

MEETING

WEST AREA PLANNING SUB-COMMITTEE

DATE AND TIME

THURSDAY 19TH JUNE, 2014

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, NW4 4BG

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

Chairman: Councillor Maureen Braun
Vice Chairman: Councillor John Marshall

Councillors

Melvin Cohen	Graham Old	Agnes Slocombe
Brian Gordon	Hugh Rayner	Jack Cohen
Sury Khatri	Claire Farrier	Vacancy

Substitute Members

Tom Davey	Val Duschinsky	Gabriel Rozenberg
Helena Hart	Eva Greenspan	Shimon Ryde
Mark Shooter	Devra Kay	Vacancy
Reuben Thompstone	Ammar Naqvi	

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

Andrew Nathan – Head of Governance

Governance Services contact: Paul Frost 0208 359 2205 paul.frost@barnet.gov.uk

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

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	
5.	Members' Item	
6.	Applications for Planning Permission and Consent under the Advertisements Regulations	
7.	3 Park Way, London, NW11 0EX	1 - 10
8.	4 Linnell Drive, London, NW11 7LJ	11 - 22
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12.	90 Audley Road, London, NW4 3HB	59 - 68
13.	Bald Faced Stag, 104 Burnt Oak Broadway, Edgware, Middx, HA8 0BE	69 - 82
14.	19 Station Road, Edgware, Middx, HA8 7JE	83 - 90
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FACILITIES FOR PEOPLE WITH DISABILITIES

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LOCATION: 3 Park Way, London, NW11 0EX
REFERENCE: F/01644/14
WARD(S): Golders Green

AGENDA ITEM 7
Received: 27 March 2014
Accepted: 22 April 2014
Expiry: 17 June 2014

Final Revisions:

APPLICANT: Mr Kut

PROPOSAL: Conversion of a single family dwelling house into to 2 self contained flats, including a rear extension and garage conversion with it's roof replacement.

RECOMMENDATION: Refuse

The principle of the conversion into two self-contained flats is considered unacceptable as the development will have a detrimental impact to the character of the area as Park Way consists of single family dwellinghouses. The proposal does not accord with policies DM01 of the Development Management Plan (2012) and Residential Design Guidance SPD (April 2013).

INFORMATIVE(S):

The plans accompanying this application are:
Letter dated 2 June 2014 from Dr J Adler
Letter dated 2 June 2014 from Dr H Berry
Letter dated 20 May 2014 from Martin Saluzzo
Location Plan
3PW-PP-01 - Existing Plans & Elevations
3PW-PP-02 - Proposed Plans & Elevations

In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the Council prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the Council to discuss possible solutions to the refusal reasons.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework (2012):

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

another. The basic question is whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

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

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

Equalities Act (2010)

The Mayor's London Plan (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.

Core Strategy (Adopted) 2012:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS15.

Relevant Development Management Policies (Adopted) 2012: DM01, DM02, DM03, DM04, DM08, DM17.

Other Material Considerations:

Residential Design Guidance (April 2013)

- Sustainable Design and Construction (April 2013)
- Planning Obligations SPD (April 2013)

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 Sustainable Design SPD provides detailed guidance and sets out how sustainable development will be delivered in Barnet. Section 2 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

Chapter 15 of the Council's Guide 'Residential Design' seeks to revise and upgrade Design Guidance Note 7 which deals with Residential Conversions. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants to help them design conversions which would receive favourable consideration by the Local Planning Authority and sets out how the council considers applications for the conversion of single family homes into two or more self-contained units.

Included advice specifies that when conversions seek new exterior alterations, such as replacement windows, doors or porches, these should reflect the prevailing local character and enhance, not disrupt, the streetscape. Conversions in appropriate locations should not have any detrimental effect; they should not raise privacy issues, parking problems or have adverse effects on residential amenity. The council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

The Planning Obligations SPD sets the requirements for different scales of development and obtaining Planning Obligations for open spaces, transport, community facilities and environmental requirements. It has been adopted alongside the Barnet's CIL Charging Schedule in May 2013, which replaces the previous obligations towards Education, Libraries and Health, and is a flat rate charge for all development as specified in the CIL Charging Schedule.

Relevant Planning History:

Site Address: 3 Parkway London NW11
Application Number: C01055
Application Type: Full Application
Decision: Approve
Decision Date: 28/07/1966
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Construction of front porch.**

Site Address: 3 Parkway NW11
Application Number: C01055A
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 16/08/1978
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey and two storey rear extension. Single storey front addition of porch and cloakroom. Raised roof, with dormers in all elevations, and new windows in front elevation.**

Site Address: 3 Parkway NW11
Application Number: C01055B
Application Type: Full Application

Decision: Approve with conditions
Decision Date: 18/12/1984
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **First floor rear extension.**
Site Address: 3 Park Way LONDON NW11
Application Number: C01055C
Application Type: Full Application
Decision: Refuse
Decision Date: 17/04/1992
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **First floor side extension**

Consultations and Views Expressed:

Neighbours Consulted: 24 Replies: 2
Neighbours Wishing To Speak 0

Two letters of support were received.

Date of Site Notice: 01 May 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The subject development site contains a two storey semi-detached dwellinghouse, which is located on the eastern side of Park Way in the ward of Golders Green.

The subject site is not a listed building and not within a conservation area.

Proposal:

The proposal seeks planning permission for the conversion of a single family dwellinghouse into two (2) self-contained residential flats, including a rear extension and garage conversion with garage roof replacement.

Planning Considerations:

The main issues in this case are considered to be covered by the following main areas:

- Whether the principle of residential units including the density of the development is appropriate for the area;
- Whether the proposal will provide suitable accommodation for future occupiers;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

Whether the principle of residential units including the density of the development is appropriate for the area

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.

Within Chapter 2 of the Core Strategy, which is a material consideration in the determination of this application, the Council state the following:

"The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flatted accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate."

Park Way is characterised by single family dwellinghouses and there are presently no approved flat conversions within the street.

The impact of the ground floor rear extensions and conversion of the garage into habitable space will be covered separately below; however it is considered that they are compliant with council's policies.

However, it is considered that the conversion of the dwellinghouse into two self-contained flats will have a detrimental impact on the character of the area and is not consistent with the direction of council's policies regarding conversions.

Whether the proposal will provide suitable accommodation for future occupiers

Space Standards

With regard to the development standards relating to minimum room sizes, the development is compliant with Table 2.1 and 2.2 in councils adopted Sustainable Design and Construction SPD 2013.

Amenity Space

With regard to the development standards relating to outdoor amenity space, the development is compliant with Table 2.3 in councils Sustainable Design and Construction SPD 2013.

Daylight, Privacy and Outlook

With regard to the development standards relating to daylight, privacy and outlook, the development is compliant with Table 2.4 in councils Sustainable Design and Construction SPD 2013.

Sound Insulation

Sound insulation between units is important and should be incorporated into the scheme which is in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels should the proposal be approved as part of an appeal; the Inspector is advised that this should be enforced by an appropriate condition attached to the decision.

Whether harm would be caused to 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.

Policies DM01 and DM02, seeks to ensure adequate outlook for occupiers adjoining new development, and that new residential developments should provide and preserve adequate residential amenity. The relevant Residential Design SPD offers guidance for the assessment.

It is considered that the principle of conversion into self-contained flats is not appropriate in this particular circumstance as the predominant local character of Park Way is that of dwellinghouses and not self-contained flats.

Park Way currently enjoys a high level of amenity given the low residential density, privacy and parking availability in the area. It is considered that conversion of the property into flats would have a cumulative impact on the character of the dwelling and street, particularly in relation to the higher densities and greater movements of people and cars, greater parking stress and more refuse for collection.

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

Policy CS5 states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'. Policy DM01 requires that development proposals should be based on an understanding of local characteristics.

Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough.

Furthermore, the Residential Design Guidance SPD advises that the design and layout of new development should be informed by the local pattern of development. The continuity of building lines, forecourt depths, road layout, space about the building and rear garden areas are all likely to be significant factors when redeveloping sites within existing residential areas.

It is considered that although the rear extensions would accord generally with the building line of No. 1 and 5 Park Way, and the length of the rear projection is not inconsistent with the pattern and rhythm of the nearby buildings, the conversion into Flats will result in changes to the front of the building, such that additional space would be required for refuse, cars, and that generally higher movements of people will result in cumulative impact on the character and appearance of the building and wider area.

3. COMMENTS ON GROUNDS OF OBJECTIONS

None.

4. EQUALITIES AND DIVERSITY ISSUES

Information supplied by the agent included a letter from the applicant's doctor detailing the medical conditions of the owner who has difficulty climbing the stairs and is no longer able to manage a large house. The doctor advises that "*she makes adjustments required for her to be able to live in the house. It is not practical for her to move as she has excellent support from her local neighbours on whom she is reliant*"

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to pay regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

Equality duties require Authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different equality groups. It is an opportunity to ensure better decisions are made based on robust evidence.

Section 149 of the Act states that a public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

It is considered that the planning application itself provides an opportunity for an understanding of disabilities to be promoted.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular steps to take account of disabled persons' disabilities.

It is considered that the applicant is within a protected group (disability). Whilst it is acknowledged that the proposals would offer some benefit to the applicant, the benefits brought about by a conversion of the property, will result in harm to the character of this part of Barnet. Furthermore, it has not been demonstrated that there is no other available (ground floor) accommodation within the vicinity of the site where the applicant could move into. It is also not considered that a conversion of the property into flats is necessary to enable the applicant to live at ground floor level (with the extensions that officers are supportive of).

In determining this planning application the Local Planning Authority must have due regard to the equalities impacts of the proposals on those persons protected under the Equality Act 2010. This Act requires the Local Planning Authority to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.

The potential equality impacts have been highlighted above. Any equalities impacts have also to be analysed in the context of the overall planning merits of the scheme and the benefits it will confer particularly on a disabled person.

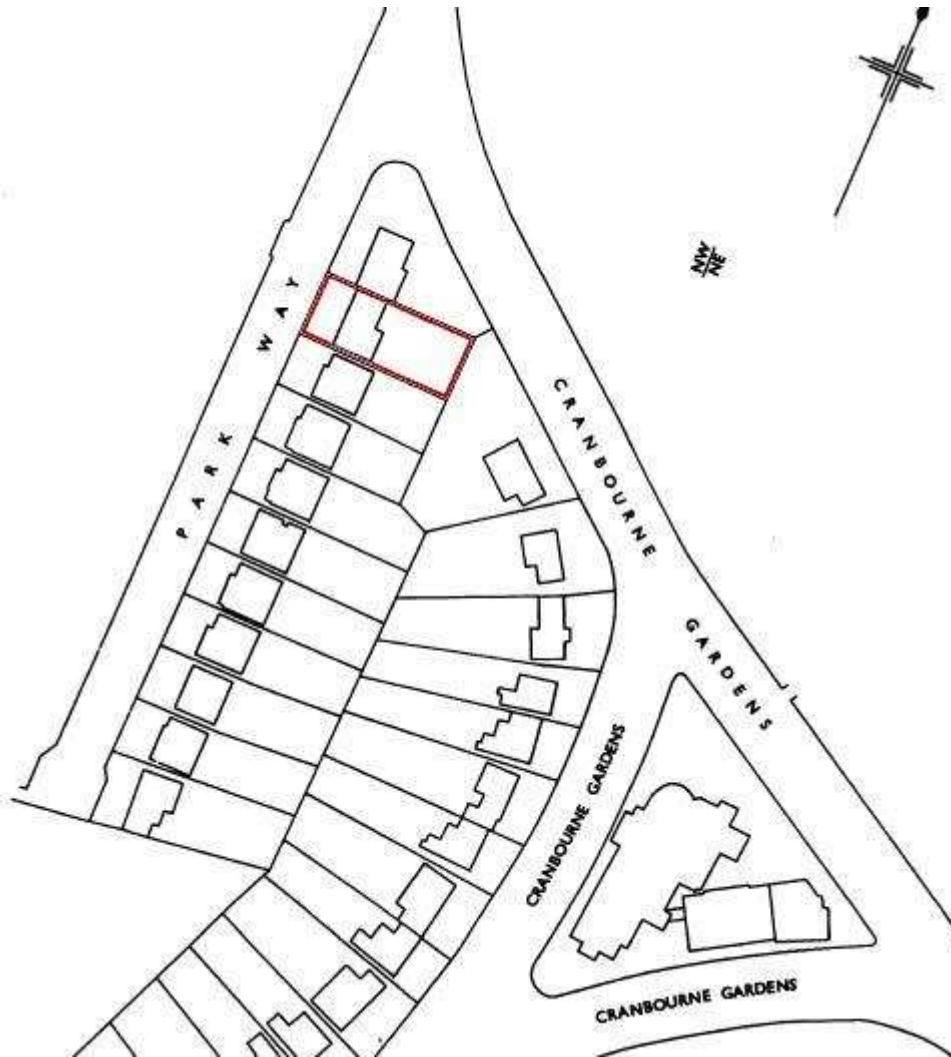
In this instance, the officers consider that the applicant has not demonstrated that the proposed conversion is the only solution to provide suitable accommodation for the applicant. The benefits to the applicant (within a protected group) would not outweigh the harm that a conversion would cause in this part of the Borough as identified in the planning appraisal above.

5. CONCLUSION

Having taken all material considerations into account including the applicant's personal circumstances, the principle of the conversion from one single family dwellinghouse into two self-contained units is deemed unacceptable as it would be out of character with this part of the Borough. Although the proposed extensions are considered acceptable, the application is recommended for **REFUSAL**.

SITE LOCATION PLAN: 3 Park Way, London, NW11 0EX

REFERENCE: F/01644/14



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LOCATION: 4 Linnell Drive, London, NW11 7LJ

REFERENCE: F/01435/14

Received: 21 March 2014

Accepted: 24 March 2014

Expiry: 19 May 2014

Final Revisions:

WARD(S): Garden Suburb

APPLICANT: Mrs I Georgeaux

PROPOSAL: Single storey side extension with rooms in the roofspace following demolition of existing west wing, extension to existing basement with associated lightwells to side and rear and roof extension involving new dormer windows to front and rear elevations. New timber gates, associated alterations to landscaping.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
1244/S01; 1244/S02; 1244/S03; 1244/S04; 1244/S05; 1244/S06; 1244/S08; 1244/S09;
1244/S21; 1244/AP 01H; 1244/AP 02H; 1244/AP 03H; 1244/AP 04H; 1244/AP 05H; 1244/AP 06H; 1244/AP 08H; 1244/AP 09H; 1244/AP21G; 1244/AP31G; 1244/AP32G; 1244/AP41G; 1244/AP43G; 1244/APD01C; 1244/APD02C;
Design and Access Statement; TWS- Basement Impact Assessment; BTP- Construction Traffic Management Plan
Reason:
For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).
- 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 surrounding area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).
- 4 The hereby approved windows shall match the original windows in material and style.
Reason:
To protect the character of the house and the Hampstead Garden Suburb Conservation Area in accordance with policy DM06 of the Adopted Barnet Development Management Policies DPD (2012).
- 5 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other

days.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).

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

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

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

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

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

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

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

Reason:

To safeguard the health of existing trees which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 10 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.

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

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

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

Reason:

To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

INFORMATIVE(S):

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
ii) In this case, formal pre-application advice was sought prior to submission of the application.

- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £40,517.97 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £156,283.59 payment under Barnet CIL.

Liability for CIL will be recorded to the register of Local Land Charges as a legal

charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides 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, which 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 other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

Relief or Exemption from CIL

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

You can apply for relief or exemption under the following categories:

1. Charity

If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extension

You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build

Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Visit:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

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 Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11th September 2012

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.

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

Supplementary Planning Documents and Guidance

The Council has adopted the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations.

- The Residential Design Guidance SPD (2013) and
- Sustainable Design and Construction SPD (2013)

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

Relevant Planning History:
None

Consultations and Views Expressed:

Neighbours Consulted:	29	Replies:	6
Neighbours Wishing To Speak	1		

The objections raised may be summarised as follows:

- proposal does look more in keeping
- out of scale
- overbearing
- too wide
- over-development
- not in character
- oversized
- unbalances dwelling
- increased over looking
- loss of privacy
- loss of amenity
- impact of basement on water table
- front landscape proposals out of character
- noise and disturbance from construction

Internal /Other Consultations:

HGS CAAC - No objection

Date of Site Notice: 03 April 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is the first property located on the southern side of Linnell Drive, within Area 4 of the Hampstead Garden Suburb Conservation Area. The existing building on site is a locally listed, detached, two-storey residential dwelling with rooms in the roofspace and basement accommodation.

The adopted Conservation Area Character Appraisal notes;

"Linnell Drive contains seven large houses built between 1908 and 1923 by a number of distinguished architects. The houses facing the Heath Extension are in very large plots and have been substantially extended. There have been changes to tiles, windows and garage extensions and additions which detract from the original character and proportions of the houses. This makes for a less coherent streetscape than that of Linnell Close, somewhat spoilt by over-development. Nonetheless, they are attractive houses, mostly drawing on Neo-Georgian influences and displaying deep roofs, prominent chimneys, hipped dormers with casement windows and sash windows on the main floors. No. 10 has two gables on its west elevation which have chimneys extending to ground level flanked by tile hung bays. No. 6 by Guy Dawber is a particularly good house, given the appearance of a Tudor house extended and refronted in the 18th century. It was used in the early promotional literature for the Suburb as an example of the sort of top-class house Unwin wanted to encourage."

Proposal:

The application seeks consent for single storey side extension with rooms in the roofspace following demolition of existing west wing, extension to existing basement with associated lightwells to side and rear and roof extension involving new dormer windows to front and rear elevations. New timber gates, associated alterations to landscaping.

The scheme following extensive pre-application discussions prior to the formal submission.

It should be noted that the original proposal to convert the property into two self contained flats has been omitted from the final scheme.

Other amendments following objections include;

- the addition of single car garage to side extension, with internal mechanical car lift
- reduction in glazing to side elevation of re-built side extension, now showing single glazed door with side windows and corner bay window
- alterations to landscaping, retaining four mature trees which provide screening between application property at 2 Hampstead Way
- a reduced parking area to front

Planning Considerations:

The main issue in this case is whether or not the alterations would be visually obtrusive forms of development which would detract from the character and appearance of the street scene and this part of the Hampstead Garden Suburb Conservation Area and have an adverse and visually obtrusive impact upon the

amenity of the occupiers of the neighbouring property.

The supplementary planning guidance for the Suburb is the Hampstead Garden Suburb Design Guidance which has been the subject of public consultation and Local Planning Authority approval. The guidance says:

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an “Area of Special Character of Metropolitan Importance”. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a ‘who’s who’ of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 – 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

Council’s policies and guidelines in respect of alterations to residential properties seek to ensure that they respect the scale, character and design of any building on which they are to be placed and are compatible with the character of the locality. Alterations will not be permitted if they do not have regard to the amenities enjoyed by neighbours.

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

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Policy DM06 of the Development Management Policies (Adopted) 2012 states that

development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

The proposed demolition of the existing side extension which current houses two double garages and its replacement with larger side extension is considered to be acceptable. The replacement extension measures an additional 0.035m, so cannot be considered to offer an overbearing addition to the locally listed host property when compared to the existing built form. As amended, a single garage has been reinstated to the front elevation and the amount of fenestration facing the rear of 2 Hampstead Way has been reduced to lessen any potential perception of overlooking and loss of privacy. At the rear a feature lightwell is proposed with arches and direct access into the basement accommodation from two sets of stairs. The arches will have small glazed sections in place of some of the bricks to allow for additional light. This is similar to that approved in the retaining wall of the rear terrace at 6 Linnell Drive (approved under reference F/04545/12 dated January 2013).

It is proposed to extend the existing basement accommodation. The only external manifestations of the basement accommodation will be the feature lightwell detailed above, and five flush glass lightwells in the rear terrace. There are no significant concerns with the proposal to increase the basement as there already exists a small basement on site, another property has been given consent to increase its basement in the same road (6 Linnell Drive reference F/04545/12 dated January 2013), and the site is located on London Clay which is not considered to give rise to any water table issues.

There is no objection to the insertion of dormer window to the front elevation. A number of other properties along Linnell Drive has this feature and therefore it is not considered to appear out of character in the street scene.

The proposed front landscaping alterations, as amended are considered to offer acceptable alterations to the character and appearance to the setting of the locally listed host property. As existing the front of the site appears barren and stark with no green features found. The introduction of landscaping to soften this is wellcomed and supported.

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

3. COMMENTS ON GROUNDS OF OBJECTION

The comments made by objectors are noted. However, the objections to increases in width, and the proposed replacement side extension being out of scale are contended as the increase in width is only 0.035m. It is therefore not considered to result in an out of scale addition to the existing dwelling house.

The concerns raised in regards to overlooking are noted. However, there is a distance of over 10.5 m between these new windows and the site boundary, in line

with the Local Plan's guidance on overlooking distances. In addition, it is noted that there are existing non obscure glazed windows closer than the proposed new windows facing the objectors.

The concerns raised in regards to the front landscaping proposals are noted. However, the amount of parking has been reduced since originally proposed and the landscaping works are considered to better enhance the significance of the locally listed host property which is considered as existing to be very stark to the front of the site, without the benefit of any green features. The landscaping proposals help to create a more pleasant setting to this locally listed property.

In regards to objections to the scale of the basement accommodation, the only above ground manifestation of this include flush, walk-on glazed rooflight windows and a feature lightwell beneath the extension in the form of archways into which small glazed bricks will be instered. This feature is similar in detail, in terms of the slit-glazing into the basement, to that approved further along at 6 Linnell Drive. It must be remembered that the application site already benefits from basement accomodation, as does 6 Linnell Drive, which also got consent to extend its basement, under reference F/04545/12 dated January 2013.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

Having taken all material considerations into account, the proposals would not detrimentally impact on the qualities of the locally listed building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area, and area of special character.

APPROVAL is recommended

SITE LOCATION PLAN: 4 Linnell Drive, London, NW11 7LJ

REFERENCE: F/01435/14

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LOCATION: 5 Thornton Way, London, NW11 6RY

REFERENCE: F/01403/14

Received: 13 March 2014

Accepted: 28 March 2014

Expiry: 23 May 2014

AGENDA ITEM 9

WARD(S): Garden Suburb

Final Revisions:

APPLICANT: Mr Caplan

PROPOSAL: Single storey side extension following the demolition of existing extension. Two-storey rear bay extension. Changes to windows and doors to south, west and north elevation. Conversion of garage into habitable room. Creation of a basement level and changes of hard/soft landscape and fenestration.

RECOMMENDATION: Approve Subject to Conditions

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

Site Location Plan; S01; S02; S03; S05; AP01R/BF Rev F; AP01R/GF Rev F; AP04 Rev E

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 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 surrounding area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 4 The hereby approved windows shall match the original windows in material and style.

Reason:

To protect the character of the house and the Hampstead Garden Suburb Conservation Area in accordance with policy DM06 of the Adopted Barnet Development Management Policies DPD (2012).

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

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of

the Adopted Barnet Development Management Policies DPD (2012).

- 6 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 in accordance with policy DM17 of the Adopted Barnet Development Management Policies DPD (2012).

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

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 8 Before the building hereby permitted is occupied the proposed window(s) in the side elevations shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

INFORMATIVE(S):

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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

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

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

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

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

The Mayor's London Plan July 2011:

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

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

Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11th September 2012

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.

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

Supplementary Planning Documents and Guidance

The Council has adopted the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations.

- The Residential Design Guidance SPD (2013) and
- Sustainable Design and Construction SPD (2013)

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

Relevant Planning History:

Site history for current landparcel :
26750 - 5 Thornton Way, London, NW11 6RY
Case Reference: F/01403/14

Application:	Planning	Number:	F/00752/09
Validated:	09/03/2009	Type:	APF
Status:	DEC	Date:	21/04/2009
Summary:	APC	Case Officer:	Fabien Gaudin
Description:	Rebuilding of slab to existing balcony to east side of quadrangle; existing balcony to be re-used.		

Consultations and Views Expressed:

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

This application has been referred to committee at the request of Councillor Marshall in order to discuss the basement.

Internal / other consultations:

HGS CAAC - Object: Wrong description on file

Date of Site Notice: 3rd April 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located on the western side of Thornton Drive, within Area 4 of the Hampstead Garden Suburb Conservation Area.

The existing building on site is a locally listed, detached, two-storey residential dwelling with rooms in the roofspace.

The adopted Conservation Area Character Appraisal notes;

"The small part of Thornton Way included in this area contains an interesting symmetrical group by I.F.C. Bell in 1927, Nos. 3-7 (odd). This group has gabled façades with arrow slit decoration and tile hanging between shallow, angled bays, two storeys high. Tiles laid edge-on frame the arches of the corner entrance porches, and wall edges. Unusually, No. 5 is designed to look like a semi-detached pair, the left-hand arch contains entrance porch and the right is slightly larger to accommodate the garage, both of which are roughcast. No. 9 is an attractive Arts and Crafts house designed by Badcock circa 1927, with an extremely steep roof and quirkily positioned windows. It has a rural flavour with leaded lights, an asymmetric design, tall, ridged chimney and original front and garage doors."

Proposal:

This application seeks consent for the following works;

- Erection of a two-storey rear bay extension.
- Single storey side extension following demolition of the existing.
- Conversion of garage into habitable room
- Creation of basement
- Alterations to landscaping
- Alterations to fenestration

Planning Considerations:

The main issue in this case is whether or not the alterations would be visually obtrusive forms of development which would detract from the character and appearance of the street scene and this part of the Hampstead Garden Suburb Conservation Area and have an adverse and visually obtrusive impact upon the amenity of the occupiers of the neighbouring property.

The supplementary planning guidance for the Suburb is the Hampstead Garden Suburb Design Guidance which has been the subject of public consultation and Local Planning Authority approval. The guidance says:

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an “Area of Special Character of Metropolitan Importance”. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a ‘who’s who’ of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 – 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

Council’s policies and guidelines in respect of alterations to residential properties seek to ensure that they respect the scale, character and design of any building on

which they are to be placed and are compatible with the character of the locality. Alterations will not be permitted if they do not have regard to the amenities enjoyed by neighbours.

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

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Policy DM06 of the Development Management Policies (Adopted) 2012 states that development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

The proposed extensions to the rear of the site as amended are considered to be acceptable. Originally two additional gables which projected above ridge level and covered most of the rear elevation were proposed. This was considered to be overbearing giving the appearance of a three storey rear extension. As amended only an additional two-storey bay window to match the existing is proposed on the other side of the existing central gable. This is considered to be a more appropriate addition to the host property, presenting no harm to its character and appearance which ensures the amenities of neighbouring occupiers is preserved.

The demolition and rebuild of the side extension is considered to be acceptable. As amended, the proposed width and height of the replacement match the existing.

There is no objection to the conversion of garage into habitable room as the external appearance will remain as a garage but with a more appropriately designed garage door, as the existing garage door is of poor design failing to enhance the significance of the host property. The amended garage door is considered to be a more appropriate and better designed addition to the site.

At the front entrance to the property, it is proposed to alter the current entrance arrangement to show a window in place of the existing front door and the door relocated to side. There is no objection to this and it matches what is found on the adjacent neighbouring property at 5 Thornton Way so will not appear out of character in the streetscene. Other fenestration alterations include the addition of new windows and ground and first floor on the side elevations.

There is no objection to the creation of basement accommodation, which is proposed to be sited under the footprint of the existing dwelling house. In addition, there are two small visible external manifestations of the basement, in the form of slot walk-on lightwells on the rear terrace, in line with the stipulations of the adopted Design Guidance, 2010. It is not harm that the addition of these two lightwells will give rise to any loss of amenities to neighbouring occupiers.

These proposed alterations, as amended are considered to ensure that this proposal would not detrimentally impact on the qualities of the building and protect the

character of this part of the Hampstead Garden Suburb Conservation Area. As conditioned, they would preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area and area of special character.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The comments made by the CAAC are noted. Since the meeting was held the scheme has been amended and the correct description added to the file.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

Having taken all material considerations into account, the proposals would not detrimentally impact on the qualities of the locally listed building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area, and area of special character. **APPROVAL** is recommended

SITE LOCATION PLAN: 5 Thornton Way, London, NW11 6RY

REFERENCE: F/01403/14



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LOCATION: 47-49 Woodstock Road, London, NW11 8QD

REFERENCE: F/06062/13

Received: 20 December 2013

Accepted: 20 December 2013

Expiry: 14 February 2014

AGENDA ITEM 10

WARD(S): Childs Hill

Final Revisions:

APPLICANT: Mr Morris

PROPOSAL: Demolition of existing pair of semi-detached houses and erection of 1No. 4 storey building plus double storey basement and including rooms in roof space, to accommodate no.9 self contained flats and no.17 underground parking spaces, storage, waste storage facilities and associated landscaping (Amended Description).

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement; Drawing no. WR13-PP-01; Drawing no. WR13-PP-02; Drawing no. WR13-PP-06 (date received 20-Dec-2013); Drawing no. WR13-PPA-200 Rev C; Drawing no. WR13-PPA-201 Rev C; Drawing no. WR13-PPA-202 Rev C; Drawing no. WR13-PPA-203 Rev C; Drawing no. WR13-PPA-204 Rev C; Drawing no. WR13-PPA-206 Rev A; Drawing no. WR13-PPA-101 Rev C (date received 14-Mar-2014); Overlay Floor Plans; Overlay Elevations (date received 13-May-2014).

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

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 character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

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 development is carried out at suitable levels in relation to the

highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

- 5 Before the development hereby permitted is occupied, parking spaces shall be provided in accordance with Drawing No WR13-PPA-200 Rev C submitted with the planning application and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development.

Reason: To ensure and promote easier access for disabled persons to the approved building in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 6 Prior to the occupation of the development, a Maintenance Agreement for the operation of the car lifts must be submitted to and approval by the Local Planning Authority and the details approved shall be implemented and retained thereafter.

Reason:

In the interests of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 7 The approved development shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. Such spaces shall be permanently retained thereafter.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

Reason: In the interests of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

Reason:

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

policies DM01, DM03, DM17 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 10 With the exception of areas marked as terraces on the approved plans listed in condition 1, the flat roof areas of the building hereby permitted shall only be used in connection with the repair and maintenance of the buildings and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

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

Reason:

To ensure the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

- 12 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 in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).

- 13 Before the development hereby permitted is occupied, the outdoor amenity areas shall be implemented as indicated on plan WR13-PPA-201 Rev C and retained as such on site thereafter.

Reason:

To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Adopted Barnet Development Management Policies DPD (2012).

- 14 The property shall be used as self-contained units as shown on the hereby approved drawings under Class C3 (a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

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

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

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 16 Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason:

The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

- 17 No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

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

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

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

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

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

Reason:

To ensure that the development is sustainable and complies with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

- 22 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 in accordance with policy DM02 and DM04 of the Adopted Barnet Development Management Policies DPD (2012).

- 23 Before the development hereby permitted commences, details of the lightwells 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 character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 24 Notwithstanding the approved plans, drawings at 1:20 scale showing details of the window reveal depths shall be submitted and approved in writing by the local planning authority prior to commencement of the development hereby approved (except site preparation/enabling works). The development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason:

To ensure the highest standards of design in the interests of the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan

- 25 The parking spaces indicated on plan no. WR13-PPA-200 Rev C shall not be used separately for any other purposes other than occupation by occupiers of the flats and shall not be rented or sold separately.

Reason:

To ensure that the proposed development does not prejudice the amenities of

occupiers of adjoining residential properties, future occupiers of the proposed units and in interest of highways safety in accordance with Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, policies DM04 and DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

INFORMATIVE(S):

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £38,850 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £149,850 payment under Barnet CIL.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

You will be sent a 'Liability Notice' that provides 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, which

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 other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us: cil@barnet.gov.uk.

- 3 In case if any modification is proposed or required to the existing access off the public highway, then it will be subject to a detailed investigation by the Crossover Team in Environment and Operations Directorate. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of any existing street furniture. This would need to be done by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on public highway from DRS, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

Removal or relocation of any existing street furniture or alteration to road markings or Controlled Parking Bays would be subject to public consultations and would be done at the applicant's expense, under a rechargeable works agreement, by the Council's term contractor for Highway Works.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team/Tree Section as part of the crossover application. The outcome of this assessment cannot be prejudged. Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, DRS, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.

- 4 Any details submitted in respect of the Demolition Construction and Traffic Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and 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.
- 5 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public

network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

Reason:

To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- 6 Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
- 7 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

The application was deferred at the last committee 09.04.14 to allow the applicant to submit a plan overlaying the existing and proposed footprints and for a Highways Officer to attend the meeting.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework (2012):

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

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

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable

councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

The Mayor's London Plan: July 2011:

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

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

Core Strategy (Adopted) 2012:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS15.

Relevant Development Management Policies (Adopted) 2012: DM01, DM02, DM03, DM04, DM08, DM17.

Other Material Considerations:

Residential Design Guidance (April 2013)
Sustainable Design and Construction (April 2013)
Planning Obligations SPD (April 2013)

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 Sustainable Design SPD provides detailed guidance and sets out how sustainable development will be delivered in Barnet. Section 2 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

Chapter 15 of the Council's Guide 'Residential Design' seeks to revise and upgrade Design Guidance Note 7 which deals with Residential Conversions. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants to help them design conversions which would receive favourable consideration by the Local Planning Authority and sets out how the council considers applications for the conversion of single family homes into two or more self-

contained units.

Included advice specifies that when conversions seek new exterior alterations, such as replacement windows, doors or porches, these should reflect the prevailing local character and enhance, not disrupt, the streetscape. Conversions in appropriate locations should not have any detrimental effect; they should not raise privacy issues, parking problems or have adverse effects on residential amenity. The council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

The Planning Obligations SPD sets the requirements for different scales of development and obtaining Planning Obligations for open spaces, transport, community facilities and environmental requirements. It has been adopted alongside the Barnet's CIL Charging Schedule in May 2013, which replaces the previous obligations towards Education, Libraries and Health, and is a flat rate charge for all development as specified in the CIL Charging Schedule.

Relevant Planning History:

Application:	Planning	Number:	F/00061/10/ENQ
Validated:	20/05/2010	Type:	ENQ
Status:	REG	Date:	
Summary:	DEL	Case Officer:	David Campbell
Description:	Demolition of existing building and erection of 9 flats.		

Application:	Planning	Number:	F/02849/13
Validated:	08/07/2013	Type:	APF
Status:	WDN	Date:	02/09/2013
Summary:	WIT	Case Officer:	Tassama Amlak
Description:	Demolition of existing buildings and erection of 1no. 4 storey building plus basement and including rooms in roof space, to accommodate 9No. self contained flats and a11no. parking spaces, cycle storage, waste and recycling storage facilities and associated landscaping.		

Application:	Planning	Number:	F/06062/13
Validated:	20/12/2013	Type:	APF
Status:	REG	Date:	
Summary:	DEL	Case Officer:	Denisse Celi
Description:	Demolition of existing pair of semi-detached houses and erection of 1No. 4 storey building plus double storey basement and including rooms in roof space, to accommodate no.9 self contained flats and no.17 underground parking spaces, storage, waste storage facilities and associated landscaping (Amended Description).		

Consultations and Views Expressed:

Neighbours Consulted:	85	Replies:	6
Neighbours Wishing To Speak	0		

The objections received prior to receipt of amendments and re-consultation, may be

summarised as follows:

- Too dense
- Excessive on site-parking accessed from a small busy road.
- Building completely different to that on street.
- Out of character.
- Flooding
- Loss of family units
- Additional traffic congestion despite the underground parking
- Building will be taller
- Loss of light
- Additional residents, additional noise.
- Different age groups attracted results in loss of family orientated nature of locality
- Modern building not in keeping with character of area
- Obstruct views & light to adjacent to neighbouring properties
- Additional occupiers resulting in additional noise.
- Revised scheme is twice the size of surrounding houses
- Multiple skylights are hideous
- Poor access to underground parking from Armitage Road, creating significant traffic problems
- Poorly designed, ugly, unsightly

Since the meeting on the 9th April 2014 the following additional objections have been received based on the amended scheme and can be summarised as follows:

- Increase pressure on parking
- Concern parking spaces will be rented out.
- Instability of double basement
- Only area in Golders Green with this historic style in a complete section-proposal demolishes key historic buildings
- Area is first view from main shopping road and unique in its style and grandeur.
- Destroy first visual of residential, changing the character of the area.
- Eyesore due to differing materials
- Overlooking & loss of privacy
- Noise & disturbance

Internal /Other Consultations:

Highways- raised initial concerns with insufficient parking spaces for the size of the proposed development, the access from the car lift, inadequate turning spaces in the underground parking. The highways officer recommended that a development of this size and in this location should benefit from a range of between 10.5 to 16 parking spaces to meet the parking standards set out in Policy DM17. The amendments are considered to have addressed the concerns from Highways. In principle, the Highways support the application and have recommended several conditions and highways informatives which are attached to this report.

Date of Site Notice: 23 January 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is comprised of a pair of two storey semi-detached properties located on the corner of Woodstock Road, at the junction with Armitage Road, within the Golders Green Ward. The properties are not listed nor do they lie within a Conservation Area.

Development along this section of Woodstock Road is mixed in nature. It consists of single family dwellings, blocks of purpose-built flats and converted flats of varying designs and between two and three storey in height.

The site is located close to the Golders Green Town Centre and has been rating as having very good accessibility with a PTAL rating of 6a.

Proposal:

The applicant seeks planning permission for the following development:

- Demolition of existing semi-detached houses consisting of a single family unit (no.49) and a converted property accommodating 3no self-contained flats (no.47)
- Erection of four storey building and associated a double storey basement including 17 underground parking spaces and storage at basement level 2.
- Provision of 9no. self-contained flats and mixed private and communal amenity space.
- Associated landscaping

The proposed flats will consist of 4no duplex flats at basement level 1 and ground floor (2no. x 3 bed flats and 2no. x 4 bed flats); 2no flats at first floor (2no. x 3 bed flats); 2no flats at second floor (2no. x 3 bed flats); 1no flat at third floor (1 bed flat).

The current proposal follows the withdrawal of the previous planning application (reference F/02849/13) for a development to accommodate a similar number of units on the site, and extensive negotiations with the Planning Department to address several issues with design, massing and scale.

Planning Considerations:

The main issues in this case are considered to be covered by the following main areas:

- Whether the principle of residential units including the density of the development is appropriate for the area;
- Whether the proposal will provide suitable accommodation for future occupiers;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

Principle of self contained units

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, particularly in Town Centre locations 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.

Policy CS5 states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'. Policy DM01 requires that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

Furthermore, the Residential Design Guidance SPD advises that the design and layout of new development should be informed by the local pattern of development. The continuity of building lines, forecourt depths, road layout, space about the building and rear garden areas are all likely to be significant factors when redeveloping sites within existing residential areas. The assessment of these is considered at below.

Development Plan Policies require proposals to provide an appropriate range of dwelling sizes and types, taking account of the housing requirements of different groups. The council's Local Plan documents (Core Strategy and Development Management Policies DPD) identify 3 and 4 bedroom units as the highest priority types of market housing for the borough.

The principle of demolition is considered acceptable. The property are not within a conservation area and are not of particular architectural merit to warrant its retention. Furthermore, there are other examples of purpose built block of flats in the vicinity and therefore the principle of flatted development would not be out of character with the locale.

Density

London Plan policy 3.4 seeks to optimise the housing potential of sites with reference to the density matrix contained in Table 3.2 which provides a guide to appropriate density ranges for particular locations, depending on accessibility and character. The application site has excellent accessibility and benefits from the highest PTAL of 6a. It is considered to fall within an urban setting as defined in the London Plan.

The London Plan Density Matrix therefore suggests a range of 45 to 185 units per hectare and 200 to 700 habitable rooms per hectare. The site is approximately 0.0932 hectares in size, proposes 9 flats with a total of 57 habitable rooms. The proposal for 9 flats would equate to a density of 97 units per hectare (612 habitable room per ha).

All matters considered, the density of the development is considered to be appropriate for the area and therefore the Council has no objection on this matter.

Standard of accommodation provided and amenities of future occupiers of the proposed units

Local Plan policies require high quality design in all new development that creates attractive places which are welcoming, accessible and inviting. Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings, outdoor amenity space and play space. Policy DM04 states that buildings should be designed to minimise exposure to air pollutants. The same policy states that proposals to locate noise sensitive development in areas with high levels of noise will not normally be permitted and also that the mitigation of any noise impacts will be expected where appropriate.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new dwellings. These include requirements to provide high quality indoor and outdoor spaces, set minimum internal space standards for different types of unit and seek accommodation which has an appropriate layout and meets the needs of its occupiers over their lifetime.

The council's adopted supplementary planning documents (SPDs), Sustainable Design and Construction and Residential Design Guidance, and the Mayor's Housing Supplementary Planning Guidance, provide more detailed guidance on a range of matters related to creating new dwellings that have adequate amenities for their future occupiers.

Table 3.3 in the London Plan provides a minimum gross internal floor area for different types of dwelling. All the proposed units comply with or exceed these minimum standards as indicated in the table below:

	<i>Size of Unit</i>	<i>Floorspace provided</i>	<i>Minimum space standard</i>
Flat 1	4 bed 8 occupiers	196 m ²	119 m ²
Flat 2	4 bed 8 occupiers	184.9 m ²	119 m ²
Flat 3	3 bed 6 occupiers	159.1 m ²	95 m ²
Flat 4	3 bed 6 occupiers	168.9 m ²	95 m ²
Flat 5	3 bed 5 occupiers	119.6 m ²	86 m ²
Flat 6	3 bed 6 occupiers	112.2 m ²	95 m ²
Flat 7	3 bed 5 occupiers	110 m ²	86 m ²
Flat 8	3 bed 5 occupiers	105.5 m ²	86 m ²
Flat 9	1 bed 2 occupiers	64.9 m ²	50 m ²

Development plan policy requires that new dwellings are provided with adequate outlook. The design approach proposed is considered to maximize the outlook of occupiers, and the amendments to the scheme have ensured that the quality of the outlook for future occupiers, particular to the habitable rooms located on the basement level, is acceptable.

Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units; an appropriate condition has been attached to the recommendation.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room (definition of a habitable room is set out in the glossary including the maximum size considered before a room is counted as two (20 sqm). The applicant has provided private gardens for Flat1 and Flat 2 which meet the outdoor amenity space standard. In addition, a communal garden of 159 sqm at basement level and 159sqm at ground floor is provided. This exceeds the required amenity space for the 7 flats (excluding flats 1 and 2 which benefit from private outdoor amenity space) of 195 sqm and is therefore acceptable.

Refuse bins are located to the rear of the site and accessed from Armitage Road.

With regards to the provision of parking, the amended scheme provides 17 parking spaces including 4 disabled parking spaces, which are accessed by a car lift off Armitage Road. In addition, the scheme incorporates storage spaces at basement level 2.

The application, if approved by the Committee, will be subject to a Section 278 Agreement with regard to the relocation of the business parking bays. In addition, the Planning Department considers that the provision of 1 car lift is acceptable and the condition relating to the maintenance is intended to address concerns raised with regards to highways safety.

For the reasons specified above, the proposal is not considered to provide substandard accommodation to future occupiers and is therefore acceptable.

Design and character matters:

The National Planning Policy Framework 2012 makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors, securing high quality design goes beyond aesthetic considerations.

Local Plan policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The London Plan also contains a number of relevant policies on character, design and landscaping. Policy 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

Development should seek to make the most effective and efficient use of land. A design-led approach should be taken to defining appropriate plot ratios and residential densities, having regard to the suburban setting, good public transport accessibility, building heights. Massing (bulk of buildings) should be reflective of the suburban setting and role of the town centre; any element that results in over-dominance (visual) should be avoided.

The buildings and spaces proposed in the application respond positively to the context of the site and are found to have an acceptable relationship with the neighbouring buildings, streets and spaces. This is achieved in a number of ways.

The proposed design and bulk of the proposed building has been amended to respect the pattern of buildings in this section of the road. In addition, the scale of the building would also be in keeping with adjacent buildings. The building has been designed and amended to reflect the architectural style of similar properties, in particular the semi-detached properties located to the north west (no.45 and 43). The ridge height, bulk and style of roof and front gables are reflective of the immediately adjoining properties and therefore are not considered to be over dominant in the corner location. At the rear elevation, the design incorporates gable projections that area characteristic to the properties of the same period.

An additional storey has been created by lowering the ground floor level, although the height of the proposed building would not exceed that of the immediately adjacent development and there would be adequate space between both the proposed development and existing surrounding properties to ensure that it is not overly dominant.

The side elevation fronting Armitage Road has been significantly reduced in depth in order to reduce the visual impact on the streetscene. The projection along Armitage Road is reflective of the massing of the other properties in the immediate vicinity and the building is not considered to be overly dominant on this streetscene.

In summary, officers consider that the size, scale, siting and design of the building proposed are such that they would adequately respect the character of the surrounding area. The overall design quality of the development responds to the site context. Subject to the conditions recommended, the proposal is found to be acceptable and compliant with Development Plan Policies as they relate to design and character matters. The proposal is therefore considered to comply with the relevant design policies set out above.

Living conditions of neighbouring occupiers and impact on character

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

Policies DM01 and DM02, seeks to ensure adequate outlook for occupiers adjoining new development, and that new residential developments should provide and preserve adequate residential amenity.

The Residential Design Guidance SPD identifies that there should be a minimum distances of about 21m between properties with facing windows to habitable rooms and 10.5m to a neighbouring garden, in order to avoid overlooking in new developments. The development exceeds these requirements and therefore the development would not result in overlooking to adjacent properties or loss of light.

The ground floor will not project more than 3.5 metres from the rear elevation of no.45 and is therefore not considered to cause greater harm than if the existing dwelling were retained and an extension of 3.5 metres, which complies with the Council's guidance, was erected. Similarly, at first floor level, the projection closest to no. 45 will not project further than the existing rearward projection of no.45. Therefore, the rearward elements at the depth specified are not considered to be detrimental to the amenities of neighbouring occupiers and will not result in loss of light or perceived sense of enclosure in particular, to neighbouring occupiers.

It is noted that the intensification of the use will increase, however given the Town Centre location, it is not considered that this is sufficient to warrant refusal of the application.

Following Highways consultation, the proposal (as amended) is considered to be

acceptable and it is considered that there are adequate parking spaces for the size of the development.

Community Infrastructure Levy

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013. The proposal is liable for the increase in floorspace which has an area of 1110 sqm. Therefore, should the application be approved at appeal, the Mayoral CIL required is **£38,850.00** and the Barnet CIL required is **£149,850.00**.

3. COMMENTS ON GROUNDS OF OBJECTIONS

It is considered that the comments raised by objectors have been addressed in the report above.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

Having taken all material considerations into account, the proposed development is considered to result in accommodation that exceeds the minimum space standards and therefore would be suitable for future occupiers. Furthermore, the massing, siting and design of the overall building would reflect the immediate adjacent properties and the general mixed tenure locale. 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: 47-49 Woodstock Road, London, NW11 8QD

REFERENCE: F/06062/13



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LOCATION: 49 Village Road, London, N3 1TJ

REFERENCE: F/02170/14

Received: 18 April 2014

Accepted: 18 April 2014

Expiry: 13 June 2014

AGENDA ITEM 11

WARD(S): Finchley Church End

Final Revisions:

APPLICANT: Mr & Mrs BLEDDIN

PROPOSAL: Single storey rear extension including raised patio and steps to garden.

RECOMMENDATION: Refuse

- 1 The proposed single storey rear extension by virtue of its width, size, siting, design and bulk would result in an overly dominant addition which would fail to respect the established character and appearance of the Finchley Garden Village Conservation Area and of the host property. The proposal does not accord with policy DM01 and DM06 of the Local Plan Development Management Policies (2012), Residential Design Guidance SPD (April 2013), Finchley Garden Village Design Guidance and Character Appraisal (2013).
- 2 The proposed single storey rear extension and associated patio by virtue of its width, size, siting, design and bulk would result in an overly dominant addition which would result in direct overlooking and perceived sense of enclosure to the amenities of the adjoining occupiers at no.51 Village Road. The proposal does not accord with policy DM01 of the Local Plan Development Management Policies (2012), Residential Design Guidance SPD (April 2013), Finchley Garden Village Design Guidance and Character Appraisal (2013).

INFORMATIVE(S):

- 1 The plans accompanying this application are: Drawing no. SK 01; Drawing no. 13-09-01; Drawing no. 13-09-02; Drawing no. 13-09-05; Drawing no. 13-09-06 (date received 18-Apr-2014).
- 2 In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.
The applicant did not seek to engage with the Council prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the Council to discuss possible solutions to the refusal reasons.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the

planning system does not exist to protect the private interests of one person against another.

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

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

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

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

The Mayor's London Plan July 2011:

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

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

Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11th September 2012

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.

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

Supplementary Planning Documents and Guidance

The Council has adopted the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations.

- The Residential Design Guidance SPD (2013) and
- Sustainable Design and Construction SPD (2013).

Finchley Garden Village Conservation Area Character Appraisal and Design Guidance 2013

The Residential Design Guidance 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, extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Relevant Planning History:

Site Address: 49 Village Road LONDON N3 1TJ
Application Number: C11536A
Application Type: Full Application
Decision: Approve
Decision Date: 24/05/1994
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Retention of alterations to side and rear elevations and patio; New steps to rear. New window to side elevation.**

Case Officer:

Site Address: 49 Village Road, London, N3 1TJ
Application Number: F/04282/11
Application Type: Householder
Decision: Refuse
Decision Date: 16/03/2012
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Two storey rear extension including alterations to existing rear terrace.**
Case Officer: Elizabeth Thomas

Site Address: 49 Village Road, London, N3 1TJ
Application Number: F/01988/13
Application Type: Householder
Decision: Withdrawn
Decision Date: Not yet decided
Proposal: **Single storey rear extension including raised patio and steps to garden.**

Case Officer: Denisse Celi

Site Address: 49 Village Road, London, N3 1TJ
Application Number: F/02170/14
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: **Single storey rear extension including raised patio and steps to garden.**

Case Officer: Denisse Celi

Other relevant history:

23 Village Road (F/00444/14) – “Variation of condition 1 (Plans) pursuant to planning permission F/02444/11 dated 18/8/11 for "Extension to the time limit for implementing planning permission F/01739/08 granted 17/07/2008 for single storey side and rear extensions. Loft conversion with roof light on side and rear dormer". Amendment include changes to approved plans.”

The application was considered to be acceptable as the application sought minor amendments to an existing extant permission, which could still be lawfully undertaken.

Consultations and Views Expressed:

Neighbours Consulted: 3
Neighbours Wishing To
Speak

Replies: 0

The objections raised may be summarised as follows: None

Internal /Other Consultations:

Finchley Conservation Area’s CAAC – Recognise the proposal is contrary to the adopted Design Guidance, there are occasions when it does not impinge on the amenities of neighbouring occupiers and it will not detrimentally impact upon the neighbours, and as proposed to the rear, will not be readily seen.

Councillor Thomas called the application to the committee and stated his support for the proposal being "in harmony with the surrounding area" and considers that it respects the character of the conservation area.

Date of Site Notice: 08 May 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located on Village Road, within the Finchley Garden Village Conservation Area. The application property is a two storey semi detached building.

The site forms part of the Village Road Conservation Area, designated as such in November 1978. The existing property holds no designation, whereas the majority of the other properties in the Conservation Area are locally listed. There is an existing Article 4 (1) Direction on the Conservation Area; this restricts permitted development rights to all the properties.

The character of the conservation area is derived from the country-style semi-detached houses on a tree-lined street which passes through a central “village green”. The backcloth of trees in the Windsor Open Space adds to the garden suburb feel. Most of the early twentieth century house frontages are largely unaltered however; alterations to some of the properties have occurred at the rear including the insertion of a rear dormer window in the neighbouring property no.50 Village

Road.

The Conservation Area Character Appraisal notes;

"Finchley Garden Village Conservation Area includes Nos. 1-26 and 31-51 Village Road and Nos. 51- 53 Cyprus Avenue, which are all of a similar architectural style. A new house (No.49 Cyprus Avenue) has recently been constructed within the conservation area in the former side garden of No. 47 Cyprus Avenue, following the removal of a garage. The construction of a replacement dwelling at the former bungalow site (between Nos. 24 and 25 Village Road), is also well under way.

The first 13 houses were built and occupied by the end of 1909 and the remainder were completed by 1914, with the exception of Nos. 39 and 40. The high standards of the original development were protected from unsympathetic additions or changes by stringent leases drawn up by the Finchley Co-Partnership Society. The unaltered appearance of the houses can largely be attributed to these early controls, which lasted until 1939 when the Co-Partnership was dissolved and freeholds were acquired for individual houses.

The houses in the conservation area are built in the distinctive Arts and Crafts style. Although two basic house types reminiscent of the traditional vernacular architecture of rural England formed the basis of the layout, variety was introduced by detailing the elevations differently to distinguish each pair of houses from their neighbour.

The houses are finished mostly in roughcast render with tiled roofs. Characteristic features include: part-tiled elevations, prominent front gables, traditional timber casement leaded-light windows and hooded entrance canopies. The use of good quality materials is consistent with the high standards of design and layout."

Proposal:

The application seeks planning consent for a single storey rear extension would have a depth of approximately 2.9 metres and width of 6.7 metres; a bay window is included in the extension and will match the existing.

The extension will be a mono pitched roof with an eaves height of 2.55 metres and a maximum height of 3.65 metres, directly beneath the window sills at first floor.

The single storey rear extension would result in the existing raised patio being extended by approximately 3 metres further into the garden.

Planning Considerations:

The main issue in this case is whether or not the alterations would be visually obtrusive forms of development which would detract from the character and appearance of the street scene and this part of the Finchley Garden Village Conservation Area and have an adverse and visually obtrusive impact upon the amenity of the occupiers of the neighbouring property.

The supplementary planning guidance for the Suburb is the Finchley Garden Village

Design Guidance which has been the subject of public consultation and Local Planning Authority approval. The guidance says:

“Inspired by the earliest ‘garden city’ development at Letchworth, the Finchley Co-Partnership Society initiated and oversaw the construction of the Finchley Garden Village development between 1908 and 1914. This charming settlement was designed by local architect Frank E. Stratton and consists of an attractive group of semi-detached cottage-style houses set around a central green, with many mature trees positioned along the roadside and others visible over rooftops and between buildings. The houses are mostly unaltered architecturally, with only minor evidence of alteration and additions.

The charming, semi-rural character and appearance of the garden village have been preserved for over a century and residents continue to enjoy a lifestyle comparable to that of English country life. The care devoted to creating and maintaining the garden village needs to be continued today in order to preserve its special character and appearance.”

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

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Policy DM06 of the Development Management Policies (Adopted) 2012 states that development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

The Finchley Garden Village Design Guidance states that whilst single storey rear extensions may be acceptable, the design should be carefully assessed. The advice affirms the following regarding single storey rear extensions:

- They should not be more than half the width of the rear elevation
- They should be modest in depth
- Lower standards of design will not be acceptable at the rear of properties.
- Over sized rear extension, which dominate rear elevations will be resisted.

In the case of the proposed development at the site, the extension would span almost the entire width of the rear elevation with a distance of between 0.33 and 0.46 from the boundary with the adjoining property and the side elevation respectively.

Prior to the submission of the application, extensive discussions were undertaken between the applicant and the planning department, including the requirement for a dual pitched roof and the location of this between 10 and 20 cm below the window sill at first floor level; these were considered more appropriate for the Conservation Area. In addition, it was advised that the roof of the proposed extension should follow the pitch set by the main roof, particularly as due to the position of the property and the carrying ground levels, the rear of the property is visible from the streetscene.

The amendments have not been forthcoming and the proposed extension would result in an overly dominant and bulky addition which would be detrimental to the character and appearance of the conservation area and directly contrary to the Design Guidance.

In the planning history above, it was acknowledged that planning consent had been granted at no. 23 Village Road, however the assessment of this application, which was pursuant to existing planning permission, specified that the circumstances were specific to that application site and do not form any precedent for other properties within the Finchley Garden Village Conservation Area to carry out similar proposals which would be contrary to the adopted Design Guidance 2013.

In addition to the deemed impact on the character of the conservation area, it must be noted that due to the change in ground levels, the fenestration of no.51 and its rear garden is significantly lower than at the host property. The proposed extension would require the further projection of the existing rear patio by approximately 3 metres. It is considered that this would result in significant overlooking to no. 51, to the detriment of these occupiers.

For the reasons stated above, the proposed rear extension is unacceptable, would fail to protect the character of the Finchley Village Green Conservation Area and the amenities of adjoining neighbours, in particularly the occupiers at no. 51 Village Road, and is directly contrary to the Design Guidance. Refusal is therefore recommended.

3. COMMENTS ON GROUNDS OF OBJECTIONS

None received.

4. EQUALITIES AND DIVERSITY ISSUES

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

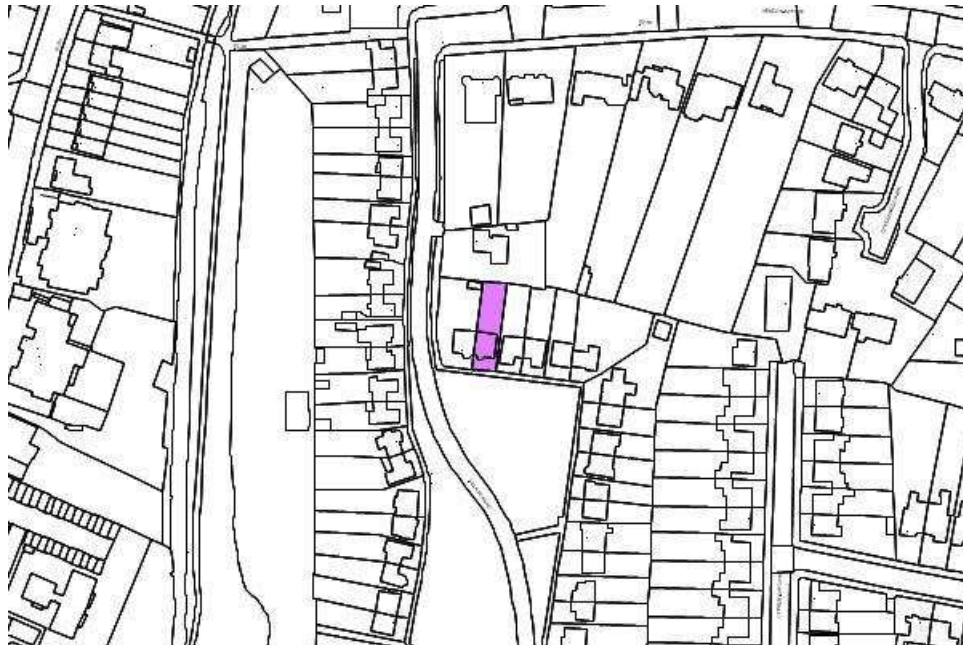
5. CONCLUSION

Having taken all material considerations into account, it is considered that the proposed rear extension would be an overly dominant structure which would fail to comply with the Council's policies and would be directly contrary to the Finchley Garden Village Conservation Area Design Guidance (2013), and therefore cause unacceptable harm to the character and appearance of the general area, the host building and the conservation area.

The application is recommended for **REFUSAL**.

SITE LOCATION PLAN: 49 Village Road, London, N3 1TJ

REFERENCE: F/02170/14



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LOCATION: 90 Audley Road, London, NW4 3HB

REFERENCE: H/01741/14

Received: 30 March 2014

Accepted: 11 April 2014

Expiry: 06 June 2014

AGENDA ITEM 12

WARD: West Hendon

Final Revisions:

APPLICANT: Mr Kadiwar

PROPOSAL: Single storey rear extension and conversion of existing house into 2no. self-contained flats

Approve Subject to S106

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 **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.
- 4 **Monitoring of the Agreement £100.00**
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 Development Management & Building Control approve the planning application reference: H/01741/14 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement; Planning Statement; Sustainability Report; 805/01 (Site Location Plan); Block Plan; Proposed Block Plan Rev A; 01A Rev A; 02A Rev A; 03A Rev A; 04A Rev A; 05A Rev A.
Reason:
For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).
- 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 surrounding area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 6 Before the development hereby permitted is occupied, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority, implemented and retained as such on site thereafter.

Reason:

To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Adopted Barnet Development Management Policies DPD (2012).

- 7 The property shall be used as self-contained units as shown on the hereby approved drawings under Class C3 (a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

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

- 8 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 in accordance with policy DM02 and DM04 of the Adopted Barnet Development Management Policies DPD (2012).

INFORMATIVE(S):

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on

solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

RECOMMENDATION III

That if an agreement has not been completed by 19/09/2014, that unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application H/01741/14 under delegated powers for the following reasons:

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

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 Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11th September 2012

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.

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

Supplementary Planning Documents and Guidance

The Council has adopted the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations. The Residential Design Guidance SPD (April 2013) and Sustainable Design and Construction SPD (April 2013) are now material considerations.

Relevant Planning History:

Planning applications picked up in spatial search

Site Address: 90 Audley Road LONDON NW4
Application Number: W09905
Application Type: Full Application
Decision: Refuse
Decision Date: 10/03/1992
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Conversion of house into two self-contained flats.**
Case Officer:

Consultations and Views Expressed:

Neighbours Consulted: 88 Replies: 4 + 1 petition with 30 signatures.

Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

- proposal will have an adverse impact on the character and appearance of the area
- adverse impact on the living conditions of occupiers and of adjoining residential properties
- demand for car parking in the area and the consequent effect on highway safety

- planning statement states that several houses have been converted into flats on Audley Rd, this is not the case, only a 'few' houses have been converted
- the house is not 8bed, it is originally 6bed with a recent loft conversion
- application proposed 3 flats, whereas 2 may be acceptable
- disproportionate and out of keeping with the surrounding area
- overcrowding in number of people/overpopulation
- increased littering and uncleanliness
- negative impact on the Borough services
- the proposed extension will set a precedent for extensions
- the proposed windows facing No. 92 Audley Rd would be poorly lit

Internal /Other Consultations: Traffic & Development:

The proposal with no off street parking is not in accordance with the parking standards in the Local Plan.

However, in view of the site's close proximity to underground and bus services, shopping amenities and position within a controlled parking zone and that the existing dwelling has a large number of bedrooms and no off street parking; it is considered appropriate to amend the traffic order to exclude the proposed new flats from the schedule of addresses eligible for resident parking permits in the CPZ, in order to mitigate the on street parking impact in the vicinity of the site.

To effect this exemption it will be necessary to amend the Traffic Regulation Order that covers the Controlled Parking Zone. A Legal Agreement to include a contribution of £2,000 will be required towards the cost of amending the Traffic Order.

This is consistent with other highways recommendations for residential developments in this road in close proximity to the site and with the inspector's appeal decision for a neighbouring property (ref H/00318/10) which included lack of an agreement to amend the Traffic Order as a reason for dismissing the appeal, but stated that such an agreement would be sufficient to protect the highways from further on-street parking caused by that development.

Date of Site Notice: 24 April 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is a two storey semi-detached single family dwellinghouse located on Audley Road; a residential street which falls within the West Hendon area of the Hendon area.

The property is not listed not does it fall within a designated conservation area.

Proposal:

The application seeks to convert the existing single family dwellinghouse into 2no self-contained units facilitated by a single storey rear extension

The 2no units would comprise of:

- 1no 3 bed flat
- 1no 4 bed flat

The plans have been amended since the original submission to reduce the number of proposed self-contained units from 3 no to 2no, omit the first floor rear terrace from existing and proposed plans and reduce depth of ground floor rear extension at adjoining boundary.

Planning Considerations:

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

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

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

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

Size of Flats

Policy 3.5 of the London Plan states that 3 bedroom flats should be between 74-95 sqm and 4 bedroom flats should be between 90-99 sqm in floorspace area. Both flats proposed would exceed these standards.

Impact on Character of Area

The application proposes a single storey rear extension which has a maximum depth of 4 metres, however, given that both neighbouring properties have been extended at ground floor level, it is considered that the proposed extension would not have a detrimental impact on neighbouring amenity or the character and appearance of the area.

Flat conversions have become an established characteristic of Audley Road with a number of properties having been converted with the benefit of planning permission. Given the character of the street, the principle of the proposed conversion is therefore considered to be acceptable. It is considered that the refuse storage for 2 flats could be accommodated within the front garden area, without undue harm to the appearance of the area.

Amenity Space

The proposal results in 10 habitable rooms. Barnet's Sustainable Design and Construction SPD requires 5 sqm of amenity space per habitable room. This would make a total requirement of 50 sqm and the rear garden area is therefore of a sufficient size. However, details of the subdivision of the garden space have not been submitted. A condition is recommended to be attached to the permission requiring these details to be agreed. Each flat will have their own access via the existing shared access at the side of the property.

Parking

The plans do not comply with the Council's Parking Standards as no off-street car parking has been provided. A site visit to the area suggests that there is pressure for on-street parking and residents are concerned that the subdivision of the property into flats will contribute to the already strained parking problems.

The site lies in close proximity to underground and bus services and shopping amenities and is within a controlled parking zone. It is also noted that the existing dwelling has a large number of bedrooms and no off street parking.

Following comments received from the Council Traffic & Development Team, it was suggested that the applicant enter into a Section 106 legal agreement whereby the applicant would contribute towards the costs of amending the relevant Traffic Regulation Order to exclude the proposed new flats from the schedule of addresses eligible for resident parking permits in the CPZ.

Taking all these factors into account it is considered on balance that this would mitigate the on street parking impact in the vicinity of the site.

Impact on residential amenity of neighbouring residents

Both adjoining properties are in use as flats. It is considered that the increased activity associated with the use of the property as 2 flats would not be so great as to cause harm to the amenities of neighbouring residents through noise and disturbance. A condition is proposed with regards to ensuring that adequate sound insulation is provided to meet the Building Regulations.

The rear extension proposed would extend no further rearward than an existing extension at no. 88 (the adjoining property) and only 2m rearward of no. 92 at a distance of 1.1m from the side wall of that property. It is considered that the extension would not have an adverse impact on the amenities of the occupiers of those properties.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Planning matters addressed above.

4. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the

commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

The application is recommended for **Approval subject to conditions and a Section 106 legal agreement.**

SITE LOCATION PLAN: 90 Audley Road, London, NW4 3HB

REFERENCE: H/01741/14



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LOCATION: Bald Faced Stag, 104 Burnt Oak Broadway, Edgware, Middx, HA8 0BE **AGENDA ITEM 13**
REFERENCE: H/01765/14 **Received:** 31 March 2014
WARD: Burnt Oak **Accepted:** 31 March 2014
Expiry: 26 May 2014

Final Revisions:

APPLICANT: TFC Walthamstow Ltd C/O Peter Pendleton & Associates Ltd
PROPOSAL: Conversion and extension of the existing public house to create 8 flats and retail supermarket at ground floor level.

Approve Subject to S106

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 **Requirement to submit Travel Plan** **£5,000.00**
Requirement to submit a Travel Plan for approval by the Council prior to first occupation of the development and the obligation to provide a contribution towards the Council's costs of monitoring the implementation of a Travel Plan.
- 4 **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.
- 5 **Monitoring of the Agreement** **£350.00**
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 Development Management & Building Control approve the planning application reference: H/01765/14 under delegated powers subject to the following conditions: -

- 1 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.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: BUR-EX-1, BUR-EX-2, BUR-EX-3, BUR-EX-4, BUR-EX-5, BUR-RES-1, BUR-RES-2, BUR-RES-2.1, BUR-RES-2.2, BUR-RES-2.3, BUR-RES-2.4, BUR-RES-2.5, BUR-RES-3, BUR-RES-4, BUR-RES-4.1, BUR-RES-4.2, BUR-RES-4.3, BUR-RES-4.4, BUR-RES-4.5, BUR-RES-6, BUR-RES-7, BUR-RES-8 dated 31 March 2014

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 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 surrounding area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 4 Before the development hereby permitted is occupied the internal layout of the units as shown on approved plan numbers: BUR-RES-3, BUR-RES-4, BUR-RES-4.1, BUR-RES-4.2, BUR-RES-4.3, BUR-RES-4.4 and BUR-RES-4.5 dated 31 March 2014 shall be established. The established internal layout and use of space shall remain thereafter.

Reason:

To safeguard the privacy and amenities of future occupiers of the development in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

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

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 6 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 in accordance with policy DM02 and DM04 of the Adopted Barnet Development Management Policies DPD (2012).

- 7 Part 1

Before development commences other than for investigative work:

- a. A desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential

contaminant sources, pathways and receptors shall be produced. The desktop study and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

- b. If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:-
- a risk assessment to be undertaken,
 - refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

- c. If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF of the Adopted Barnet Core Strategy DPD (2012) and 5.21 of the London Plan 2011.

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

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 9 The level of noise emitted from the plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.
If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.
Reason:
To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.
- 10 Before development commences, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development of the ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.
It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied / the use commences).
Reason:
To ensure that the amenities of neighbouring premises are protected from noise from the development in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.
- 11 Before development commences, a scheme of proposed noise mitigation measures shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before (any of the units are occupied / the use commences).
Reason:
To ensure that the amenities of occupiers are not prejudiced by rail and / or road traffic and / or mixed use noise in the immediate surroundings.
- 12 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 07:00 am or after 19:00 pm on any other day.
Reason:
To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.
- 13 The use hereby permitted shall not be open to customers before 07:00 or after 22:00 Monday - Saturday or before 10:00 or after 17:00 on Sundays and Bank Holidays.
Reason:
To safeguard the amenities of occupiers of adjoining residential properties.
- 14 Before the development hereby permitted is occupied, details of the screening of the roof top amenity areas shall be submitted to and approved in writing by the Local Planning Authority, implemented before occupation of the first residential unit and retained in accordance with the approved details thereafter.
Reason:

To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Adopted Barnet Development Management Policies DPD (2012).

INFORMATIVE(S):

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
- 2 Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

Further details and the application form can be downloaded from:

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

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

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

- 3 The Air Quality Stage 4 Review and Assessment for the London Borough of Barnet has highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out – habitable rooms away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint – setting further away from source of poor air quality.

For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network. The report should be written in accordance with the following guidance: 1) NSCA Guidance: Development Control: Planning for Air Quality and the Planning Policy Statement 23: Planning and Pollution Control; 2) Environment Act 1995 Air Quality Regulations, Planning Policy Statement 23: Planning and Pollution Control, Annex 1: Pollution Control, Air and Water Quality; 3) Local Air Quality Management Technical Guidance LAQM.TG(03); 4) London Councils Air Quality and Planning Guidance, revised version January 2007.

- 4 The applicant is advised that Burnt Oak Broadway is part of Traffic Sensitive Route from 8.00am - 9.30am and 4.30pm-6.30pm Monday-Friday.
- 5 Any highway approval as part of the planning process for the alteration to the existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in Highways Group as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Highways Group, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.
- 6 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £36.04 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £18,704.76 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £70,065 payment under Barnet CIL.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides 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, which 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 other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

Relief or Exemption from CIL

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

You can apply for relief or exemption under the following categories:

1. Charity

If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extension

You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build

Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Visit:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

RECOMMENDATION III

That if an agreement has not been completed by 14/08/2014, that unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application H/01765/14 under delegated powers for the following reasons:

1. The proposal fails to include an undertaking to provide a Travel Plan, amendments to the traffic management order and contribute to the associated monitoring costs, contrary to policy CS9 of the Barnet Local Plan Core Strategy and policy DM17 of the Development Management Policies DPD and the Planning

Obligations SPD.

1. MATERIAL CONSIDERATIONS

The application is reported to the Sub-Committee at the request of Councillor Farrier.

The National Planning Policy Framework 2012

The Mayor's London Plan: July 2011

Relevant Core Strategy DPD (2012) Policies: CS NPPF, CS1, CS5, CS9, CS10, CS11, CS15

Relevant Development Management DPD (2012) Policies: DM01, DM02, DM03, DM04, DM07, DM08, DM11, DM13, DM17.

Supplementary Planning Documents and Guidance

Sustainable Design and Construction (2013)
Residential Design Guidance (2013)
Planning Obligations (2013)

Mayor's CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £36.04 per sqm on all 'chargeable development' in Barnet.

Barnet CIL

Barnet's Community Infrastructure Levy was approved at Full Council on 16 April 2013. Adoption of the Barnet CIL Charging Schedule is the 1st May 2013. All planning applications decided on or after that date will be subject to the charge at a rate of £135 per sqm on all 'chargeable development' in Barnet.

Relevant Planning History:

Application:	Planning	Number:	H/01637/13
Validated:	29/04/2013	Type:	APF
Status:	APD	Date:	21/02/2014
Summary:	DIS	Case Officer:	Graham Robinson
Description:	Demolition of the existing building and construction of a 4 storey plus basement building comprising of a retail supermarket at ground floor and basement levels with 20 self-contained flats above.		

Application:	Planning	Number:	H/01765/14
Validated:	31/03/2014	Type:	APF
Status:	REG	Date:	
Summary:	DEL	Case Officer:	Aahsanur Rahman

Description: Conversion and extension of the existing public house to create 8 flats and retail supermarket at ground floor level.

Application: Planning
Validated: 12/06/2012
Status: DEC
Summary: LW
Description: Change of use for A4 (Public House) to A1 (Retail) use.

Number: H/02235/12
Type: 192
Date: 19/07/2012
Case Officer: Cathy Munonyedi

Application: Planning
Validated: 01/06/2011
Status: DEC
Summary: APC
Description: Installation of 3 No. internally illuminated fascia signs including large box signs on gable elevations; 2 No. internally illuminated projecting bus stop fascia signs; 1 No. non illuminated banner sign above fascia; 3 No. non illuminated vinyl applied graphics to fascia; 6 No. non illuminated vinyl applied graphics to shopfront below fascia including ATM surround; 2 No. non illuminated wall mounted signs in car park and 8 No. non illuminated freestanding signs in car park.

Number: H/02298/11
Type: ADV
Date: 19/07/2011
Case Officer: Graham Robinson

Application: Planning
Validated: 22/11/2013
Status: DEC
Summary: REF
Description: Conversion and extension of the existing public house to create 8 flats and retail supermarket at ground floor level

Number: H/05121/13
Type: APF
Date: 17/01/2014
Case Officer: Graham Robinson

Consultations and Views Expressed:

Neighbours Consulted: 128
Replies: 2
Neighbours Wishing To Speak: 0

Summary of objections:

The proposal will increase noise levels and traffic movements which will impact adversely on the amenity of neighbours
The proposal will result in overlooking to neighbouring properties

Date of Site Notice: 17 April 2014

Internal /Other Consultations:

- Highways - recommend approval subject to a S106 agreement requiring contributions to amend the Traffic Management Order for the area and to monitor the submitted travel plan
- Environmental Health - recommend approval subject to conditions
- London Borough of Brent - No objections

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is the Bald Faced Stag public house on the east side of Burnt Oak Broadway (A5).

The surrounding area is mixed in character with a mixture of commercial premises, some with flats above. To the north of the site is the Watling Estate Conservation Area and Burnt Oak town centre. The building to the north at 102 Burnt Oak Broadway is located within the conservation area.

To the south of the site is a Tesco supermarket. This is two storeys in height with a flat roof. To the south is Stockwell Close which provides access to the car park for the supermarket and runs behind the site.

Proposal:

The application proposes the conversion of the existing public house to create 8 flats and retail supermarket at ground floor level.

There would be approximately 1160m² of retail area in the ground floor and basement, of which 644m² would be basement storage.

The proposed development would involve the alteration to the fenestration on the front of the property, including the insertion of 6 recessed dormer windows and the insertion of a steel gate on the front / side elevation of the property.

On the side elevation of the property, the proposal would involve the insertion of a staircase.

On the rear elevation of the property, the proposal would involve the insertion of a single storey rear extension with a recessed balcony, basement extension, 5 dormer windows and alterations to the fenestration of the property. The single storey rear extension would measure approximately 7.5 metres deep, 3.2 metres high and would span the entire width of the property.

The top floor of the property would be created by infilling the area between the existing pitched roofs and would provide living accommodation and an internal roof terrace.

Internally, the works would involve the conversion of the upper floors of the property into 5 X 2 bedroom flats and 3 X 1 bedroom flats.

Planning Considerations:

The main considerations are:

- The principle of the proposed development
- The impact on the character and appearance of the application site and surrounding area

- The impact on the amenity of future and neighbouring residents
- The impact on highway safety and whether the proposal would provide a sufficient parking allocation
- Other material planning considerations

The principle of the proposed development

The application site features a former public house which had ancillary residential accommodation above. The proposal would involve a similar layout with an A1 (retail) use at ground floor level and residential flats above. There are examples of residential flats in the surrounding area and the principle of residential flats in the top floors of the building are therefore considered acceptable.

The impact on the character and appearance of the application site and surrounding area

The 2012 National Planning Policy Framework states that *“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”*.

In addition to the NPPF, Policy CS5 of the Core Strategy states that the Council *“will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design”*. In addition to this, Policy DM01 of the Council’s Development Management Policies 2012 states that *“development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets... development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused”*.

The area surrounding the application site characteristically features commercial premises at ground floor, with residential use above.

The proposed alterations would involve alterations to the fenestration on the front of the property. The proposed single storey extension and dormer windows would be located on the rear of the property where, whilst it would be visible from the rear car park, it would not form a prominent addition to the frontage of the street scene. The proposed extensions and alterations would appropriately be constructed of materials and fenestration to match the existing property and would appropriately remain subordinate in scale to the original form of the property. Based on these considerations, the proposed development is considered to sufficiently maintain the character and appearance of the property and surrounding area.

The impact on the amenity of future and neighbouring residents

The proposed works would result in the creation of eight flats. Policy DM01 of the Development Management Policies 2012 states that all development should

represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Section 8.4 of Barnet's Local Plan SPD: residential design guidance states: *"in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy"*. In addition to this, section 2.4 of the SPD for sustainable design and construction states that *"the impact of development on the availability of daylight / sunlight and privacy to the occupants of existing buildings and the occupants of new development is strongly influenced by design and contributes significantly to the quality of life. The amount of daylight available in buildings enhances people's quality of life and reduces energy use. The Mayor's Housing SPG standard 5.5.2 recommends that development should preferably have direct sunlight in living areas and kitchen dining spaces and all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Overheating should be considered when designing for sunlight"*.

The proposed flats meet the minimum space standards as set out in the London Plan and would provide sufficient outlook and access to light for habitable rooms. It is also considered that the proposed flats would have access to sufficient amenity space in the proposed balconies and roof terrace that would be located on the top floor of the property.

In terms of noise, air pollution and contaminated land, the council's environmental health department have stated that in the event of approval conditions should be attached to require a noise report for the site plant, air quality mitigation measures and a contaminated land report shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.

Turning to the impact on neighbouring properties, it is considered that the alterations and extensions, by virtue of their scale, siting and design, would not impact adversely on any neighbouring properties access to light or have an overbearing impact on neighbouring properties to an extent that would warrant the refusal of the application on these grounds. Furthermore, it is considered that the proposed fenestration would not result in any direct overlooking to the neighbouring properties to an extent that would warrant the refusal of the application on these grounds.

The impact on highway safety and whether the proposal would provide a sufficient parking allocation

The site does not currently provide access to car parking and the applicant has submitted a travel plan in relation to providing a car free scheme. The application site has good access to public transport, with a PTAL rating of 5 but does not have access to car parking.

The proposal would provide approximately 516m² of retail space at ground floor

level, 644m² of basement storage and 3 X 1 bedroom and 5 X 2 bedroom flats. In accordance with council parking standards this would require a maximum of approximately 1/1.5 car parking spaces per 2 bedroom unit and 0/1 car parking space per 1 bedroom unit. Accordingly, the car parking standards would range between the provision of 5 to 10.5 car parking spaces for the residential units.

The council's highways department have stated that whilst the site is located in a controlled parking zone and would not provide car parking, it is located in a town centre location and has good accessibility to public transport. As such, they have not raised objections to the proposal subject to the completion of a S106 agreement to provide contributions towards the monitoring of the submitted travel plan and an amendment to the traffic management order.

In terms of bicycle parking, 16 bicycle storage spaces would be provided in front entranceways to the units and this would comply with council parking standards.

Other material planning considerations

A recent application for demolition of the existing building and erection of a 4 storey building plus basement to provide a shop and 20 flats was refused and dismissed at appeal. The Inspector had no issue with the principle of the development but the appeal was dismissed due to the scale and design of that proposal.

A subsequent application for extension and conversion was refused earlier this year due to concerns about the rear extension. The reasons for refusal of that application are considered to have been addressed in the current application.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The concerns raised have been addressed in the considerations above.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

The application is recommended for approval with conditions subject to the completion of a S106 agreement for the monitoring of the submitted travel plan and amendments to the traffic management order for the area.

SITE LOCATION PLAN: Bald Faced Stag, 104 Burnt Oak Broadway,
Edgware, Middx, HA8 0BE

REFERENCE: H/01765/14



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LOCATION: 19 Station Road, Edgware, Middx, HA8 7JE
REFERENCE: H/01988/14

Received: 16 April 2014

Accepted: 30 April 2014

Expiry: 25 June 2014

WARD(S): Edgware

Final Revisions:

APPLICANT: Mr A Jabarkhil

PROPOSAL: Change of use from Class A2 (Financial and Professional) use to Class A3 (Restaurant/Cafe) use.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement; Site Location Plan; RPA/19/SR/101; RPA/19/SR/102.

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 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 surrounding area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 4 The use hereby permitted shall not be open to customers before 9am or after 11pm on weekdays and Saturdays or before 9am or after 10.30pm on Sundays or Bank Holidays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

- 5 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 8 am or after 7 pm on any other day.

Reason:

To prevent the use causing an undue disturbance to occupiers of neighbouring residential properties at unsocial hours of the day.

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

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies

DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

INFORMATIVE(S):

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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

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

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

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

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

The Mayor's London Plan July 2011:

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

Greater London.

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

Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11th September 2012

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.

Relevant Development Management DPD (2012): Policies DM01, DM04, DM11, DM12.

Supplementary Planning Documents and Guidance

The Council has adopted the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations. The Residential Design Guidance SPD (April 2013) and Sustainable Design and Construction SPD (April 2013) are now material considerations.

Relevant Planning History:

Site history for current landparcel :

15675 - 19 Station Road, Edgware, Middx, HA8 7JE

Case Reference: **H/01988/14**

Planning applications picked up in spatial search

Site Address: 19 Station Road Edgware Middlesex HA8 7JE
Application Number: W01087H/04
Application Type: Advertisement
Decision: Approve with conditions
Decision Date: 18/05/2004
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Installation of internally illuminated shop fascia and internally illuminated projecting sign.**

Case Officer:

Site Address: 19 Station Road Edgware Middlesex HA8 7JE
Application Number: W01087G/03
Application Type: Advertisement
Decision: Approve with conditions
Decision Date: 01/12/2003
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists

Proposal: Installation of internally illuminated fascia sign.
Case Officer: Sally Fraser

Site Address: 19 STATION ROAD EDGWARE MIDDX HA8 7JE
Application Number: W01087F/00
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 11/10/2000
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Installation of new shopfront.
Case Officer:

Consultations and Views Expressed:

Neighbours Consulted: 32 Replies: 9 + 1 petition with 35 signatures
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- immense business activity within this part of Station Rd and southern end of Station Rd is the least busy end
- allowing an A3 use immediately next door to an existing A3 will be detrimental to the neighbouring property as there will be two similar businesses competing for trade with each trying to outflank each other resulting in a decline in profits
- narrow alley between No. 17 and No. 19 Station Rd will create problems with refuse storage bin/collections and cleanliness of a shared alley thus creating a health/safety and environmental hazard
- legal action is pending against two of the shops next to the application site in regards to location of waste bins and the volume of food waste and rubbish which is generated by these businesses
- rubbish/waste disposal - the proposed business will generate voluminous waste with no where for additional bins to be accommodated
- air-conditioning/extractor units/noise
- too many food outlets
- traffic/parking
- rear access and rats
- fire
- anti-social behaviour
- this type of development is further destroying the ambience of the area

Internal /Other Consultations: N/A

Date of Site Notice: 08 May 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is a retail ground floor unit within a two storey end-of-terrace block located on the south-west of Station Road; which is within the secondary frontage of Edgware Town Centre.

The property is not listed and does not fall within a designated conservation area.

Proposal:

The proposal seeks to change the use of the unit from A2 (Financial and Professional) to use class A3 (Restaurant/cafe).

No external alterations are proposed as part of this application.

Planning Considerations:

Whether the proposals would have an acceptable impact on the character and appearance of the surrounding area and the function of the town centre

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

Policy CS5 states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'.

Policy DM11 seeks to support the continued vitality and viability of Barnet's town centres. In this case, the property was last in A2 use. As such there will be no loss of an A1 retail unit and no conflict with policy DM11.

Advertisement consent will be required for the display of adverts and planning permission will be required for the installation of a new shopfront. The impact of these on the character and appearance of the streetscene and surrounding area will be considered at the time of deciding these applications and to ensure that the proposals comply with policy DM01 and DM02 as stated above.

Use of premises for A3 purposes is an appropriate use within a town centre and the proposed change of use from A2 into A3 is considered not to undermine the vitality and viability of this section of Station Road. Whilst it is acknowledged that there are other A3 and A5 uses in the vicinity of the host property, the proposed change of use is not considered to unbalance the character of the shopping parade, as there is no loss of a retail A1 unit. Competition between units is not a material consideration.

Whether the proposals would harm neighbouring amenity

Information in relation to the location of refuse/recycling storage and extraction/ventilation equipment has not been provided as part of this application, however conditions are proposed to ensure that details of the proposed refuse/recycling provision and the proposed extraction/ventilation equipment are submitted and will not be harmful to the residential amenities of nearby residents. In this case, the property has a service area at the rear that can accommodate refuse

storage and an accessway to the side where a flue could be located.

The proposal is for an A3 restaurant/ cafe use and not a takeaway which would fall within class A5. Some of the concerns raised by residents relate to issues with other takeaway outlets in the town centre. It is considered that the matters raised by residents in relation to potential anti-social behaviour and hygiene problems are not matters that could justify the refusal of an application for a restaurant in this case.

The level of traffic is unlikely to be significantly greater than could be generated by any other town centre use.

Subject to conditions, it is considered that the proposed use is appropriate within a secondary frontage in the town centre and that the use can be accommodated without significant harm to the residential amenities of residential occupiers to the rear.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Planning considerations addressed above.

The following are not considered to be material planning considerations:

- competition between units
- any pending civil/legal action between residents/businesses

4. EQUALITIES AND DIVERSITY ISSUES

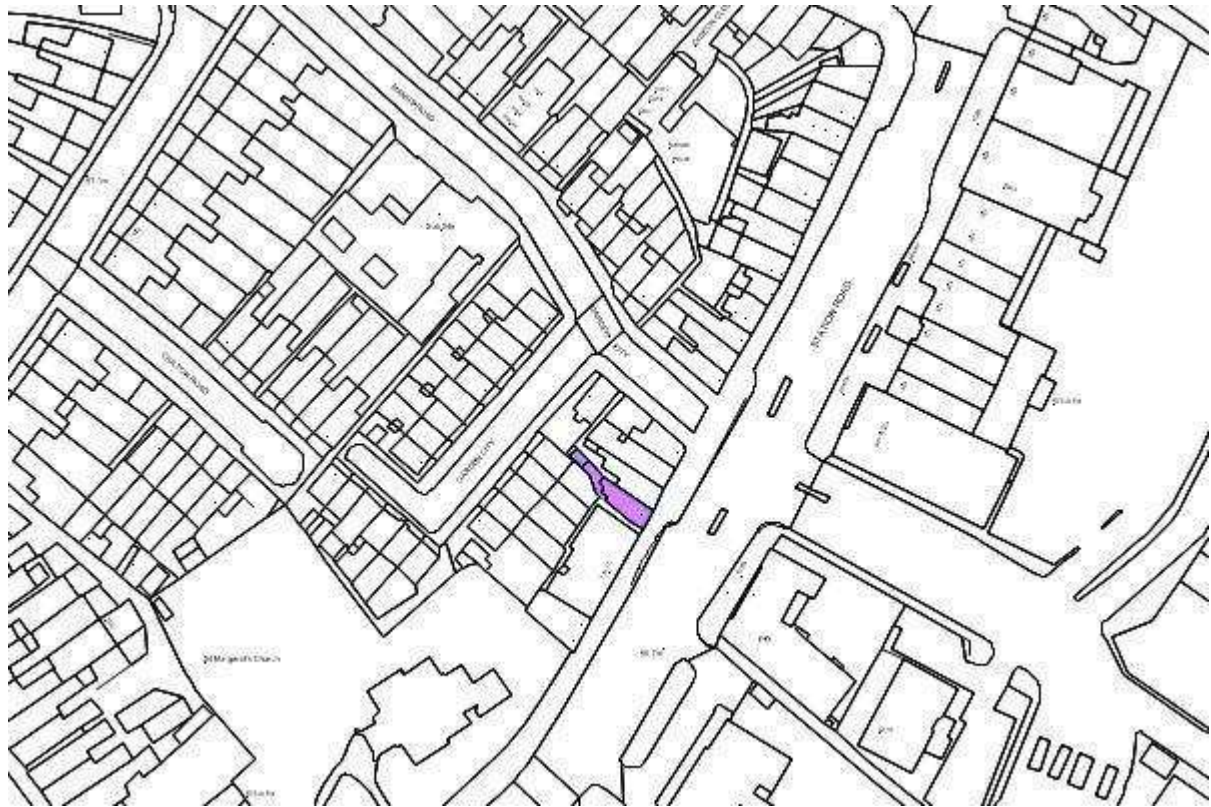
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

The application is recommended for **APPROVAL subject to the attached conditions.**

SITE LOCATION PLAN: 19 Station Road, Edgware, Middx, HA8 7JE

REFERENCE: H/01988/14



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LOCATION: Roman House, 296 Golders Green Road, London, NW11 9PY
REFERENCE: F/01318/14
Received: 10 March 2014
Accepted: 20 March 2014
Ward(S):
Expiry: 15 May 2014
Final Revisions:

APPLICANT: HCA International Ltd
PROPOSAL: Variation of condition 5 (Opening hours) and condition 8 (Machinery-Hours of operation) pursuant to planning permission F/02132/13 dated 15/08/2013. Variations to include opening until 9 p.m on Sunday.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Application form
Reason:
For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).
- 2 This development must be begun within three years from the date of planning permission F/02132/13.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 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 in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).
- 4 The premises shall be used for a B1 use or shall be used for medical consulting and no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).
Reason:
To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.
- 5 The facilities shall not be open to patients before 8am or after 10pm on weekdays, before 9am or after 1pm on Saturdays and before 9am or after 9pm on Sundays unless otherwise agreed by the Local Planning Authority.
Reason:
To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.
- 6 Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details

before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

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

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 8 No machinery shall be operated on the premises before 8am on weekdays and 9am on Saturdays and Sundays or after 10pm on weekdays, 1pm on Saturdays and 9pm on Sundays unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

INFORMATIVE(S):

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011

Core Strategy DPD (Adopted) 2012: CS NPPF

Development Management Policies DPD (Adopted) 2012: DM01; DM04
Residential Design Guidance SPD (Adopted) 2013

Sustainable Design and Construction SPD (Adopted) 2013

Relevant Planning History:

Application Reference:	F/02132/13
Case Officer:	James Stone
Proposal:	Change of use of third floor from Class B1 offices to dual flexible Class B1 offices and Class D1 medical consulting use.
Stat Start Date	20/06/2013
Application Type	APF
Decision	APC
Decision Date	15/08/2013

Consultations and Views Expressed:

Neighbours Consulted: 136 Replies: 5 letters of objection received
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Noise disturbance from machinery and from people using the site

Internal /Other Consultations:

- Environmental Health - No objection

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located off Golders Green Road between its junctions with Princes Park Avenue and Woodlands. The application only relates to the third floor of the building.

Planning permission was granted under ref: C10692A for a four storey building for use as offices on this site in 1990. It should be noted that this permission did not include any conditions limiting the use of the building to Class B1.

Application ref: F/02132/13 granted permission for change of use of the third floor from Class B1 office use to dual flexible Class B1 offices and Class D1 medical consulting use. There were no proposed external alterations.

Planning permission was granted under ref: F/00423/10 for the first floor for a similar change of use to ref: F/02132/13.

Proposal:

The current application seeks to vary conditions 5 (opening hours) and condition 8

(machinery - hours of operation) of permission F/02132/13.

The applicant would like to extend opening hours and hours of operation on a Sunday to 9pm. At present the applicant is limited to 1pm on a Sunday.

Planning Considerations:

Policy DM04 states that 'Proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.'

The Sustainable Design and Construction SPD 2013 expands on the issue of noise and explains that 'Noise can be a significant nuisance in urban areas. Persistent and intermittent noises and vibrations, such as those made by traffic, building services plant, sound systems, construction activities or other people, can undermine quality of life for those who live, work and visit the borough. Management of noise is an issue which significantly increases in importance for higher densities of population and economic activity. Receptors which are particularly sensitive to noise include **dwellings, health facilities, schools and libraries**. Noise can however be created both in residential and commercial areas and sensitive receptors can create a noise impact too. Natural habitats can also be affected by excessive noise. It is advisable to predict and assess the likely levels of noise and vibration arising from a proposed scheme, to establish optimum mitigation measures and determine the extent of residual significant effects.'

It should be noted that there is a current planning application under reference F/05593/13 for residential development at the neighbouring site 290-294 Golders Green Road. However this has not been determined, and as such there is not an extant permission at the neighbouring site for residential development. Therefore, the impact on any future residential development cannot be considered.

Roman House is located in an area characterised by residential development which consists of both houses and flats. However, Roman House is quite isolated for a building in an area with a relatively high density of development. The building is separated from residential plots by an existing car park to the north and west of the site whilst mature vegetation provides a natural buffer in all directions. It should also be noted that the façade is on a busy main road so noise from vehicles arriving and leaving should not be significant. Furthermore, a planning condition on the original approval restricts the level of noise emitted from any plant machinery at the site to ensure that it shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property. The machinery is limited and the noise will not be likely to impact on the neighbouring residents.

The councils' Environmental Health officer has stated that they have no objection to extending the hours of operation and that there would be no impact on the residential amenity of the area. The Environmental Health officer has stated that from looking

at their records there were no complaints regarding the use of the site and that the only complaints relate to the car park gate opening and closing which is a separate issue.

3. COMMENTS ON GROUNDS OF OBJECTIONS

See report

4. EQUALITIES AND DIVERSITY ISSUES

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

Noise levels at the site are restricted and so are not considered to affect any religious groups' day of rest.

5. CONCLUSION

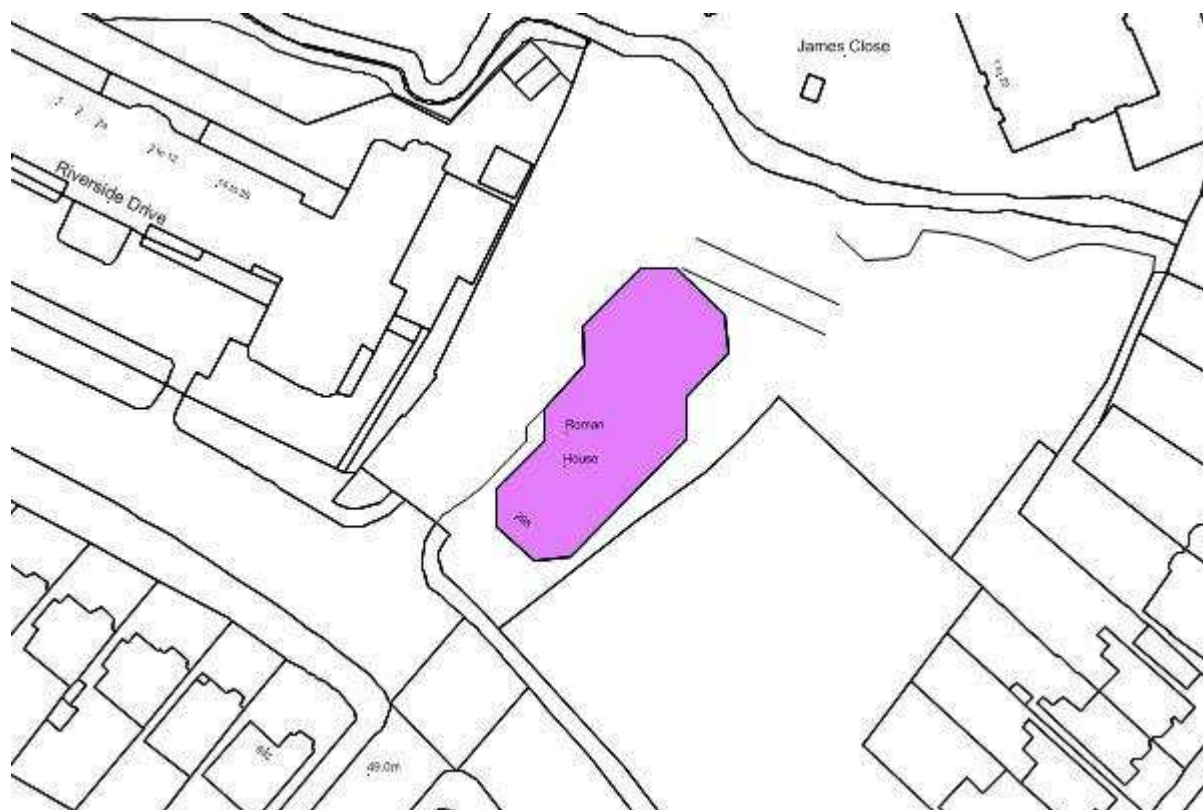
The proposal is in accordance with the policies and guidance of the adopted Barnet Local Plan and would not detract from the residential amenity of the area and is recommended for APPROVAL.

SITE LOCATION PLAN:
London, NW11 9PY

Roman House, 296 Golders Green Road,

REFERENCE:

F/01318/14



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