

**MEETING**

**EAST AREA PLANNING SUB-COMMITTEE**

**DATE AND TIME**

**WEDNESDAY 4TH JULY, 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.	Applications for Planning Permission and Consent under the Advertisements Regulations	
	<b>East Finchley Ward</b>	
a)	32 Church Lane, London, N2 8DT	1 - 8
	<b>Totteridge Ward</b>	
b)	Devoran, Lime Grove, London, N20 8PU	9 - 22
	<b>Woodhouse Ward</b>	
c)	21-23 Lodge Lane, London, N12 8JG	23 - 36
d)	5 Woodside Lane, London, N12 8RB	37 - 50
7.	Any Items that the Chairman decides are urgent	

### FACILITIES FOR PEOPLE WITH DISABILITIES

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### FIRE/EMERGENCY EVACUATION PROCEDURE

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

You should proceed calmly; do not run and do not use the lifts. Do not stop to collect personal belongings

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

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

**LOCATION:** 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 6a**

**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):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
- i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (UDP) (2006).  
In particular the following policies are relevant:
- Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D3, D4, D5, 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:

<b>Application:</b>	Planning	<b>Number:</b>	F/01203/12
<b>Validated:</b>	04/04/2012	<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 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.		

<b>Application:</b>	Planning	<b>Number:</b>	F/04736/11
<b>Validated:</b>	29/11/2011	<b>Type:</b>	191
<b>Status:</b>	WDN	<b>Date:</b>	05/04/2012
<b>Summary:</b>	WIT	<b>Case Officer:</b>	Junior C. Moka
<b>Description:</b>	Retention of mixed use of ground floor unit as Office (Class B1) and Distribution (Class B8).		

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

<b>Site Address:</b>	32 CHURCH LANE LONDON N2
<b>Application Number:</b>	C05267A
<b>Application Type:</b>	
<b>Decision:</b>	Not yet decided
<b>Decision Date:</b>	Not yet decided
<b>Appeal Decision:</b>	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 roofslope 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**

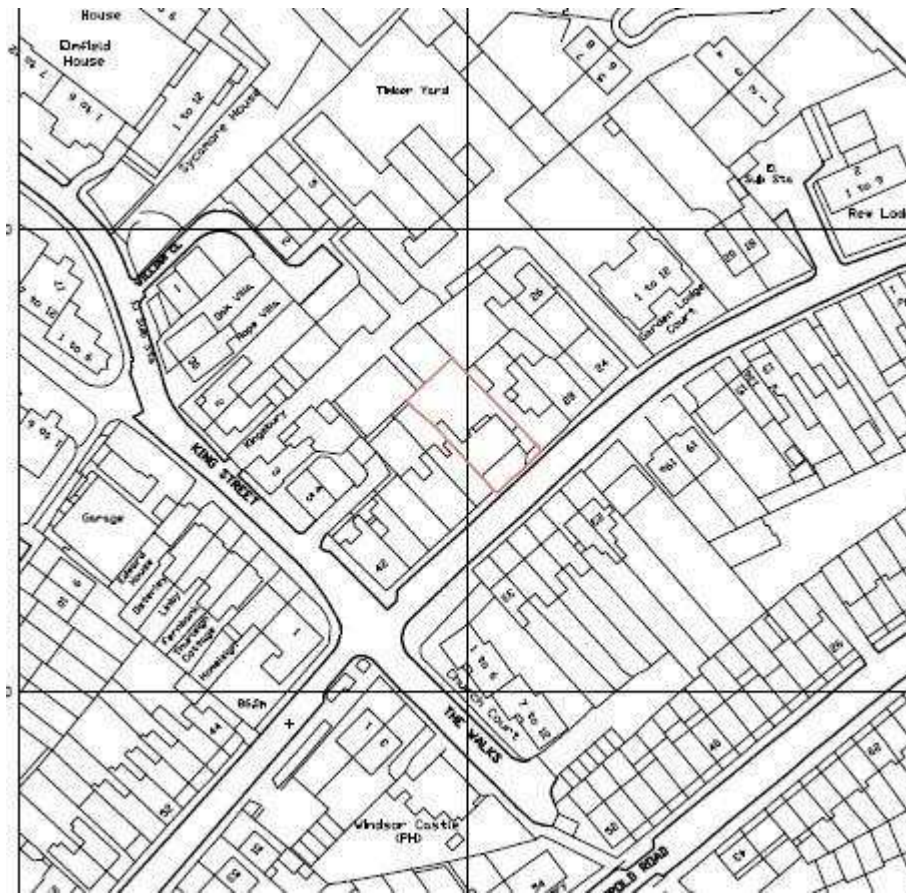
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

#### **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:** 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 6b**

**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:

**Site Address:** DEVORAN LIME GROVE LONDON N20 8PU  
**Application Number:** N04691W/01  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 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 / subsidence.
- What plans does the applicant have to reinforce this weakened wall?
- Queries regarding the applicants awareness of the Party Wall Act and their obligations to pay for a party wall surveyor?
- 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.
- Lime Grove is unsuitable for any HGV or extra traffic.

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.
- Issues regarding the Party Wall Act and the applicants relative obligations are not material planning considerations.
- The suitability of the road for HGVs of extra traffic is not a material planning consideration.

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

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

#### **5. CONCLUSION**

The 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:** 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 6c

**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 a Section 106 Agreement**

**RECOMMENDATION I:**

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

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

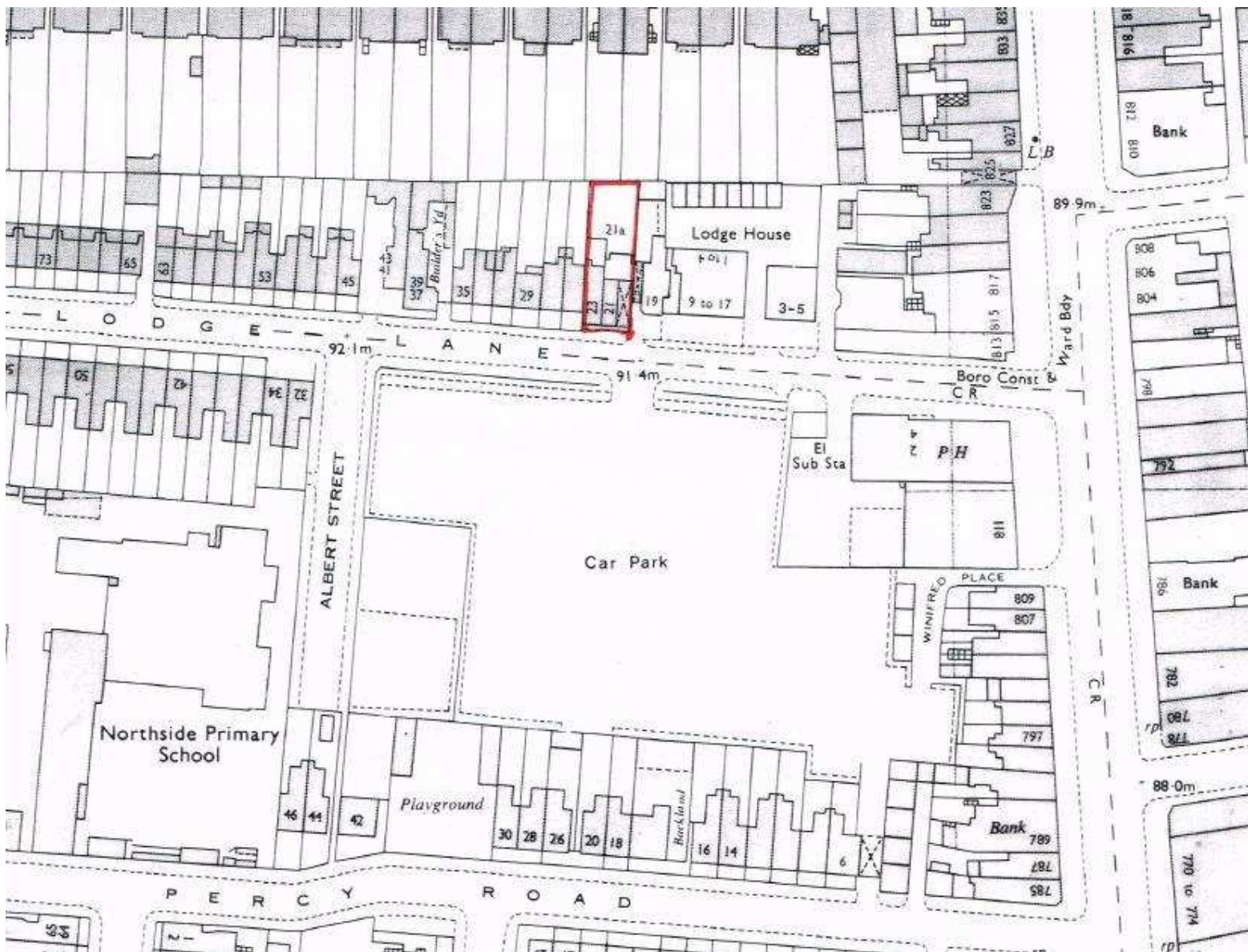
### **5. CONCLUSION**

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:** 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 6d

**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.

- 3 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.

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

Reason:

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

- 5 Prior to the occupation of the units, 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 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 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.

8 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".

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

Reason:

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

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

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

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

In particular the following polices are relevant:

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

Unitary Development Plan Policies D5 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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