention of other trees along the boundary will still allow for an acceptable level of screening between the properties. The LPA has considered the imposition of a condition requiring details of a landscaping scheme however this is not considered to be necessary to the development. Even if there was no or little planting along the boundaries, the extensions, whilst more visible would not be significantly harmful to the adjoining occupiers, given the set off from the boundaries and the positioning of the properties.

The two storey side extension would be visible from gardens of properties in Park Road however it is set away from the boundaries and at a lower level and as such would not be overbearing to the occupiers of these properties.

The front extension is of a modest height and set off the boundary with No.13 by 3m. It will therefore not be overbearing to those living at No.13.

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

Mainly dealt with in the planning appraisal. However the following comments can be made:

- Soil movement and any other structural issues are not material planning considerations
- The plans are considered to be an accurate reflection of the existing house as built on this 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**

This application is considered to accord with council policies and guidance and is therefore recommended for approval subject to conditions.

**SITE LOCATION PLAN: 12B Pymmes Brook Drive, Barnet, Herts, EN4 9RU**

**REFERENCE: B/00401/12**



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**LOCATION:** 97 Leslie Road, London, N2 8BH

**REFERENCE:** F/00016/12

**Received:** 22 December 2011

**Accepted:** 01 February 2012

**WARD(S):** East Finchley

**Expiry:** 28 March 2012

AGENDA ITEM 6c

**Final Revisions:**

**APPLICANT:** Mr Wilkner

**PROPOSAL:** Single storey rear extension.(Amended plans and description)

**RECOMMENDATION: Approve Subject to Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site and Location - 03; Plan No's: Existing plans and elevations; Proposed plans Revision A received 02/03/2012.

Reason:

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

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

Reason:

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

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

Reason:

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

4. The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area, without the benefit of the grant of further specific permission in writing from the Local Planning Authority.

Reason:

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

5. The use of the extension hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit.

Reason:

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

6. Before the building hereby permitted is occupied the proposed first floor side window facing 95 Lesley Road shall be glazed with obscure glass only and shall be

permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

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

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D4, D5, H18, H27 and Barnet Design Guidance Note No. 5 – Extensions to Houses.

Core Strategy (Submission version) 2011:

Relevant policies: CS5.

Development Management Policies (Submission version)2011:

Relevant Policies: DM01, DM02.

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

The proposal would comply with the Council policies that seek to preserve the characters of areas and individual properties. Consideration has been given to the impact of the extension on neighbouring occupiers and it is considered that this extension will not harm the amenity of neighbouring occupiers. **Approval** is recommended.

## **1. MATERIAL CONSIDERATIONS**

Relevant Unitary Development Plan Policies: Adopted UDP (2006): GBEnv1, GBEnv2, D1, D2, D4, D5, H18 and H27.

Supplementary Planning Guidance: Barnet Design Guidance Note 5 – Extensions.

Core Strategy (Submission Version) 2011: CS5

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

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to

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

#### Relevant Core Strategy Policies:

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

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

#### Relevant Development Management Policies:

CS5, DM01, DM02.

#### Relevant Planning History:

None relevant.

#### Consultations and Views Expressed:

Neighbours Consulted: 9  
Neighbours Wishing To  
Speak

Replies: 7

There was one letter of support received - in favour of the proposed extension.

The 3 objections raised may be summarised as follows:

- The planning application has solely been made for number 97 but should also include 99 Leslie Road, as the proposed work will involve both properties. Both properties are owned and lived in by the same person who I am led to believe is a property developer.
- Loss of access at the rear of the properties. Access has been available since the original building of the houses in the early 1900s. This access is vital for cases of emergency such as fire, blocked sewers and/or drains and for maintenance to the rear of this terrace of purpose-built Edwardian maisonettes. There is no other access for mechanical or heavy lifting equipment to the rear of the properties, apart from the essential access that can only be gained between the gates linking 97, 99, 101 and 103 Leslie Road. Direct access to the road is only available at 97. On the plan there is only 0.4m between fence at 103 and the proposed lateral wall of the extension at 97. No room to open any gate or to gain access.
- Health and Safety as previous work done on 99 Leslie Road (above 97 and owned by the same person as at 97) did not have building regulations for previous work done which involved removing all walls in the living space.
- loss of privacy and light.
- Concern for future use of the flat roof of the extension as, if this was developed into a roof terrace of any description - directly overlooked which is extremely obtrusive and very concerning.
- No other work involving extensions has been done on any of the properties in the row

of terraced houses from numbers 97 to 143. If this work is allowed it will set a precedent for others to follow suit destroying the integrity of the houses and the loss of the character and period features.

- Extension will block daylight and right to light.
- Extension will change outlook.
- Part of the garden at the application site is leased from London Underground - thus extension will cause an overdevelopment and detrimental to the rest of the properties.
- Application is causing stress and upset.
- Viewed the new plans and nothing has changed regarding the dimensions of the proposed extension.
- Gate added for access but as the extension will be built over put right of way we would not be able to get through the gate anyway.
- The planning application has solely been made for number 97 but should also include 99 Leslie Road, as the proposed work will involve both properties.
- No planning regulations were applied for previous works to No. 99 Leslie Road – new works will cause damage to neighbouring properties.
- Vital access required right of way - emergency services and maintenance access will not be possible if the extension is allowed.
- Sewers and water pipes run at the rear – issues with access.
- Invasion of privacy and light.

**It was decided at the April East Area Planning Sub Committee that the application should be deferred for a site visit. The recommendation remains as pre the original report.**

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application property is an end of terrace dwelling which is split into two maisonettes 99 and 97 Leslie Road. The property is in a predominately residential area and does not fall within a conservation area.

The property currently has an external first floor staircase which provides access into the rear garden, this is a common feature amongst most properties located on Leslie Road. There is also a side gate which provides secondary access into the rear garden.

### Proposal:

The application relates to a single storey rear extension. This will measure 3 metres in depth closest to the boundary with 101 Leslie Road and 4.2 metres in depth closest to the boundary with 95 Leslie Road. It will be 2.8 metres in height with a flat roof and 6.8 metres in width.

The application was originally submitted with an extension to the first floor external staircase and handrail, however this has now been omitted from the application and the current external first floor staircase will be blocked up. The access into the garden for the first floor maisonette will now be solely via the side gate.

## Planning Considerations:

The council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene. Extensions to houses, both individually and cumulatively can have a profound effect on the appearance of neighbourhoods and of the street scene and on the amenities enjoyed by the occupiers of adjoining properties. Extensions to properties should reflect the design of the original building, have regard to the character of the area and amenity enjoyed by your neighbours. This means making sure the extension does not disrupt the neighbours' enjoyment of their own home, garden or neighbourhood.

The extension as proposed is considered to be an acceptable and appropriate form of development which would harmonise well with the existing property. The site is considered large enough to accommodate the extension proposed without resulting in overdevelopment. The extension is in keeping with the character and appearance of the area and is not considered to be disproportionate addition to this property.

The single storey rear extension is not considered to result in a loss of light or outlook nor would it be overbearing or visually obtrusive to either of the neighbouring occupiers as the height of the proposed extension measures 2.8 metres. It would also be set 0.4 metres away from the boundary with number 101 and 1.8 metres from the boundary with number 95.

The application has been amended to ensure the proposed extension will not result in any harm to the surrounding residential occupiers. The blocking up of the external staircase and access into the garden via the side gate is considered to be acceptable. Due to the distance to No. 95 Leslie Road it is not considered that there will be issues of overlooking or loss of privacy to adjoining neighbouring occupiers subject to a condition requiring the new first floor side window to be obscure glazed.

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

It is not considered that the proposed single storey rear extension will be harmful to the character of the area or the amenities of the neighbouring, the application is recommended for **approval**.

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

It is considered that the planning related concerns raised on this application are not sufficient to constitute a reason for refusal.

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

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

## 5. CONCLUSION

The proposal would comply with Council policies that seek to preserve the character of areas and individual properties. The design and sitting of the extension is such that it would not have a detrimental impact on the amenity of neighbouring properties. The application is therefore recommended for **APPROVAL**.

**SITE LOCATION PLAN: 97 Leslie Road, London, N2 8BH**

**REFERENCE: F/00016/12**



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**LOCATION:** 77A Leicester Road, London, N2 9DY

**REFERENCE:** F/00721/12

**Received:** 22 February 2012

**Accepted:** 22 February 2012

**WARD(S):** East Finchley

**Expiry:** 18 April 2012

AGENDA ITEM 6d

**Final Revisions:**

**APPLICANT:** Capital Homes (London) Ltd

**PROPOSAL:** Single storey rear and side extension.

**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: B2625-01; B2625-02 Rev B.

Reason:

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

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

Reason:

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

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

Reason:

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

- 4 The use of the extension hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit.

Reason:

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

**INFORMATIVE(S):**

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):  
GBEnv1, GBEnv2, D1, D2, D4, D5, H18, H27.

Supplementary Planning Guidance:  
Barnet Design Guidance Note No. 5 – Extensions to Houses.

Core Strategy (Submission version) 2011:  
CS5.

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

ii) The proposal is acceptable for the following reason(s): -  
The proposal would comply with the Council policies that seek to preserve the characters of areas and individual properties. Consideration has been given to the impact of the extension on neighbouring occupiers and it is considered that this extension will not harm the amenity of neighbouring occupiers. **Approval** is recommended.

## **1. MATERIAL CONSIDERATIONS**

National Planning Policy Framework 2012

Relevant Unitary Development Plan Policies:

GBEnv1, GBEnv2, D1, D2, D4, D5, H18 and H27.

Supplementary Planning Guidance:

Barnet Design Guidance Note 5 – Extensions.

Core Strategy (Submission Version) 2011:

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

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

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

### Relevant Core Strategy Policies:

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

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

Relevant Development Management Policies: DM01, DM02, CS5.

### Relevant Planning History:

**Site Address:** 77A Leicester Road, London, N2 9DY  
**Application Number:** F/00721/12  
**Application Type:** Householder  
**Decision:** Refuse  
**Decision Date:** 12/20/2011  
**Appeal Decision:** Dismissed  
**Appeal Decision Date:** 12/20/2011  
**Proposal:** **Single storey rear and side extension (Amended Description).**  
**Case Officer:** Neetal Rajput

### Consultations and Views Expressed:

Neighbours Consulted: 12  
Neighbours Wishing To 2  
Speak  
Replies: 5

The objections raised may be summarised as follows:

1. Bulk and mass of extension.
2. Pitched roof – incongruous to the rest of the current building and stuck on and detracting to the structure.
3. Loss of light from proposal.
4. Children use the garden – their enjoyment of the garden would be severely impaired.
5. The proposal is far too large and takes up the majority of the garden – sheer scale of the means that the current view which is uninterrupted becomes a brick wall.
6. Loss of garden – not suitable for a family.
7. The proposed extension will be hard against rear fence, potentially blocking rear access.
8. As security against break-ins this rear access alley has locked gate erected by local neighbourhood group – the security would be lost.
9. This developer is known for putting up cheap constructions out of keeping with the local properties.
10. This is already built area with very limited residents parking space.
11. This application does not appear greatly changed from the previous one at this site, same concerns still apply.  
Although the 20cm reduction in width to the side extension is welcomed – the proposal still extends the same length from the existing buildings.
12. The increased roof pitch is more sympathetic – this increases the overall height and bulk of the proposal.

13. Tree and biodiversity issues – loss of wildlife, loss of plants, trees and scrubs that are near the proposed extension.
14. The site location and layout plans are incorrect – rear garden belongs to a neighbour.
15. Cellar at the application site - flooding and overflow into neighbouring properties, damp, proposed extension will worsen the problem.
16. Supporting statement – property more suitable for families, currently a shortage of places in schools.
17. Sustainability – more dubious than stated.
18. Precedent the extension will set for other gardens.
19. Appeal Decision (APP/N5090/A/11/2160176), states that the proposed built form would be substantial in scale and bulk... and ...these features would cause the new addition to sit uncomfortably at the rear of the terrace.. . Having reviewed the revised designs we can only conclude that this will still be the case given the size of the proposed extension and the small plot of land that it occupies.
20. The proposal states that they want to make this into a 2 bedroom family home but there is not many affordable first time buyer properties (or starter homes) for elderly, single people or a couple without children.
21. The extension will not be in keeping with the surrounding area and we are not aware of any similar extensions in the area on this scale and believe this will create a precedent if allowed to continue.
23. The extension will be detrimental to the character of the area (a concern voiced by Mr Gary Deane in the Appeal Decision).
24. An infringement of the right to light for windows that has been in place for over 20 years. And kindly ask the council to explore if this will be the case.
25. Concern that the boundary side of the proposed extension will run along the fence and this may create problems with access, maintainability, established plants and scrubs etc.
26. Cellar was flooded the people from Thames water did ask if there was an extension built at the back as this could make us prone to more floods in the basement as this increases the water level in the area and rain water could not run away easily. And this should be a concern for the council.
27. In the supporting documentation (page 2) it states that problems faced by previous occupiers has been that while the property is big enough to be occupied by a couple it is not big enough for couples with young infants or those who wish to start a family. However, to our knowledge the previous occupiers were a young couples or single people who usually stayed for several years. Moreover, as examples, the last occupiers stayed for over a year and would have stayed longer had it not been the uncertainty over the proposed build; other previous tenants stayed there for over 5 years and 3 years (and their leaving did not coincide with wanting to start a family).
28. In the technical drawings (B2625-02) End Elevation: The slanted angle of the roof adjoining 75 does not mention how far down it will come and how the drainage will work. Is the drawing drawn to scale?
27. Referring to point 7 on the Application Trees and Hedges: We believe that shrubs and plants that run along the boundary with 75 will be jeopardise with the proposed extension and may have to be pruned or removed to carry out the extension.
29. In the supporting documentation detailing the Site plan (page 41 on the Site Location Plan and on the drawing number B2625-01) it needs to be pointed out that this is a ground floor flat with half a garden and not the full length garden illustrated on the plans. On drawing B2625-01, it is not clear what the Site Layout section is detailing (i.e. this is not 77a Leicester Road).

## 2. PLANNING APPRAISAL

### Site Description and Surroundings:

The application site is an end terrace property on Leicester Road in the East Finchley ward. The property has an L-shaped footprint created by an original two storey rear wing, which is characteristic of the properties along this street. The property is subdivided into two self contained units which has been confirmed by Council tax records.

### Proposal:

The application relates to a single storey rear and side extension to Ground Floor Flat 77 Leicester Road.

The proposal ground floor rear extension will project 3 metres deep along the boundary with No. 75 Leicester Road.

Single storey side extension projects sideways from the rear wing by 1.3 metres.

Both the single storey side and rear element of the proposal has a height of 3.3 metres with a pitched roof.

There has been a previous application F/02055/11 for a single storey side and rear extension. The application was refused at Planning Sub Committee and subsequently dismissed at an appeal (Ref: APP/N5090/A/11/2160176). The appeal decision has been added to this report.

### Planning Considerations:

In light of the appeal decision, it is considered that this application has overcome the Inspectors concerns. In paragraph 7, the Inspector states that *“Taken together with the shallow pitched roof, which would appear almost flat, the proposed extension would appear as a large ‘box like’ addition that would be out of proportion with the remainder of the appeal building.”* In order to address this, now a pitched roof is proposed and a reduction in the width of the side extension, there is now a distance of 1.45 to 1.8 metres to the boundary as it splays. Previously proposed the distance to the boundary was 0.9 metres. This ensures that the side extension does not appear to be a *‘box like’* addition to the application site.

*“The proposed full length windows in the rear elevation would also jar with the modest pattern of fenestration on the rear elevation of the appeal building and nearby properties.”* Previous proposed there was a considerable amount of glass on the rear elevation. This has been now amended to only have the insertion of patio doors which has reduced the volume of full length windows and thus addresses the Inspectors concerns. It is now considered that the fenestration better matches the application site and would be in character with the application site and immediate neighbouring properties.

The proposed side extension would also comply with Council policies that seek to preserve the amenities of neighbouring occupiers. The design, size and sideward projection of the proposed extension is such that it would not have an adverse impact on the residential and visual amenities of the neighbouring occupiers. The side extension backs the gardens of the properties facing Durham Road and there is a considerable form of screening along the boundary in the form of a hedge. Thus there

will be little impact to the loss of light, sense of enclosure and outlook to neighbouring properties. Hence, the proposed extension will not cause harm in terms of its impact on the amenity of neighbouring residential occupiers. In addition, the side extension remains in line with the existing building line of the property and thus is not considered to be an overdevelopment of the application site.

The proposed height of the rear and side extension at 3.3 metres would, in itself, ensure that there was no unduly oppressive sense of enclosure that was overbearing, or unacceptable loss of daylight or sunlight. For these reasons, the living conditions of the neighbouring properties within the immediate area would not be harmed.

The single storey rear extension does comply with Council policies that seek to preserve the amenities of neighbouring occupiers. The design, size and rearward projection of the extension is such that it does not have an adverse impact on the residential and visual amenities of the neighbouring occupiers. Design Guidance Note No. 5 - Extensions to Houses states that single storey rear extensions to terrace houses projecting up to a maximum of 3 metres in depth along the boundary with a property will normally be acceptable. Thus, this extension is in accordance with Council guidance, as the extension measures 3 meters in depth along the boundary with the neighbouring property No. No. 75 Leicester Road.

The Inspector within paragraph 12 of the appeal decision, refers to the single storey rear extension in which he states that the height and length would not appear overbearing nor result in loss of light to the occupiers of No. 75. In addition in terms of the relationship of the proposed extension with the properties fronting Durham Road, he states that as the proposed extension will be set some distance and partially screened by existing vegetation the outlook and light to these properties would not be unacceptably harmful to their occupiers.

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

It is not considered that the proposed side and rear extension will be harmful to the character of the area or the amenities of the neighbouring occupiers. The application is therefore recommended for **APPROVAL**.

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

It is considered that the planning related concerns raised on this application were not sufficient to constitute a reason for refusal.

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

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

## 5. CONCLUSION

The proposal would comply with Council policies that seek to preserve the character of areas and individual properties. The design and sitting of the extension is such that it would not have a detrimental impact on the amenity of neighbouring properties. The application is therefore recommended for **APPROVAL**.

## **APPENDIX**

### **Appeal Decision**

Site visit made on 29 November 2011

**by Gary Deane BSc(Hons) DipTP MRTPI an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 20 December 2011**

**Appeal Ref: APP/N5090/A/11/2160176**

#### **77A Leicester Road, East Finchley, London N2 9DY**

- 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 Mr Harpal Bhohi against the decision of the Council of the London Borough of Barnet.
- The application Ref F/02055/11, dated 14 May 2011, was refused by notice dated 13 July 2011.
- The development proposed, as stated on the application form, is the erection of a ground floor rear extension.

#### **Decision**

1. The appeal is dismissed.

#### **Procedural matters**

2. The Council's description of the proposal, which refers to a single storey side and rear extension, more accurately reflects the development sought than that given on the application form. I have assessed the proposal on that basis.
3. I have had regard to the draft National Planning Policy Framework (NPPF). As the NPPF is in draft form, and therefore its content may change, I accord its policies limited weight.

#### **Main issue**

4. The main issue is the effect of the proposed development on the character and appearance of the appeal property and the local area.

#### **Reasons**

5. The appeal property, 77A Leicester Road, is a ground floor flat in a 2-storey end of terrace building that is located in a predominantly residential area. The proposal is a single storey addition to No 77A that would wrap around part of the side and across the rear of the appeal building's 2-storey outrigger.
6. The appeal scheme has been carefully designed to reflect the Council's guidelines that, amongst other things, seek to protect residential amenity. Specifically, the new addition would be modest in height and set back from the site's side boundary, beyond which is a narrow alleyway and the rear of properties which front Durham Road. In addition, the depth of the proposed Appeal Decision APP/N5090/A/11/2160176 2 rear extension would accord with the advice in the Council's Design Guidance No.5, *Extensions to houses Revised*



- (March 2010) (DG5).
7. Notwithstanding, the proposed built form would be substantial in scale and bulk. Taken together with its shallow pitched roof, which would appear almost flat, the proposed extension would appear as a large 'box-like' addition that would be out of proportion with the remainder of the appeal building. In that context, it would conflict with DG5, which advises that extensions should broadly respect the shape and form of the existing building. The proposed fulllength windows in the rear elevation would also jar with the modest pattern of fenestration on the rear elevation of the appeal building and nearby properties. Overall, these features would cause the new addition to sit uncomfortably at the rear of the terrace to which No 77A belongs.
  8. National guidance in Planning Policy Statement 1, *Delivering Sustainable Development*, indicates that design which is inappropriate in its context should not be accepted. Similarly, the draft NPPF, while encouraging sustainable development, notes that development which fails to take the opportunity to improve the character and quality of an area should be rejected.
  9. Against that background, I conclude that the proposal would add a visually obtrusive and discordant element to the existing building and the terrace to which it belongs, which would significantly harm the character and appearance of the local area. It would conflict with Policies GBEnv1, D2 and H27 of the London Borough of Barnet Unitary Development Plan (UDP) and DG5. These policies and guidance seek to ensure that development protects and enhances the quality and local character of the environment and is in keeping with the appearance, proportion and design of existing and neighbouring buildings.  
*Other matters*
  10. The proposal would provide an extra space for the occupiers of No 77A and create living accommodation that would be more suitable for families than at present. However, there is nothing before me to suggest that these benefits could only be achieved in the manner proposed. They do not outweigh the harm that I have identified.
  11. Reference is made to other properties in the local area that have been externally altered and extended including 7 Huntingdon Road, East Finchley, which was recently granted planning permission on appeal. Having carefully considered each of these cases, and having seen several examples of extended buildings close to the site, I consider that none have additions that are comparable in scale and form as that proposed. While I saw that flat roofs are a feature of some properties in the vicinity of the site, none had the same relationship with the host building as in this case. Therefore, these examples do not set a precedent nor lend support to the appellant's case.
  12. The side wall of the proposed rear extension would be evident when viewed from the rear of the attached property, 75 Leicester Road. As the height and length of this new wall would be modest I doubt that it would appear overbearing nor result in an undue loss of light to the occupiers of No 75, especially given its southerly rear aspect. As views from the rear of the Durham Road buildings would generally be from some distance and partially screened by existing vegetation the effect of the proposal on the outlook from, Appeal Decision APP/N5090/A/11/21601763

and light reaching to, these properties would not be unacceptably harmful to their occupiers. With regard to privacy, in my experience, some overlooking is a common characteristic of the relationship between houses in tightly knit builtup areas. In that context, and given the existing fence and vegetation that generally mark the site's eastern and southern boundaries, I consider that there would be no undue additional overlooking as a result of the proposal. I have taken into account the credentials of the site as an accessible location and noted that it does not fall within a conservation area. I also acknowledge the proposed use of external materials would be appropriate to the existing building. Nevertheless, my findings on these particular matters do not outweigh my concern on the main issue.

13. Interested parties raise several additional objections to the proposal including, garden space, access for maintenance, precedent, trees and wildlife. These are important matters and I have taken into account all of the evidence before me. However, given my findings on the main issue, these are not matters on which my decision has turned.

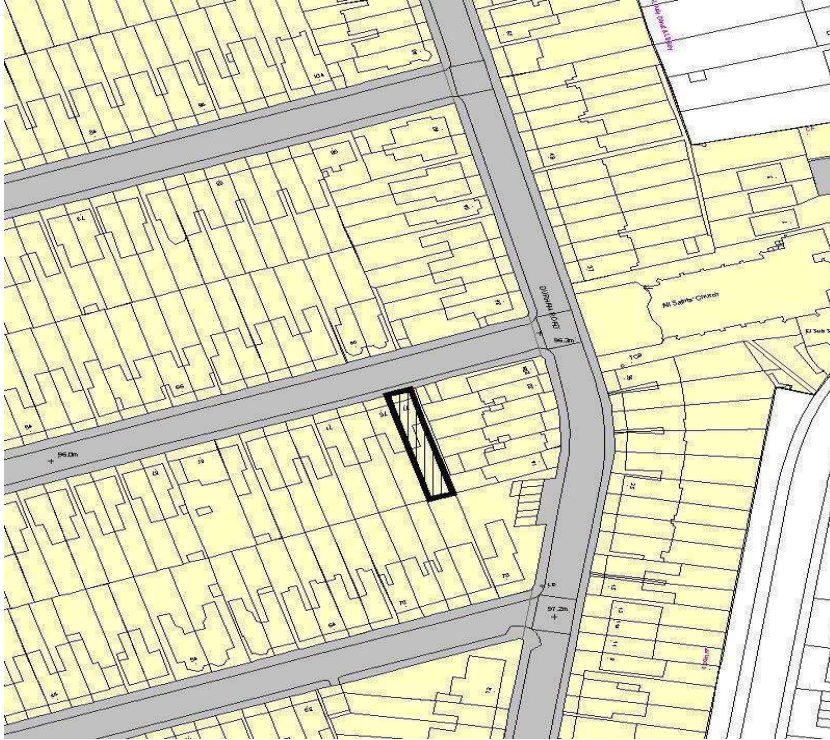
### **Conclusion**

14. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Gary Deane*  
INSPECTOR

**SITE LOCATION PLAN: 77A Leicester Road, London, N2 9DY**

**REFERENCE: F/00721/12**



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**LOCATION:** High Corner, Arkley Drive, Barnet, Herts, EN5 3LN

**REFERENCE:** B/00278/12

**Received:** 24 January 2012

**Accepted:** 15 February 2012 **AGENDA ITEM 6e**

**WARD(S):** High Barnet

**Expiry:** 11 April 2012

**Final Revisions:**

**APPLICANT:** Mr David Englander

**PROPOSAL:** Continued use of part of property as dog boarding business up to a maximum of six dogs on site (including dogs privately owned by the applicant)

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement, Floor Plan (date stamped 24th January 2012), Email from David Englander dated 24th April 2012, Site Location Plan (date received 24th April 2012)

Reason:

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

- 2 The use hereby permitted shall be carried on only by Mr David Englander and shall be for a limited period being the period of twelve months from the date of this decision, or the period during which the premises are occupied by Mr David Englander, whichever is the shorter.

Reason:

To enable the Local Planning Authority to monitor the impact of the use in order to protect the amenities of the area.

- 3 Not more than six dogs in total shall be present at the premises at any one time.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

**INFORMATIVE(S):**

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

i) The proposed development accords with strategic planning guidance and policies as set out in the NPPF (2012), The London Plan (2011) and the adopted London Borough of Barnet Unitary Development Plan (2006). In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):  
GEMP2, GBEnv1, GBEnv4, D2, HC5

ii) The proposal is acceptable for the following reason(s): -  
It is considered that, subject to compliance with the attached conditions, the proposal would not detract from the residential amenity of neighbouring occupiers, or the character of either the host property or surrounding area.

## 1. MATERIAL CONSIDERATIONS

### Relevant Unitary Development Plan Policies:

GEMP2, GBEnv1, GBEnv4, D2, HC5

### Relevant Planning History:

#### Applications:

**Site Address:** High Corner, Arkley Drive, Barnet, Hertfordshire, EN5 3LN  
**Application Number:** N05841  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 26/07/1978  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Single storey side extension incorporating garage.**

**Site Address:** High Corner, Arkley Drive, Barnet, Hertfordshire, EN5 3LN  
**Application Number:** N05841A/04  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 11/02/2005  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Conversion of garage into habitable room. Single storey side extension incorporating attached garage. Two-storey rear extension and single storey front extension. Repositioning of front entrance.**

#### Notices:

**Site Address:** High Corner, Arkley Drive, Barnet, Hertfordshire, EN5 3LN  
**Notice Reference:** ENF/00878/11/B  
**Notice Type:** Enforcement (Section 171A(1)(a))  
**Date Issued:** 19/10/2011  
**Date Effective:** 23/11/2011  
**Date for Compliance:** 23/12/2011  
**Appeal Lodged:** 22/11/2012  
**Appeal Started:** 25/11/2011  
**Appeal Decision:** Withdrawn  
**Appeal Decision Date:** 05/01/2012  
**Compliance Date:** Not Complied  
**Contravention:** **Without planning permission, change of use of the property to a mixed single dwelling-house and commercial dog keeping use**

### Consultations and Views Expressed:

Neighbours Consulted: 10  
Neighbours Wishing To  
Speak

Replies: 6

The objections raised may be summarised as follows:

- Increased traffic/noise and disturbance (including pollution) from attending clients and owners departing and returning from exercising dogs (also compromising safety of playing children)
- Risk of increased fouling on the footway
- Noise from kennelled animals
- Use already ongoing (incorrect application type – should be S73) and subject to Enforcement Notice
- Attending clients breaching speed restriction and causing damage to (privately maintained) road
- Breach of restrictive covenant
- Out of character with residential street
- Unenforceable to limit the number of dogs (monitoring)
- Sets a precedent for the road

Internal /Other Consultations:

- Traffic & Development – No objection

Date of Site Notice: 23 February 2012

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The property is a moderately large mid-twentieth century detached family house on the north-eastern side of Arkley Drive and set in an extensive plot. The property is two-storey with a rendered finish and featuring a round bay to the centre of the front elevation under a front end hip roof projection. The property benefits from a single storey garage extension to the side and porch extension to the front and is set back behind a carriage drive.

The rear elevation is dominated by a two storey rear wing extension, rising to form a crown roof on the side nearest to Dapple Oak. It also features a small dormer in the cat-slide roof on the other side closest to Ridge House. The rear elevation alights on to a patio area across the width of the rear of the property, from which the lawn extends north-eastward around a number of mature trees.

The property is set one from the end of Arkley Drive, a wide, roughly surfaced private cul-de-sac on the fringe of the Green Belt and which features further large, detached properties of a wide variety of architectural styles. Despite the depth of the plots, the extended properties are in relative proximity to each other, with barely 2m between High Corner and either of its neighbouring properties.

Proposal:

Continued use of part of property as dog boarding business up to a maximum of six dogs on site (including dogs privately owned by the applicant).

## Planning Considerations:

The proposal involves the continuation of a dog boarding operation alongside the existing residential use. It is proposed to home three dogs as part of that operation in the 'family room' to the rear of the property, with access to the adjoining kitchen. No external alterations or development are proposed.

The small scale of the proposed operation is not considered to result in an unacceptable level of additional vehicle movements associated with the attending clients (a maximum of six additional incidences per day). As such, no material impact on the character of the area (which will remain undeniably residential), or amenity of the residents is anticipated as a result. Any such attendances can also be accommodated in the driveway of the property.

The owners of the property currently keep three dogs themselves, meaning a likely total of six dogs present on the premises. In order to ensure that the numbers do not become excessive, a condition limiting the *total* number of dogs on the premises (including both those privately owned by the owner and those associated with the commercial boarding operation) is proposed.

It is considered however, that those commercially retained dogs are likely to be exercised alongside the owner's own, thereby meaning no additional trips generated for this purpose.

The dogs are proposed to be kept indoors. Although the rear doors and windows are not necessarily permanently closed, it is considered that this internalisation is likely to mitigate much of the additional noise. Again it should be noted that the owners already currently keep three dogs and might feasibly retain more. The additional noise generated by the boarding of 3 additional dogs on the premises is therefore not considered to have a material additional impact on the character of the area, or the residential amenity of neighbouring occupiers. The applicant has confirmed that no dogs will be kept in cages or otherwise at the front of the site and that the dogs are kept indoors for the majority of the day and are exercised off site however they are allowed to relieve themselves in the rear garden when necessary.

This application has been made in response to the service of an Enforcement Notice. At the time of the Notice the site was being used for the kennelling of up to twelve dogs in metal cages throughout the house and garden. The current application is seeking to regularise an operation with only half of that capacity and contained within rooms to the rear of the house. As such, the degree of additional noise and disturbance is considered to be more appropriate to what might reasonably be expected of a normal residential environment.

The keeping of dogs as a hobby (rather than as a commercial interest) has been considered against the definition of development at Section 55(2)(a) of the Town & Country Planning Act 1990. In *Wallington v SoS for Wales (1991)*, although expressly accepting that to impose any specific limiting number as to when such a use did become development would be arbitrary, it was asserted that the Local Planning Authority should have regard to when the intensity of the use had so changed the character of the property that it could not be regarded as incidental. In that case, Court of Appeal agreed to the number of dogs to be kept on the site being restricted to six.



The Council consider, in line with this example that in the circumstances of this current application six dogs would also represent the most which might comfortably be accommodated without being harmful to the amenities which occupiers of neighbouring houses might reasonably be expected to enjoy.

The circumstances which provide the context for this operation are considered to justify a recommendation for approval however, they convey no precedent for the introduction of this or any other commercial operation elsewhere in Arkley Drive. Each application is considered on its own merits and the ability to reconcile any such proposal with the policies of the Development Plan and any other material considerations.

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

- Use already ongoing (incorrect application type – should be S63) and subject to Enforcement Notice: The current application is being considered under Section 63. Its consideration also has no impact on their existing obligations under the terms of the extant Notice, though as a subsequent grant of permission it may supersede it. Interim arrangements to hold prosecution of the Notice in abeyance are at the discretion of the Local Planning Authority and should be sought separately.
- Attending clients breaching speed restriction and causing damage to (privately maintained) road: Speeding is an offence under the Road Traffic Regulations 1984 and should be enforced through the mechanisms provided therein. In determining this application the Council cannot justify a refusal on the consideration that the owners might choose to neglect their obligations under those Regulations. The maintenance of roads is not a planning matter.
- Breach of restrictive covenant: Covenants of the deeds are a civil legal matter. A grant of planning permission does not exempt the owners from any other legal obligation and it remains open to a separate civil action.
- Risk of increased fouling on the footway: Fouling of the highway is an offence under the Clean Neighbourhoods and Environment Act 2005 and should be enforced through the mechanisms provided therein. In determining this application the Council cannot justify a refusal on the consideration that the owners might choose to neglect to responsibly control their dogs or discharge their obligations.
- Unenforceable to limit the number of dogs (monitoring): The Local Planning Authority will investigate any legitimate claim that terms of any condition are being breached and retain the power under Section 187A of the Town & Country Planning Act 1990 to prosecute an offence where one can be proven.

### **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 is considered to be in accordance with the policies of the Development Plan in that, subject to compliance with the attached conditions, the change of use would not detract from the residential amenity of neighbouring occupiers, or the character of either the host property or surrounding area. It is recommended the application be **APPROVED** accordingly.

**SITE LOCATION PLAN: High Corner, Arkley Drive, Barnet, Herts, EN5 3LN**

**REFERENCE: B/00278/12**



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**LOCATION:** Lytton House, 39 Totteridge Village, London, N20 8PN

**REFERENCE:** B/03816/11

**Received:** 09 September 2011

**Accepted:** 15 September 2011

**WARD(S):** Totteridge

**Expiry:** 10 November 2011

AGENDA ITEM 6f

**Final Revisions:**

**APPLICANT:** Mr K Mouskas

**PROPOSAL:** Demolition of existing dwelling and existing garage block  
(CONSERVATION AREA CONSENT).

**RECOMMENDATION: Approve Subject to Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Drawing Number: 1325.01 (Received 22.11.2011); Design and Access Statement (Received 09.09.2011); Drawing number: 1335.P.01 Rev 0 (Received 9<sup>th</sup> March 2012); Drawing number: 1335.P.02 Rev F (Received 9<sup>th</sup> March 2012); Drawing number: 1335.P.03 Rev A (Received 9<sup>th</sup> March 2012); Drawing number: 1335.P.04 Rev D (Received 9<sup>th</sup> March 2012); Drawing number: 1335.P.05 Rev A (Received 24<sup>th</sup> March 2012); Drawing number: 1335.P.06 Rev B (Received 9<sup>th</sup> March 2012); Drawing number: 1335.P.07 Rev - (Received 24<sup>th</sup> March 2012); Rear Sketch View (Received 15<sup>th</sup> February 2012).

Reason:

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

2. This work must be begun not later than three years from the date of this consent.

Reason:

To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

3. The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been executed and planning permission has been granted for the redevelopment for which the contract provides. Evidence that this contract has been executed shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to any demolition works commencing.

Reason:

To preserve the established character of the Conservation Area pending satisfactory redevelopment of the site.

4. No works associated with the demolition of the existing house shall be carried out until a scheme for the protection of all existing trees has been submitted to and approved in writing by the Local Planning Authority.

Reason:

To safeguard trees of special amenity value.

5. Demolition works and delivery or removal of materials shall not take place outside 08.00 hours to 18.00 hours Mondays to Fridays and 08.00 hours to 13.00 hours on Saturdays and at no time on Sundays, Bank or Public Holidays.

Reason:

To safeguard the amenities of neighbouring residents.

- 6 No works of demolition shall be commenced, until a Demolition Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the demolition period. The statement shall provide for:
- i) the parking of vehicles of site operatives and visitors
  - ii) loading and unloading of plant and materials
  - iii) storage of plant and materials used in constructing the development
  - iv) wheel washing facilities
  - v) measures to control the emission of dust and dirt during demolition
  - vi) a scheme for recycling/ disposing of waste resulting from demolition
  - vii) the delivery times for materials and
  - viii) location of site huts

Reason:

To safeguard the amenities of neighbouring residents and the character and appearance of the locality during construction works.

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

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

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

Adopted Barnet Unitary Development Plan (2006): GBEnv2, GBEnv4, HC1, HC5.

Totteridge Conservation Area Character Appraisal Statement (2008)

Core Strategy (Submission version) 2011: CS5

Development Management Policies (Submission version)2011: DM06

ii) The proposal is acceptable for the following reason(s): -  
The proposal is considered to be acceptable as the existing dwelling is considered to hold little architectural or historic value and the proposed development is considered to preserve and enhance the conservation area. It is considered to have an acceptable impact on trees of special amenity value and would be in accordance with the aforementioned policies.

## 1. MATERIAL CONSIDERATIONS

### National Planning Policy Framework 2012

The Mayor's London Plan: July 2011: Various.

Relevant Unitary Development Plan Policies: GBEnv4, HC1, HC5. Totteridge Conservation Area Character Appraisal Statement.

### Core Strategy (Submission version) 2011

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

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

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

Relevant Core Strategy Policies:CS5.

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

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

Relevant Development Management Policies: DM01 and DM06.

### Relevant Planning History:

|                              |  |
|------------------------------|--|
| <b>Site Address:</b>         | LYTTON HOUSE 39 Totteridge Village London N20 8PN  |
| <b>Application Number:</b>   | N04053E/02   |
| <b>Application Type:</b>     | Full Application   |
| <b>Decision:</b>             | Approve with conditions  |
| <b>Decision Date:</b>        | 26/09/2003   |
| <b>Appeal Decision:</b>      | No Appeal Decision Applies   |
| <b>Appeal Decision Date:</b> | No Appeal Decision Date exists   |
| <b>Proposal:</b>             | <b>Erection of part single, part two storey front extensions and first floor side extension.</b> |
| <b>Case Officer:</b>         | James Rodger   |

**Site Address:** 39 TOTTERIDGE VILLAGE TOTTERIDGE LONDON N20  
**Application Number:** N04053A  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 05/07/1978  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Single-storey front extension and portico.**  
**Case Officer:**

**Site Address:** LYTTON HOUSE, 39 TOTTERIDGE VILLAGE LONDON N20  
**Application Number:** N04053  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 18/07/1973  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **First floor side extension and two storey rear extension.**  
**Case Officer:**

#### Consultations and Views Expressed:

Neighbours Consulted: 0 Replies: 1  
Neighbours Wishing To 0  
Speak

The objections raised may be summarised as follows:

- Concern that no evidence regarding the structural stability of the existing property has been provided in order to back up the applicants argument that the existing property is structurally failing.
- Concern regarding the use of UPVC doors.
- No tree survey has been provided.
- Concern that the root protection areas shown on the submitted plans are incorrect.
- Concern regarding loss of trees along the boundaries.
- Concern that the sustainability checklist, the need for a code for sustainable homes assessment has been delayed.
- Concern regarding insufficiency of the submitted information and drawings.
- Concern that the submitted drawings are not all to the same scale.
- Concern regarding the absence of a landscaping plan.
- Concern that the proposed dwelling is unsympathetic to the Conservation Area.
- Concern regarding the set back of the proposed dwelling and the subsequent impact on the amenities of the neighbouring occupiers.
- Impact on the character and appearance of the Conservation Area.
- Concern regarding inaccuracies on the submitted drawings.
- Request for the submission of an archaeological report, a PPS5 heritage statement and a planning statement.
- Concern regarding the bulk of the building.
- Concern regarding the impact of the proposed development on the TPO trees.

#### Internal /Other Consultations:

- Urban Design & Heritage - No objections raised with regards to the loss of the existing dwelling.

## 2. PLANNING APPRAISAL

### Site Description and Surroundings:

The application relates to a 2-storey, detached single family dwelling located on the south-western side of Totteridge Lane. This site is located within Area 3 (Totteridge Village) of the Totteridge Conservation Area. This part of Totteridge Village is characterised by large, two-storey, detached houses of varying designs although they are generally of a traditional style and brick built. The Totteridge CA Character Appraisal notes that one of the principal negative features of Totteridge Village is that "*There is continuous development pressure to enlarge smaller properties which are so characteristic of the area either by extension, demolition and rebuild.*"

The application property is a large dwelling but could be considered small in comparison to the extensive dwellings adjacent to this site. Due to the variation in design and the spacing between them, these properties are not considered to form a cohesive group.

### Proposal:

This application involves the demolition of the existing dwelling and existing garage block.

### Planning Considerations:

This application needs to be considered in conjunction with application reference number B/03815/11 which proposes a replacement dwelling on this site.

This application has been recommended for approval as it is considered to offer a suitable replacement which respects the character and appearance of the area and the visual and residential amenities of neighbouring occupiers.

Subject to this suitable replacement and a contract for the execution of the works, the demolition of the existing dwelling is considered acceptable.

The Conservation Area Consent is recommended for approval, subject to conditions.

## 3. COMMENTS ON GROUNDS OF OBJECTIONS

Mainly dealt with in the above report.

- The submission of a structural stability report is not considered necessary.
- UPVC doors are not proposed.
- Tree survey information has been provided. The Trees and Landscape Officer has also imposed a number of conditions (both restrictive and detail) to ensure that no harm is caused to the health of the TPO trees and to ensure that adequate landscaping / replacement planting is incorporated into the scheme.
- The Root Protection Areas are considered to be accurate.
- A condition has been imposed to ensure that the proposed development meets Code Level 3 of the Code for Sustainable Homes.
- All plans are not required to the same scale.
- The information provided is considered sufficient for the determination of the application. Any additional information has been requested via condition.
- All issues regarding possible impacts on the amenities of the neighbouring occupiers have been addressed under the full planning application (reference B/03815/11).

#### **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**

This application is recommended for approval.



**SITE LOCATION PLAN: Lytton House, 39 Totteridge Village, London, N20 8PN**

**REFERENCE: B/03816/11**



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**LOCATION:** Lytton House, 39 Totteridge Village, London, N20 8PN

**REFERENCE:** B/03815/11

**Received:** 09 September 2011

**Accepted:** 15 September 2011

**WARD(S):** Totteridge

**Expiry:** 10 November 2011

AGENDA ITEM 6g

**Final Revisions:**

**APPLICANT:** Mr K Mouskas

**PROPOSAL:** Demolition of existing dwelling and existing garage block. Erection of a detached 2 storey dwelling plus rooms in roofspace and lower ground floor level. Erection of new detached garage port, extension to raised patio at rear and associated landscaping.

**RECOMMENDATION: Approve Subject to Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Drawing Number: 1325.01 (Received 22.11.2011); Design and Access Statement (Received 09.09.2011); Drawing number: 1335.P.01 Rev 0 (Received 9<sup>th</sup> March 2012); Drawing number: 1335.P.02 Rev F (Received 9<sup>th</sup> March 2012); Drawing number: 1335.P.03 Rev A (Received 9<sup>th</sup> March 2012); Drawing number: 1335.P.04 Rev D (Received 9<sup>th</sup> March 2012); Drawing number: 1335.P.05 Rev A (Received 24<sup>th</sup> March 2012); Drawing number: 1335.P.06 Rev B (Received 9<sup>th</sup> March 2012); Drawing number: 1335.P.07 Rev - (Received 24<sup>th</sup> March 2012); Rear Sketch View (Received 15<sup>th</sup> February 2012); "Details of Tree Protection (revision A) 39 Totteridge Village, London, N20 8PN" dated 17.01.2012 (Received 24<sup>th</sup> March 2012); E-mail sent from Andrew Scott on 1<sup>st</sup> March 2012 (Received 01.03.2012).

Reason:

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

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

Reason:

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

3. The building hereby permitted and surrounding land shall be constructed in accordance with the levels details shown on Drawing numbers: 1335.P.02 Rev F (Received 9<sup>th</sup> March 2012); 1335.P.04 Rev D (Received 9<sup>th</sup> March 2012); and 1335.P.06 Rev B (Received 9<sup>th</sup> March 2012).

Reason:

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

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

Reason:

To safeguard the visual amenities of the locality.

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

Reason:

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

6. Before the building hereby permitted is occupied the proposed first floor windows in the side elevations shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

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

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) no windows, other than those expressly authorised by this permission, shall be placed at any time in the side elevations of the dwelling.

Reason:

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

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

Reason:

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

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

Reason:

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

10. Notwithstanding the details shown on the hereby approved drawings, the rooflight(s) hereby approved shall be of a "conservation" type (with central, vertical glazing bar), set flush in the roof.

Reason:

To safeguard the character and appearance of the Conservation Area.

11. No development shall take place within the area indicated until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason:

To enable archaeological investigation of the site.

12. Notwithstanding the details shown on the submitted drawings, the development works hereby consented shall not begin until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include details of any existing trees, shrubs and hedges that are to be retained; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The hard landscaping scheme shall include all means of enclosure, including boundary treatments, and the surface materials for any new or replacement hard surfacing

Reason:

To ensure a satisfactory appearance to the development.

13. 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.

14. 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.

15. All services required for the new development hereby approved shall be installed in the locations shown on drawing 1335.P.02 Rev F and there shall be no excavation within the Root Protection Area (calculated as per the recommendations within the British Standard BS5837:2005 Trees in relation to construction – Recommendations) of any tree shown to be retained on drawing 1335.P.02 Rev F as part of the installation of services for the development hereby approved.

Reason:

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

16. No site works or works on this development shall be commenced before temporary tree protection shall have been erected around existing trees in accordance with details to be submitted and agreed in writing by the Local Planning Authority (the submitted details should be based on and expanding upon the tree protection details shown on drawing 1335.P.02 Rev F, but should include details of appropriate protection for all retained trees at and adjacent to the site). This tree protection shall remain in position until after the development works are completed and no material, equipment, machinery or spoil shall be stored within these fenced areas.

Reason

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

17. No siteworks or works on this development shall be commenced before a method statement detailing precautions to minimise damage to trees in accordance with Section 7 of British Standard BS5837: 2005 *Trees in relation to construction - Recommendations* is submitted to and approved in writing by the LPA and the development shall be carried out in accordance with such approval.

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

18. There shall be no changes or alterations to the ground level within the Root Protection Area (calculated as per the recommendations within the British Standard BS5837:2005 Trees in relation to construction – Recommendations) of any tree shown to be retained on drawing 1335.P.02 Rev F as part of the development works hereby approved.

Reason:

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

19. No development or other operations shall commence on site in connection with the [demolition and] development hereby approved until a detailed tree felling / pruning specification has been submitted to and approved in writing by the local planning authority and all tree felling and pruning works shall be carried out in full accordance with the approved specification and the British Standard 3998: 2010 *Recommendation for Tree Works* (or as amended).

Reason:

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

20. No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. All works must be carried out in full in accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

Reason:

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

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

Reason:

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

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

1. The reasons for this grant of planning permission or other planning related decision are as follows: -
- i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).  
In particular the following policies are relevant:  
Adopted Barnet Unitary Development Plan (2006):  
GSD, GBEEnv1, GBEEnv2, GBEEnv4, GParking, D1, D2, D3, D4, D5, D11, D13, HC1, H16, H17, H18, M11, M12, M14. Supplementary Planning Document: Sustainable Design and Construction.  
Core Strategy (Submission version) 2011:  
CS4 and CS5.  
Development Management Policies (Submission version)2011:  
DM01, DM02, DM06 and DM08.
- ii) The proposal is acceptable for the following reason(s): -  
The proposed replacement dwelling is considered to have an acceptable impact on the amenities of the adjoining residents and would preserve the character and appearance of this part of the Totteridge Conservation Area. The proposals are in accordance with the aforementioned policies.

2. Trees at and adjacent to this site are included within a Tree Preservation Order and the site is within the Totteridge Conservation Area. With the exception of the removal of the trees numbered 7, 9, 10 and 23 on drawings 1335.P.01 Rev 0 and 1335.P.02 Rev F this grant of planning consent confers no rights to undertake any treatment to any other trees at and/or adjacent to the site. If any treatment is proposed to other trees at and/or adjacent to the site as part of the development works hereby consented then this should be specified in details submitted for the discharge of Condition 19 of the planning permission hereby approved. Alternatively, a separate application/notice of intent would be required in accordance with the tree preservation legislation. You are reminded that unauthorised treatment of protected trees is a criminal offence which may carry a heavy penalty.
3. Any details submitted in respect of the Demolition and Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.
4. The applicant is advised that Totteridge Village (the whole length) is a Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Environment and Operations Directorate should be consulted in this respect.
5. Any necessary changes to the existing vehicular crossover will be carried out by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on public highway from the London Borough of Barnet, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP. Any redundant crossover must be reinstated to footway level.
6. The development of this site is likely to damage historic assets of archaeological interest. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.
7. The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet.  
This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral



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

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

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

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

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

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework 2012

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

Various.

### Relevant Unitary Development Plan Policies:

GSD, GBEnv1, GBEnv2, GBEnv4, GParking, D1, D2, D3, D4, D5, D11, D13, HC1, H16, H17, H18, M11, M12, M14. Supplementary Planning Document: Sustainable Design and Construction. Totteridge Conservation Area Character Appraisal Statement.

### Core Strategy (Submission version) 2011

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

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

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

Relevant Core Strategy Policies:  
CS4 and CS5.

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

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

Relevant Development Management Policies:  
DM01, DM02, DM06 and DM08.

Relevant Planning History:

**Site Address:** LYTTON HOUSE 39 Totteridge Village London N20 8PN  
**Application Number:** N04053E/02  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 26/09/2003  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of part single, part two storey front extensions and first floor side extension.**  
**Case Officer:** James Rodger

**Site Address:** 39 TOTTERIDGE VILLAGE TOTTERIDGE LONDON N20  
**Application Number:** N04053A  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 05/07/1978  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Single-storey front extension and portico.**  
**Case Officer:**

**Site Address:** LYTTON HOUSE, 39 TOTTERIDGE VILLAGE LONDON N20  
**Application Number:** N04053  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 18/07/1973  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **First floor side extension and two storey rear extension.**  
**Case Officer:**

Consultations and Views Expressed:

Neighbours Consulted: 15  
Neighbours Wishing To  
Speak

Replies: 3 (including CAAC)

The objections raised may be summarised as follows:

- Overlooking and loss of privacy.
- Concern regarding the scale of the development.
- Concern regarding the appearance of the windows on the flank elevations.
- Concern regarding the appearance of the rooflights.
- Concern regarding the size and appearance of the proposed dwelling.
- Concern that no evidence regarding the structural stability of the existing property has been provided in order to back up the applicants argument that the existing property is structurally failing.
- Concern regarding the use of UPVC doors.
- No tree survey has been provided.
- Concern that the root protection areas shown on the submitted plans are incorrect.
- Concern regarding loss of trees along the boundaries.
- Concern that the sustainability checklist, the need for a code for sustainable homes assessment has been delayed.
- Concern regarding insufficiency of the submitted information and drawings.
- Concern that the submitted drawings are not all to the same scale.
- Concern regarding the absence of a landscaping plan.
- Concern that the proposed dwelling is unsympathetic to the Conservation Area.
- Concern regarding the set back of the proposed dwelling and the subsequent impact on the amenities of the neighbouring occupiers.
- Impact on the character and appearance of the Conservation Area.
- Concern regarding inaccuracies on the submitted drawings.
- Request for the submission of an archaeological report, a PPS5 heritage statement and a planning statement.
- Concern regarding the bulk of the building.
- Concern regarding the impact of the proposed development on the TPO trees.

Internal /Other Consultations:

- Urban Design and Heritage Team -  
No objection to the amended scheme.

- English Heritage-Archaeology -  
The site lies in a designated Area of Special Archaeological Significance as defined by the Council. This is due to the medieval settlement of Totteridge, which by the 13<sup>th</sup> century included a chapel on the main road through the village. The application site is located within the grounds of the 16<sup>th</sup> century manor of Copped Hall, and early Ordnance Survey maps show outbuildings and ancillary structures within the development area.

The proposed development is outside of the footprint of the present dwelling, and includes a lower ground level which may, therefore, affect heritage assets of archaeological interest.

I do not consider that any further work need be undertaken prior to determination of this planning application but that the archaeological position should be reserved by attaching a condition to any consent granted under this application. This is in accordance with Policy HE 12.3 of PPS5 and local policies.

Informative: 'The development of this site is likely to damage historic assets of archaeological interest. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.'

In this instance, given the nature of the development proposals, I would recommend that a watching brief, whereby a suitably experienced and qualified archaeologist is in attendance during the excavation of the lower ground floor level in order to record any archaeological features encountered.

Considered acceptable subject to condition and informatives.

- Trees and Landscape Team -

No objection subject to 8 conditions and an informative.

- Traffic & Development -

The proposal is for demolition of existing dwelling and garage and construction of a new 5/6 bedroom house and re provision of garage and parking spaces. Vehicle access will be maintained as existing.

The proposal is acceptable on highways grounds subject to a condition (re. Demolition and construction Plan) and 3 informatives.

- Conservation Area Advisory Committee (CAAC) -

The proposed change of the site position should be carefully considered as it is very difficult to assess the impact this proposal would have on views from the street and public footpath. There is also concern that the proposed position would adversely affect TPO trees on the site.

Date of Site Notice: 22 September 2011

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application relates to a 2-storey, detached single family dwelling located on the south-western side of Totteridge Lane. This site is located within the Totteridge Conservation Area (Area 3: Totteridge Village) and is covered by an Article 4 Direction. An area within the front portion of the site (including the existing dwelling) is located within an Area of Special Archaeological Significance and the majority of the site to the rear of the existing dwelling is Green Belt Land. The large group of trees within the central portion of the application site are covered by a Tree Preservation Order. There are also a number of TPO protected trees along the side boundary with No.33.

The neighbouring properties are predominantly large, detached houses of varying designs although they are generally of a traditional style and brick built. The low density residential development and large, landscaped plots contribute to the character and appearance of the Conservation Area.

The application property and neighbouring properties at No.s 33 (The Darlands) and 41 are each situated within extensive plots (the application site being the narrowest of the three plots) and are accessed via a shared driveway leading from Totteridge Lane. Each property is set back from the highway, giving limited views from the main road and public footpath. As the application property sits forward of the front building lines of the neighbouring properties at No.s 33 and 41, it is the most visible of the three properties.

The application site measures approximately 160m in length and 25m - 32m wide. At a distance of 30m - 44m from the front boundary, the ground level drops by approximately 2m. The remainder of the site beyond this point is Green Belt land.

The existing 2-storey property sits entirely forward of the front building lines of the neighbouring properties at No.s 33 and 41 and measures approximately 21.5m wide at ground floor level / 16m wide at first floor level; 6.5m - 9m deep; and 5.6m in height to the eaves / 9.1m to the ridge. There is also a single-storey element to the side of the building which projects 11m beyond the front elevation and includes a double garage and covered car port. This single-storey element measures 5.8m wide (sitting 1.2m from the boundary with No.33); and 2.5m in height to the eaves / 4.5m to the ridge.

The application property sits 2.5m - 3m from the boundary with No.41 (at 2-storeys) and 1.2m from the boundary with No.33 at ground floor level / 6.8m at first floor level.

The main dwelling at No.33 sits approximately 29m from the boundary with the application site, however the single-storey wing of this building extends up to 5m from the boundary (adjacent to the rear of the higher level garden area). This property is constructed of red brick however the western wing (an extension to the original property) is timber clad.

The neighbouring property at No.41 is of a modern design, giving it a character quite distinct from that of the neighbouring dwellings, and was constructed following the grant of planning permission in March 2000 for 'Erection of new two-storey detached house with basement' (Application Reference N00519K/00) and subsequent approvals for various external alterations to the approved building. This property has a large, Welsh slate roof and is finished in a combination of Western Red Cedar timber cladding. Extensive glazing and glass balustrades have also been incorporated into its design. In describing the neighbouring property at No.41 (Under appeal ref. APP/N5090/D/09/2114970), the Appeal Inspector made the following comment: "*...the appeal property is situated close to more traditional brick-built houses but it is separated from them by distance, boundary treatment and vegetation. These houses do not form a uniform group....*"

#### Proposal:

Demolition of existing dwelling and existing garage block. Erection of a detached 2 storey dwelling plus rooms in roofspace and lower ground floor level. Erection of new detached garage port, extension to raised patio at rear and associated landscaping.

A number of amendments were made during the course of this application in order to address the Council's concerns regarding the size and design of the proposed building and the impact of the proposed works on the health of the TPO protected trees within and adjacent to the application site. The amendments made are as follows:

- Various alterations to the submitted plans in order to remove inaccuracies, particularly with regards to the site levels and the root protection areas of the adjacent trees.
- A reduction in the width of the proposed dwelling.
- The removal of the large, heavy 'double band' around the proposed house, just below roof level.
- Alterations to the design and a reduction in the bulk of the proposed front porch.
- Alterations to the design of the proposed fenestration.
- The re-design / sub-division of the originally proposed central glazed feature on the rear elevation.
- A reduction in the number of rooflights.
- A reduction in the width of the extension to the raised patio.
- Alterations to the proposed ground levels.
- Alterations to the proposed tree protection.
- Alterations to the layout of the proposed services.

### Planning Considerations:

This application firstly involves a 10m-12m deep (17m wide) extension to the existing patio, in order to accommodate the set back of the proposed dwelling and associated patio area. In order to protect the adjacent TPO trees, the sloping pathway along the boundary with No.33 would be retained and the extended patio would be set in 3.6m - 5.8m from this boundary. It would also be set in 4.6m - 7.3m from the boundary with No.41. A 1.1m tall glazed balustrade and associated 1.3m tall brick built pillars are proposed along all 3 sides of the patio and access to the lower rear garden would be provided via 2 brick built stairwells (one on each end of the new patio).

The proposed dwelling would be set back a further 16m than the existing dwelling (sitting 5m back from the front building line of No.41 and only 9.5m forward of the front building line of the single-storey wing of No.33). It would measure 17m wide (sitting 4m from the boundary with No.33 / approximately 3.8m from the boundary with No.41); 13.9m - 15.7m deep; and 7.3m in height to the top of the parapet / 9.5m to the top of the mansard roof. The new dwelling would have accommodation in the loft and at basement level (beneath the dwelling and the raised patio).

The proposed dwelling would be finished in red brick with timber framed windows and doors and a slate tiled roof. Although sash windows would be used throughout most of the building, a central feature, consisting of tall, narrow windows and double doors, is proposed on the rear elevation, overlooking the garden. Amendments were made during the course of this application involving the subdivision of the originally large, entirely glazed feature into separate narrow windows and the incorporation of glazing bars in order to address the Council's concerns regarding the design and visual dominance of this central feature.

A new detached garage / car port is also proposed in the same position as the existing. This building would sit at a distance of approximately 7m from the front elevation of the dwelling and would measure 15.5m wide, 6.5m deep and 4.5m to the ridge. The replacement car port and the retaining walls / stairwells to the side / rear of the new patio would also be constructed of red brick in keeping with the main dwelling.

The existing boundary walls would be retained and the existing tarmac to the front of the dwelling would be replaced with permeable paving. Planting beds are also proposed within the front area of the site in order to soften the appearance of the large courtyard.

Due to the siting of the proposed dwelling and associated rear patio in relation to the neighbouring properties at No.33 and No.41, and considering the distance retained to each of the side boundaries, this proposal is not considered to have a detrimental impact on the amenities of the neighbouring occupiers in terms of overbearing, loss of light or loss of outlook. The proposed set back of the dwelling, in line with the neighbouring buildings, is considered more appropriate as it would reduce the prominence of the dwelling and avoid any harmful impact on the visual amenities of the neighbouring occupiers.

Windows are proposed on the flank elevations at ground and first floor level and rooflights are proposed on each of the flank roofslopes. As the proposed first floor level windows will be obscure glazed, and considering the height and angle of the proposed rooflights, these are not considered to have a detrimental impact on the amenities of the neighbouring occupiers (on either side) in terms of overlooking or loss of privacy. Due to the difference in ground levels, the ground floor level window on the western flank elevation would only face the large, pitched roof of the neighbouring property at No.41 and is therefore not considered to have a detrimental impact on the amenities of the neighbouring occupiers at No.41 in terms of overlooking or loss of privacy.

Due to the trees and vegetation along the eastern boundary, and considering the distance of the neighbouring property at No.33 from the application site, the proposed ground floor level window on the eastern flank elevation is not considered to result in overlooking or loss of privacy.

Considering the existing raised patio to the rear of No.39, and the siting of the proposed raised patio in between the property at No.41 and the western wing of No.33, this proposal is not considered to have a detrimental impact on the amenities of the neighbouring occupiers in terms of overlooking or loss of privacy.

It is acknowledged that the proposed dwelling is larger than the existing, however this existing dwelling is modestly sized in comparison to the neighbouring properties and the majority of properties within the surrounding area. As the Totteridge Conservation Area is comprised of large, detached dwellings, the development of a replacement dwelling of the size proposed, is considered acceptable.

The proposed dwelling at No.39 would be set back into this extensive plot, giving limited views from the main road. This is considered to be acceptable as would fit in with the existing established pattern of development and front building line. It would have a traditional architectural style and would be constructed of traditional building materials (red brick with elements of render, wooden framed windows and doors and a slate roof), in keeping with the character and appearance of the surrounding properties. The style of the fenestration and the design of the central window feature on the rear elevation is considered to be sympathetic to the traditional style of the dwelling. Notwithstanding the details shown on plan, a condition has been imposed requiring the submission of details of the proposed materials.

The basement accommodation is considered to be successfully executed as the external manifestation of it has been kept to a minimum. There is a raised terrace to the rear of the existing dwelling and therefore the incorporation of a raised terrace to the rear of the replacement dwelling is considered acceptable in terms of character and appearance. The lower level of the building is largely concealed from public view and as such the retaining wall to the rear of the patio would have a limited impact on the Conservation Area or visual amenity of neighbouring residents. The glass balustrade surrounding this terrace is considered to be discrete and sympathetic to the new development and the area, particularly considering the large amounts of glazing on the neighbouring property at No.41 and the western wing of No.33.

The proposed replacement garage block is similar to the existing in terms of size and siting, however its design is in keeping with that of the proposed dwelling. Considering its size, design and discreet location, this proposal is considered to preserve the character and appearance of the application site and this part of the Totteridge Conservation Area.

No tree pruning works are proposed and the TPO protected trees on this site would be retained.

The majority of sites in this area are heavily landscaped, which adds to the semi-rural character of the area. At present the tree cover in the front garden area of the application site provides a soft, green boundary which is considered to enhance this part of the Conservation Area by screening the dwellings from the road. Whilst some hard landscaping to the front of the site is necessary to serve resident and visitor cars, it is important that a significant amount of green landscaping is incorporated to soften the frontage. Notwithstanding the details shown on the proposed site plan, a condition has been imposed requiring the submission of a full landscaping scheme in order to ensure that adequate planting is incorporated into the development, therefore preserving the character and appearance of the application site and this part of the Totteridge Conservation Area.

As the front of the application site lies within the grounds of the 16th Century manor of Copped Hall and within a designated Area of Special Archaeological Significance, condition has been imposed requiring the applicant to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which is to be submitted to the Local Planning Authority.

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

Mainly dealt with in the above report.

- The windows on the flank elevations of the dwelling are considered to add interest and prevent the side elevations from appearing too plain.
- The submission of a structural stability report is not considered necessary.
- Tree survey information has been provided. The Trees and Landscape Officer has also imposed a number of conditions (both restrictive and detail) to ensure that no harm is caused to the health of the TPO trees.
- The Root Protection Areas are considered to be accurate.
- A condition has been imposed to ensure that the proposed development meets Code Level 3 of the Code for Sustainable Homes.
- All plans are not required to the same scale.
- The information provided is considered sufficient for the determination of the application. Any additional information has been requested via condition.



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

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

#### **5. CONCLUSION**

The proposals would have an acceptable impact on the character and appearance of the Totteridge Conservation Area and the amenities of the neighbouring occupiers. The application is therefore recommended for approval.

**SITE LOCATION PLAN: Lytton House, 39 Totteridge Village, London, N20 8PN**

**REFERENCE: B/03815/11**



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**LOCATION:** Maple House, 9 The Pastures, London, N20 8AN

**REFERENCE:** B/00084/12

**Received:** 06 January 2012

**Accepted:** 06 January 2012

**WARD(S):** Totteridge

**Expiry:** 02 March 2012

AGENDA ITEM 6h

**Final Revisions:**

**APPLICANT:** Mr & Mrs R Glynne

**PROPOSAL:** Demolition of existing dwelling house and erection of new two storey dwelling house with attached garage and rooms in roof space.

**RECOMMENDATION: Approve Subject to Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement, Site Plan, 1346.P.02 D (received 20/04/2012), 1346.P.03 (received 05/03/2012), 1346.P.01 C (received 24/04/2012).

Reason:

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

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

Reason:

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

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

Reason:

To safeguard the visual amenities of the locality.

4. The building hereby permitted and surrounding land shall be constructed in accordance with the levels details shown on plan no. 1346.P.01D, 1346.P.02D and 1346.P.03.

Reason:

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

5. The flat roof parts of the building hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason:

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

6. Before the building hereby permitted is occupied the proposed windows and rooflights in the north flank elevation facing No. 8 The Pastures shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

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

7. Before the building hereby permitted is occupied the proposed first floor windows and rooflights in the south flank elevation facing No. 10 The Pastures 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, 1:10 scale details of all new windows (including roof lights) and doors shall be submitted to and agreed in writing by the Local Planning Authority. Details shall include frame colour, thickness of dividing bars and sections through the window.

Reason:

To safeguard the character and appearance of this part of the Totteridge Conservation Area.

9. Before the development hereby permitted commences details of any external pipe or ductwork shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To safeguard the character and appearance of this part of the Totteridge Conservation Area.

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

Reason:

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

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

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

15. Before the development hereby permitted commences details of all boundary treatments including position, height and design shall be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details.

Reason:

To safeguard the character and appearance of the development and general street scene.

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

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

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D4, D5, HC1, HC5, D11, D12, D13, H16, H17.

Core Strategy (Submission version) 2011: CS5

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

ii) The proposal is acceptable for the following reason(s): - The proposed replacement dwelling is considered to have an acceptable impact on the amenities of the adjoining residents and would preserve the character and appearance of this part of the Totteridge Conservation Area. The proposals are in accordance with the aforementioned policies.

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

2. The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £7,245.

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

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

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

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

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

## **1. MATERIAL CONSIDERATIONS**

National Planning Policy Framework 2012

The Mayor's London Plan: July 2011

Relevant Unitary Development Plan Policies: GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D4, D5, HC1, HC5, D11, D12, D13, H16, H17.

## Core Strategy (Submission version) 2011

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

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

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

### Relevant Core Strategy Policies: CS5

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

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

### Relevant Development Management Policies: DM01 and DM06.

### Relevant Planning History:

None.

### Consultations and Views Expressed:

Neighbours Consulted: 15    Replies: 2  
Neighbours Wishing To Speak: 0

The objections raised may be summarised as follows:

- Concern that rear roof windows will overlook adjoining garden due to the proposed height and new position on the site resulting in a loss of privacy.
- The proposal is very much higher and larger than the existing property and consideration should be given regarding the impact this proposal would have on adjoining properties.

### Internal /Other Consultations:

- Totteridge Conservation Area Advisory Committee:

The proposal is much larger than the existing house with a greatly increased ridge height. Consideration should be given to scaling down the design and its impact on the adjacent dwellings.

- Urban Design and Heritage:

The application site is located on the eastern side of The Pastures, within Area 3: Totteridge Village of the Totteridge Conservation Area. The character of The Pastures is an eclectic mix of housing styles, with properties demonstrating shallow depths and wide frontages, each with generous gaps between them affording attractive views of vegetation beside and beyond. The existing dwelling on site has not been given any specific designation. The Totteridge Conservation Area Character Appraisal notes that one of this area's principal negative features includes "bland residential development such as..... The Pastures...".

It is proposed to demolish the existing dwelling on site and erect a replacement two storey dwelling. This application follows a recent pre-application meeting which set out the parameters of the application. No objection was raised to the demolition of the existing dwelling on site, providing any replacement makes a more positive contribution to the Conservation Area than what exists there presently.

There were a number of concerns raised during the pre-application process including objection to the proposed height, width and scale of the replacement dwelling. In the main these concerns have been overcome resulting in the proposed replacement dwelling being considered to be an acceptable addition to both The Pastures and the wider Conservation Area. However, I do note that the additional half a meter height has been reintroduced to the scheme. During the pre-application process it was considered that 9.5m height was too tall making the proposed replacement dwelling appear too dominant in the streetscene and reducing views of vegetation around the new dwelling. This additional height should be removed. Other than this as proposed, the replacement dwelling offers a higher architectural standard of design than the existing which demonstrates the 1960s vernacular. The scale, massing and bulk of the new dwelling is considered to be appropriate for the plot, not detrimentally impacting on the amenities of neighbouring occupiers.

- Trees and Landscaping:

The willow tree standing in the rear garden of 19 Northcliffe Drive has had its crown reduced by 35% due to storm damage. Whilst this existing tree contributes to the character and appearance of the Conservation Area it is not worthy of an individual TPO. As the proposed development is outside of the root protection area of this tree no objection is raised to the proposals. The rest of the planting appears to be ornamental and landscaping conditions could safeguard screening between sites.



Date of Site Notice: 12 January 2012

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site relates to a part single, part two-storey dwelling house on the east side of The Pastures, a cul-de-sac off Barnet Lane and is situated within the Totteridge Conservation Area.

The street is characterised by an eclectic mix of dwellings many of which have been altered, extended or replaced. The application property as noted by the Design and Heritage officer has a 1960s style similar to both adjoining properties and follows the natural level changes in the street. Whilst there are a variety of dwelling styles, they generally have wide frontages and shallow depths with shallow ridged roofs. There are generous gaps between the properties which provide relief from the built form and allow views of vegetation beyond and around the buildings which contributes to an attractive and spacious street scene.

### Proposal:

The application seeks planning permission for the replacement of the existing dwelling house with a new two-storey dwelling house incorporating rooms in the roof space. The application is accompanied by an application for Conservation Area Consent for the demolition of the existing dwelling on site (reference B/00085/12).

The proposed dwelling would be two-storeys with a single storey attached side garage and utility/ kitchen projection to the rear. In the main, the dwelling would be 14.1m wide, the ground floor would have a maximum depth of 14.65m (incorporating double storey projecting bay features to the front and rear) and the first floor would have a maximum depth of 13.4m. The single storey garage and kitchen projection would have a maximum width of 5.5m narrowing to 3.4m to the rear. The single storey element of the proposal would be 1.47m from the boundary with No. 8 and the main building would be 6.9m away from this adjoining boundary. The dwelling would be sited approximately 2.7m from the boundary with No. 10.

The building would have a total height of 9m and would have a crown roof with 2no. front and rear dormer windows and rooflights to both side facing roof slopes to facilitate a third floor of accommodation.

### Planning Considerations:

The existing dwelling is of no historic or architectural merit and has a neutral impact on the character and appearance of the Totteridge Conservation Area. Its demolition is therefore acceptable in principal subject to a suitable replacement dwelling.

The proposed replacement dwelling is considered to have an acceptable impact on the Conservation Area preserving its character and appearance. Whilst the style of the existing and immediately adjoining dwellings are more restrained than the proposed replacement building, given the mix of styles in the vicinity of the site no objection is raised to the design and appearance of the dwelling which would add interest to the street.

The size of the building has been scaled down since initial discussions took place during the pre-application advice process to ensure that the dwelling would respect the constraints of the site and be sympathetic to its surroundings as well as safeguarding the amenities of

the adjoining residents. In particular the bulk of the building is now considered to be more sympathetic with those found in the locality with the proportions, whilst maximising potential developable area, preserving the generally open and spacious character of the street with generous gaps to the boundaries and a roof comparable to that at No. 3 The Pastures.

Whilst the proposed dwelling would be taller than the existing building that occupies the site, it would still respect the level changes in the street with its ridge line remaining lower than that at No. 10. The dwelling would be 3.2m taller than the existing building occupying the site but views of the substantial willow tree standing in the rear garden of No. 19 Northcliffe Drive (which adjoins the site to the east) and other vegetation to the sides and the rear would still be possible.

The adjoining dwelling to the north, No. 8 The Pastures is at a much lower level than the application site. The proposed dwelling would be 4.3m taller than this property. However, as the proposed dwelling would be sunk further into the ground than the existing, the vertical plane of the two-storey flank wall facing this property would be approximately 0.3m higher than the existing (with the roof then hipping away from this property) and would be sited almost 3m further away from this property. So whilst the building is proposed to project 7m at two-storey level beyond the main rear wall of No. 8, at the height proposed and relationship outlined above and at a distance of 7m from the boundary, it is not considered to result in an unduly overbearing or obtrusive form of development as viewed from this adjoining property or garden.

Given the level changes between No.'s 8 and 9 The Pastures, the ground floor side projection would project around 4m above the ground level of No. 8 appearing almost 1 and 1/2 storeys. In order to limit any adverse impacts from the ground floor element of the proposal, as the dwelling projects beyond the main rear wall of No. 8, its width has been reduced in order to increase the distance from the shared boundary to 3.5m. At this distance the ground floor element is not considered to represent an obtrusive or overbearing form of development as perceived from the adjoining property and garden.

There is a less sensitive relationship with No. 10 as it is set further back into the site than the proposed replacement dwelling and as such the proposed dwelling subject of this application would only project a limited distance beyond the main rear wall of this property. As such it is not considered to have a detrimental impact on the amenities of this adjoining dwelling.

The increase in height and depth from the existing building and the insertion of dormer windows into rear roof slope are not considered to result in a significantly level of overlooking into the adjoining garden to the rear. Whilst projecting further back into the site, the first and second floor rear windows would be approximately 23m from the rear boundary. At this distance it is not considered that the development would result in a loss of privacy to the adjoining garden to the rear and is in accordance with policy H17 which requires a distance of 10.5m be retained to adjoining gardens to protect privacy.

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

Addressed above.

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

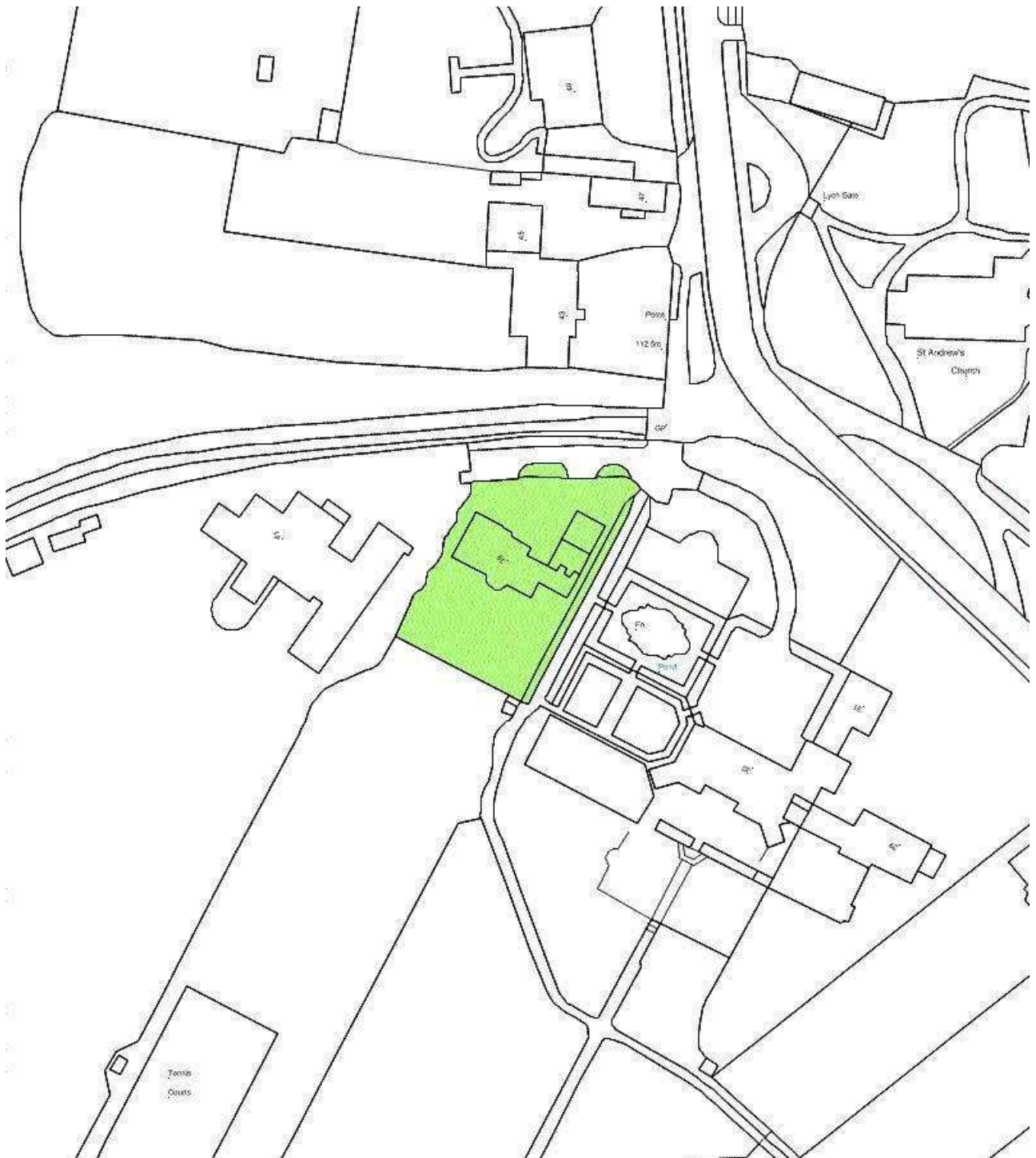
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

#### **5. CONCLUSION**

The proposed dwelling is considered to be a suitable replacement for the existing building in keeping with the character and appearance of this part of the Conservation Area. The dwelling would have an acceptable impact on the amenities of the adjoining residents and is in accordance with planning policy and guidance. Approval subject to conditions is therefore recommended.

**SITE LOCATION PLAN: Maple House, 9 The Pastures, London, N20 8AN**

**REFERENCE: B/00084/12**



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**LOCATION:** Maple House, 9 The Pastures, London, N20 8AN

**REFERENCE:** B/00085/12

**Received:** 06 January 2012

**Accepted:** 06 January 2012

**WARD(S):** Totteridge

**Expiry:** 02 March 2012

AGENDA ITEM 6i

**Final Revisions:**

**APPLICANT:** Mr & Mrs R Glynne

**PROPOSAL:** Demolition of existing dwelling house and erection of new two storey dwelling house with attached garage and rooms in roof space. (CONSERVATIONS AREA CONSENT)

**RECOMMENDATION: Approve Subject to Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: [Design and Access Statement, Site Plan, 1346.P.02 D (received 20/04/2012), 1346.P.03 (received 05/03/2012), 1346.P.01 C (received 24/04/2012)].

Reason:

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

2. This work must be begun not later than three years from the date of this consent.

Reason:

To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

3. The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been executed and planning permission has been granted for the redevelopment for which the contract provides. Evidence that this contract has been executed shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to any demolition works commencing.

Reason:

To preserve the established character of the Conservation Area pending satisfactory redevelopment of the site.

**INFORMATIVE(S):**

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

Adopted Barnet Unitary Development Plan (2006): GBEV4, HC1.

Core Strategy (Submission version) 2011: CS5

Development Management Policies (Submission version)2011: DM06

ii) The proposal is acceptable for the following reason(s): - The existing dwelling is considered to have a neutral contribution to the character and appearance of the Totteridge Conservation and therefore the proposed demolition of the existing dwelling is considered acceptable subject to a suitable replacement dwelling on the site as granted by the LPA and subject to the execution of a contract for the carrying out of the works of redevelopment of the site to be agreed by the LPA.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework 2012

The Mayor's London Plan: July 2011

Relevant Unitary Development Plan Policies:  
GBEnv4, HC1.

### Core Strategy (Submission version) 2011

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

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

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

Relevant Core Strategy Policies:  
CS5

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

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

Relevant Development Management Policies:  
DM06

Relevant Planning History:

B/00084/12 - Still Under Consideration

Demolition of existing dwelling house and erection of new two-storey dwelling house with attached garage and rooms in roof space.

Consultations and Views Expressed:

Neighbours Consulted: 0      Replies: N/A  
Neighbours Wishing To Speak 0

Internal /Other Consultations:

- Totteridge Conservation Area Advisory Committee:

The proposal is much larger than the existing house with a greatly increased ridge height. Consideration should be given to scaling down the design and its impact on the adjacent dwellings.

- Urban Design and Heritage:

The application site is located on the eastern side of The Pastures, within Area 3: Totteridge Village of the Totteridge Conservation Area. The character of The Pastures is an eclectic mix of housing styles, with properties demonstrating shallow depths and wide frontages, each with generous gaps between them affording attractive views of vegetation beside and beyond. The existing dwelling on site has not been given any specific designation. The Totteridge Conservation Area Character Appraisal notes that one of this area's principal negative features includes "bland residential development such as..... The Pastures...".

It is proposed to demolish the existing dwelling on site and erect a replacement two storey dwelling. This application follows a recent pre-application meeting which set out the parameters of the application. No objection was raised to the demolition of the existing dwelling on site, providing any replacement makes a more positive contribution to the Conservation Area than what exists there presently.

There were a number of concerns raised during the pre-application process including objection to the proposed height, width and scale of the replacement dwelling. In the main these concerns have been overcome resulting in the proposed replacement dwelling being considered to be an acceptable addition to both The Pastures and the wider Conservation Area. However, I do note that the additional half a meter height has been reintroduced to the scheme. During the pre-application process it was considered that 9.5m height was too tall making the proposed replacement dwelling appear too dominant in the streetscene and reducing views of vegetation around the new dwelling. This additional height should be removed. Other than this as proposed, the replacement dwelling offers a higher architectural standard of design than the existing which demonstrates the 1960s vernacular. The scale, massing and bulk of the new dwelling is considered to be appropriate for the plot, not detrimentally impacting on the amenities of neighbouring occupiers.

- Trees and Landscaping:

The willow tree standing in the rear garden of 19 Northcliffe Drive has had its crown reduced by 35% due to storm damage. Whilst this existing tree contributes to the character and appearance of the Conservation Area it is not worthy of an individual TPO. As the proposed development is outside of the root protection area of this tree no objection is raised to the proposals. The rest of the planting appears to be ornamental and landscaping conditions could safeguard screening between sites.

Date of Site Notice: 12 January 2012

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site relates to a to a part single, part two-storey dwelling house on the east side of The Pastures, a cul-de-sac off Barnet Lane and is situated within the Totteridge Conservation Area.

The street is characterised by an eclectic mix of dwellings many of which have been altered, extended or replaced. The application property as noted by the Design and Heritage officer has a 1960s style similar to both adjoining properties and follows the natural level changes in the street. Whilst there are a variety of dwelling styles, they generally have wide frontages and shallow depths with shallow ridged roofs. There are generous gaps between the properties which provide relief from the built form and allow views of vegetation beyond and around the buildings which contributes to an attractive and spacious street scene.

### Proposal:

The application seeks Conservation Area Consent for the demolition of the existing dwelling prior to its replacement with a new two-storey dwelling house. It is accompanied by an application for the proposed replacement building (reference B/00084/12).

### Planning Considerations:

The existing dwelling is of no historic or architectural merit and has a neutral impact on the character and appearance of the Totteridge Conservation Area. Its demolition is therefore acceptable in principle subject to a suitable replacement dwelling.

The proposed replacement dwelling has been appraised to be acceptable as per the officer report for application B/00084/12 and is considered to have an acceptable impact on the Conservation Area preserving its character and appearance. As such, approval is recommended.

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

As per B/00084/12.

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

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



## **5. CONCLUSION**

The proposals are in accordance with planning policy and guidance and approval is therefore recommended.

**SITE LOCATION PLAN: Maple House, 9 The Pastures, London, N20 8AN**

**REFERENCE: B/00085/12**



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**LOCATION:** 22 Avondale Avenue, London, N12 8EJ

**REFERENCE:** F/00936/12

**Received:** 07 March 2012

**Accepted:** 09 March 2012

**WARD(S):** West Finchley

**Expiry:** 04 May 2012

AGENDA ITEM 6j

**Final Revisions:**

**APPLICANT:** Mr Levy

**PROPOSAL:** Roof extension including rear dormer window and 2no. rooflights. Creation of new entrance door. New garage door. Associated internal alterations to facilitate conversion of property into 2No. self-contained residential dwellings.

**RECOMMENDATION: Approve Subject to Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement (1115-DandA), 1115-P-SitePlan, 1115-E1, 1115-E2, 1115-E3, 1115-E4, 1115-P1, 1115-P2, 1115-P3, 1115-P4

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

5. 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.

6. Before the development hereby permitted is occupied the parking garage shown on Plan 1115-P1 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

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

7. The internal layout of the proposed units shall remain as shown on the hereby approved plans and must not be changed without the prior written permission of the local planning authority.

Reason:

To safeguard the amenities of future occupiers.

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

Reason:

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

9. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows shall be placed at any time in the side elevation facing No 24 Avondale Avenue.

Reason:

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

10. No development shall take place until details of the arrangements to meet the obligation for education, health and library facilities and the associated monitoring costs have been submitted to and approved in writing by the Local Planning Authority.

Reason:

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

## INFORMATIVE(S):

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

i) The proposed development accords with strategic planning guidance and policies as set out in the National Planning Policy Framework, The London Plan 2011 and the adopted London Borough of Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

National Planning Policy: NPPF

London Plan (2011): 3.4, 3.5, 7.4

Adopted Barnet Unitary Development Plan (2006): GSD, GBEnv1, GBEnv2, D2, D3, D4, D5, H2, H16, H17, H18, H23, H26, H27, M14, CS2, CS8, CS13, IMP1, IMP2

Supplementary Planning Guidance:

Barnet Design Guidance Note 5 – Extensions

Barnet Design Guidance Note 7 – Residential Conversions

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

It is considered that the proposed extensions and the use of the property as two dwellings would not have a detrimental impact on the character or appearance of either the host property or surrounding area, or unreasonably detract from the residential amenity of neighbouring properties and that the proposed development safeguards the residential amenity of the future occupiers of the host property.

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

3. The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet.

Your planning application has been assessed to require a charge of £1,460.20.

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

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

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

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

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

## 1. MATERIAL CONSIDERATIONS

National Planning Policy:  
NPPF

The London Plan (2011):  
3.4, 3.5, 7.4

Adopted Barnet Unitary Development Plan (2006):  
GSD, GBEnv1, GBEnv2, D2, D3, D4, D5, H2, H16, H17, H18, H23, H26, H27, M14, CS2, CS8, CS13, IMP1, IMP2

Supplementary Planning Guidance:  
Barnet Design Guidance Note 5 – Extensions  
Barnet Design Guidance Note 7 – Residential Conversions

Relevant Planning History:

|                              |  |
|------------------------------|--|
| <b>Site Address:</b>         | 22 Avandale Avenue North Finchley London N12           |
| <b>Application Number:</b>   | C02215   |
| <b>Application Type:</b>     | Full Application                                       |
| <b>Decision:</b>             | Approve with conditions                                |
| <b>Decision Date:</b>        | 03/01/1969   |
| <b>Appeal Decision:</b>      | No Appeal Decision Applies                             |
| <b>Appeal Decision Date:</b> | No Appeal Decision Date exists                         |
| <b>Proposal:</b>             | <b>Erection of two storey side extension to house.</b> |

**Site Address:** 22 Avondale Avenue London N12  
**Application Number:** C02215A  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 26/03/1969  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Construction of additional room over garage.**

**Site Address:** 22 Avondale Avenue London N12  
**Application Number:** C02215B  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 21/01/1970  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **The erection of two storey side extension.**

**Site Address:** 22 Avondale Avenue London N12  
**Application Number:** C02215C  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 19/07/1972  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Retention of single storey rear extension**

**Site Address:** 22 Avondale Avenue London N12 8EJ  
**Application Number:** C02215D/06  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 04/08/2006  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Alterations and extensions at second floor and roof levels to create one new self contained residential dwellinghouse. New boundary fence at rear.**

**Site Address:** 22 Avondale Avenue London N12 8EJ  
**Application Number:** C02215E/06  
**Application Type:** Retention/ Contin. Use  
**Decision:** Withdrawn  
**Decision Date:** 26/10/2006  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Retention of conversion of garage to habitable room.**  
**Case Officer:** Alissa Fawcett

**Site Address:** 22 Avondale Avenue London N12 8EJ  
**Application Number:** C02215F/06  
**Application Type:** Retention/ Contin. Use  
**Decision:** Approve  
**Decision Date:** 22/12/2006  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Retention of conversion of garage to habitable room.**  
**Case Officer:** Alissa Fawcett

**Site Address:** 22 Avondale Avenue London N12 8EJ  
**Application Number:** C02215G/06  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 20/02/2007

**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Alterations to roof including rear dormer to facilitate rooms in the roofspace, and conversion of single family dwelling into 2No. self contained residential dwellings.**  
**Case Officer:** Claire Thorley

**Site Address:** 22 Avondale Avenue London N12 8EJ  
**Application Number:** C02215H/07  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 10/09/2007  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Roof extension including rear dormer window. Creation of new entrance door. New garage door. Conversion of property into 2 No. self contained residential dwellings.**  
**Case Officer:** Claire Thorley

### Consultations and Views Expressed:

Neighbours Consulted: 59                      Replies: 3  
Neighbours Wishing To Speak: 0

The objections raised may be summarised as follows:

- Overdevelopment (additional extensions)
- Out of keeping (house with the surrounding area)
  - Parking already over-subscribed (already too many flats in Avondale Avenue)
  - Noise, disturbance and anti-social behaviour (from tenants)
  - Loss of light (to garden of No 24)

Date of Site Notice: 15 March 2012

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site is an early twentieth century link-detached dwelling house set over two storeys under a peaked tile roof and which benefits from substantial previous extensions at the rear and side. The front elevation is dominated by a round bay over two storeys under a front gable with black stained mock timber frame inlay. The hanging tile detail between ground and first floor extends across the front elevation to form a porch canopy which has since been enclosed.

To the side of the property (adjacent to 24 Avondale Avenue) and set at a lower level than the main house, a garage has been converted into a habitable room and has been extended above at first floor level with a flat roof. The front elevation is finished in white render with a distinct, prosaic design. The front garden features a planted area either side of the main door and a driveway in front of the extension.

There have been single storey extensions at the rear, adjacent to the boundary with No 20, as a conservatory to the rear of the side extension and infilling the gap behind the main dwelling-house adjacent to the original two storey rear wing, where a balcony has been formed at first floor level.



### Proposal:

Roof extension including rear dormer window and 2no. roof-lights. Creation of new entrance door. New garage door. Associated internal alterations to facilitate conversion of property into 2No. self-contained residential dwellings.

### Planning Considerations:

A previous application of a similar description (C02215H/07) was approved in September 2007 and has since expired. This permission was not implemented and changes are now proposed to the intended works to the roof. In the current application the roof over the existing two storey side extension has been remodelled, having been enlarged to form a gable end rather than a continuation of the main hip and incorporating a group of four small roof lights in the rear elevation. The only other amendment is associated internal alterations including a remodelling of the first floor mezzanine level from walk-in-wardrobe and en-suite bathroom to bedroom and the augmentation of the second floor bedroom, including en-suite.

The amended design for the roof increases the profile of the property to the front and the side however, it has the effect of adding balance to the property and better incorporating the side extension, which currently appears as a starkly incongruous addition, in to the property as a whole. The existing peak is widened in to a ridge line running either side of the two storey bay and gable, making it a central feature, whilst the ridge line to the new roof over the side extension remains subordinate to that of the main house and matches that to the other side. The overall effect will create a more coherent element in the street scene, with consistency in the materials ensured by way of condition.

The amended roof design also affords little impact on the residential amenity of neighbouring occupiers at No 24. The access way to the garages at the rear ensures that some distance is maintained between the two properties and limits any perceived sense of enclosure, though there are only service windows to the side elevation of that property. It would only marginally extend beyond the rear building line, similarly limiting any impact on outlook from the rear habitable rooms or immediate garden area. Given the orientation of the two properties, it will also cast no additional shadow beyond the earliest part of the day.

The additional roof lights to the rear present no impact on the street scene and afford no unacceptable perspective. Although grouped, they are placed centrally within that part of the roof slope and do not fatally undermine the character and appearance of the property.

The internal alterations make no material difference to those which were previously approved and the proposed units comply with the new policy context in respect of the space standards as set out in the London Plan 2011. In addition, arrangements for refuse collection, the provision of the garage space and any necessary measures in respect of sound insulation will be required by way of condition.

Additional conditions are proposed to prevent the further extension of either property, or the insertion of further windows in those extended parts of the side elevation, without the express consent of the Local Planning Authority and to ensure that the development is carried out in accordance with the approved plans and retained as such.

### 3. COMMENTS ON GROUNDS OF OBJECTIONS

Many of the grounds for objection relate to consideration of the development as a whole. The principle of the proposed extensions and sub-division of the property to form two dwellings has already been considered acceptable under the previous grant of permission and a number of other properties in the street, including Nos 14, 16, 18 and 20 (and the development at Worcester Court), are as multiple units. This principle remains acceptable despite changes to the policy context, whilst although there are concerns about the additional stress on on-street parking availability, the proposal continues to include the provision of an additional space in the form of the garage (which will be ensured by way of condition). No additional noise and disturbance compared to what might otherwise be forthcoming from the use of the property as a large, tenanted dwelling or 'House in Multiple Occupation' is anticipated, whilst anti-social behaviour is subject to enforcement under other legislative measures and is not a planning matter. The impact of the additional roof extensions has been considered in the main report above.

### 4. EQUALITIES AND DIVERSITY ISSUES

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

### 5. CONCLUSION

The proposal is considered to be in accordance with the policies of the Development Plan, in that the roof extensions and alterations would not detract from the character or appearance of either the host property or surrounding area and the use of the property as two dwellings would not have an unacceptable impact on the residential amenity of future occupiers of the proposed units or neighbouring properties. It is recommended the application be **APPROVED** accordingly.

**SITE LOCATION PLAN: 22 Avondale Avenue, London, N12 8EJ**

**REFERENCE: F/00936/12**



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**LOCATION:** 37 Dukes Avenue, London, N3 2DE

**REFERENCE:** F/00938/12

**Received:** 08 March 2012

**Accepted:** 08 March 2012

**WARD(S):** West Finchley

**Expiry:** 03 May 2012

AGENDA ITEM 6k

**Final Revisions:**

**APPLICANT:** Mr Khamisa

**PROPOSAL:** Single storey rear extension and erection of metal railing to create first floor rear balcony (to the same footprint as existing). Alterations to existing loft space including insertion of 2no front rooflights.

**RECOMMENDATION: Approve Subject to Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan; block plan; 786/SK/SU-100; 786/SK/PP-101 RevB.

Reason:

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

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

Reason:

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

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

Reason:

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

4. The proposed balcony shall be implemented in accordance with plan number 786/SK/PP-101 RevB, and should be maintained as such thereafter. The remaining roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason:

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

**INFORMATIVE(S):**

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

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

Development Plan (UDP) (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, D2, D5 and H27. and Design Guidance Note No.5- Extensions to Houses.

Core Strategy (Submission version) 2011:

Relevant policies: CS5

Development Management Policies (Submission version)2011:

Relevant Policies: DM01, DM02.

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

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

## **1. MATERIAL CONSIDERATIONS**

National Planning Policy Framework March 2012:

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

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

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

The Mayor's London Plan: July 2011

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

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

### Relevant Unitary Development Plan Policies:

Adopted Barnet UDP (2006): GBEnv1, D2, D5 and H27.

### Supplementary Planning Guidance:

Barnet Design Guidance Note 5 – Extensions to Houses.

### Core Strategy (Submission Version) 2011

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

### Core Strategy (Submission Version) 2011:

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

### Relevant Core Strategy Policies: CS5,

### Development Management Policies (Submission Draft) 2011:

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

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

### Relevant Development Management Policies: DM01, DM02

### Relevant Planning History:

|                     |  |                      |                 |
|---------------------|--|----------------------|-----------------|
| <b>Application:</b> | Planning   | <b>Number:</b>       | F/03104/11      |
| <b>Validated:</b>   | 20/07/2011   | <b>Type:</b>         | HSE             |
| <b>Status:</b>      | APD  | <b>Date:</b>         | 17/11/2011      |
| <b>Summary:</b>     | DIS  | <b>Case Officer:</b> | Robert Marchant |
| <b>Description:</b> | Single storey rear extension. Extension to length of existing first floor rear balcony with a railing. Alterations to the loft including insertion of 2no. rooflights. |                      |                 |

|                     |   |                      |                  |
|---------------------|---|----------------------|------------------|
| <b>Application:</b> | Planning  | <b>Number:</b>       | F/05092/11       |
| <b>Validated:</b>   | 20/12/2011  | <b>Type:</b>         | HSE              |
| <b>Status:</b>      | DEC   | <b>Date:</b>         | 10/02/2012       |
| <b>Summary:</b>     | APC   | <b>Case Officer:</b> | Elizabeth Thomas |
| <b>Description:</b> | Single storey rear extension. Removal of door at first floor rear elevation and replacement with window to match existing. Removal of existing rear railings at first floor. Alterations to the loft including insertion of 2no. rooflights at front elevation. |                      |                  |

## Consultations and Views Expressed:

Neighbours Consulted: 14      Replies: 4 (3 support 1 objection)  
Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

- Intrusive, loss of privacy.
- Balcony will be at a greater height, length and depth than the currently existing balcony which will exacerbate problems further.
- When the existing balcony was used felt obtrusive and overlooked which causes ongoing unhappiness.
- Living conditions will be harmed as stated in inspector's report.

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site is an Edwardian linked terrace property in a dense residential area close to Finchley Central. To the rear there is an angular bay over two storeys close to the boundary with No 39 and an original 4m deep single storey extension adjacent to the boundary with No 35. The roof of this extension is currently used as a terrace accessed from a narrow, white painted timber door at first floor level.

The original form of the neighbouring properties is as stylistically identical mirror images. No 35 also benefits from a 6m deep single storey rear extension adjacent to the boundary, around 0.5m higher and with a similar roof terrace on top. No 39 has a single storey conservatory type extension along the boundary approximately 4m deep.

### Proposal:

The application relates to a single storey rear extension and erection of metal railing to create first floor rear balcony (to the same footprint as existing). Alterations to existing loft space including insertion of 2no front rooflights.

### Planning Considerations:

Two planning applications have previously been submitted at the property. The first application F/03104/11 was refused planning permission for Single storey rear extension. Extension to length of existing first floor rear balcony with a railing. Alterations to the loft including insertion of 2no. rooflights. The refusal was upheld at appeal.

A second application reference F/05092/11 was approved subject to conditions for a "*single storey rear extension. Removal of door at first floor rear elevation and replacement with window to match existing. Removal of existing rear railings at first floor. Alterations to the loft including insertion of 2no. rooflights at front elevation.*"

The current application relates to extensions to the property, the extensions will be the same as those approved planning permission. The current application now proposes to create a new balcony on the roof of the proposed extension to the same footprint of the existing



balcony. The proposed balcony will occupy the same area as the existing balcony, however, it will be raised 0.5m and be at the same level as the balcony at 35 Dukes Avenue.

In assessing the current application the appeal inspectors report is taken into consideration to identify whether the reasons for refusal have been overcome. In assessing the impact on the residential occupiers at 35 Dukes the inspector's report it is acknowledged that *there is already potential for significant overlooking between the balconies at the neighbouring property and the appeal site, which would not be significantly changed as a result of the proposal.*

In assessing the potential harm to the occupiers at 39 Dukes Avenue the inspector's notes that *the greater depth and the resultant position of the additional external space would enable particularly intrusive overlooking into the first floor bay window of the bedroom at the adjacent dwelling at 39 Dukes Avenue. The perimeter railings would not significantly restrict this due to their fairly modest height and transparent nature.*

*It is accepted that there are other rear balconies in the vicinity. However, this proposal concerns the enlargement of a balcony rather the principle of such a feature.*

The balcony as now proposed is on the same footprint as the existing balcony and therefore the proposal no longer concerns the enlargement of the balcony rather the principle. The proposal is considered now to be acceptable, it is not considered that being set 0.5m higher than the existing balcony will result in any adverse impact to the neighbouring residential occupiers.

The inspector raised no concerns with the proposed extension. This element was granted approval under application F/05092/11.

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

All planning related matters are considered to be covered.

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

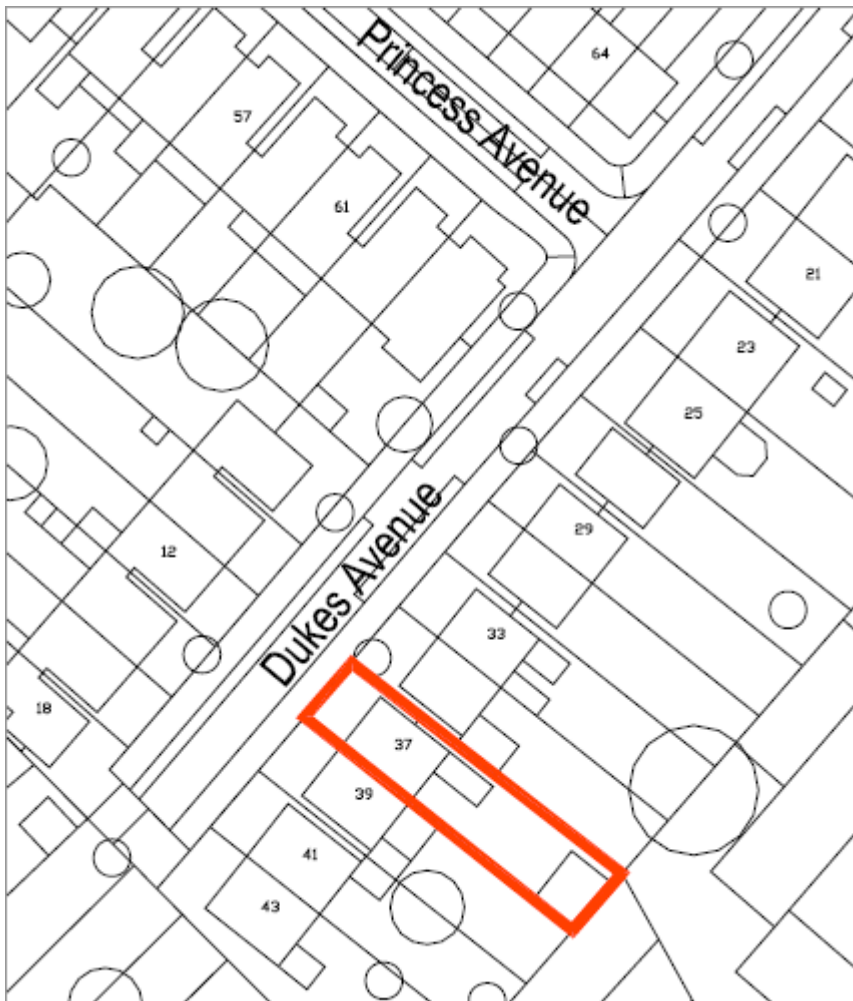
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

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

**SITE LOCATION PLAN: 37 Dukes Avenue, London, N3 2DE**

**REFERENCE: F/00938/12**



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# Appeal Decision

Site visit made on 14 November 2011

**by Michael Evans BA MA MPhil DipTP MRTPI**

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

**Decision date: 17 November 2011**

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**Appeal Ref: APP/N5090/D/11/2162742**  
**37 Dukes Avenue, London N3 2DE**

- 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 Mr Shabir Khamisa against the decision of the Council of the London Borough of Barnet.
  - The application Ref F/03104/11, dated 20 July 2011, was refused by notice dated 19 September 2011.
  - The development proposed is the construction of a single storey rear extension, the enlargement of a balcony and the installation of rooflights.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The proposal can most appropriately be described as given in the header above and it is on the basis of this description that the appeal will be considered.

## Main Issue

3. The main issue in the consideration of this appeal is the effect on the living conditions of the occupiers of the adjacent dwellings with regard to overlooking and privacy.

## Reasons

4. The single storey rear extension would enable the depth of the existing balcony to be increased, which would match that at no. 35. There is already potential for significant mutual overlooking between the balconies at the neighbouring property and the appeal site, which would not be significantly changed as a result of the proposal.
  5. However, the greater depth and resultant position of the additional external amenity space would enable particularly intrusive overlooking into the first floor bay window of the bedroom at the adjacent dwelling at 39 Dukes Avenue. The perimeter railings would not significantly restrict this due to their fairly modest height and transparent nature. Moreover, this overlooking and associated undue loss of privacy would occur at an unacceptably close proximity. The
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width of the additional area would be the same as that of the existing balcony and sufficient for it to comprise useable external amenity space. As a result it would not be unduly narrow and this consideration would not significantly limit the adverse impact.

6. This problem would not be addressed by the Council's suggested condition which would merely prevent the rest of the flat roof of the single storey extension being used as a balcony or similar space. Consequently, it is concluded that the living conditions of the occupiers of the adjacent dwelling at no. 39 Dukes Avenue would be harmed. This is contrary to London Borough of Barnet Unitary Development Plan, Adopted May 2006, Policy D5, which requires new developments to be designed to allow adequate privacy for adjoining occupiers.
7. It is accepted that there are other rear balconies in the vicinity. However, this proposal concerns the enlargement of a balcony rather than the principle of such a feature. Although that at no. 35 would have a similar length, many of the others are not as long as that now proposed. It is also the case that many properties in the vicinity do not have such features, as at no. 39. The overlooking resulting in this instance would also be additional to that already occurring in relation to existing balconies. In any event, the full details and background of these other sites have not been provided so that no meaningful comparison can be made with the current proposal, which must be considered on its own merits. The presence of other balconies does not therefore justify permitting the proposal.
8. There is sufficient clear glazing to the rear of the adjacent conservatory at no. 39 so that the impact in relation to the obscure glazed windows to the side would not be significant. The part of the addition next to no. 39 would not extend beyond the end of the conservatory. Because of this and the relatively modest height it would not appear intrusive from the neighbouring house or result in an undue loss of light. On the other side, the addition would not project beyond the end of that at no. 35. This would be sufficient to ensure that the extension did not project unacceptably to the rear. These matters would not justify rejection of the appeal but the concern of the resident of no. 39 in relation to loss of privacy is well founded for the reasons given above.
9. It is acknowledged that the proposal was refused planning permission contrary to the officer recommendation. However, this is not a factor that confers acceptability and does not, in itself, have any bearing on the planning merits of the scheme. The proposal is acceptable in relation to the effect on the character and appearance of the area and would result in improved accommodation. However, none of the above, or any other matter raised, would justify permitting a proposal that would unacceptably compromise the privacy of occupiers of the adjacent dwelling. It is therefore determined that the appeal fails.

*M Evans*

INSPECTOR