

**MEETING**

**EAST AREA PLANNING SUB-COMMITTEE**

**DATE AND TIME**

**TUESDAY 12TH JUNE, 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	Alan Schneiderman	Joanna Tambourides
Arjun Mittra	Stephen Sowerby	Jim Tierney
Barry Rawlings	Andrew Strongolou	

**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

Item No	Title of Report	Pages
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.	Report of the Acting Assistant Director of Planning & Building Control	
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l)	21-23 Lodge Lane, London, N12 8JG	117 - 130
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n)	5 Woodside Lane, London, N12 8RB	139 - 152
7.	Any Items that the Chairman decides are urgent	

### **FACILITIES FOR PEOPLE WITH DISABILITIES**

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

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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 6a

**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; B2625-02 Rev B - amenity space.

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:

- Bulk and mass of extension.
- pitched roof – incongruous to the rest of the current building and stuck on and detracting to the structure.
- Loss of light from proposal.
- Children use the garden – their enjoyment of the garden would be severely impaired.
- 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.
- Loss of garden – not suitable for a family.
- The proposed extension will be hard against rear fence, potentially blocking rear access.
- As security against break-ins this rear access alley has locked gate erected by local neighbourhood group – the security would be lost.
- This is already built area with very limited residents parking space.
- 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.
- The increased roof pitch is more sympathetic – this increases the overall height and bulk of the proposal.

- Tree and biodiversity issues – loss of wildlife, loss of plants, trees and scrubs that are near the proposed extension.
- The site location and layout plans are incorrect – rear garden belongs to a neighbour.
- Cellar at the application site - flooding and overflow into neighbouring properties, damp, proposed extension will worsen the problem.
- Supporting statement – property more suitable for families, currently a shortage of places in schools.
- Sustainability – more dubious than stated.
- Precedent the extension will set for other gardens.
- 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.
- 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.
- 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.
- The extension will be detrimental to the character of the area (a concern voiced by Mr Gary Deane in the Appeal Decision).
- 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.
- 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.
- 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.
- 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).
- 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?
- 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.
- 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).

The application was deferred from the May East Area Planning Sub-Committee in order to establish that the remaining amenity space following the construction of the extension would be policy compliant.

Policy H18 of the Council's Adopted Unitary Development Plan (2006) provides guidance on what is considered to be acceptable provision of amenity space in order to provide suitable living conditions, with the emphasis being on 'usable amenity space' for flats:

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

The application site contains four habitable rooms for the ground floor flat, thus the amenity space should be 20m<sup>2</sup>, the proposed single storey side and rear extension would result in the property having 40.15m<sup>2</sup> amenity space, and this is considered to be sufficient for the occupants and meets Policy H18. Thus, the construction of the proposed single storey rear and side extension would lead to a loss of some amenity space at the application site, nevertheless the amount of amenity space left would exceed Policy H18.

## **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 sub-divided 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**

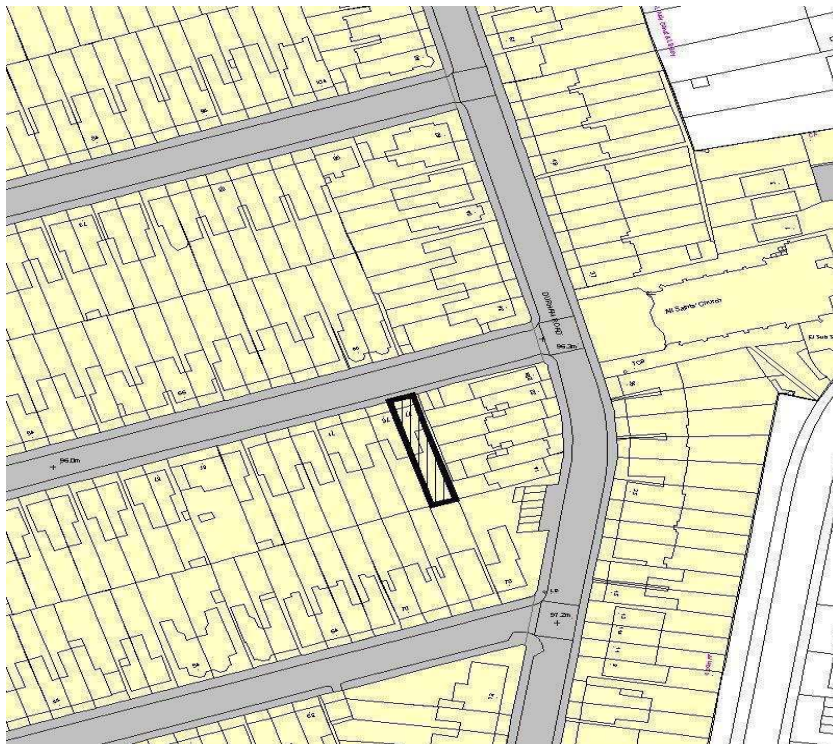
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **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**.

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

**REFERENCE:** F/00721/12



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**LOCATION:** 32 Church Lane, London, N2 8DT

**REFERENCE:** F/01203/12

**Received:** 26 March 2012

**Accepted:** 04 April 2012

**WARD(S):** East Finchley

**Expiry:** 30 May 2012 **AGENDA ITEM 6b**

**Final Revisions:**

**APPLICANT:** Mr Davis

**PROPOSAL:** Demolition of the existing roof and proposing a new roof extension to form one bedroom with en-suite shower room and a play room with WC and 3 no. of dormer windows to the rear elevation and 3 no. of roof lights to the front elevation.

**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: L 5214/FP Rev: 0, L 5214/E-S Rev: 0, OS Map, Proposed First Floor Plan, Proposed Second Floor Plan, Proposed Section A-A, Section B-B, Proposed Front Elevation, Proposed Rear Elevation, Proposed Roof Plan and Block Plan and Design Access and Sustainability Statement.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

To safeguard the character and appearance of the Conservation Area.

**INFORMATIVE(S):**

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

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

Development Plan (UDP) (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D3, D4, D5, HC15 and H27.

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

Development Management Policies (Examination in Public version)2012: Relevant Policies: DM01, DM2,

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

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

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

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

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

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

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

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

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

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

### Relevant Unitary Development Plan Policies:

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

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

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, D3, D4, D5, HC15 and H27.

### Design Guidance Note No 5 – Extensions to Houses

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

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

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

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

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document “Sustainable Design and Construction”. The SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

### Core Strategy (Examination in Public version) 2012

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

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

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

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

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

Relevant Development Management Policies: DM01, DM02.

Relevant Planning History:

**Application:** Planning  
**Validated:** 04/04/2012  
**Status:** PDE  
**Summary:** APC  
**Description:** Demolition of the existing roof and proposing a new roof extension to form one bedroom with en-suite shower room and a play room with WC and 3 no. of dormer windows to the rear elevation and 3 no. of roof lights to the front elevation.

**Number:** F/01203/12  
**Type:** APF  
**Date:**  
**Case Officer:** David Campbell

**Application:** Planning  
**Validated:** 29/11/2011  
**Status:** WDN  
**Summary:** WIT  
**Description:** Retention of mixed use of ground floor unit as Office (Class B1) and Distribution (Class B8).

**Number:** F/04736/11  
**Type:** 191  
**Date:** 05/04/2012  
**Case Officer:** Junior C. Moka

**Site Address:** 32 Church Lane N2  
**Application Number:** C05267  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 26/02/1975  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Alterations and extensions to form retail shop.**  
**Case Officer:**

**Site Address:** 32 CHURCH LANE LONDON N2  
**Application Number:** C05267A  
**Application Type:**  
**Decision:** Not yet decided  
**Decision Date:** Not yet decided  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:**  
**Case Officer:**

**Site Address:** 32 Church Lane, London, N2 8DT  
**Application Number:** F/01203/12  
**Application Type:** Full Application  
**Decision:** Not yet decided  
**Decision Date:** Not yet decided  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of the existing roof and proposing a new roof extension to form one bedroom with en-suite shower room and a play room with WC and 3 no. of dormer windows to the rear elevation and 3 no. of roof lights to the front elevation.**  
**Case Officer:** David Campbell



## Consultations and Views Expressed:

Neighbours Consulted: 16                      Replies:  
Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

- Loss of light.
- Enclosing neighbouring properties
- Overlooking/ Loss of privacy
- Loss of amenity to neighbours
- Out of character
- Overbearing
- The extensions are too bulky
- Party wall issues
- Ruin the appearance of the house/ Loss of symmetry.
- Disruption to neighbours during building works.

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The property is a single family end of terrace house in the East Finchley ward. The site does not fall within a conservation area.

### Proposal:

The application seeks consent for the demolition of the existing roof and proposing a new roof extension to form one bedroom with en-suite shower room and a play room with WC and 3 no. of dormer windows to the rear elevation and 3 rooflights to the front elevation.

### Planning Considerations:

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

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

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

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

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

Part of policy D5 requires new development to safeguard outlook and light of neighbouring residential occupiers. It is not considered that the application will lead to loss of light or appear overbearing from neighbouring occupiers as the roof is not getting any higher than the existing

Policy H27 states that extensions to houses should harmonise existing and neighbouring properties, maintain the appearance of the streetscene and have no significant adverse effect on the amenity of neighbouring occupiers. They should be in keeping with the scale, proportion, design and materials of existing and neighbouring houses. The surrounding area contains many different examples of roof, including those which are gabled and as such the application is considered to be acceptable.

Design Guidance (Note No. 5 – Extensions to Houses) sets out that additional, usable space can sometimes be created by converting roof space, providing this is carried out sympathetically. This often involves the formation of dormer windows or the insertion of roof lights. Many houses in the borough have roofs that are too small for conversion, or in some cases, dormer windows or roof lights may be out of keeping with the character of the area. On dormers the guidance states that “dormer windows should be subordinate features in the roof and should not occupy more than half width or depth of the roof slope. It is considered that this has been achieved at the application site.

It is considered that the new gable ends are acceptable given the variety of different roofs in the area and the fact that the balance and symmetry of the house will be maintained. The front roof slope will be maintained and as such will preserve the character of the locally listed building, whilst the mansard to the rear will remain largely unnoticed but will still provide a suitable level of additional space. The dormer windows at the rear are considered to be acceptable and have also been reduced in size since the application was first submitted.

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

The grounds of objection have been addressed below:

- It is not considered that the application will lead to loss of light, overlooking or loss of privacy.
- It is not considered that the application will enclose neighbouring properties or cause loss of amenity.
- Due to the variety of different roof forms in the area, it is not considered that the design would be out of character, over bearing or too bulky.
- Party wall issues are not planning consideration.
- It is not considered that the application ruin the appearance of the house or cause loss of symmetry.
- Disruption to neighbours during building works is not a planning consideration.

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

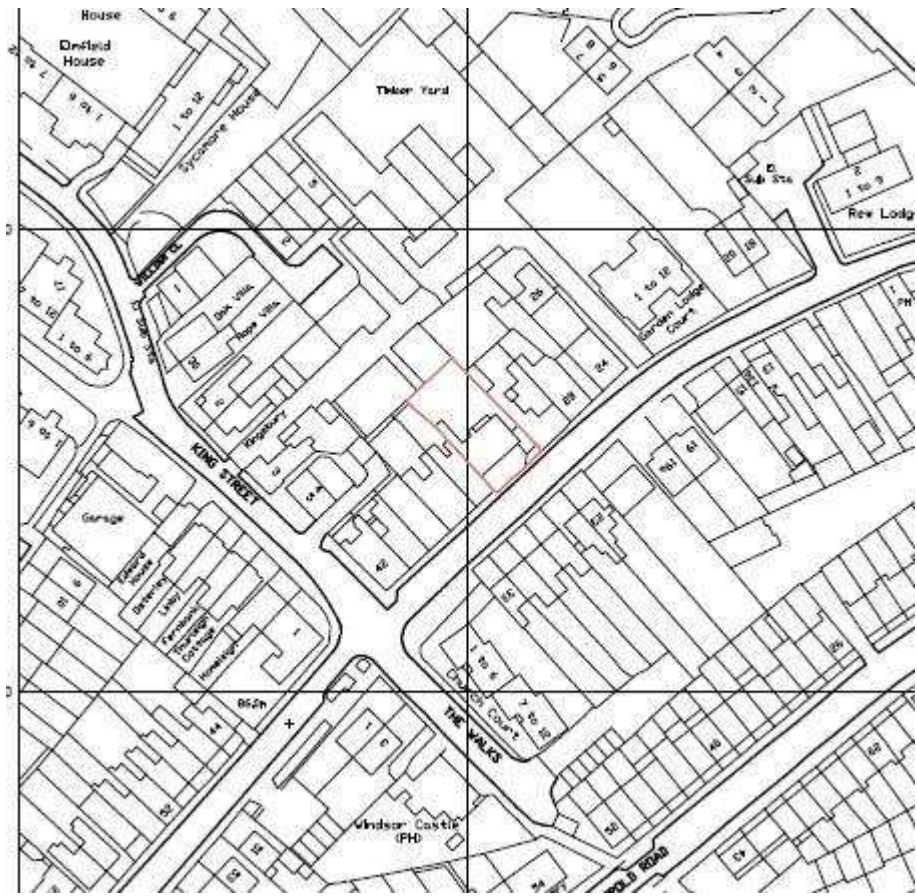
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

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

**SITE LOCATION PLAN: 32 Church Lane, London, N2 8DT**

**REFERENCE: F/01203/12**



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**LOCATION:** 54-60 Trinity Road, London, N2 8JJ

**REFERENCE:** F/01240/12

**Received:** 28 March 2012

**Accepted:** 05 April 2012

**WARD(S):** East Finchley

**Expiry:** 31 May 2012 **AGENDA ITEM 6c**

**Final Revisions:**

**APPLICANT:** c/o The Gillett Macleod Partnership

**PROPOSAL:** Hip to gable and raising of the existing roof of 56-60 to create additional accommodation and storage within the loft space. Formation of a rear dormer and insertion of front rooflights to the roof of No. 60.

**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: 12/2641/1; 12/2641/2; 12/2641/3; 12/2641/4; 12/2641/5.

Reason:

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

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

Reason:

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

3. The 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 (UDP) (2006).

In particular the following policies are relevant:

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

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

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

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

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

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

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework:

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

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

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

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

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

## The Mayor's London Plan July 2011:

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

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

### Relevant Unitary Development Plan Policies:

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

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

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

### Design Guidance Note No 5 – Extensions to Houses

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

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

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

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

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

## Core Strategy (Examination in Public version) 2012:

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

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

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

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

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

Relevant Development Management Policies: DM01, DM02.

### Relevant Planning History:

**Site Address:** 52 Trinity Road London N2 8JJ  
**Application Number:** C11219B/03  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 16/05/2003  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Single storey side/rear extension.**  
**Case Officer:**

**Site Address:** 52A Trinity Road LONDON N2  
**Application Number:** C11219  
**Application Type:** Section 192  
**Decision:** Unlawful Development  
**Decision Date:** 01/07/1992  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Roof extension at rear**  
**Case Officer:**

**Site Address:** 52A Trinity Road LONDON N2  
**Application Number:** C11219A  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 01/09/1992  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Rear roof extension and velux rooflights to front elevation.**  
**Case Officer:**



**Site Address:** 58 TRINITY ROAD LONDON N2  
**Application Number:** C07219  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 28/07/1980  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Detached garage.**  
**Case Officer:**

**Site Address:** Land Adjacent To 60, Trinity Road, London  
**Application Number:** 01493/10  
**Application Type:** Non-Material Amendment  
**Decision:** Withdrawn  
**Decision Date:** 13/05/2010  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Minor amendment top planning application F/02927/08 for "Demolition of existing garages and erection of a single storey detached dwelling house".**  
**Case Officer:** David Campbell

**Site Address:** Land Adjacent To 60 Trinity Road, London, N2  
**Application Number:** 02601/10  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 01/09/2010  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Amendments to previously approved planning permission F/02927/08 dated 22/09/08 for 'Demolition of existing garages and erection of a single storey detached dwelling house'. Amendments to include changes to roofline and external finishes.**  
**Case Officer:** David Campbell

**Site Address:** Land Adjacent To 60 Trinity Road, London, N2  
**Application Number:** F/03812/11  
**Application Type:** Conditions Application  
**Decision:** Approve  
**Decision Date:** 03/11/2011  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Submission of details of Conditions 4 (Materials), 8 (Landscaping Details), 13 (Education/ Libraries/ Health Obligations) pursuant to planning permission F/02601/10 dated 31/08/10.**  
**Case Officer:** David Campbell

**Site Address:** 60 TRINITY ROAD, LONDON, N2 8JJ  
**Application Number:** 00619/08  
**Application Type:** Full Application  
**Decision:** Withdrawn  
**Decision Date:** 23/05/2008  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of existing garages and erection of two semi detached houses**  
**Case Officer:** Karina Sissman

**Site Address:** Land Adjacent to 60 TRINITY ROAD, LONDON N2 8JJ  
**Application Number:** F/02927/08  
**Application Type:** Full Application  
**Decision:** Approve with conditions

**Decision Date:** 24/09/2008  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of existing garages and erection of a single storey detached dwelling house.**  
**Case Officer:** Claire Thorley

### Consultations and Views Expressed:

Neighbours Consulted: 35  
Neighbours Wishing To 3  
Speak  
Replies: 5

The objections raised may be summarised as follows:

- Overdevelopment
- Impact on parking
- Safety
- Loss of light and privacy
- Pollution and noise
- Noise levels
- Scale and appearance
- Loss of privacy

It should be noted that all objections were received before amendments to the application. There is no longer an additional residential unit proposed.

Date of Site Notice: 12 April 2012

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site is a semi-detached property in the East Finchley ward and is outside any of the Borough's Conservation Areas. The application site is a maisonette, containing four self contained flats. Trinity Road is part of a residential street where a number of properties have had alterations. The application site sits on a bend and immediate neighbouring properties are set at an angle.

### Proposal:

The application is for a hip to gable and raising of the existing roof of 56-60 to create additional accommodation and storage within the loft space. Formation of a rear dormer and insertion of front rooflights to the roof of No. 60 Trinity Road. The rear dormer will measure 4.4 metres in width, 2 metres in depth and 1.15 metres in height.

The application was originally submitted for the creation of a new residential unit. Following amendments this is no longer the case. The proposed extension would provide additional space for the existing units only.

### Planning Considerations:

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

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

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

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

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

The proposed roof extensions would comply with Council policies that seek to preserve the character of areas and individual properties. The design and siting of the extension is such that it would not have a detrimental impact on the character of either the original property or the area. The proposed roof extension would also comply with Council policies that seek to preserve the amenities of neighbouring occupiers.

The design and size of the proposed roof extension into a hip to gable is such that it would not have an adverse impact on the residential and visual amenities of the neighbouring occupiers. The immediate neighbouring properties No's. 50 & 52 Trinity Road a pair of semi-detached properties also have a similar design of roof with a hip to gable and the insertion of rooflights to the front elevation. Thus, this proposal would effectively blend into the street.

In addition, the height of the roof does not exceed the height of the immediate neighbouring property No's. 50 & 52 Trinity Road and the front elevation replicates that of immediate neighbouring properties. Thus the proposal has taken into account the fenestration of neighbouring properties and replicated this which ensures that the building is in character with the neighbouring properties.

The rear dormer is considered to sit comfortably within the new roof and is considered to be a subordinate addition to the application site. The rear dormer is not full width of the roofslope and there are other examples of rear dormers within the immediate area that have been granted consent under Permitted Development (C/14311B/06 – No. 11 Trinity Road) and full planning permission (F/02262/10) was given to First Floor Flat, 20 New Trinity Road for *alterations and extensions to roof including 2 roof lights to front and a rear dormer window incorporating a Juliet balcony to facilitate a loft conversion* in July 2010.

In regard to No. 62 Trinity Road, this is a single storey dwelling and the roof alterations including the hip to gable and rear dormer are not considered to cause a loss of light or loss of privacy to the occupiers at No. 62 Trinity Road. This is firstly due to the siting of No. 62 Trinity Road in relation to the application site and as the neighbouring property is single storey the overall size of the new roof is not considered to result in a top heavy roof nor will it be an incongruous addition. The dormer is considered to be harmonious with the host property and would not result in any harm to the wider surrounding area.

The rooflights proposed are small in nature and would have a minimal impact on the character of the area. The type of window proposed (rooflight) means that there will be a negligible increase in overlooking. The proposal is not considered to interrupt the streetscene.

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

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

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

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

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

### **5. CONCLUSION**

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

SITE LOCATION PLAN: 54-60 Trinity Road, London, N2 8JJ

REFERENCE: F/01240/12



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**LOCATION:** 22 Baronsmere Road, London, N2 9QE

**REFERENCE:** F/01244/12

**Received:** 28 March 2012

**WARD(S):** East Finchley

**Accepted:** 13 April 2012

**Expiry:** 08 June 2012 **AGENDA ITEM 6d**

**Final Revisions:**

**APPLICANT:** Mrs Miller

**PROPOSAL:** Single storey side/rear extension and formation of new bay window to rear elevation following demolition of existing single storey rear extension. Removal of door to rear first floor elevation and reduction to window size to side elevation. Associated steps to rear. Partial rebuilding and erection of boundary wall and relocation of gate following removal of part existing boundary wall.

**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 08-173-05A; 08-173-06; 08-173-08A; 08-173-09A; 08-173-10A; 08-173-11A; 08-173-12A; 08-173-13A.

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.

**INFORMATIVE(S):**

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

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

In particular the following policies are relevant:

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

## Design Guidance Note No 5 – Extensions to Houses

Core Strategy (Submission version) 2011: Relevant policies: CS NPPF, CS1, CS5.

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

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

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

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

### **1. MATERIAL CONSIDERATIONS**

#### National Planning Policy Framework

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

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

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

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

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

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

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



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

#### Relevant Unitary Development Plan Policies:

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

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

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

#### Design Guidance Note No 5 – Extensions to Houses

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

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

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

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

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document “Sustainable Design and Construction”. The SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

#### Core Strategy (Examination in Public version) 2012

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

The Core Strategy sets the vision, core objectives and strategic policies for Barnet.

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

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

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

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

Relevant Development Management Policies: DM01, DM02

<b>Application:</b>	Planning	<b>Number:</b>	C/13958/00
<b>Validated:</b>	17/01/2000	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	06/03/2000
<b>Summary:</b>	APC	<b>Case Officer:</b>	
<b>Description:</b>	Extend existing ground floor extension and enlarge rear dormer window.		

<b>Application:</b>	Planning	<b>Number:</b>	F/01057/12
<b>Validated:</b>	23/03/2012	<b>Type:</b>	192
<b>Status:</b>	REG	<b>Date:</b>	
<b>Summary:</b>	DEL	<b>Case Officer:</b>	Elizabeth Thomas
<b>Description:</b>	Conversion of property from 2no. self-contained flats into a single family dwellinghouse.		

<b>Application:</b>	Planning	<b>Number:</b>	F/01605/08
<b>Validated:</b>	17/07/2008	<b>Type:</b>	S63
<b>Status:</b>	DEC	<b>Date:</b>	11/09/2008
<b>Summary:</b>	REF	<b>Case Officer:</b>	Junior C. Moka
<b>Description:</b>	Retention of two flats with new balcony at rear first floor level.		

### Enforcement Notices:

Reference Name	<b>BTP.20.1552.PZ</b>
Description	<b>Enforcement Notice served under Section 87 of the Town &amp; Country Planning Act (Using the residential premises as an office in connection with a business).</b>
Reference Name	<b>ENFORCEMENT NOTICE</b>
Description	<b>Enforcement Notice served under Section 171A (1)(a) of the Town &amp; Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991) (The insertion of a doorway and installation of railings on the flat roof of an existing rear extension.)</b>
Reference Name	<b>C13958A/06/ENF</b>
Description	<b>Enforcement Notice served under Section 171A(1)(a) of the Town &amp; Country Planning Act 1990. (The insertion of a doorway and installation of railings on the flat roof of an existing rear extension.) Complied with on 05.12.06</b>
Reference Name	<b>Enforcement Notice served under section 87 of Town and Country Planning Act 1971. (The making of a material change of use of the said premises namely the use of the residential premises as an office in connection with a business.)</b>
Description	

## Consultations and Views Expressed:

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

The objections raised may be summarised as follows:

- Scale and appearance
- There is neither a bay window or terrace with steps leading up to it protruding beyond any other houses on the block.
- Visually obtrusive.
- Not in keeping with other properties.
- Overlooking and loss of privacy.
- Steps will create raised terrace and bay window will overlook garden, kitchen and top floor bedroom.
- Loss of privacy.
- Loss of audio privacy especially when windows are open.
- Will have to keep the shutters closed.
- Amenity of garden will be impaired both visual and audio.
- Loss of light.
- Noise and disturbance resulting from use.
- Any noise and conversation would be audible and intrusive.
- Use not appropriate for the area.
- Not in keeping with other properties in the neighbourhood.

**The application is referred to committee at the request of Councillor Rogers (East Finchley ward) for the following reason: "I am concerned that the plans represent inappropriate development for this locality and will leave neighbours blighted and overlooked by the proposed terrace. Issues of light and loss of privacy have also been highlighted to me by neighbours, as well as a general feeling that this application represents overdevelopment of the site".**

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application property is a corner end of terrace dwelling located in the East Finchley ward. The property is on the corner with Ingram Road. The property is in close proximity to the East Finchley primary retail frontage. The street is predominately residential in character.

### Proposal:

The application relates to a single storey side extension and formation of new bay window to rear elevation following demolition of existing single storey rear extension. Removal of door to rear first floor elevation and reduction to window size to side elevation. Associated steps to rear. Partial rebuilding and erection of boundary wall and relocation of gate following removal of part existing boundary wall.

## Planning Considerations:

A certificate of lawfulness has been sought in conjunction with the current planning application to confirm that the property can be used as a single family dwellinghouse.

The proposal comprises of the demolition of an existing rear extension which is sited along the boundary with no.24 Baronsmere Road. This extension has a flat roof and a door exists in the first floor rear elevation which facilitates the use of the flat roof of the extension below as a terrace. The extension will be removed and a bay window is proposed to replace the rear extension. The first floor door will be blocked up; this is considered to be result in an improvement to the amenities of the neighbouring occupiers. The bay window will project 0.7m replacing and will be sited off the boundary by 0.6m. This is not considered to result in any loss of amenity with the bay replacing an extension which projects 2.7m along the common boundary with no.24. The creation of a bay window is not considered to be out of context with the character of the host property or the surrounding area. The proposed extensions and alterations are considered to respect the design of the host property and would not result in overdevelopment of the site.

The application has been amended since the initial submission to bring the side/rear extension away from the boundary by 1m. The amendments are considered to overcome previous concerns on the impact of the extension on the streetscene. A boundary wall will run along the public pavement.

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

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

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

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

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

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

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

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

All planning related matters are considered to be covered in the above appraisal.

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

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

### **5. CONCLUSION**

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

**SITE LOCATION PLAN: 22 Baronsmere Road, London, N2 9QE**

**REFERENCE: F/01244/12**



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**LOCATION:** 37 Kings Road, Barnet, Herts, EN5 4EG

**REFERENCE:** B/00601/12

**Received:** 11 February 2012

**Accepted:** 21 February 2012

**WARD(S):** High Barnet

**Expiry:** 17 April 2012

AGENDA ITEM 6e

**Final Revisions:**

**APPLICANT:** Mr H Skaliotis

**PROPOSAL:** Part single, part two storey rear extension. Alterations and extension to roof involving two rear dormer windows to facilitate a loft conversion.

**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

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

Site location plan (date received 13-Feb-2012), king/plan/12 1, king/plan/12 2 (date received 7-May-2012), king/plan/12 3 (date received 16-May-2012).

Reason:

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

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

Reason:

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

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

Reason:

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

4. 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 flank elevation(s), of the extension(s) hereby approved, facing No.35a and No.39 Kings Road.

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, D1, D2, D5, H27.  
Supplementary Design Guidance Note 5: Extensions to Houses

Core Strategy (Examination in Public version) 2012:

Relevant policies: CS NPPF, CS1, CS5

Development Management Policies (Examination in Public version)2012:

Relevant Policies: DM01, DM02.

ii) The proposal is acceptable for the following reason(s): - The proposed development is considered to have an acceptable impact on the host property, the application site and the general street scene. It is not considered to cause significant harm to the residential or visual amenities of the neighbouring occupiers and would accord with the aforementioned policies.

## 1. MATERIAL CONSIDERATIONS

### National Planning Policy Framework

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

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

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

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

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

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

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



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

#### Relevant Unitary Development Plan Policies:

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

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

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

#### Design Guidance Note No 5 – Extensions to Houses

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

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

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

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

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document “Sustainable Design and Construction”. The SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

#### Core Strategy (Examination in Public version) 2012

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

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

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

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

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

Relevant Development Management Policies: DM01, DM02.

Relevant Planning History:

<b>Site Address:</b>	37 Kings Road Barnet Herts
<b>Application Number:</b>	N07982
<b>Application Type:</b>	Full Application
<b>Decision:</b>	Approve with conditions
<b>Decision Date:</b>	06/06/1985
<b>Appeal Decision:</b>	No Appeal Decision Applies
<b>Appeal Decision Date:</b>	No Appeal Decision Date exists
<b>Proposal:</b>	<b>Single-storey rear extension</b>

Consultations and Views Expressed:

Neighbours Consulted: 8                      Replies: 3 (Any other replies will be reported at the meeting)  
Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

- Will alter the character of the road
- Sheer size of the development will cause huge disruption
- Overlooking
- Overshadowing
- Loss of sunlight for plants, grass, plants, clothes drying and mitigation of moss
- Loss of daylight
- Neighbouring properties do not appear on the ordnance survey map
- Loss of trees

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site relates to a detached single family dwelling located on the eastern side of Kings Road. This part of Kings Road is characterised by detached dwellings.

There are a number of trees on and adjacent to the site which are protected under a Tree Preservation Order (TPO).

### Proposal:

This application seeks consent for a part single, part two storey rear extension, with alterations to roof involving two rear dormer windows to facilitate a loft conversion.

During the course of the application amendments were made to address concerns raised over the mass and bulk of the extensions proposed.

The ground floor rear extension would have a maximum depth of 4.7m and a minimum depth of 2.9m given the staggered rear wall of the dwelling. It would be 14.6m wide and 2.7m high with a flat roof. The extension would be set off the boundary with No.39 Kings Road by 1m and off the boundary with No.35a Kings Road by 5m.

The first floor rear extension would have a maximum depth of 3.9m and a minimum depth of 2.8m, again as a result of the staggered rear wall. It would be 12.2m wide and the roof would continue rearwards from the existing ridgeline, creating a crown style roof. This extension would be set off the boundary with No.39 Kings Road by 3.5m and with No.35a by 5m.

2 dormers are proposed within the rear roofslope of the roof of the extension. These would both measure 2.15m wide, 1.2m high and would project 1.1m from the roofslope. These have been centrally positioned within the roof.

### Planning Considerations:

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

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

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

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

Part of policy D5 requires new development to safeguard outlook and light of neighbouring residential occupiers. The proposed extension is not considered to be unduly overbearing or overly dominant when viewed from neighbouring properties and their gardens. Given the set off of 1-3.5m from the boundary with No.39, the extensions are not considered to result in a loss of outlook or a sense of enclosure. This is also the case with No.35a where the separation distance is even greater at 5m. This distance is considered to ensure that whilst the extension would be visible from the neighbouring gardens, it will not result in a significant loss of daylight or sunlight to warrant the refusal of this application. The rear dormers are not considered to result in higher levels of overlooking than what may already be existing from the first floor windows within this property.

Policy H27 states that extensions to houses should harmonise existing and neighbouring properties, maintain the appearance of the streetscene and have no

significant adverse effect on the amenity of neighbouring occupiers. They should be in keeping with the scale, proportion, design and materials of existing and neighbouring houses. The extensions are considered to harmonise well with the existing property and have been appropriately designed. The proposed dormers are considered to be subordinate features within the roofslope, especially given their modest projection and would not result in an overly bulky roof.

The proposal is considered to have a minimal impact on the health of protected trees on and adjacent to the site. The extension is sited a considerable distance from the trees, namely a Birch and Oak on the northern boundary, with No.35a to ensure that any encroachment into the Root Protection Area would be limited. It is therefore considered that the health and special amenity value of the trees will be safeguarded.

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

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

These have been largely addressed within the planning appraisal however the following comment can be made:

- A site plan has been received (drawing no king/plan/12 3) which clearly indicates the neighbouring properties.

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

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

### **5. CONCLUSION**

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

**SITE LOCATION PLAN: 37 Kings Road, Barnet, Herts, EN5 4EG**

**REFERENCE: B/00601/12**



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**LOCATION:** 28 Oakleigh Park North, London, N20 9AR

**REFERENCE:** B/00575/12

**Received:** 15 February 2012

**Accepted:** 15 February 2012

**WARD(S):** Oakleigh

**Expiry:** 11 April 2012 **AGENDA ITEM 6f**

**Final Revisions:**

**APPLICANT:** Mrs A Michaelides

**PROPOSAL:** Retention of detached garage.

**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 136A3 P 2.2, 136A3 P 2.1, 136A3 P 1.0, Design and Access Statement by February 2012.

Reason:

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

2. The use of the garage 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 (UDP) (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, GBEnv4, D1, D2, D5 and H27, and: Supplementary Planning Design Guidance Note No. 5 - Extensions to Houses.

Core Strategy (Examination in Public version) 2012:

Relevant policies: CS NPPF, CS1, CS5

Development Management Policies (Examination in Public version)2012:

Relevant Policies: DM01, DM02,

ii) The proposal is acceptable for the following reason(s): - The garage is considered to have an acceptable impact on the character and appearance of the locally listed dwelling and the character and appearance of the street

scene. It is not considered to have any significantly adverse impacts on the amenities of the adjoining residents and is in accordance with the aforementioned policies.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

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

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

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

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

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

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

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

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

### Relevant Unitary Development Plan Policies:

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

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

Relevant policies to this case: GBEnv1, GBEnv2, GBEnv4, D1, D2, D5 & H27.

### Design Guidance Note No 5 – Extensions to Houses

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



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

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

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

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

#### Core Strategy (Examination in Public version) 2012

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

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

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

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

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

Relevant Development Management Policies: DM01, DM02.

## Relevant Planning History:

**Site Address:** 28 Oakleigh Park North N20  
**Application Number:** N05275  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 01/12/1976  
**Proposal:** **Alterations including the conversion of part of the first floor flat into a maisonette.**

**Site Address:** 28 Oakleigh Park North LONDON N20  
**Application Number:** N05275A  
**Application Type:** Section 192  
**Decision:** Unlawful Development  
**Decision Date:** 07/12/1995  
**Proposal:** **Cover to existing terrace.**

**Site Address:** 28 Oakleigh Park North LONDON N20  
**Application Number:** N05275B  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 22/05/1996  
**Proposal:** **Cover to existing terrace at rear of house.**

## Consultations and Views Expressed:

Neighbours Consulted: 14                      Replies: 7  
Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

- Object on scale and appearance of the building which exceeds planning limit of 2.5m for this type of development
- Increase in height has resulted in a loss of light
- Impact on the enjoyment of the adjoining garden
- Security light has been inappropriately positioned and shines into neighbouring property causing a nuisance
- Raised floor level of 25cm has been carried out at the site results in a higher than necessary garage height, considerable overlooking from the driveway and a loss of privacy
- New driveway is not a porous surface which contravenes legislation introduced on 1st October 2008 by the Environment Agency and will result in water draining into the adjoining site which is at a lower level
- The proposal to paint the flank wall (flettons) with soft colour red paint is flawed and unacceptable as it is impossible to maintain a painted finish on a Fletton brick surface as per the BS6150:2006 'Painting of buildings - Code of Practice'.
- There has been an unwillingness in previous years of the owner to maintain the boundary between 28 and 30 and if planning permission were granted the bricks would be painted once and left forgotten to ruin
- The brickwork used in developing the new garage does nothing to enhance or match the architectural of historic character of the main building which is locally listed
- 7 mature trees have been felled on the site in October 2011
- Disagree with remarks within the application that access from neighbours property would not be forthcoming
- No measurements have been written on the submitted drawings, instead just comparisons between the proposed and existing

- The drawings do not proportionally match the work carried out showing an increase of 6 bricks when there has been an increase of 10
- The security light is not shown on the submitted drawings
- Despite what is stated within the application the garage can be clearly seen from the road
- The flank wall appears to have building control issues as there is a significant crack in it to the rear of the garage and a number of bricks appear to have been displaced
- There is no fence adjacent to the wall thus increasing the visual impact on the neighbouring property and garden
- Alterations to garage, driveway and front boundary have been carried out without due consideration of the historic importance of the character of the locally listed property

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site relates a substantial detached dwelling on the south eastern side of Oakleigh Park North. There is an existing garage to the rear of the building sited along the boundary with No. 30 that is the subject of this application.

The building is recognised as making a contribution of local significance and has locally listed status.

### Proposal:

The application seeks retention of the recently reconstructed detached garage along the boundary with No. 30 Oakleigh Park North. An existing garage of the same footprint in the same position with a monopitch roof has been largely rebuilt and the roof has been levelled to form a flat roof with surrounding parapet. The garage door has not yet been installed but is shown on the plans as a white powder coated steel door.

The height of the garage as viewed from the front and measured from the ground level of the application site (excluding the decorative finials) is 2.75m. Given variations in ground levels at the rear the height is 3.15m. Due to the change in levels between the application site and the adjoining property, the garage would have a maximum height of 3.2m as viewed from the garden of No. 30. The maximum increase in height from the original structure is depicted on the plans as 0.55m.

### Planning Considerations:

The reconstructed garage is not considered to have any significant adverse impacts on the amenities of the adjoining residents or the enjoyment of their garden area. Whilst it is noted that the adjoining site is at a lower level than the application property the increase in height of the garage along the boundary is not considered to result in a significantly greater impact than the previous structure.

It is noted that concerns have been raised with regards to the accuracy of the plans and it has been alleged that the actual increase in height is greater than what is shown on the drawings. Having visited the site and reviewing supporting documentation and photos submitted with the application it is considered that the changes in the height of the garage are accurately represented in the application as a levelling of the sloping roof with the height at the front of the garage not increasing.

The structure as constructed is not considered to represent an obtrusive or overbearing form of development as viewed from the neighbouring property or garden especially when compared to the structure it has replaced which is a material consideration. Whilst the siting of the structure on the boundary is likely to cause some overshadowing to the adjoining garden, the increase in the height of the garage is not considered to significantly alter the previous situation which must be taken into account.

Part of the flank wall adjoining the boundary with No. 30 was left in situ during the works and as such, part of the old brick structure is clearly distinguishable from the new brick used in the reconstruction. Despite the difference between the 2 brick types and colours, it is not considered to undermine the character and appearance of the structure, the setting of the main building or appear visually intrusive from the adjoining garden.

The red bricks used in the construction of the garage, although not an exact match are considered to be in keeping with the character or appearance of the main dwelling and the general locality and would not compromise the special interest of the building or its contribution to the character or appearance of the street scene.

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

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

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

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

The development complies with the aforementioned policies and Council Design Guidance on Extensions to Houses and is considered to be a proportionate addition to the site. It has an acceptable impact on the character and appearance of the street scene, site property, general locality and the residential amenity of neighbouring occupiers.

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

Generally addressed above. Additional comments are as follows:

- Permitted development rights (effective October 2008) restrict the height of outbuildings to 2.5m within 2m of a boundary as measured from the highest adjoining land. Anything greater requires planning permission from the LPA and is considered on its merits. As the structure is higher than what is permitted

under this legislation, the structure requires planning permission. The merits of the proposal have been considered and appraised above. It should be noted that the original (lawful) structure was already higher than the current permitted development criteria allows for new build structures.

- The laying of a new driveway (subject to drainage, soakaways or porous materials) and increases in the height of ground levels of up to 30cm fall within the scope of permitted development. The new driveway at the development site has not resulted in the increase in the total height of the garage and in any case and the garage is considered at the height constructed to be acceptable as outlined above.
- Security lights are not development requiring planning permission.

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

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

#### **5. CONCLUSION**

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

**SITE LOCATION PLAN:** 28 Oakleigh Park North, London, N20 9AR

**REFERENCE:** B/00575/12



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**LOCATION:** Rear of 39 Somerset Road, Barnet, Herts, EN5 1RL

**REFERENCE:** B/01631/12

**Received:** 27 April 2012

**Accepted:** 27 April 2012

**WARD:** Oakleigh

**Expiry:** 22 June 2012 **AGENDA ITEM 6g**

**Final Revisions:**

**APPLICANT:** Mr Davies

**PROPOSAL:** Demolition of existing three bedroom house and erection of two-storey house with rooms at lower ground floor level and in roof space.

**APPROVE SUBJECT TO S106 AGREEMENT**

**RECOMMENDATION I:**

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (excl. libraries) £4,150.00**  
A contribution towards the provision of Education Facilities in the borough.
- 4 **Health £334.00**  
A contribution towards Health Facilities and Resources in the borough
- 5 **Monitoring of the Agreement £224.20**  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

**RECOMMENDATION II:**

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: B/01631/12 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: DAT/9.0 and DAT/9.1 (received 15 May 2012), Drawing Nos. OS 00, P01, P02, P03, P04, P05, P06 and P07 (received 27 April 2012).

Reason:

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

2. This development must be begun within three years from the date of this permission.  
Reason:  
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
3. Before the dwelling hereby permitted is occupied the parking spaces shown on Drawing No. P01 received on 27 April 2012 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved dwelling. The parking spaces shall be constructed of a porous material, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling.  
Reason:  
To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area.
4. Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.  
Reason:  
To safeguard the visual amenities of the locality.
5. Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.  
Reason:  
To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.
6. 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 north east or south west flank elevations of the approved dwelling.  
Reason:  
To safeguard the privacy and amenities of occupiers of adjoining residential properties.
7. No site works or works on this development shall be commenced before temporary tree protection has been erected around existing trees to the rear of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.



Reason:

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

8. The screen wall to the front and side of the first floor terrace to the south western side of the dwelling hereby approved shall be permanently retained as shown on the submitted plans, and shall not be reduced in height or altered in any way.

Reason:

In order to protect the privacy and amenities of the occupants of the neighbouring properties.

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

1. The reasons for this grant of planning permission are as follows:

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, GParking, D1, D2, D4, D5, H16, H17, H18, M14, CS2, CS8, CS13, IMP1 and IMP2.

Supplementary Planning Document - Planning Obligations, Supplementary Planning Document - Contributions to Education, Supplementary Planning Document - Contributions to Heath Facilities.

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

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

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

- The proposed development is considered to have an acceptable impact on the character and appearance of the application site and the general street scene. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This proposal is considered to accord with Council policies and guidance.

2. The applicant is advised that this grant of permission does not infer or imply the right to enter any land outside of the applicant's ownership. The consent should be obtained from any land owner prior to any works taking place to or on their property.

### **RECOMMENDATION III**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 17 August 2012 the Acting Assistant Director of Planning and Development Management REFUSE the application ref: B/01631/12 under delegated powers for the following reasons:

The proposed development does not include a formal undertaking to meet the costs of extra education and health and associated monitoring costs arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet supplementary Planning Documents - Contributions to Education (2008), Health (2009) and Monitoring (2007) and policies CS2, CS8, CS13, IMP1 and IMP2 of the Adopted Unitary Development Plan (2006).

## 1. MATERIAL CONSIDERATIONS

### National Planning Policy Framework

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

#### Relevant Unitary Development Plan Policies:

GBEnv1, GBEnv2, GParking, D1, D2, D4, D5, H16, H17, H18, M14, CS2, CS8, CS13, IMP1 and IMP2.

Supplementary Planning Document - Planning Obligations, Supplementary Planning Document - Contributions to Education, Supplementary Planning Document - Contributions to Health Facilities.

#### Core Strategy (Examination in Public version) 2012

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

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

Relevant Core Strategy Policies: CS NPPF and CS5.

#### Development Management Policies (Examination in Public version) 2012

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

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 DM02.

#### Relevant Planning History:

<b>Site Address:</b>	39 Somerset Road Barnet Herts
<b>Application Number:</b>	N07988A
<b>Application Type:</b>	Full Application
<b>Decision:</b>	Approve with conditions
<b>Decision Date:</b>	30/07/1986
<b>Appeal Decision:</b>	No Appeal Decision Applies
<b>Appeal Decision Date:</b>	No Appeal Decision Date exists
<b>Proposal:</b>	<b>Conversion of house into four flats and conversion of garage at rear to from cottage. Dormer windows at side of house.</b>

**Case Officer:**

**Site Address:** 39 Somerset Road New Barnet  
**Application Number:** N07988  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 26/09/1985  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Conversion of existing double garage to ancillary residential accommodation**

**Case Officer:**

Consultations and Views Expressed:

Neighbours Consulted: 156      Replies: 16  
Neighbours Wishing To Speak: 1

The objections raised may be summarised as follows:

- The excavation of the basement would cause subsidence to the foundations of Nos. 33-37 Somerset Road, the garages at No. 41, and would cause damage to the drainage sewer pipe running along the back gardens to properties in Somerset Road.
- Beaufort Court would be overlooked by the proposed development, especially from the proposed first floor terrace, causing a loss of privacy.
- The increased roof height would result in a loss of light to Beaufort Court, to Chiltern Court, and to the garden area at No. 41.
- The increased height and width of the proposal, and building over large areas of garden to provide terraces, and the roof terrace wall, would be unsightly and visually intrusive.
- The extra terraces, parking spaces and proximity to Beaufort Court would result in increased noise levels.
- Concern about disturbance caused by the building works.
- The existing property is not dilapidated, and is currently occupied.
- Existing dwelling is a converted garage with a small conservatory on the back. Proposed larger dwelling would be out of proportion to the current dwelling size and the size of the plot.
- Excavation may damage the roots of trees in the garden of Beaufort Court.
- Noise and disturbance would result from the increased use of the access adjacent to No. 39, both during construction and from the greater number of occupants associated with this larger house.
- The proposal would reduce existing views.

One letter has also been received from The Rt Hon Theresa Villiers MP, requesting that her constituent's views are taken into account.

Internal /Other Consultations:

None.

Date of Site Notice: 10 May 2012

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site contains a detached single storey dwelling, with rooms in the roofspace, and a single storey rear projection. The dwelling is located to the rear of

No. 39 Somerset Road. The application site slopes down from south to north, such that the existing dwelling is at a lower ground level to No. 39 Somerset Road.

No. 39 is a two storey detached building containing four flats. The building to the north east of this, No. 41 Somerset Road, comprises a two storey building containing four flats. This building has garaging and an amenity area to the rear. The building to the south west of No. 39, Beaufort Court is a three storey block of flats, with a parking area and gardens to the rear. The application site is set to the rear of No. 39 and to the rear of the immediately neighbouring buildings, and is adjacent to the gardens serving the block of flats, and the gardens and garages serving No. 41.

#### Proposal:

This application proposes the demolition of the existing dwelling, and the construction of a replacement dwelling. The proposed dwelling would be L-shaped, and measure a maximum of 8 metres in depth by 10.6 metres in width at ground floor level, and 8 metres in depth by 9.3 metres in width at first floor level. The proposed dwelling would have a hipped roof to the front with a gable end to the rear. The proposed dwelling would have an eaves height of 4.2 metres and a ridge height of 6.4 metres when viewed from the front. However, due to the falling ground levels, it would have a ridge height of 9.3 metres when viewed from the rear. The proposed dwelling would have a lower ground floor level with a terrace area, and a first floor terrace area to the south west set approximately 1.1 metres from the common boundary to the south west. A dormer window structure would face onto this first floor terrace.

#### Planning Considerations:

The proposed replacement dwelling would be located to the rear of No. 39 Somerset Road, replacing an existing detached dwelling. The existing dwelling has a pitched roof with front and rear gables. In comparison, the proposed dwelling has a hipped roof to the front. The proposed dwelling would have a greater ridge height than the existing property, approximately 0.8 metres higher, and would be sited further rear within the site when compared to the existing dwelling. Given its siting with its plot, and its relationship with Somerset Road, the proposed dwelling would only be visible from Somerset Road when viewed from the access drive between Nos. 39 and 41. As such, it would not appear as a prominent feature within the street scene and would not be detrimental to the character and appearance of the general locality.

The existing dwelling on the site is located approximately 11 metres rear of No. 39 Somerset Road. In comparison, the proposal is set approximately 15 metres from No. 39. Given this distance, it is not considered that the proposed dwelling would appear overbearing when viewed from the rear-facing flats and amenity area of No. 39. The proposed dwelling is set further to the rear of its plot when compared to the existing, such that its flank elevation would be adjacent to the detached garage block serving the flats at No. 41 Somerset Road. The proposed dwelling would be set away from the boundary with No. 41, and would mainly be adjacent to the garages at No. 41, and as a result is not considered to appear overbearing when viewed from the rear amenity area of No. 41. At ground floor level, the proposed dwelling would be located in close proximity to the common boundary with Beaufort Court to the south west. Whilst the ground floor element of the proposal would be visible from Beaufort Court, protruding slightly above the boundary fence, the first floor terrace area above this would be stepped away from the garden at Beaufort Court. It is acknowledged that the ground level at Beaufort Court slopes down away from the application site and toward the rear, however given the distance between the proposed dwelling and the garden area at Beaufort Court, with the proposed dwelling

stepped away from the boundary, it is not considered that the proposed dwelling would appear overbearing when viewed from the rear garden area or rear-facing windows at Beaufort Court. The two storey front and side walls of the proposed dwelling would be adjacent to the rear amenity area serving No. 39, however this area does not appear to be heavily used at present, and would remain open on both sides such that the proposal would not result in a sense of enclosure or be overbearing when viewed from this amenity space. As such, it is considered that the proposal would not be detrimental to the amenities of the occupants of any neighbouring property.

Policy H17 requires a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. The application dwelling has been designed with habitable room windows in the rear elevation and at first floor level in the south west flank elevation only. The window in the flank elevation would face onto the first floor terrace serving the dwelling, and the submitted plans show this to be screened by a 1.5 metre high wall. As a result, it is not considered that this first floor side window would result in any overlooking to the garden area at Beaufort Court. The neighbouring building to the north west, Chiltern Court, is at least 25 metres away from the rear boundary of the application site, and the rear facing windows in the proposed dwelling would be approximately 9.8 metres from the rear boundary of the site. The proposal would therefore meet the requirements of Policy H17 of the UDP. Windows are proposed to be inserted within the front and north east side elevations of the proposed dwelling. However, these windows would be small in size and would not serve habitable rooms. The first floor terrace area may result in some oblique views towards the neighbouring properties, however there is a considerable distance between the terrace area and the nearest neighbouring properties, and the terrace would be screened by a wall to the south east and south west sides. A low balustrade would be constructed to the north west side, however this is set away from the nearest properties to the north west. As such, it is not considered that the proposal would result in any overlooking toward the neighbouring properties, and the proposal would not be detrimental to the privacy of the occupants of any neighbouring property. It is considered both reasonable and necessary to restrict the insertion of any additional windows at first floor level or above in the flank elevation of the proposed dwelling, in order to protect the privacy and amenities of the occupants of the neighbouring properties.

Policy H18 requires at least 85 square metres of garden or amenity space to be provided for dwellings with up to seven or more habitable rooms. In this case, a lower ground level terrace is proposed to be provided, in addition to the rear garden area, a ground floor level terrace and a first floor terrace. It is considered that sufficient private garden and amenity space would be provided to comply with Policy H18.

Policy M14 requires between 1.5 and 2 parking spaces to be provided within the application site for detached houses. The existing house has space for at least two vehicles to park off-street, and the proposed dwelling would retain space for at least two vehicles to park off-street. The vehicular access to the dwelling would be the same as the existing, and no objections are raised with regard to parking provision or on highway grounds.

It is noted that the submitted plans show the location of a refuse store. However, no elevational details have been submitted relating to these. Given the distance between the proposed refuse store and the front of the site where such refuse would

be collected from, and given the proximity of the proposed stores to No. 39, it is considered both reasonable and necessary to attach a condition requiring further details of the refuse stores to be submitted to and approved in writing by the Local Planning Authority, to ensure the stores are able to serve their purpose without detriment to the amenities of the occupants of either neighbouring property.

The trees in Beaufort Court are fairly small fruit trees, set away from the common boundary with the application site. Given the separation, the size of the trees, and the open nature of the remaining ground around the trees, it is not considered that the proposal would be detrimental to these trees. In addition, the trees are not covered by a Tree Preservation Order and are not considered to be of a high quality such that additional protection could be given.

The application proposes the demolition of a three bedroom dwelling and the construction of a four bedroom dwelling. Given the creation of the additional bedroom, in accordance with Policies CS2, CS8 and CS13 a financial contribution is required to be provided to meet the extra costs for education and health arising from the proposed development. It is therefore necessary for a Legal Agreement to be entered into.

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

- A number of comments have been submitted relating to property value, and to possible subsidence. These are not material planning considerations and objections cannot be raised with regard to these issues.
- The issues regarding the impact of the proposal on the amenities of the occupants of neighbouring properties, and with regard to the impact on the trees, are addressed in the Appraisal above

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

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

### **5. CONCLUSION**

The proposed development is considered to have an acceptable impact on the character and appearance of the application site and the general street scene. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This proposal is considered to accord with Council policies and guidance.

**SITE LOCATION PLAN:  
1RL**

**Rear of 39 Somerset Road, Barnet, Herts, EN5**

**REFERENCE:**

**B/01631/12**



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**LOCATION:** Conifers, 96 Totteridge Village, London, N20 8AE **AGENDA ITEM 6h**  
**REFERENCE:** B/04630/11 **Received:** 15 November 2011  
**WARD(S):** Totteridge **Accepted:** 15 November 2011  
**Expiry:** 10 January 2012

**Final Revisions:**

**APPLICANT:** Enterprise Property Developments Ltd  
**PROPOSAL:** Demolition of existing care home and ancillary outbuilding  
(CONSERVATION AREA CONSENT)

**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 5533 SK-01/Rev A, 5533 SK-02/Rev A, 5533 SK-03/Rev A, 5533 SK-04/Rev A, 5533 SK-05, 5533 SK-06, 5533 SK-07 Rev A, 5533 SK-08/Rev A, 5533 SK-09/Rev A, 5533 -SK-12/Rev A, (revised plans dated 18/04/2012, received 20/04/2012). Supporting Documents (Amended and received 20/04/2012):
  - Supporting Planning Statement (dated April 2012)
  - PPS5 and Heritage Appraisal (Revision A) Amended Design and NPPF analysis (dated April 2012)
  - Tree Survey, Arboricultural Implications Assessment Report and Arboricultural Method Statement (reference 2030.AIA.RevA.Totteridge.Adam)

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

Reason:

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

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

Reason:

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

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

Reason:

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

7. No siteworks or works on this demolition or development shall be commenced before a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 *Trees in relation to design, demolition and construction - Recommendations* expanding on the principles set out in the Andrew Belson Arboricultural Implications Assessment Report (reference 2030.AIA.RevA.Totteridge.Adam) is submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.

Reason:

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

- 8 No treeworks shall be carried out other than those specifically referenced at 9.2 of the Andrew Belson Arboricultural Implications Assessment Report (reference 2030.AIA.RevA.Totteridge.Adam).

Reason:

To safeguard trees of special amenity value and the character and appearance of the Totteridge Conservation Area.

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

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

GBEnv4, HC1.

Core Strategy (Examination in Public version) 2012:

CS NPPF, CS1, CS5.

Development Management Policies (Examination in Public version)2012:

DM01, DM06.

ii) The proposal is acceptable for the following reason(s): - The demolition of the existing building subject to a suitable replacement is considered to have an acceptable impact on the character and appearance of the Totteridge Conservation Area. The proposals are in accordance with the aforementioned policies.

#### **1. MATERIAL CONSIDERATIONS**

National Planning Policy Framework

The Mayor's London Plan: July 2011

Relevant Unitary Development Plan Policies:

GBEnv4, HC1.

Core Strategy (Examination in Public version) 2012

Development Management Policies (Examination in Public version) 2012

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

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

Relevant Core Strategy Policies:CS NPPF, CS1, CS5

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

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

Relevant Development Management Policies: DM01, DM06.

B/04605/11 - To be determined at East Area Planning Sub-Committee Meeting 12/06/2012

Demolition of existing carehome and ancillary outbuilding. Erection of a part single, part two storey building including rooms in roofspace to create 6no self-contained residential units. Associated parking spaces for 9no. cars, amenity space, landscaping alterations and refuse and cycle store

B/02411/11 & B/02480/11 - Withdrawn 02/08/2012

Demolition of existing building and erection of a part single, part two-storey building including rooms in the roofspace to create 6no. self-contained residential units. Associated parking for 14no. cars, amenity space, landscaping alterations and refuse and cycle store.

B/00325/11 - Still Under Consideration at time of report writing

Extension to time limit for implementing planning permission N02565AD/07 granted 05/03/08 for 'Demolition and reconstruction of rear addition and first floor side extension. Side extension to basement.'

B/00124/11 - Still Under Consideration at time of report writing

Submission of details of conditions 2 (Materials), 3 (sample board), 4(i) doors windows and frames, (ii) external timberwork, (iii) external pipe or ductwork, (iv) vents, (v) rooflights, (vi) lobby area, (5) (noise mitigation), 6 (Extraction and ventilation), 7 (recycling and refuse), 8 (temporary fencing), 9 (trees method statement), 10(tree felling/ pruning) pursuant to planning permission N02565AD/07 dated 05/03/2008.

ENF/00239/10 and ENF/00265/10/B

Tree Replacement Notice under Sections 206 & 211 of the Town and Country Planning Act 1990

N02565AD/07 - Approved 05/03/2008

Demolition and reconstruction of rear addition and first floor side extension. Side extension to basement.

N02565AA/07 & N02565AB/07 - Refused 04/05/2007

Demolition of existing buildings and redevelopment for the erection of a part two and part three storey building comprising 23no. serviced suites for close care of the elderly, including ancillary staff and communal facilities (Use Class C2)

N02565Z/01 - Approved 07/07/02

Erection of rear conservatory extension to nursing home.

N02565Y/99 - Refused 11/04/2000

Demolition of part of existing building and construction of part single, part two-storey and part lower ground level rear extension. Increasing capacity of residential care home to 35 bedspaces.

N02565X - Refused 27/07/1999

Demolition of part of existing building (residential care home) and erection of part single, part two-storey extension with rooms in roof and partial in basement increasing capacity to 43 bedspaces.

N02565W - Refused 12/11/1998

Demolition of part of the building and construction of part two and part single storey extension with rooms in roof and part basement, increasing capacity to 43 bed spaces.

N02565V - Refused 18/11/1996

Demolition of single storey building at rear (CAC)

N02565U - Refused 18/11/1996

Two storey and single storey and part basement rear extension

N02565T - Approved 05/06/1990

Two-storey side extension at rear of building to provide separate living accommodation and provision of 3 car parking spaces at rear.

N02565R - Refused 09/05/1989

Erection of a detached bungalow and integral garage on part of rear garden

N02565Q - Approved 22/02/1984

Single storey rear extension to provide staff accommodation

N02565P - Approved 28/10/1981

Change of use from hotel to old persons home

N02565C - Refused, Appeal Dismissed 19/06/1975

Two-storey rear extension to hotel and car park.

Consultations and Views Expressed:

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

The Totteridge Residents Association have made the following comments:

The Committee and members of the TRA remain concerned about the impact of the amended development proposals currently under consideration by the Council and many of the comments raised previously still stand. These comments are expanded upon below.

The existing building is an architecturally attractive structure, that despite some alterations and additions, still makes a positive contribution to the conservation area. We are disappointed that the amended planning application still proposes to demolish the building. Its total demolition would neither preserve nor enhance the character and appearance of the conservation area, and we consider would represent a harmful incremental loss to the special character of the area as a whole. Its loss would also have an impact on the appearance of the otherwise attractive frontage onto Totteridge Village.

The existing building's total demolition will result in the loss of some finer detailing to the chimneys, windows and roofing which we consider make an important contribution to the character and appearance of this section of the conservation area. The detailing on the proposed replacement building would be of a lower quality and would result in a very different structure on a revised footing which we consider would damage the special character and visual amenity of the conservation area. The demolition of the existing building has not been justified and we consider that the existing building could be incorporated into the design of the proposed development, thus protecting the existing detailing on the building.

No case has been presented to justify why the current building on the site cannot be wholly or partially retained and repaired as part of the proposed scheme. Nor has any evidence been presented to show that an alternative use that would allow the viable retention has been explored. As such, we consider that the harm to the conservation area generated by the loss of this building has not be adequately justified in either structural or economic terms, and that the proposed replacement of the existing building with a scheme that the applicant considers is 'appropriate' to the context, is not sufficient to warrant the total demolition/loss of the existing positively contributing building. Policy HC1 of the Barnet UDP and Chapter 12 of the NPPF seek to ensure development preserves or enhances the character or appearance of a conservation area and we consider that the proposed development fails to meet these policy aims. The development is also within a designated Area of Special Character and fails to safeguard and enhance the townscape features which contribute to the identity of Areas of Special Character, contrary to Policy HC5 of the Barnet UDP.

We again note that a proposed development in 2007, which retained the former care home on the site, was refused in part due the proposed scale, bulk, massing, design, rearward projection, discordant and visually obtrusive form of development. We consider that similar concerns are raised by this scheme now before the Council. The overall footprint of the proposed development on the site is still excessive and exceeds that currently present. The proposed building footprint is also slightly removed from its existing location. Although this is a modest change, it will still have an impact on the conservation area and setting of the adjacent Grade II listed building. Chapter 12 of the NPPF seeks to ensure that proposed development does not impact on the significance of a designated heritage asset. The existing building

relates positively with the adjacent listed building and demolishing this building has not been justified in this application. Additionally, replacing it with a building of lower quality design and detailing would harm the setting of the conservation area and adjacent listed building.

The bulk, scale and rearward projection of the building still swamps the front portion of site which has historically been associated with a single large dwelling. The surrounding area comprises large single dwellings with substantial gardens and this proposal would be uncharacteristic of the conservation area.

The proposals still give rise to some impacts on the trees at the neighbouring property to the west with potential construction disruption to the root system of the HOLM OAK 8293. There is still an incursion into the RPA of the Sycamore NT2 which is not illustrated on the revised plan. The TRA are concerned that this disruption could cause long-term damage to these trees and could damage the visual amenity of the conservation area. The trees also form part of the setting of the Grade II listed building, and the redevelopment of the site to provide multiple terraced dwellings as part of a redevelopment/extension of the site has an impact on the wider setting of this building and the overall character of the area. The revised proposals for the construction of a large rearward extension behind a replacement structure to the front of the property at No. 96 Totteridge Village still constitutes a harmful change to this local character and the TRA would ask the Council to resist this incremental change.

The TRA respectfully ask that the Council gives detailed consideration to the determination of these applications and would urge Officer's to recommend refusal on the grounds set out above.

*The objections raised in relation to B/04605/11 are also relevant to this case.*

#### Internal /Other Consultations:

##### **Totteridge CAAC**

Whilst the committee is implacably opposed to the application to erect purpose built flats in the heart of the Conservation Area it does recognise that there is some improvement in this design in the amended plans.

The proposed railings to the frontage of the property appear too formal for this part of the village.

The character of the Totteridge Conservation Area is partly defined by its low density of buildings and every change which increases the intensification of use erodes the very characteristics which made it a Conservation Area.

The comments made regarding application B04605/11 /remain relevant to this application and are repeated below:

There are no existing purpose built flats in the Conservation Area and this proposal to build a block consisting of six units, if approved, would create an unacceptable precedent in the heart of Totteridge Village which is a Conservation Area under

article 4 direction. This site also abuts the Green Belt and is adjacent to The Grange, a grade II listed property.

The existing property fronting Totteridge Village is listed in the Borough's Totteridge Conservation Area document as a Positive building which contributes to the Conservation Area. The main house fronting Totteridge Village is well proportioned and suits its surroundings. Its demolition would do nothing to preserve or enhance the Conservation Area.

The proposal due to its excessive mass and bulk would not preserve or enhance the Conservation Area.

Although the elevation facing Totteridge Village is similar in style to the existing its proportions are inelegant making the roof appear top heavy and the ground and first floor oppressed by the roof. Also the proposed dormer windows on the east and west roof slopes add to the bulky appearance as does the rear extension which would also be visible on the western side. Furthermore the front bays and window treatment are very unattractive and harsh.

The rear three storey extension is higher than the existing and this together with the infilling of the void that exists between the rear roof slope of the existing and the southern roof slope of the existing extension would result in a very bulky, solid and dominant building.

The two storey extension increases in height from the existing single storey rear extension and adds to the unacceptable mass and bulk of the proposal.

The proposed intensification of this site would adversely affect the amenities of the area which would be detrimental to the residents.

This proposal seeks to cram in too many flats which is not in keeping with the street scene, adjacent properties or the Conservation Area and in effect would do nothing to preserve or enhance this area.

A smaller development, preferably a single dwelling, with gardens landscaped to suit the area with less parking would be more in keeping.

The committee are advised that the grass verge and pavement frontage belongs to the Totteridge Manor Association, and perhaps this should be brought to the attention of the applicant.

This proposal should be refused as it would be harmful to the Conservation Area, creating a dangerous precedent, and an open gate to future developers.

### **Urban Design & Heritage**

No objections subject to the proposed replacement building recommended for approval under application reference B/04605/11.

Date of Site Notice: 24 November 2011



## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The Conifers is a detached building on the northern side of Totteridge Village which is currently vacant. The lawful use of the building is as a residential care home (Class C2). Prior to this the building was used as a hotel. Historic evidence suggests the site was originally part of Gladwins Farm.

The site is within the Totteridge Conservation Area (Totteridge Village) and an area of special character and the building has been designated as making a positive contribution to the character and appearance of the Totteridge Conservation Area. The Character Appraisal Statement identifies the application property as falling within '*an informal group of modest, mainly nineteenth century buildings....they are attractive and intimate being set close to one another, typical of a village centre. They run close and parallel to the main road giving continuity and interest to the street scene.*' The land to the west begins the journey into Totteridge Common, marked by more dispersed pattern of development, increase in spaciousness and mature vegetation playing a more dominant role in the character of the area and street scene with buildings, particularly on the northern side of the road, being set further back from the highway than in the village with a marked change in the visibility of the built form and change in the boundary treatments.

The existing building is a two-storey brick (painted white in part) double fronted property with a slate roof. There is an existing two-storey projecting wing. Previously a flat roofed single storey element projected further to the rear of the existing footprint but this has since been demolished. There are 2 outbuildings sited along the eastern boundary - a two-storey brick coach house with clay tile roof and a flat roofed single storey extension to the south.

The site is bounded by existing high brick boundary walls to the west, north and east and a dwarf brick wall to the front of the site facing Totteridge Village, although there are currently temporary timber hoardings enclosing the front of the site.

To the west lies The Grange, a Grade II Listed Building which is in use as flats and to the east lies the 1970's housing development of Badgers Croft. Land to the west is within the listed curtilage of The Grange but is within the ownership of the applicant and forms part of the development site.

### Proposal:

The application seeks Conservation Area Consent for the demolition of the existing building and a single storey outbuilding along the eastern boundary of the site.

The application is accompanied by an application for the redevelopment of the site which also appears on the 12th June 2012 East Area Planning Sub-Committee Agenda.

The proposed building would have a main two-storey frontage similar to the existing and would have a part single, part two-storey rear projecting wing and is essentially split into 3 elements.

The main building proposed would be sited approximately 1m further towards the eastern boundary than the existing but would remain the same distance back from the front boundary of the site. The frontage building would have a depth of 9m and width of 12m. It would have a total height of 9.3m with dormer windows proposed the front roof slope and both side facing roof slopes. Bay windows are proposed to the ground floor similar to those on the existing building but providing balconies at first floor level. It would accommodate 1no. 3 bed flat and 1no. 2 bed flat in this part of the building.

The two-storey projection to the rear would extend around 12m to the rear of the main building with a width of 10.3m stepping out an additional 1.2m towards the western boundary towards the rear. This element would have slightly lower eaves and ridge height than the frontage building but would also have rooms in the roofspace facilitated by dormer windows. 1no. 4 bed and 1no. 2 bed unit would be accommodated in this part of the building.

The single storey element would be around 18m deep and would be 9.1m wide. It would have accommodation within the pitched roof and 2no. 2 bed units would be within this element of the building.

The existing two-storey coach house would be retained and utilised as the refuse store and the single storey flat roof element would be demolished. Cycle storage is proposed further into the site along the eastern boundary adjoining the garden boundary of No.'s 18 and 20 Badgers Croft.

A total of 9 parking spaces is proposed; 5no. spaces would be sited to the rear of the building and 4no. spaces would be sited along the eastern boundary abutting the back gardens of several properties on Badgers Croft.

As part of the proposals it is proposed to make landscaping alterations to the western part of the site adjoining The Grange.

#### Planning Considerations:

The existing building has been designated by the LPA as making a positive contribution to the character and appearance of the Totteridge Conservation Area in the Character Appraisal Statement published in 2008. There is a general presumption in favour of retaining buildings which make a positive contribution to the CA. The NPPF states that where proposed development will lead to loss of a positive contributor, it should be treated either as substantial harm or less than substantial harm (as defined in the document) dependent on the relative significance of the element affected and its contribution to the significance of the CA as a whole.

The Heritage Appraisal submitted with the application is critical of the designation of the building as a "positive building" claiming that the alterations to the building that have occurred over a number of years have devalued its contribution and its designation is unsupported. Notwithstanding these comments it remains designated as a positive building in Conservation Area Character Appraisal.

The NPPF advise that where a proposed development will lead to the total loss of significance of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the loss is necessary to achieve substantial public benefits that outweigh that loss.

The replacement building has been designed in a way to reflect the existing frontage building on the site and the rearward projections take advantage of previous permissions on the site. The intention is to replicate the predominant typology of traditional buildings in the locality being progressively extended and added to, reducing in dominance towards the rear as the building moves away from the street. A comparison between the existing, approved (N02565AD/07) and proposed building is demonstrated on plan no. 5533 SK-04/Rev A clearly showing the differences between the siting, height and bulk of the proposals. A key difference of the proposed building is the accommodation proposed in the roof space facilitated by dormer windows on all elevations to all parts of the building (frontage building and rear projections) resulting in a change to the proportions of the building.

The main frontage element is proposed to be constructed in red clay bricks with the rear projecting elements to be constructed in reused yellow stock from the existing building. The existing front elevation is white painted brick work. A slate roof is proposed as per the existing detail.

The proposed replacement building is considered to be an appropriate form of development on the site. The frontage would be very similar to the building it is proposed to replace with architectural features and detailing consistent with the style and age of the original building and the character and appearance of this part of the Conservation Area. Whilst the rear projecting elements would be larger than previously approved extensions to the building, they are not considered to be out of scale or proportion with the main building given their subordinancy to the frontage element. In addition as this element projects to the rear it would have a reduced visibility from the street.

Whilst the accommodation in the roof space would increase the bulk at this level introducing an additional level of accommodation over and above the existing and approved buildings, the overall height of the main two-storey parts of the building would be no higher than the previously consented additions. The dormer windows have been designed as subordinate features on the roof that respect the scale and appearance of the building below and are not uncommon features within the TCA.

The single storey pitched roof element to the rear is where the greatest increase in height and bulk occurs from the consented scheme given the accommodation proposed in the roof and the greater width of this part of the building. However, it should be noted that the total rearward projection is less than that previously considered acceptable on the site. Despite the increases in bulk, the design and appearance of this element is in keeping with the character and quality of development in the area and represents an improvement over the previously approved extension and would not be inappropriate in its context.

Given the quality of the proposed replacement building, the demolition of the existing building is considered acceptable and would both preserve and enhance the character and appearance of this part of the TCA.

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

Addressed above and within the planning appraisal of the officer report accompanying application B/04605/11.

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

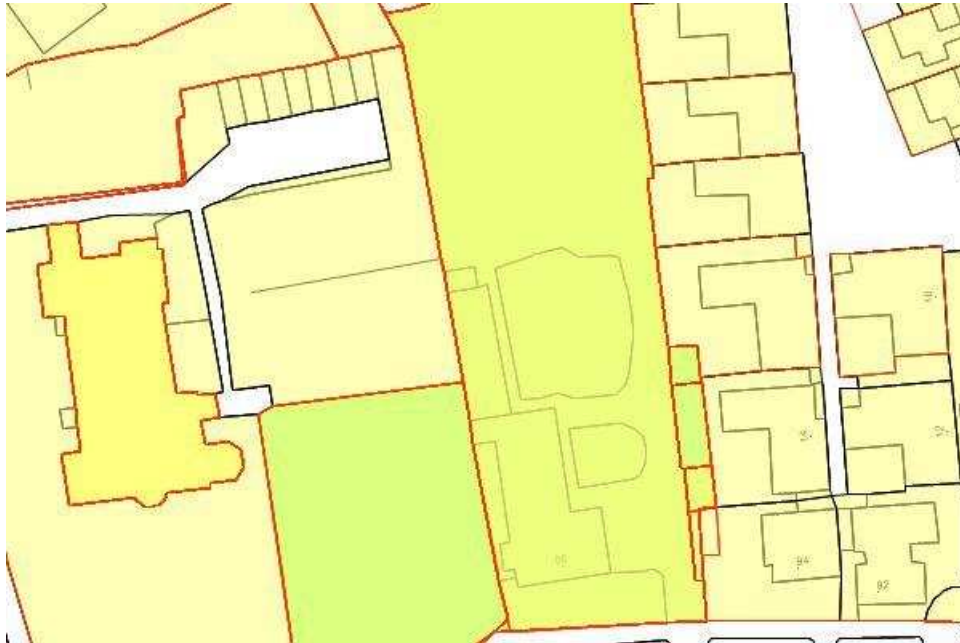
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

The proposals are considered to preserve and enhance the character and appearance of this part of the Totteridge Conservation Area and would bring back into use a vacant site. The proposals accord with local, regional and national planning policy and guidance and the application is recommended for approval subject to the redevelopment of the site as detailed in application B/04605/11.

**SITE LOCATION PLAN:** Conifers, 96 Totteridge Village, London, N20 8AE

**REFERENCE:** B/04630/11



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**LOCATION:** Conifers, 96 Totteridge Village, London, N20 8AE

**REFERENCE:** B/04630/11

**Received:** 15 November 2011

**WARD:** Totteridge

**Accepted:** 15 November 2011

**Expiry:** 10 January 2012

AGENDA ITEM 6i

**Final Revisions:**

**APPLICANT:** Enterprise Property Developments Ltd

**PROPOSAL:** Demolition of existing care home and ancillary outbuilding  
(CONSERVATION AREA CONSENT)

**APPROVE SUBJECT TO CONDITIONS SECTION 106 AGREEMENT**

**RECOMMENDATION I:**

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

**RECOMMENDATION II:**

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: B/04630/11 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 5533 SK-01/Rev A, 5533 SK-02/Rev A, 5533 SK-03/Rev A, 5533 SK-04/Rev A, 5533 SK-05, 5533 SK-06, 5533 SK-07 Rev A, 5533 SK-08/Rev A, 5533 SK-09/Rev A, 5533 -SK-12/Rev A, (revised plans dated 18/04/2012, received 20/04/2012).

Supporting Documents (Amended and received 20/04/2012):

- Supporting Planning Statement (dated April 2012)
- PPS5 and Heritage Appraisal (Revision A) Amended Design and NPPF analysis (dated April 2012)
- Tree Survey, Arboricultural Implications Assessment Report and Arboricultural Method Statement (reference 2030.AIA.RevA.Totteridge.Adam)

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

Reason:

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

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

Reason:

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

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

Reason:

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

7. No siteworks or works on this demolition or development shall be commenced before a dimensioned tree protection plan in accordance with Section 5.5 and



a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 *Trees in relation to design, demolition and construction - Recommendations* expanding on the principles set out in the Andrew Belson Arboricultural Implications Assessment Report (reference 2030.AIA.RevA.Totteridge.Adam) is submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.

Reason:

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

8. No treeworks shall be carried out other than those specifically referenced at 9.2 of the Andrew Belson Arboricultural Implications Assessment Report (reference 2030.AIA.RevA.Totteridge.Adam).

Reason:

To safeguard trees of special amenity value and the character and appearance of the Totteridge Conservation Area.

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

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

GBEnv4, HC1.

Core Strategy (Examination in Public version) 2012:

CS NPPF, CS1, CS5.

Development Management Policies (Examination in Public version)2012:

DM01, DM06.

ii) The proposal is acceptable for the following reason(s): - The demolition of the existing building subject to a suitable replacement is considered to have an acceptable impact on the character and appearance of the Totteridge Conservation Area. The proposals are in accordance with the aforementioned policies.

#### **1. MATERIAL CONSIDERATIONS**

National Planning Policy Framework

The Mayor's London Plan: July 2011

Relevant Unitary Development Plan Policies: GBEnv4, HC1.

## Core Strategy (Examination in Public version) 2012

### Development Management Policies (Examination in Public version) 2012

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

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

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

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

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

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

B/04605/11 - To be determined at East Area Planning Sub-Committee Meeting 12/06/2012

Demolition of existing carehome and ancillary outbuilding. Erection of a part single, part two storey building including rooms in roofspace to create 6no self-contained residential units. Associated parking spaces for 9no. cars, amenity space, landscaping alterations and refuse and cycle store

B/02411/11 & B/02480/11 - Withdrawn 02/08/2012

Demolition of existing building and erection of a part single, part two-storey building including rooms in the roofspace to create 6no. self-contained residential units. Associated parking for 14no. cars, amenity space, landscaping alterations and refuse and cycle store.

B/00325/11 - Still Under Consideration at time of report writing

Extension to time limit for implementing planning permission N02565AD/07 granted 05/03/08 for 'Demolition and reconstruction of rear addition and first floor side extension. Side extension to basement.'

B/00124/11 - Still Under Consideration at time of report writing

Submission of details of conditions 2 (Materials), 3 (sample board), 4(i) doors windows and frames, (ii) external timberwork, (iii) external pipe or ductwork, (iv) vents, (v) rooflights, (vi) lobby area, (5) (noise mitigation), 6 (Extraction and ventilation), 7 (recycling and refuse), 8 (temporary fencing), 9 (trees method statement), 10(tree felling/ pruning) pursuant to planning permission N02565AD/07 dated 05/03/2008.

ENF/00239/10 and ENF/00265/10/B

Tree Replacement Notice under Sections 206 & 211 of the Town and Country Planning Act 1990

N02565AD/07 - Approved 05/03/2008

Demolition and reconstruction of rear addition and first floor side extension. Side extension to basement.

N02565AA/07 & N02565AB/07 - Refused 04/05/2007

Demolition of existing buildings and redevelopment for the erection of a part two and part three storey building comprising 23no. serviced suites for close care of the elderly, including ancillary staff and communal facilities (Use Class C2)

N02565Z/01 - Approved 07/07/02

Erection of rear conservatory extension to nursing home.

N02565Y/99 - Refused 11/04/2000

Demolition of part of existing building and construction of part single, part two-storey and part lower ground level rear extension. Increasing capacity of residential care home to 35 bedspaces.

N02565X - Refused 27/07/1999

Demolition of part of existing building (residential care home) and erection of part single, part two-storey extension with rooms in roof and partial in basement increasing capacity to 43 bedspaces.

N02565W - Refused 12/11/1998

Demolition of part of the building and construction of part two and part single storey extension with rooms in roof and part basement, increasing capacity to 43 bed spaces.

N02565V - Refused 18/11/1996

Demolition of single storey building at rear (CAC)

N02565U - Refused 18/11/1996

Two storey and single storey and part basement rear extension

N02565T - Approved 05/06/1990

Two-storey side extension at rear of building to provide separate living accommodation and provision of 3 car parking spaces at rear.

N02565R - Refused 09/05/1989

Erection of a detached bungalow and integral garage on part of rear garden

N02565Q - Approved 22/02/1984

Single storey rear extension to provide staff accommodation

N02565P - Approved 28/10/1981

Change of use from hotel to old persons home

N02565C - Refused, Appeal Dismissed 19/06/1975

Two-storey rear extension to hotel and car park.

## Consultations and Views Expressed:

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

The Totteridge Residents Association have made the following comments:

The Committee and members of the TRA remain concerned about the impact of the amended development proposals currently under consideration by the Council and many of the comments raised previously still stand. These comments are expanded upon below.

The existing building is an architecturally attractive structure, that despite some alterations and additions, still makes a positive contribution to the conservation area. We are disappointed that the amended planning application still proposes to demolish the building. Its total demolition would neither preserve nor enhance the character and appearance of the conservation area, and we consider would represent a harmful incremental loss to the special character of the area as a whole. Its loss would also have an impact on the appearance of the otherwise attractive frontage onto Totteridge Village.

The existing building's total demolition will result in the loss of some finer detailing to the chimneys, windows and roofing which we consider make an important contribution to the character and appearance of this section of the conservation area. The detailing on the proposed replacement building would be of a lower quality and would result in a very different structure on a revised footing which we consider would damage the special character and visual amenity of the conservation area. The demolition of the existing building has not been justified and we consider that the existing building could be incorporated into the design of the proposed development, thus protecting the existing detailing on the building.

No case has been presented to justify why the current building on the site cannot be wholly or partially retained and repaired as part of the proposed scheme. Nor has any evidence been presented to show that an alternative use that would allow the viable retention has been explored. As such, we consider that the harm to the conservation area generated by the loss of this building has not be adequately justified in either structural or economic terms, and that the proposed replacement of the existing building with a scheme that the applicant considers is 'appropriate' to the context, is not sufficient to warrant the total demolition/loss of the existing positively contributing building. Policy HC1 of the Barnet UDP and Chapter 12 of the NPPF seek to ensure development preserves or enhances the character or appearance of a conservation area and we consider that the proposed development fails to meet these policy aims. The development is also within a designated Area of Special Character and fails to safeguard and enhance the townscape features which contribute to the identity of Areas of Special Character, contrary to Policy HC5 of the Barnet UDP.

We again note that a proposed development in 2007, which retained the former care home on the site, was refused in part due the proposed scale, bulk, massing, design, rearward projection, discordant and visually obtrusive form of development. We consider that similar concerns are raised by this scheme now before the Council. The overall footprint of the proposed development on the site is still excessive and exceeds that currently present. The proposed building footprint is also slightly removed from its existing location. Although this is a modest change, it will still have

an impact on the conservation area and setting of the adjacent Grade II listed building. Chapter 12 of the NPPF seeks to ensure that proposed development does not impact on the significance of a designated heritage asset. The existing building relates positively with the adjacent listed building and demolishing this building has not been justified in this application. Additionally, replacing it with a building of lower quality design and detailing would harm the setting of the conservation area and adjacent listed building.

The bulk, scale and rearward projection of the building still swamps the front portion of site which has historically been associated with a single large dwelling. The surrounding area comprises large single dwellings with substantial gardens and this proposal would be uncharacteristic of the conservation area.

The proposals still give rise to some impacts on the trees at the neighbouring property to the west with potential construction disruption to the root system of the HOLM OAK 8293. There is still an incursion into the RPA of the Sycamore NT2 which is not illustrated on the revised plan. The TRA are concerned that this disruption could cause long-term damage to these trees and could damage the visual amenity of the conservation area. The trees also form part of the setting of the Grade II listed building, and the redevelopment of the site to provide multiple terraced dwellings as part of a redevelopment/extension of the site has an impact on the wider setting of this building and the overall character of the area. The revised proposals for the construction of a large rearward extension behind a replacement structure to the front of the property at No. 96 Totteridge Village still constitutes a harmful change to this local character and the TRA would ask the Council to resist this incremental change.

The TRA respectfully ask that the Council gives detailed consideration to the determination of these applications and would urge Officer's to recommend refusal on the grounds set out above.

*The objections raised in relation to B/04605/11 are also relevant to this case.*

#### Internal /Other Consultations:

##### **Totteridge CAAC**

Whilst the committee is implacably opposed to the application to erect purpose built flats in the heart of the Conservation Area it does recognise that there is some improvement in this design in the amended plans.

The proposed railings to the frontage of the property appear too formal for this part of the village.

The character of the Totteridge Conservation Area is partly defined by its low density of buildings and every change which increases the intensification of use erodes the very characteristics which made it a Conservation Area.

The comments made regarding application B04605/11 /remain relevant to this application and are repeated below:

There are no existing purpose built flats in the Conservation Area and this proposal to build a block consisting of six units, if approved, would create an unacceptable precedent in the heart of Totteridge Village which is a Conservation Area under article 4 direction. This site also abuts the Green Belt and is adjacent to The Grange, a grade II listed property.

The existing property fronting Totteridge Village is listed in the Borough's Totteridge Conservation Area document as a Positive building which contributes to the Conservation Area. The main house fronting Totteridge Village is well proportioned and suits its surroundings. Its demolition would do nothing to preserve or enhance the Conservation Area.

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The rear three storey extension is higher than the existing and this together with the infilling of the void that exists between the rear roof slope of the existing and the southern roof slope of the existing extension would result in a very bulky, solid and dominant building.

The two storey extension increases in height from the existing single storey rear extension and adds to the unacceptable mass and bulk of the proposal.

The proposed intensification of this site would adversely affect the amenities of the area which would be detrimental to the residents.

This proposal seeks to cram in too many flats which is not in keeping with the street scene, adjacent properties or the Conservation Area and in effect would do nothing to preserve or enhance this area.

A smaller development, preferably a single dwelling, with gardens landscaped to suit the area with less parking would be more in keeping.

The committee are advised that the grass verge and pavement frontage belongs to the Totteridge Manor Association, and perhaps this should be brought to the attention of the applicant.

This proposal should be refused as it would be harmful to the Conservation Area, creating a dangerous precedent, and an open gate to future developers.

#### Urban Design & Heritage

No objections subject to the proposed replacement building recommended for approval under application reference B/04605/11.

Date of Site Notice: 24 November 2011

## 2. PLANNING APPRAISAL

### Site Description and Surroundings:

The Conifers is a detached building on the northern side of Totteridge Village which is currently vacant. The lawful use of the building is as a residential care home (Class C2). Prior to this the building was used as a hotel. Historic evidence suggests the site was originally part of Gladwins Farm.

The site is within the Totteridge Conservation Area (Totteridge Village) and an area of special character and the building has been designated as making a positive contribution to the character and appearance of the Totteridge Conservation Area. The Character Appraisal Statement identifies the application property as falling within *'an informal group of modest, mainly nineteenth century buildings....they are attractive and intimate being set close to one another, typical of a village centre. They run close and parallel to the main road giving continuity and interest to the street scene.'* The land to the west begins the journey into Totteridge Common, marked by more dispersed pattern of development, increase in spaciousness and mature vegetation playing a more dominant role in the character of the area and street scene with buildings, particularly on the northern side of the road, being set further back from the highway than in the village with a marked change in the visibility of the built form and change in the boundary treatments.

The existing building is a two-storey brick (painted white in part) double fronted property with a slate roof. There is an existing two-storey projecting wing. Previously a flat roofed single storey element projected further to the rear of the existing footprint but this has since been demolished. There are 2 outbuildings sited along the eastern boundary - a two-storey brick coach house with clay tile roof and a flat roofed single storey extension to the south.

The site is bounded by existing high brick boundary walls to the west, north and east and a dwarf brick wall to the front of the site facing Totteridge Village, although there are currently temporary timber hoardings enclosing the front of the site.

To the west lies The Grange, a Grade II Listed Building which is in use as flats and to the east lies the 1970's housing development of Badgers Croft. Land to the west is within the listed curtilage of The Grange but is within the ownership of the applicant and forms part of the development site.

### Proposal:

The application seeks Conservation Area Consent for the demolition of the existing building and a single storey outbuilding along the eastern boundary of the site.

The application is accompanied by an application for the redevelopment of the site which also appears on the 12th June 2012 East Area Planning Sub-Committee Agenda.

The proposed building would have a main two-storey frontage similar to the existing and would have a part single, part two-storey rear projecting wing and is essentially split into 3 elements.

The main building proposed would be sited approximately 1m further towards the eastern boundary than the existing but would remain the same distance back from the front boundary of the site. The frontage building would have a depth of 9m and

width of 12m. It would have a total height of 9.3m with dormer windows proposed the front roof slope and both side facing roof slopes. Bay windows are proposed to the ground floor similar to those on the existing building but providing balconies at first floor level. It would accommodate 1no. 3 bed flat and 1no. 2 bed flat in this part of the building.

The two-storey projection to the rear would extend around 12m to the rear of the main building with a width of 10.3m stepping out an additional 1.2m towards the western boundary towards the rear. This element would have slightly lower eaves and ridge height than the frontage building but would also have rooms in the roofspace facilitated by dormer windows. 1no. 4 bed and 1no. 2 bed unit would be accommodated in this part of the building.

The single storey element would be around 18m deep and would be 9.1m wide. It would have accommodation within the pitched roof and 2no. 2 bed units would be within this element of the building.

The existing two-storey coach house would be retained and utilised as the refuse store and the single storey flat roof element would be demolished. Cycle storage is proposed further into the site along the eastern boundary adjoining the garden boundary of No.'s 18 and 20 Badgers Croft.

A total of 9 parking spaces is proposed; 5no. spaces would be sited to the rear of the building and 4no. spaces would be sited along the eastern boundary abutting the back gardens of several properties on Badgers Croft.

As part of the proposals it is proposed to make landscaping alterations to the western part of the site adjoining The Grange.

#### Planning Considerations:

The existing building has been designated by the LPA as making a positive contribution to the character and appearance of the Totteridge Conservation Area in the Character Appraisal Statement published in 2008. There is a general presumption in favour of retaining buildings which make a positive contribution to the CA. The NPPF states that where proposed development will lead to loss of a positive contributor, it should be treated either as substantial harm or less than substantial harm (as defined in the document) dependent on the relative significance of the element affected and its contribution to the significance of the CA as a whole.

The Heritage Appraisal submitted with the application is critical of the designation of the building as a "positive building" claiming that the alterations to the building that have occurred over a number of years have devalued its contribution and its designation is unsupported. Notwithstanding these comments it remains designated as a positive building in Conservation Area Character Appraisal.

The NPPF advise that where a proposed development will lead to the total loss of significance of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the loss is necessary to achieve substantial public benefits that outweigh that loss.

The replacement building has been designed in a way to reflect the existing frontage building on the site and the rearward projections take advantage of previous permissions on the site. The intention is to replicate the predominant typology of



traditional buildings in the locality being progressively extended and added to, reducing in dominance towards the rear as the building moves away from the street. A comparison between the existing, approved (N02565AD/07) and proposed building is demonstrated on plan no. 5533 SK-04/Rev A clearly showing the differences between the siting, height and bulk of the proposals. A key difference of the proposed building is the accommodation proposed in the roof space facilitated by dormer windows on all elevations to all parts of the building (frontage building and rear projections) resulting in a change to the proportions of the building.

The main frontage element is proposed to be constructed in red clay bricks with the rear projecting elements to be constructed in reused yellow stock from the existing building. The existing front elevation is white painted brick work. A slate roof is proposed as per the existing detail.

The proposed replacement building is considered to be an appropriate form of development on the site. The frontage would be very similar to the building it is proposed to replace with architectural features and detailing consistent with the style and age of the original building and the character and appearance of this part of the Conservation Area. Whilst the rear projecting elements would be larger than previously approved extensions to the building, they are not considered to be out of scale or proportion with the main building given their subordinancy to the frontage element. In addition as this element projects to the rear it would have a reduced visibility from the street.

Whilst the accommodation in the roof space would increase the bulk at this level introducing an additional level of accommodation over and above the existing and approved buildings, the overall height of the main two-storey parts of the building would be no higher than the previously consented additions. The dormer windows have been designed as subordinate features on the roof that respect the scale and appearance of the building below and are not uncommon features within the TCA.

The single storey pitched roof element to the rear is where the greatest increase in height and bulk occurs from the consented scheme given the accommodation proposed in the roof and the greater width of this part of the building. However, it should be noted that the total rearward projection is less than that previously considered acceptable on the site. Despite the increases in bulk, the design and appearance of this element is in keeping with the character and quality of development in the area and represents an improvement over the previously approved extension and would not be inappropriate in its context.

Given the quality of the proposed replacement building, the demolition of the existing building is considered acceptable and would both preserve and enhance the character and appearance of this part of the TCA.

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

Addressed above and within the planning appraisal of the officer report accompanying application B/04605/11.

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

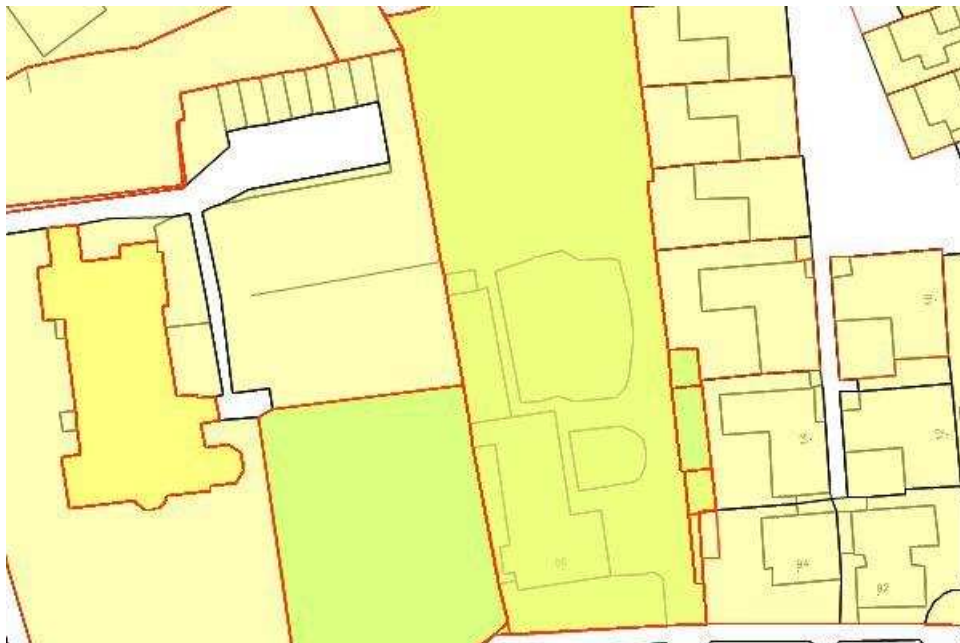
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

## **5. CONCLUSION**

The proposals are considered to preserve and enhance the character and appearance of this part of the Totteridge Conservation Area and would bring back into use a vacant site. The proposals accord with local, regional and national planning policy and guidance and the application is recommended for approval subject to the redevelopment of the site as detailed in application B/04605/11.

**SITE LOCATION PLAN:** Conifers, 96 Totteridge Village, London, N20 8AE

**REFERENCE:** B/04630/11



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**LOCATION:** Devoran, Lime Grove, London, N20 8PU

**REFERENCE:** B/00311/12

**Received:** 25 January 2012

**Accepted:** 02 February 2012

**WARD(S):** Totteridge

**Expiry:** 29 March 2012

AGENDA ITEM 6j

**Final Revisions:**

**APPLICANT:** Mr Patel

**PROPOSAL:** Alterations to existing rear dormer window and installation of rooflights on front roofslope. Installation of roof lights on existing terrace area and two sets of double doors on the rear elevation at basement level. Relocation of staircase to existing rear terrace area and the installation of two sets of steps to basement level. Rendering of the property, replacement of existing white UPVc windows and doors with aluminium framed windows and doors, and the replacement of the existing concrete roof tiles.

**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Location Plan & Block Plan (Received 28.05.2012); Drawing No. AK/07B (Received 28.05.2012); Drawing No. AK/02B revised (Received 28.05.2012); The Rooflight Company brochure - The Conservation Rooflight dated December 2011 (Received 28.05.2012).

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. Notwithstanding the details on Drawing No. AK/02B revised (Received 28.05.2012), before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

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

Reason:

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

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

Reason:

To safeguard the character and appearance of the Conservation Area.

6. Any materials, spoil or machinery to be used in the construction of the development hereby approved shall be stored on the existing hardstanding only.

Reason:

To safeguard the health of the protected trees.

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

Reason:

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

#### **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, GBEnv4, D1, D2, D4, D5, D13, H27 and HC1.

Supplementary Design Guidance Note 5: Extensions to Houses.

Supplementary Design Guidance Note 6: The Replacement of Windows and Doors.

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

Development Management Policies (Examination in Public version)2012: Relevant Policies: DM01 and DM06.

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

The proposal is considered to be acceptable in terms of its impact on the application site the general locality and the amenities of neighbouring residents. The proposal would preserve the character and appearance of this part of the Totteridge Conservation Area and accords with council policy and guidance.

2. Trees at and adjacent to this site are included within a Tree Preservation Order. This permission confers no rights for any work to be undertaken to the tree(s) that are included in the Tree Preservation Order. If any treatment is proposed an application would be required in accordance with the tree preservation legislation, which should be accompanied by a BS5837 tree survey. You are reminded that damaging, or causing or permitting damage to, a protected tree is a criminal offence that may carry a heavy penalty and appropriate precautions should be taken to ensure that no damage is caused during development works.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

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

#### Relevant Unitary Development Plan Policies:

GBEnv1, GBEnv2, GBEnv4, D1, D2, D4, D5, D13, H27 and HC1. Supplementary Design Guidance Note 5: Extensions to Houses. Supplementary Design Guidance Note 6: The Replacement of Windows and Doors.

#### Core Strategy (Examination in Public version) 2012

#### Development Management Policies (Examination in Public version) 2012

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

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

#### Relevant Core Strategy Policies: CS5.

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

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

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

#### Relevant Planning History:

<b>Site Address:</b>	DEVORAN LIME GROVE LONDON N20 8PU
<b>Application Number:</b>	N04691W/01
<b>Application Type:</b>	Full Application
<b>Decision:</b>	Refuse
<b>Decision Date:</b>	10/08/2001

**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Replacement of retaining wall increase height of fence to 1.8m and landscaping and alterations to ground level of rear garden space.**  
**Case Officer:** Cathy Munonyedi

**Site Address:** DEVORAN LIME GROVE LONDON N20 8PU  
**Application Number:** N04691V/00  
**Application Type:** Section 192  
**Decision:** Lawful Development  
**Decision Date:** 04/07/2000  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Replacement of existing, doors and windows with double glazed doors and windows.**  
**Case Officer:** Cathy Munonyedi

**Site Address:** Devoran' Lime Grove LONDON N20  
**Application Number:** N04691U  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 18/10/1999  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Ground floor/lower ground floor side/rearextension.**  
**Case Officer:**

**Site Address:** Devoran' Lime Grove LONDON N20  
**Application Number:** N04691T  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 27/09/1999  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of single storey front extension to provide porch, plus erection of rearextension.**  
**Case Officer:**

**Site Address:** Devoran Lime Grove LONDON N20  
**Application Number:** N04691S  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 18/10/1999  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Reduction in ground level and alterations at rear to provide three windows to lower ground level and erection of a retaining wall.**  
**Case Officer:**

**Site Address:** Devoran Lime Grove LONDON N20  
**Application Number:** N04691R  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 23/03/1999  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Enlarged roof incorporating extensions to front and rear. Single storey front porch extension. Single storey rear extension to form conservatory and terrace, plus elevational changes.**  
**Case Officer:**



**Site Address:** Devoran Lime Grove LONDON N20  
**Application Number:** N04691Q  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 14/10/1998  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Alterations to roof to include raising of ridge and first floor front extension, single storey rear extension to form a conservatory and terrace and elevational alterations.**

**Case Officer:**

**Site Address:** Devoran Lime Grove LONDON N20  
**Application Number:** N04691P  
**Application Type:** Retention/ Contin. Use  
**Decision:** Approve with conditions  
**Decision Date:** 07/09/1993  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Retention of dwelling as built and completion in accordance with submitted plans.**

**Case Officer:**

**Site Address:** Devoran Lime Grove LONDON N20  
**Application Number:** N04691N  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 27/10/1992  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Retention of dwelling as built and completion in accordance with submitted plans.**

**Case Officer:**

**Site Address:** Devoran Lime Grove LONDON N20  
**Application Number:** N04691L  
**Application Type:** Details Application  
**Decision:** Approve  
**Decision Date:** 12/05/1992  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Submissions of roof tile pursuant to condition 2 of planning permission N04691K granted 12/11/91.**

**Case Officer:**

**Site Address:** Devoran Lime Grove LONDON N20  
**Application Number:** N04691K  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 12/11/1991  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Rebuilding of detached house in accordance with design and elevations approved under N04691G dated 21.5.91.**

**Case Officer:**

**Site Address:** Devoran Lime Grove LONDON N20  
**Application Number:** N04691J  
**Application Type:** Listed Building Consent  
**Decision:** Approve with conditions  
**Decision Date:** 12/11/1991  
**Appeal Decision:** No Appeal Decision Applies

**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of remaining part of an unlisted building in a Conservation Area. (ConservationArea Consent).**

**Case Officer:**

**Site Address:** Devoran Lime Grove LONDON N20  
**Application Number:** N04691H  
**Application Type:** Listed Building Consent  
**Decision:** Approve with conditions  
**Decision Date:** 21/05/1991  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Part demolition of existing building. (CONSERVATION AREA CONSENT)**

**Case Officer:**

**Site Address:** Devoran Lime Grove LONDON N20  
**Application Number:** N04691G  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 21/05/1991  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Alterations to roof including rear dormer window to provide additional accommodation at first floor. Rear extensions at ground and basement level, creation of basement level accommodation. Single storey front e**

**Case Officer:**

**Site Address:** Devoran Lime Grove LONDON N20  
**Application Number:** N04691F  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 08/05/1990  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Raising height of roof and extension of roof on rear.**

**Case Officer:**

**Site Address:** Devoran Lime Grove LONDON N20  
**Application Number:** N04691E  
**Application Type:** Full Application  
**Decision:** Withdrawn  
**Decision Date:** 11/09/1990  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Side and rear extension at basement and ground floor level.(AMENDED PLANS)**

**Case Officer:**

**Site Address:** Devoran Lime Grove LONDON N20  
**Application Number:** N04691D  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 18/07/1989  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Side and rear extensions at basement and ground floor level, raising height of existing roof, and roof extensions at rear.**

**Case Officer:**

**Site Address:** 'Devoran' Lime Grove N20  
**Application Number:** N04691C  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 23/11/1983  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Single-storey side and extension and basement and single-storey side extension**

**Case Officer:**

**Site Address:** 'Devoran' Lime Grove N20  
**Application Number:** N04691B  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 12/08/1981  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Single storey side and rear extension and single storey side extension**  
**Case Officer:**

**Site Address:** Devoran Lime Grove N20  
**Application Number:** N04691A  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 05/12/1979  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Two-storey side extension, single-storey side extension with basement to provide garden store and solarium**

**Case Officer:**

**Site Address:** Devoran Lime Grove; Totteridge Village N20  
**Application Number:** N04691  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 18/12/1974  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Double garage.**  
**Case Officer:**

#### Consultations and Views Expressed:

Neighbours Consulted: 13      Replies: 7  
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Excessive development to a site which has already been substantially developed.
- The extensions, by reason of their size, scale and appearance, would be out of keeping with the existing dwelling and detrimental to the character and appearance of the Conservation Area and the Area of Special Character.
- The previous re-building of the property caused problems for the residents of Lime Grove.
- The previous re-building of the property caused damage to properties on Lime Grove.
- At the Committee Meeting in 1991, a Councillor said "Not an extra window and not another door or any deviation from the footprints of the plan would be permitted."
- Impact on traffic, access and parking on this private unadopted and narrow road.

- The application site has previously been closed down by the Council and HSE.
- Concern that the replacement of the existing roof tiles with "slate effect tiles" is unnecessary and out of keeping with the appearance of the neighbouring properties.
- Noise and disturbance as a result of an increased number of residents.
- Loss of light.
- Overlooking and loss of privacy.
- "The extension will be right on top of our border."
- The property is in disrepair due to the negligence of the current owners.
- "The owners have had multiple attempts at changing this property, all of which are not in keeping with the local community. This seems like another attempt."
- Concern regarding the size, bulk, siting and appearance of the proposed extensions.
- Visually obtrusive.
- Concern that there has been some misunderstanding about the ownership of the property and that ownership has remained within the same family.
- There have been previous refusals on this site.
- Previous works to this property caused significant damage to the neighbouring property due to negligence.
- An Enforcement Notice was issued in June 2002 "ordering that construction work at Devoran be stopped due to the many infringements of the Town & Country Planning Act 1990.
- The installation of the doors on the rear elevation would require cutting into the 300mm thick steel reinforced, concrete wall that forms part of the retaining contiguous piled wall alongside Prestwood, which was designed to protect the neighbouring property and prevent further slippage.
- Concern regarding the removal of additional soil and subsequent impact on land at Prestwood.
- Concern that the drawings do not show the significant difference in ground levels between the site at Devoran and that at Prestwood.
- The existing dwelling is already significantly larger than the original bungalow.
- Overbearing.

Internal /Other Consultations:

**Urban Design and Heritage Team**

The majority of the requested amendments have been made.  
Concern regarding the use of rooflights on the front roofslope.

**Conservation Area Advisory Committee (CAAC)**

Design appears overbearing and dominant and would adversely affect the modest street scene. Triangular dormers are unbalanced and the eastern dormer sits uncomfortably in the roof space available giving a discordant and cramped appearance. The east and west elevations appear very bulky due the proposed hall extension.

**Trees and Landscape Team**

No objection, subject to one condition and an informative.

Date of Site Notice: 09 February 2012

## 2. PLANNING APPRAISAL

### Site Description and Surroundings:

This application relates to a detached bungalow located at the northern end of Lime Grove, a cul-de-sac which extends in a northerly direction from Totteridge Lane. This site is located within the Totteridge Conservation Area (Area 3: Totteridge Village). The Totteridge Conservation Area Character Appraisal describes Lime Grove as follows: "*Lime Grove at north of the Village is a narrow leafy lane of mainly chalet type bungalows of mediocre design.*" The application property was constructed in the 1990s and is of a more modern style than the other properties along Lime Grove.

The site at No.14 Priory Close abuts the southern (front) boundary of the application site and the gardens at No.s 6 - 12 Priory Close abut the eastern (side) boundary.

The rear garden is raised above basement level and is therefore accessed via a set of steps from the lower rear patio area. To the rear of the property there is a single-storey basement extension, the roof of which is used as a terrace. Access to the rear garden from this terrace is via a set of brick steps adjacent to the boundary with Prestwood.

The ground level of the application site is lower than that of the neighbouring site (Prestwood).

There are 2 TPO protected Oak trees adjacent to the sites eastern boundary. One is located within the rear garden of No.10 Priory Close (Tree Number T35) and the other within the rear garden of No.12 (Tree Number T37). There is another Oak tree within the rear garden of the application site which, although it appears to be dead, is still included in a Tree Preservation Order.

### Proposal:

Alterations to existing rear dormer window and installation of rooflights on front roofslope. Installation of roof lights on existing terrace area and two sets of double doors on the rear elevation at basement level. Relocation of staircase to existing rear terrace area and the installation of two sets of steps to basement level. Rendering of the property, replacement of existing white UPVc windows and doors with aluminium framed windows and doors, and the replacement of the existing roof tiles.

Significant amendments have been made during the course of this application, in order to address the Council's concerns regarding the size, design and visual impact of the proposed works. The amendments are as follows:

- The removal of the proposed front extension;
- The removal of the proposed triangular dormer windows from the front roofslope;
- The removal of the proposed rear dormer window from this application and the incorporation of proposals to alter the existing rear dormer window.

As such, the current proposal does not involve any enlargement of the current footprint of the building or any increase in the bulk of the building.

### Planning Considerations:

Alterations to existing rear dormer window and installation of rooflights on front roofslope;

This proposal involves the installation of two conservation style rooflights (each measuring 1.333m long and 0.717m wide) on the front roofslope; the removal of the pitched roofs from the existing rear dormer; and alterations to the centre of this dormer to create an inverted section.

Due to their size and siting, and considering the existing rooflight to the front of the dwelling, this proposal is not considered to have a detrimental impact on the character or appearance of the application property / general streetscene and is considered to preserve the character and appearance of this part of the Totteridge Conservation Area.

The alterations to the rear dormer are considered to improve its design and appearance and therefore preserve the character and appearance of the application property, the general locality and this part of the Totteridge Conservation Area.

Notwithstanding the materials details given on the submitted plans, a condition has been imposed requiring the submission of details of the materials for the rear dormer for consideration by the Local Planning Authority.

Due to the size and orientation of the rooflights and considering the existing rear dormer window, this proposal is not considered to have a detrimental impact on the amenities of the neighbouring occupiers in terms of overbearing, loss of light, loss of outlook, overlooking or loss of privacy.

Installation of roof lights on existing terrace area and two sets of double doors on the rear elevation at basement level;

Three 1m x 2m rooflights would be installed on the roof of the existing basement extension, which is used as a terrace area. These rooflights would sit flush with the flat roof so as not to restrict the use of this area. Two sets of aluminium framed, glazed double doors are also proposed on the rear elevation of the basement extension.

Due to the siting of the proposed rooflights and the design and siting of the proposed double doors, this proposal is considered to preserve the character and appearance of the application property, the general locality and this part of the Totteridge Conservation Area.

Due to the size, siting and orientation of the rooflights and glazed doors and considering the existing rear dormer window, 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.

Relocation of staircase to existing rear terrace area and the installation of two sets of steps to basement level;

The existing brick staircase adjacent to the western boundary would be removed and replaced with a central timber staircase to the rear of this extension (between the 2 new sets of double doors), providing direct access from the existing terrace area to the rear garden. Minor excavation works would also be

carried out to the rear of the basement extension in order to provide 3 - 4 steps from basement level up to the rear garden.

Due to the size and siting of the stairwell and steps, and considering that the ground level of the application site is lower than the neighbouring site at Prestwood, 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.

Due to the size and siting of the stairwell and steps and considering the existing raised terrace area, 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.

This proposal is considered to preserve the character and appearance of this part of the Totteridge Conservation Area.

Rendering of the property, replacement of existing white UPVc windows and doors with aluminium framed windows and doors, and the replacement of the existing concrete roof tiles;

Due to the mixture of red brick and render along Lime Grove, the principle of rendering of the application property is acceptable and is considered to enhance the character and appearance of the application property and this part of the Totteridge Conservation Area.

As this property is located within the conservation Area, the removal of the existing UPVc windows is welcomed. The proposed use of aluminium framed windows on this property is considered to enhance the character and appearance of the application property and this part of the Totteridge Conservation Area.

Notwithstanding the materials details given on the submitted plans, a condition has been imposed requiring the submission of details of the proposed materials for consideration by the Local Planning Authority.

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

Many of the objections have been addressed in the above report.

- The proposed extensions and alterations have been reduced significantly. The proposed works are not considered to be excessive or visually obtrusive.
- Potential damage to neighbouring properties is not a material planning consideration and therefore proposals cannot be refused on these grounds. Structural implications, subsidence, etc are dealt with under Building Regulations.
- Each application is assessed on its own merits. Comments made at a Committee Meeting 20 years ago should not be used to pre-judge this current application.
- The proposed works are not considered to have a detrimental impact on traffic, access or parking.
- The previous closure of this site by the Council and HSE is not a material planning consideration in the determination of this application.
- Notwithstanding the details on the submitted application form and plans, a condition has been imposed requiring the submission of materials details.
- The number of inhabitants within this single household is not a material planning

- consideration in the determination of this application. Planning permission would be required for the conversion of this property into flats. The proposed alterations are not considered to result in increased noise and disturbance.
- The cause of any disrepair is not a material planning consideration.
- Each case is assessed on its own merits and therefore the number of previous applications does not have any bearing on this current application.
- The relationship of the current owners to the previous owners of this property is not a material planning consideration in the determination of this application.
- The majority of refusals on this site have been for other works and extensions. The refusal of the proposal to provide windows at basement level was in October 1999 (Ref. N04691S). This scheme was different to that currently proposed and was assessed under old policy and guidance.
- Any future breach of planning control is carried out at the applicants own risk and may be subject to further enforcement action.
- The difference in ground levels between Devoran and Prestwood were noted on site and are not considered to have any bearing on the determination of this current planning application. The agent has also amended the plans to show the difference in ground levels.

#### **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 acceptable in terms of its impact on the application site, the general streetscene, the Totteridge Conservation Area and the amenities of neighbouring residents. The proposal accords with council policy and guidance and the application is subsequently recommended for **approval** subject to conditions.



**SITE LOCATION PLAN:**

**Devoran, Lime Grove, London, N20 8PU**

**REFERENCE:**

**B/00311/12**



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**LOCATION:** Moss Lodge, 120 Nether Street, London, N12 8EU

**REFERENCE:** F/00404/12

**Received:** 31 January 2012

**Accepted:** 13 March 2012

**WARD:** West Finchley

**Expiry:** 08 May 2012 **AGENDA ITEM 6k**

**Final Revisions:**

**APPLICANT:** Mr Rachel Ajayi

**PROPOSAL:** Extension to roof including side dormer window and roof lights to the front and rear elevations to facilitate a loft conversion. Part two, part three-storey rear extension including extension to existing basement and formation of lightwells to front and rear elevations. Conversion of existing single family dwelling house into 4 self contained residential units.

**APPROVE SUBJECT TO UNILATERAL UNDERTAKING**

**RECOMMENDATION I:**

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (excl. libraries) £10,458.00**  
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £312.00**  
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £3,668.00**  
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £721.90**  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

**RECOMMENDATION II:**

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: F/00404/12 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site and Location Plan; Design & Access Statement; Supporting Statement; Plan No's: DP/1752/RG – 10; DP/1796/ES

– 1 Rev B; DP/1796/ES – 2 Rev B; DP/1796/ES – 3 Rev B; DP/1796/ES – 4 Rev B; DP/1796/ES – 5 Rev B; DP/1796/ES – 6 Rev B; DP/1796/ES – 7 Rev B; DP/1796/ES – 8 Rev B; DP/1796/ES – 9 Rev B; DP/1796/ES – 10 Rev B; DP/1796/ES – 11 Rev B.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

To protect the amenities of future and neighbouring residential occupiers.

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

Reason:

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

7. The floor plan layout as shown on the hereby approved plans must not be changed.

Reason:

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

8. Before the development hereby permitted is occupied, existing parking spaces shall be retained in accordance with the proposed planning application. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason:

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

9. Before the development hereby permitted commences a Construction Management Plan must be submitted to and approved by the Local Planning Authority. This document following approval must be complied with.

Reason:

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

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

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

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

Core Strategy (Submission version) 2011:

CS NPPF, CS1, CS5.

Development Management Policies (Submission version)2011:

DM01, DM02, DM08, DM17.

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

The conversion of the property into four self contained flats and proposed extension is considered acceptable, in character with the surrounding area. The proposal would protect the character of this part of West Finchley and respect the setting of nearby buildings. The proposal would provide acceptable standards of amenity for future occupiers and respect the amenity of existing neighbouring occupiers. The proposal is acceptable on highways grounds.

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

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

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

Further details and the application form can be downloaded from:

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

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

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

3. Any alteration to the existing crossover or new crossovers will be subject to detailed survey by the Environment, Planning and Regeneration Directorate as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. An estimate for this work could be obtained from London Borough of Barnet, Environment, Planning and Regeneration Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.
4. Refuse collection points should be located within 10 metres of the Public Highway; alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
5. 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 £4620.00.

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

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

### **RECOMMENDATION III**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 13th July 2012 the Assistant Director of Planning and Development Management REFUSE the application ref: F/00404/12 under delegated powers for the following reasons:

- The proposed development does not include a formal undertaking to meet the costs of extra education, libraries, health and social care facilities, amending to the traffic order and associated monitoring costs arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet supplementary Planning Documents - Contributions to Education (2008), Libraries (2008), Health (2009) and Monitoring (2007) and policies CS8, CS2, CS13, IMP1, IMP2 of the Adopted Unitary Development Plan (2006).

#### **1. MATERIAL CONSIDERATIONS**

##### National Planning Policy Framework:

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

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

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

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

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

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

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

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

### Relevant Unitary Development Plan Policies:

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

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

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

Design Guidance Note No 5 – Extensions to Houses.

Design Guidance Note No. 7 - Residential Conversions.

Supplementary Planning Document on Contributions to Education (2008).

Supplementary Planning Document on Contributions to Library Services (2008).

Supplementary Planning Document on Contributions to Health and Social Care (2009).

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

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

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

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

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document “Sustainable Design and Construction”. The SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.



## Core Strategy (Examination in Public version) 2012:

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

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

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

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

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

Relevant Development Management Policies: DM01, DM02, DM08, DM17.

Relevant Planning History:

C08250C - 'Change of use from dwellinghouse to old persons home, ground and first floor rear extensions, vehicular access and provision of two car parking spaces' Granted (1985).

C08250D - 'Two storey side and single storey rear extensions' Granted (1989).

C08250E - 'Change of use from a nursing home (class C2) to a use within class C1 (Hotels)' Refused (1999).

C08250F/04 - 'Change of use from a nursing home (class C2) to a dwellinghouse (Class C3)' Granted (2004).

C08250G/05 - 'Part single, part two storey rear extension. Loft conversion including side dormer window and roof lights to the rear. Enlargement of basement area' Withdrawn (2005).

C08250H/05 - 'Part single/part two-storey rear extension. Enlargement of basement. Alterations to roof including side dormer window to facilitate a loft conversion. Erection of handrail at front of property' Refused (2005) and allowed at appeal (2006).

C08250J/06 - 'Part single, part two, part three storey rear extension. Alterations to roof including addition of side dormer window to facilitate a loft conversion. Alterations to basement level and formation of lightwells to front. Conversion of existing single family dwelling house into four self contained residential units.' Refused (2006) and allowed at appeal (2007).

Consultations and Views Expressed:

Neighbours Consulted: 35  
Neighbours Wishing To 2  
Speak

Replies: 15

The objections raised may be summarised as follows:

- Application should be decided under current planning regime rather than that of earlier application in 2007.
- Proposals is contrary to existing established character of Nether Street
- Concerns about cumulative effect of intensification as a result of more flatted development
- Application contrary to Planning Policy and Council Policy
- Current application represents a substantial increase on previous proposal resulting in over development of the site
- Proposals are our character
- Proposals contrary to Design Guidance Note 5- Extensions to Houses and Design Guidance Note 7 – Residential Conversions
- Plans not accurate and omit some details
- No details of materials for sun room
- No information about impact on existing landscaping
- Concerns about impact on flood risk
- Concerns about noise implications of the development, no information about insulation to the flats
- Concerns about pressure on parking in this section of Nether Street
- Proposals out of scale with the rest of the building and neighbouring
- Concerns about the impact of basement development on surrounding houses
- Concerns about increased comings and goings, noise and disturbance as a result of the development

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Internal /Other Consultations:

### **Traffic & Development**

The proposal is for the extension and conversion of the existing 4 bedroom family dwelling house to provide 3 x 3bedroom units, 1 x 2bedroom unit and a studio flat with 4 off street parking spaces.

The parking provision is in accordance with the London Borough of Barnet Adopted Unitary Development Plan 2006.

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

### **Recommendation:**

The proposal is acceptable on highways grounds.

Date of Site Notice: 23 February 2012

## **2. PLANNING APPRAISAL**

### **Site Description and Surroundings:**

120 Nether Street is a semi-detached dwellinghouse in the West Finchley Ward. The building is located on the west side of the road between Moss Hall Grove and Hillcourt Avenue. In the past property has been used as a nursing home, however, in 2004 a change of use to a dwellinghouse was granted planning permission. The property has previously been granted planning permission for various extensions that have not been implemented. These include conversion of the property into four self contained flats, extensions and alterations granted consent at appeal in 2006. This permission was not implemented and has expired.

### Proposal:

The proposal is made up of the following elements:

1. Part single, part two, part three storey rear extension. The top storey of the extension would involve altering the mansard roof on the property with insertion of rooflights to the front and rear elevation including a rear and side dormer. Situated along the boundary with the adjoining property the extension would measure 3m deep.
2. Alterations to the roof including the addition of a side dormer window.
3. Enlargement of the basement level of the property and the formation of lightwells to the front and rear of the building.
4. Conversion of existing single family dwelling house into four self contained residential units. This would involve various external alterations.

### Planning Considerations:

#### Conversion:

It is not considered that the principle of converting the premises into four self contained flats would harm the residential character of the area. The application which provides additional residential accommodation accords with Council policy. Policy GH1 of the Adopted UDP (2006) as well as the SPD on Sustainable Design and Construction (2007) indicates that the Council will seek the provision of additional homes through the redevelopment of existing sites. It is acknowledged that the Planning Inspector has allowed four flats at the application site in 2007 and the internal layout is similar to that previously allowed at appeal (APP/N5090/A/06/2031075).

It is considered that the proposals comply with point h of Policy DM01 of the Emerging Local Plan Development Management Policies that states that conversion of dwellings into flats in roads characterised by houses will not be normally appropriate. This part of Nether Street is characterised by purpose built flats and house conversion. The neighbouring site at 114-116 has an extent permission for redevelopment as flats.

The highways department have deemed the proposal as acceptable, there will be the provision of three car parking spaces to the front of the property. On balance it is unlikely that the proposed conversion will have any additional detrimental impact on public highway. The proposal complies with the Council's maximum parking standards.

Design Guidance Note 7, relates to the adequate provision of internal space. It is considered that there is sufficient space to allow the occupants unrestricted movement within the premises. The flats exceed Barnet's minimum size of 30m<sup>2</sup> and the minimum space standards within The London Plan, policy 3.5.

In respect to the outdoor amenity space, there is access to the rear garden which is for private amenity space for all flats which provides sufficient amenity space to comply with policy H18.

To ensure the sustainability of each unit an insulation of acoustic separation for the proposed new units will be required for the floors and party walls. The applicant has not submitted this information and it will therefore be enforced through an appropriate condition attached to this recommendation. A condition requires sound insulation systems in relation to impact and airborne noise to achieve a sound attenuation in line with the Building Regulation requirements for airborne sound and impact sound.

### The Community Infrastructure Levy Regulations 2010:

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

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

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

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

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

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

### Education needs generated by the development:

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

The proposal would provide an additional residential unit that it is considered would generate an increased demand for educational facilities in the area. The calculation of additional demand (SPD para's 4.6-4.14), existing facilities and capacity (SPD para's 5.5-5.12), method of calculating the required contribution (SPD para's 3.1-3.15 and 4.1-4.5), and use of the contributions (SPD para's 5.13-5.14) are set out in the Council's SPD "Contributions to Education" adopted in 2010.

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

#### Contributions to library services:

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

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

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

#### Contributions to Health facilities:

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

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

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

#### Extensions:

In regard to the previous appeal decision (APP/N5090/A/06/2031075), it is considered that the proposed extensions in this application are an improvement to what was previously allowed and thus will ensure to protect the local character and visual amenities of neighbouring occupiers.

The main change to the previous application allowed at appeal is the fenestration of the rear elevation including the lightwells. The proposed first floor extension does not protrude into the second floor as previously allowed at appeal, this allows for a better designed rear dormer with the insertion of two additional rooflights on this elevation.

The proposed single storey rear extension would also comply with Council policies that seek to preserve the amenities of neighbouring occupiers. The design, size and rearward projection of the proposed extension are such that it would not have an adverse impact on the residential and visual amenities of the neighbouring occupiers. The depth of the single storey rear extension is in line with the Council's Design Guidance Note 5 – Extensions to Houses and measure 3 metres in depth along the boundary with the immediate neighbour No. 118 Nether Street and thus will not cause a detrimental harm to the amenities of neighbouring occupiers.

There is currently an existing basement at the application site and the proposed basement will sit mainly under the footprint of the existing property which includes a rear projection with the insertion of lightwells to the front and rear. As there is an existing basement at the application site, the proposed basement is not considered to have a detrimental impact on the amenities of adjoining neighbours.

The proposed first floor rear extension would accord with Council policies that seek to maintain the character of areas and individual properties. The design, size and bulk of the extension is such that it would not have a detrimental impact on the appearance of the property, street scene and general area.

The proposed first floor rear extension is considered to be of a satisfactory distance (4.25 metres) away from No. 118 Nether Street. This element is not considered to be unduly detrimental to neighbouring residential amenities. In relation to No. 122 Nether Street, there are no habitable room windows proposed for the first floor side elevation facing the application site to facilitate overlooking or loss of privacy and the distance to the boundary will be 2.9 metres which is considered to be acceptable.

Council's policies and guidelines in respect of extensions to residential properties seek to ensure that they respect the scale, character and design of any building on which they are to be placed and are compatible with the character of the locality. The rear and side dormers with the rooflights and thus are in character with the immediate neighbouring property.

The refuse storage has been shown on the floor plans and will be situated at the rear. This is considered to be acceptable in light of the side access to the rear and a condition has been attached in respect to the enclosure that will be provided for the refuse.

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 considered that the proposed extension, in terms of design to the rear elevation and roof are an improvement to what has been previously allowed at appeal and thus application should be approved.

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

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

There was an objection received in regard to room sizes for Flat 3, it falls 2m<sup>2</sup> short of the London Plan. The loft bedrooms are considered to be single and although they are slightly longer than twice their width, it is not considered sufficient enough to warrant a reason for refusal, as their overall size exceeds the standards.

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

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

#### **5. CONCLUSION**

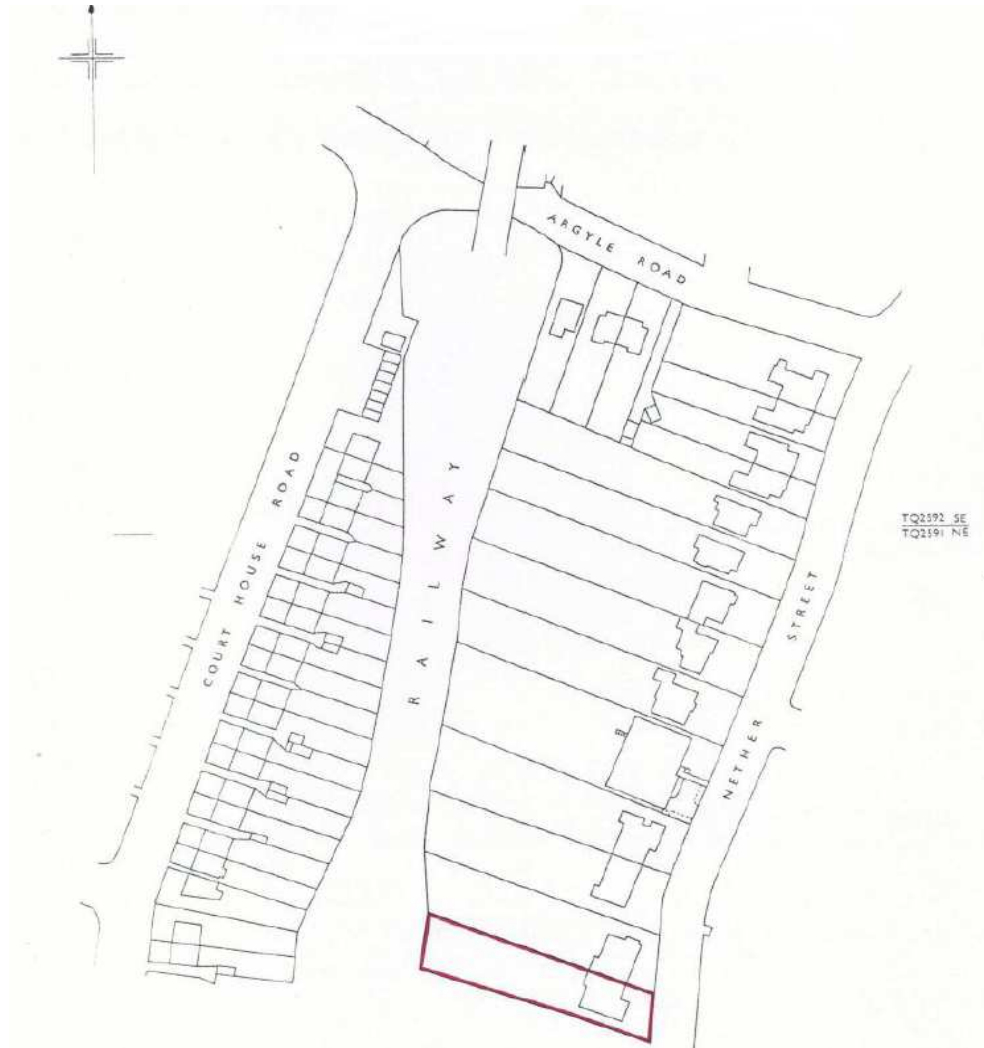
As conditioned, the proposal would provide further accommodation without detriment to the residential amenity of neighbouring and future occupiers. The proposal is acceptable on highways grounds. It is recommended the application be **approved** subject to the discharging of attached conditions.

**SITE LOCATION PLAN:  
8EU**

**Moss Lodge, 120 Nether Street, London, N12**

**REFERENCE:**

**F/00404/12**



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**LOCATION:** 21-23 Lodge Lane, London, N12 8JG

**REFERENCE:** F/03764/11

**Received:** 05 September 2011

**Accepted:** 19 September 2011

**WARD:** Woodhouse

**Expiry:** 14 November 2011

AGENDA ITEM 6I

**Final Revisions:**

**APPLICANT:** Mr J Lipman

**PROPOSAL:** Demolition of existing buildings and erection of a two storey plus rooms in roofspace building to provide of 6no self-contained flats.

**APPROVE SUBJECT TO UNILATERAL UNDERTAKING**

**RECOMMENDATION I:**

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (excl. libraries) £9,459.00**  
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £834.00**  
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £5,958.00**  
A contribution towards Health Facilities and Resources in the borough
- 6 **Highways (traffic order) £2,000.00**  
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.
- 7 **Open Spaces (ward level) £6,000.00**  
A contribution towards the improvement of open spaces in ..... ward
- 8 **Monitoring of the Agreement £1,212.55**  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

**RECOMMENDATION II:**

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: F/03764/11 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 4208 01, 4208 02, 4208 03E, 4208 04E, 4208 05C, site plan, Design and Access Statement, letters from Claridges dated 8th September 2011, 6th February 2012 and 1st March 2012, a letter from Peter Henson dated 13th December 2011 and an email from Nick Pryor dated 27th April 2012.

Reason:

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

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

Reason:

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

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

Reason:

To safeguard the visual amenities of the locality.

4. The layout of the flats hereby approved shall remain as shown on the hereby approved drawings.

Reason:

To protect the amenity of future occupiers.

5. Before the development hereby permitted is occupied, the refuse shall be provided as shown on the hereby approved drawings and retained as such thereafter.

Reason:

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

6. 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).

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

Reason:

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

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

Reason:

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

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

Reason:

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

10. No development shall take place until details of a construction management plan have been submitted to and approved in writing by the local planning authority.

Reason:

To safeguard residential amenity.

11. Before the building hereby permitted is occupied the proposed living room window of flat 3 in the side elevation and communal staircase window in the side elevation shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

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

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D9, D11, M11, M12, M13, M14, H2, H16, H17, H18, H21, L11, GCCS1, CS2, CS8, CS13, IMP1 and IMP2.

Core Strategy (Examination in Public version) 2012: CS NPPF, CS1, CS4 and CS5

Development Management Policies (Examination in Public version) 2012: DM01, DM02, DM08, DM14 and DM17.

- ii) The proposal is acceptable for the following reason(s): - Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would comply with the Council's policies and guidelines and would not cause unacceptable harm to the area, the existing building or the amenities of any neighbouring property. The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.
2. 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.
  3. Refuse collection points should be located within 10 metres of the Public Highway; otherwise, unobstructed access needs to be provided to the refuse vehicle on the day of the collection. The development access needs to be designed and constructed to allow refuse vehicles to access the site. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
  4. The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £\_\_\_\_\_.

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)

### **RECOMMENDATION III**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 13th July 2012 the Assistant Director of Planning and Development Management REFUSE the application ref: F/03764/11 under delegated powers for the following reasons:

1. The proposed development does not include a formal undertaking to meet the costs of extra education, libraries, health and social care facilities, amending to the traffic order and associated monitoring costs arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet supplementary Planning Documents - Contributions to Education (2008), Libraries (2008), Health (2009) and Monitoring (2007) and policies M14, CS8, CS2, CS13, IMP1, IMP2 of the Adopted Unitary Development Plan (2006).

## **1. MATERIAL CONSIDERATIONS**

National Planning Policy Framework

The Mayor's London Plan: July 2011

Relevant Unitary Development Plan Policies: GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D9, D11, M11, M12, M13, M14, H2, H16, H17, H18, H21, L11, GCCS1, CS2, CS8, CS13, IMP1 and IMP2.

Core Strategy (Examination in Public version) 2012

Development Management Policies (Examination in Public version) 2012

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

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

Relevant Core Strategy Policies: CS NPPF, CS1, CS4 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, DM08, DM14 and DM17.

#### History:

<b>Application:</b>	Planning	<b>Number:</b>	F/03764/11
<b>Validated:</b>	19/09/2011	<b>Type:</b>	APF
<b>Status:</b>	PDE	<b>Date:</b>	
<b>Summary:</b>	APC	<b>Case Officer:</b>	David Campbell
<b>Description:</b>	Demolition of existing buildings and erection of a two storey plus rooms in roofspace building to provide of 6no self-contained flats.		

#### Consultations and Views Expressed:

Neighbours Consulted: 117      Replies: 5  
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- The application would spoil the group of locally listed cottages.
- The proposal does not comply with policies.
- Design is not in keeping with the area.
- Out of Character.
- There is no amenity space, in an area of open space deficiency. A contribution should be sought towards open space as on Furniture Land.
- Parking - future occupiers should not be able to purchase parking permits.
- The site boundaries are not clear.
- Loss of light.
- Trees should be planted.

#### Internal /Other Consultations:

##### **Traffic & Development**

No objections.

##### Date of Site Notice:

29 September 2011

## 2. PLANNING APPRAISAL

### Site Description and Surroundings:

21-23 Lodge Lane is a vacant office building in the Woodhouse ward. The application site lies on the north side of the road, opposite the main town centre car park and close to the junction with the High Road.

### Proposal:

The proposal is for an erection of a 2 storey building to provide 6 residential units comprising 3 x 2 bedroom units and 3 x 1 bedroom units.

### Planning Considerations:

#### Existing Employment Use

The site has a current employment use. Council Policy seeks to protect employment sites and generally resists their re-development for non-employment uses. Letters from Claridges Estate Agents have been submitted with the application which states that it is unlikely that the office space could be let out.

#### Policy GEMP4 says:

The council will seek to retain land that meets strategic requirements for small, medium and large scale industrial users. If there is no realistic prospect of the re-use of a site purely for employment purposes, mixed use development for employment and housing will be a priority.

#### Policy EMP2 says:

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

Council Policies seek to retain employment generating land within the borough; *"...where there is a reasonable prospect of productive use, there will be a similar protection afforded against loss to non-industrial and non-business use. This protection will apply to slightly less desirable sites that could, or do, provide affordable premises for small firms and growing business sectors. Such a site may be redeveloped or re-used if there is no interest expressed in its use as an industrial site in its current form for a period of at least 18 months, and it has been actively marketed for such re-use or redevelopment..."*. The applicants have submitted marketing details for the site which demonstrate that a marketing exercise has been carried out without success. It is considered that given that other flats have already been approved on site, it is not considered that there would be any harm in allowing additional residential units at the expense of office space given the location of the site and the size of the unit available. It is also not considered that the loss of the office space will significantly harm job opportunities in the local area. It is also considered that the scheme as a whole will be more viable, and that the site would benefit more for more residential units than offices which would potentially be left unoccupied. Every case is site specific and it is considered that the overall delivery of the scheme and specific circumstances of the scheme render the additional

residential units acceptable. It may not always be acceptable to accept the loss of employment floorspace but at the same time each application has to be assessed on its own merits.

Paragraph 51 of the NPPF states, 'Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.'

It is considered that paragraph 51 provides justification for the change of use as the building is empty in an area with a need for more housing and there are no strong economic reasons why the development is inappropriate. The council's Property Services Team have stated that they feel the building could be re-let. However, it is considered that given the current state of the building and the new policy implications of the since adopted NPPF, it is considered that the scheme is acceptable on these grounds.

### Design

National, regional and local guidance have policies that seek to promote the redevelopment of Brownfield sites for residential use providing they are acceptable in terms of character and will not harm the amenities of future occupants or any of the adjoining uses. Policies such as H2, H16 and H17 relate to this in the Unitary development Plan and indicate that the Council will seek to provide additional homes providing that certain criteria has been conformed to. The various aspects of the application have been broken down and discussed below.

The NPPF has been adopted since the grant of the previous consent. The relevant sections are as follows:

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

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

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

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



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

It is considered that the amended application complies with the above sections of the NPPF.

Policy H16 of the adopted *Unitary Development Plan* is a housing policy which states that new residential developments should harmonise with and respect the character of the area within which they are situated and should:

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

Policy GBEnv1 of the adopted *Unitary Development Plan* is a general policy stating that the Council will protect and enhance the quality and character of the Borough's built and natural environment.

Policy GBEnv2 of the adopted *Unitary Development Plan* is a general policy including the statement that the Council will require high quality design in all new development in order to enhance the quality of the Borough's built and open environment, to utilise environmentally friendly methods of construction, to improve amenity, to respect and improve the quality of environment of existing and future residents.

Policy D1 of the adopted *Unitary Development Plan* is a Design policy stating that the all new developments should represent high quality design.

Policy D2 of the adopted *Unitary Development Plan* is a Design policy stating that the Council will encourage development proposals which are based on an understanding of local characteristics, preserve or enhance local character and respect the appearance, scale, bulk, height and pattern of surrounding buildings, surrounding street and movement patterns and the overall character and quality of the area.

The proposed development has been designed to relate to both adjoining properties in that the eaves line matches the height of the 'cottages' in Lodge Lane and the apex of the roof is the same height of the eaves on 19 Lodge Lane. The windows on the first floor follow the pattern of the cottages and a gable to match No. 19 has also been incorporated. The building has also been set back from the foot way to align with the neighbouring properties.

The footprint of the proposed building is in keeping with the area and is considered to be acceptable. The bulk, siting, scale and general proportions of the proposed building would be in character with the surroundings and sit comfortably within the site. The proposal is not considered to cause harm to the character and appearance of the street scene or wider area. The external appearance of the building is also considered to be acceptable.

## Proposed Residential Units

All the flats comply with the London Plan's space standards and as such the layout is considered to be acceptable. Private amenity space is provided in the form a small courtyard and rear amenity area. This provision falls short of the UDP standards. However this is mitigated by the town centre location of the site and the willingness of the applicant to contribute towards local parks.

Refuse and re-cycling storage is to be provided at the front of the site. A condition is attached to this decision requesting that this is implemented before occupation. A condition has also been attached to ensure the soundproofing between the units is sufficient to prevent loss of amenity in terms of noise between the flats.

There are therefore no objections on these grounds.

## Neighbouring Amenity

Policy H17 of the Adopted Unitary Development Plan (2006) requires a minimum distance of 21 metres in new developments between facing windows to habitable rooms to avoid overlooking - the proposed buildings accord with this policy. To the rear the site faces the rear gardens of properties in Woodside Park Road which are approximately 25m from the rear of the site. Windows are proposed to the side elevations are to be obscured glazed.

Policy D5 of the adopted *Unitary Development Plan* is a Design policy states that new developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. It is considered that the building has been designed to minimise impact on the adjoining properties. The application is acceptable in terms of policy D5 also.

## Amenity Space

Council Policy H18 refers to amenity space standards. For flats the requirement is 5 square metres of space per habitable room. All the proposed residential units each benefit from amenity space in the form of private balconies which exceed the required area.

The scheme does not provide amenity space for any of the flats, except with flat 1 which has a patio (which is still below the required size) and a small garden area to the rear of the building. The site also falls within an area of open space deficiency. As explained above, to address this problem, £1000 per flat is sought towards the provision of open space in the borough.

## Parking/ Access

There is currently no parking available for the existing B8 (Storage) use and no new parking is proposed for the flats. The parking requirement for the proposed development would be between 3 to 7.5 parking spaces therefore the proposal without any parking provision does not meet the parking standards set out in the UDP 2006.

However, taking into consideration the site's location within a town centre, the position of several bus routes and local amenities and that the site is located within an All Day Controlled Parking Zone, the application is considered to be acceptable.

This is subject to a legal agreement preventing the occupiers of the new development from purchasing parking permits for the North Finchley Control Parking Zone (CPZ). A contribution of £2,000 will be required towards cost of amending the traffic order to exempt the occupiers of the new development from purchasing parking permits for the North Finchley Control Parking Zone (CPZ).

### Sustainability

Sustainable development is a key priority of Central Government and the Council. Any new major residential development in Barnet is expected to meet Code Level 3 of the Sustainable Homes. A condition has been attached to ensure that this is the case.

### Section 106 Contributions

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

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

Under Policy CS8 of the Adopted UDP (2006) the council will seek to secure a financial contribution through a Section 106 Agreement for future education needs generated by the development in the Borough. The financial sum is dependant on the number and type of units proposed and is calculated in line with the council's Supplementary Planning Document on Contributions to Education. A sum of £9,459 would satisfy this requirement.

Policy CS2 of the Adopted UDP (2006) states that the council will seek to enter into planning obligations, where appropriate, in conjunction with new developments, to secure the provision of community and religious facilities. A contribution will be sought for the provision of library services in the borough in line with the council's Supplementary Planning Document on Contributions to Library Services. A sum of £834 would satisfy this requirement.

Policy CS13 of the Adopted UDP (2006) states that the council will seek to enter into planning obligations, where appropriate, in conjunction with new developments, to secure the provision of healthcare facilities. A contribution will be sought for the provision of healthcare services in the borough in line with the council's Supplementary Planning Document on Contributions to Health Facilities from Development. A sum of £5,958 would satisfy this requirement.

The delivery of the planning obligation from the negotiations stage to implementation can take considerable time and resources. As the Council is party to a large number of planning obligations, significant resources to project manage and implement schemes funded by planning obligation agreements are required. The Council therefore seeks the payment of a financial obligation towards the costs of undertaking the work relating to securing the planning obligations. The amount of contribution being sought would depend upon the final scheme. In February 2006 Cabinet approved a Supplementary Planning Document (SPD) for Planning Obligations. A sum of £1,212.55 would satisfy the monitoring requirement.

The total amount payable would therefore be £25,463.55 which is to be secured by a unilateral undertaking. This includes the open space and highway contributions.

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

The planning grounds of objection have been dealt with in the main report. However, the buildings are not locally listed and the boundary lines shown on the drawings are clear. There is not considered to be enough space to plant trees.

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

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

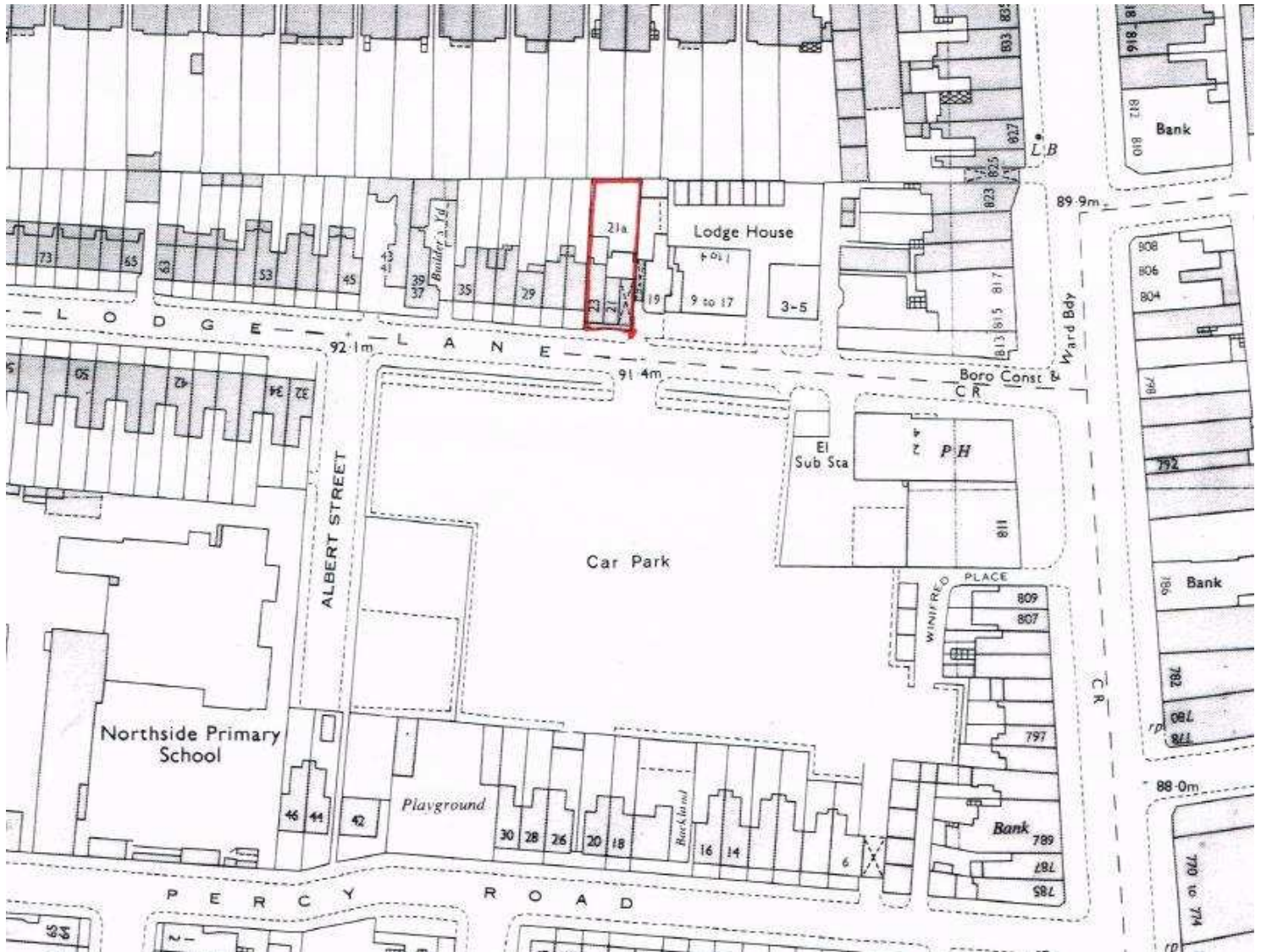
### **5. CONCLUSION**

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

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

**SITE LOCATION PLAN:** 21-23 Lodge Lane, London, N12 8JG

**REFERENCE:** F/03764/11



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**LOCATION:** 61 Holdenhurst Avenue, London, N12 0HY

**REFERENCE:** F/00832/12

**Received:** 02 March 2012

**Accepted:** 06 March 2012

**WARD(S):** Woodhouse

**Expiry:** 01 May 2012

AGENDA ITEM 6m

**Final Revisions:**

**APPLICANT:** Ms C McGregor

**PROPOSAL:** Partial change of use from residential to podiatry surgery.  
Single storey side/rear extension.

**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Design and Access statement; 12780/01.

Reason:

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

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

Reason:

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

3. A single practitioner shall operate from the premises.

Reason:

To protect the amenity of neighbouring occupiers.

4. The use hereby permitted shall not be open to customers before 9am or after 3pm on weekdays or before 9am or after 1pm on Saturdays and shall be closed on Sundays and Public/Bank holidays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

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

Reason:

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

6. 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.

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 on the extension hereby approved.

Reason:

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

## **INFORMATIVE(S):**

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, D1, D2, D5, H27, M11, M14, CS1, CS10, EMP3

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

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

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

## **1. MATERIAL CONSIDERATIONS**

National Planning Policy Framework

The Mayor's London Plan: July 2011

Relevant Unitary Development Plan Policies: GBEnv1, D1, D2, D5, H27, CS1, CS10, EMP3

Core Strategy (Examination in Public version) 2012

Development Management Policies (Examination in Public version) 2012



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

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

Relevant Core Strategy Policies: CS1, CS5

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

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

Relevant Development Management Policies: DM01, DM02, DM13, DM14

Relevant Planning History:

F/01232/12 at 19 Claverley Grove - Change of use from business to residential use - APPROVED 28/05/2012

Consultations and Views Expressed:

Neighbours Consulted:	43	Replies:	14
Neighbours Wishing To Speak	1		

7 objections and 6 letters of support have been received.

A petition with 22 signatures against the proposals has also been received.

The letters of support can be summarised as follows:

- Support proposals; there should be no increase in traffic as patients treated one at a time and not in large groups.
- No disruption experienced by neighbours

The objections raised may be summarised as follows:

- Concerns that partial change of use of building may influence or affect other applications for change of use in the future at other sites in the street.
- Concerns proposals will create increased pressure on car parking in the street
- Commercial use will impact negatively on surrounding area which is purely residential
- Concerns about increased comings and goings causing disturbance and conflict as a result of the proposed development

- Object to principle of change of use from residential to non residential use
- Concerns of increased traffic flow as a result of the proposals
- Concerns about impact on residential amenity
- No evidence provided to show there is a need for the surgery in this location or that this service cannot be met somewhere else.
- Concerns about increased comings and goings as a result of the proposals
- Scheme is a threat to the residential character of the street
- Building not suitable for surgery
- Concerns about security

Date of Site Notice: 15 March 2012

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The site is a semi-detached house on Holdenhurst Avenue where there are no specific planning restrictions.

### Proposal:

The proposals consist of the change of use of a front room (approximately 13m<sup>2</sup>) in a residential house to a podiatry surgery with a single practitioner opened between 9am and 3pm Monday to Fridays and two Saturdays a month between 9am and 1pm. The surgery would be accessed both internally and externally (to the side of the house).

A single storey side/rear extension is also proposed projecting 3.5 metres in depth and set 1 metre away from the side boundary.

The applicant has supplied a supporting statement stating that explains that the use has been operating for 35 years from Claverley Grove and that the relocation is required because their current lease will expire in October 2012.

Planning permission has recently been granted at 19 Claverley Grove (F/01232/12) to revert back to a house.

### Planning Considerations:

#### Partial change of use:

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

It is acknowledged that as part of the proposal a new extension is proposed to the rear of the site with a footprint larger than the area concerned by the proposed change of use. The proposals would therefore not result in the loss of any residential

floorspace and would comply with policy H3. Notwithstanding the additional floorspace provided in the extension, it should be noted that as a result of the move from Claverley Grove, there will be no loss of residential floorspace overall in the Borough.

Council policy CS10 says that health care facilities should be located in areas that are accessible by public transport. In close proximity to Finchley Central with good bus links running along Ballards Lane within walking distance, the site is an accessible location thus meeting council policy requirements.

The use will rely on on-street parking along Holdenhurst Avenue which has no restrictions. The London Plan states that in areas of good transport accessibility allow for reduced car parking provision in areas of good accessibility according to local circumstances. Given the transport links and the very small nature of the proposed operation, the application is considered acceptable.

The small proposed change of use from residential accommodation to a podiatry surgery is considered an acceptable change to the property and would meet the design considerations listed within the aforementioned policies. The surgery would be accessed both independently from the side of the property and via a door within the existing hall of the house. The residential accommodation would remain entirely self-contained. This will ensure that there is a complete separation between the residential and dental accommodation and the separate front door has been retained.

The proposed use would be operated between 9am and 3pm Monday to Friday and 9am to 1pm on two Saturdays each month. It would be closed at other times. Conditions have been attached relating to restrict those hours of use.

A since practitioner would operate from the premises and this is also controlled by way of condition to ensure that the development does not result in any noise and disturbance to the occupiers of the neighbouring residential properties.

Overall, the use is not considered to significantly impact on the residential amenity of neighbouring occupiers. It should be noted that there are no records of noise complaints received at the existing surgery on Claverley Grove which is a similar setting to the application site.

#### Extensions:

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

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

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

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

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

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

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

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

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

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

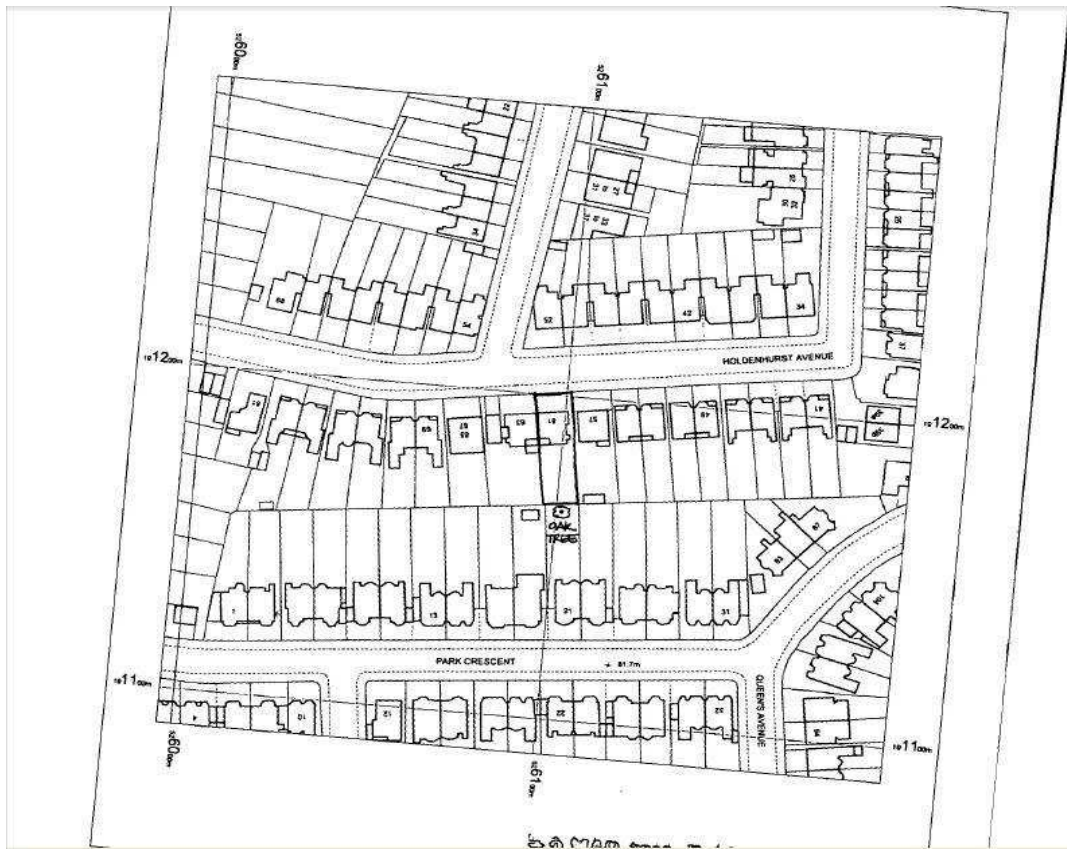
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

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

**SITE LOCATION PLAN:** 61 Holdenhurst Avenue, London, N12 0HY

**REFERENCE:** F/00832/12



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**LOCATION:** 5 Woodside Lane, London, N12 8RB

**REFERENCE:** F/00784/12

**Received:** 28 February 2012

**Accepted:** 13 March 2012

**WARD(S):** Woodhouse

**Expiry:** 08 May 2012

AGENDA ITEM 6n

**Final Revisions:**

**APPLICANT:** Mr Bielous

**PROPOSAL:** Formation of a single storey rear extension and conversion of an existing one bedroom flat and two bedroom flat into one 2 bedroom flat on ground floor, and one 1 bedroom flat and a studio flat on the upper floors.

**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 082/WOO/JAN12 Rev A; 082A/WOO/JAN12 Rev A; 082B/WOO/JAN12 Rev A; 082C/WOO/JAN12 Rev A; 082D/WOO/JAN12 Rev A; 082E/WOO/JAN12 Rev A; 082F/WOO/JAN12 Rev A; 082G/WOO/JAN12 Rev A.

Reason:

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

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

Reason:

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

3. Before the development hereby permitted 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.

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

Reason:

To protect the amenities of future and neighbouring residential occupiers.

5. 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.

6. The layout of the flats and gardens shall be carried out in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To preserve the amenities of future occupiers of the property.

7. 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".

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

Reason:

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

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

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

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

In particular the following policies are relevant:

National Policy: National Planning Policy Framework

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

Adopted Barnet Unitary Development Plan (2006):

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



Local Development Framework:

Core Strategy (Examination in Public version) 2012 – CS NPPF, CS1, CS4, CS5, CS9, CS10, CS13, CS15.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Relevant Unitary Development Plan Policies:

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

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

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

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

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

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

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

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

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

Core Strategy (Examination in Public version) 2012:

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

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

Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS10, CS13, CS15.

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

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

Relevant Development Management Policies: DM01, DM02, DM13, DM17.

## Relevant Planning History:

### **Enforcement Notices**

Reference Name

Description

**Enforcement Notice dated 23.10.92 served under Section 171A(1)(a) of the Town & Country Planning Act 1990. (The installation of a satellite dish antenna on the roof of the premises)**

## Consultations and Views Expressed:

Neighbours Consulted:	97	Replies:	7
Neighbours Wishing To Speak	1		

The objections raised may be summarised as follows:

- Owner being greedy and not “Putting the Community First” as per Barnet’s motto
- Application property is already out of keeping with other properties
- Proposals set an unwelcome precedent
- Concerns about loss of light
- Impact on congestion, parking and traffic
- Concerns about additional generation of rubbish, noise, sewerage and waste
- Loss of privacy
- Need for more family homes not single occupancy flats
- Proposals would ruin street appearance

Date of Site Notice: 22 March 2012

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site is a traditional terrace property with a two storey rear projection as a result of its ‘L’ shaped footprint located within the Woodhouse Ward.

The surrounding area is characterised by residential single family dwellings and converted dwellings with the majority of properties of a similar architectural style.

### Proposal:

The proposal relates to the formation of a single storey rear extension and conversion of an existing one bedroom flat and two bedroom flat into one 2 bedroom flat on ground floor, and one 1 bedroom flat and a studio flat on the upper floors.

The proposed units will be:

- Unit A is a 2 bed unit in which the gross area is 71 sqm;
- Unit B is a 1 bed unit in which the gross area is 55 sqm;
- Unit C is a studio unit in which the gross area is 39 sqm.

### Planning Considerations:

The immediate surroundings are characterised by houses converted into residential units as well as properties in single family occupancy. The proposal would result in

the re-use of a brownfield site and as such a flatted development is considered acceptable in this location. The proposed density is in line with policy H21. Surrounding sites have or are being re-developed for similar densities.

The immediate surroundings are characterised a mix of houses in single family occupancy and dwellings converted into flats.

The main issues are considered to be:

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

### Character and appearance

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

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

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

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

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

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

#### The living conditions of neighbouring residents

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

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

Having regard to individual aspect of the scheme, the Local Planning Authority contended that the proposal would not form an unacceptable sense of enclosure as perceived from the ground floor window and garden of no. 6.

The overall proposed extension would comply with Council Policies that seek to preserve the amenities of neighbouring occupiers. The design, size and rearward projections 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 proposed extension in terms of its depth would not result in an unacceptable loss of sunlight and natural currently experienced on site.

#### The living conditions of future residents

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

The proposed development also provides sufficient amounts of usable outdoor space for the enjoyment of future occupiers. The current scheme proposes both private and communal garden to the rear.

Whilst it is only the ground floor flat that is provided with direct access to amenity space, the property is located close to public open spaces such as Swan Lane Open Space and North Middlesex Golf Course. This is considered to be acceptable.

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

The applicant hasn't shown where the proposed refuse facilities will be located or how the refuse is to be kept; a condition for Refuse details will be attached to the permission.

#### Parking, Access and Vehicle Movements:

This proposal is considered to comply with the Highway Standards.

#### The Community Infrastructure Levy Regulations 2010:

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

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

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

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

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

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

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

#### Education needs generated by the development

Circular 05/2005 supports the use of planning obligations to secure contributions towards educational facilities, provided that they are directly related to the



development proposal, the need for them arises from its implementation, and they are related in scale and kind.

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

However, although it seems that a blanket requirement on all new residential development is usually imposed, in this case, because of the nature of the proposal, the Supplementary Planning Document "Contributions to Education" doesn't require an education contribution. It is therefore concluded that the requirement for education contributions in this case would not accord with the advice given in Circular 5/2005: Planning Obligations as there is no identified need related to the development.

#### Contributions to library services

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

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

It is considered that a financial contribution towards library services is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this. To accord with UDP Policy CS2 and the SPD the proposed scheme would require a contribution of £139 plus a monitoring fee of 5%.

#### Contributions to Health facilities

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

It is considered that a financial contribution towards future health care facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this. To accord with UDP Policy CS13 and the SPD the proposed scheme would require a contribution of £802 and a monitoring fee of 5%.

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

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

Many of the planning matters are considered to have been covered in the above appraisal.

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

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

### **5. CONCLUSION**

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

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

Having taken all material considerations into account, it is considered that the proposed development as amended would be in keeping with the character and appearance of the surrounding area. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring developments and would provided good quality residential accommodation which is at sort supply. It is recommended that the application be **APPROVED** subject to conditions.

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

**SITE LOCATION PLAN:** 5 Woodside Lane, London, N12 8RB

**REFERENCE:** F/00784/12



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