

MEETING

CHIPPING BARNET AREA PLANNING COMMITTEE

DATE AND TIME

TUESDAY 21ST OCTOBER, 2014

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF CHIPPING BARNET AREA PLANNING COMMITTEE (Quorum 3)

Chairman: Wendy Prentice
Vice Chairman: Stephen Sowerby

Councillors

Tim Roberts	Kathy Levine	Alison Cornelius
Laurie Williams	Barry Rawlings	

Substitute Members

David Longstaff	Caroline Stock	Andreas Ioannidis
Brian Salinger	Reema Patel	Phil Cohen
		Amy Trevethan

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

Andrew Nathan – Head of Governance

Governance Services contact: Faith Mwende 0208 359 4917 Email:
faith.mwende@barnet.gov.uk

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Report of the Monitoring Officer (if any)	
5.	Public Questions and Comments (if any)	
6.	Members' Items (If any)	
	Reports of the Assistant Director of Development Management and Building Control	
	Coppetts Ward	
7.	11 Wilton Road, London, N10 1LX - B/03761/14	1 - 8
	East Barnet Ward	
8.	32 Church Hill Road, Barnet, Herts, EN4 8TA - B/04046/14	9 - 16
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10.	Annexe, 47 Station Road, Barnet, Herts, EN5 1PR - B/03574/14	29 - 38
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13.	55 Woodside Park Road, London, N12 8RX - B/04691/14	61 - 74
14.	Arthur House, Barnet Lane, London, N20 8AP - B/04204/14	75 - 102
15.	1 Willow End, London, N20 8EP - B/02796/14	103 - 112
16.	Any item(s) the Chairman decides are urgent	

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LOCATION: 11 Wilton Road, London, N10 1LX

AGENDA ITEM 7

REFERENCE: B/03761/14

Received: 14 July 2014

WARD(S): Coppetts

Accepted: 14 July 2014

Expiry: 08 September 2014

Final Revisions:

APPLICANT: Ms Tugwell

PROPOSAL: Part single part two storey side and rear extension at ground floor and lower ground floor level including raised timber terrace with steps to rear garden and associated privacy screen. Extension to existing basement to side and rear including lightwell to the front elevation.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 0425/BR01 E, 0425/BR02D.

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 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the flank elevation, of the extension hereby approved, facing No. 9 Wilton Road.

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).

- 5 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.

- 6 Before the development hereby permitted commences, details of screening along the side of the decking adjacent to the boundary with No.9 Wilton Road shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and the approved screening shall be permanently retained.

Reason: To safeguard the residential amenities of the neighbouring occupiers.

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

The Mayor's London Plan July 2011:

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

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

The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

Relevant London Plan (2011) Policies: 7.4 and 7.6

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 11 September 2012.

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

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

Supplementary Planning Documents and Guidance

The Council's Residential Design Guidance SPD was adopted by Cabinet in April 2013. This sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation.

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

In respect to amenity, 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.

The Council adopted a Sustainable Design and Construction SPD in April 2013, following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

Relevant Planning History:

Site Address: Ground Floor Flat 11 Wilton Road London N10 1LX
Application Number: N14442/04
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 07/01/2005
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey side extension with timber decking in rear garden.**

Site Address: Ground Floor Flat 11 Wilton Road London N10 1LX
Application Number: N14442A/05
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 01/04/2005
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Amendments to planning permission N14442/04 (single storey side extension with timber decking in rear garden).**

Site Address: 11a Wilton Road London N10 1LX
Application Number: N14442B/07
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 12/10/2007
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Creation of basement and lightwell to front. Ground floor rear extension.**

Site Address: Ground Floor Flat, 11 Wilton Road, London, N10 1LX
Application Number: 02183/10
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 03/08/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Extension to the time limit for implementing planning permission N14442B/07 granted 11/10/07 for "Creation of basement and lightwell to front. Ground floor rear extension."**

Consultations and Views Expressed:

Neighbours Consulted: 16 Replies: 7 (5 comments of objection, 1

Councillor objection, 1 comment of support)
Neighbours Wishing To Speak 2

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site contains a semi-detached two storey dwelling, located on the northern side of Wilton Road. The host property has previously been converted into two flats at ground floor and first floor level. There are considerable changes in levels experienced on site, with the land towards the rear of the property lower than that towards the main road. The rear of the properties along this stretch of Wilton Road are characterised by two storey rear projections. Neighbouring property No. 9 Wilton Road Contains a part single, part two storey rear projection.

Dimensions:

The application proposes a part single, part two storey side and rear infill extension with a rear raised decking area, and the creation of a basement level including the construction of a lightwell to the front elevation. The extension would have a height of 5.3 metres to eaves level when viewed from the rear and a maximum height of 6.4 metres with a dual pitched roof. The extension would sit flush with the rear wall of the existing building and would have a width of 2.5 metres infilling the existing gap between the rear projections at No. 11 Wilton Road and No. 9 Wilton Road. The extension would include a raised rear decking area, projecting 1 metre in depth from the rear of the extension, with a width of 2.5 metres adjoining the existing decking area.

The proposed basement would have a similar footprint to that of the existing house and the proposed side and rear extension. The proposed lightwell would project approximately 1 metre forward of the existing bay window.

Planning Considerations:

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

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

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity.

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.

The Council's SPD 'Residential Design Guidance' states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant.

Given that the extension would be extending only 2.1 metre beyond the rear ground floor wall of No. 9 Wilton Road and there are no windows facing No. 11 Wilton Road, the proposal is not considered to result in a loss of light to neighbouring property No. 9 Wilton Road.

The proposed decking has been reduced in depth to 1 metre on the side facing No. 9 Wilton Road and would include a privacy screen of 1.8 metres from above the decking. The decking is therefore not considered to result in loss of privacy or overlooking to No. 9 Wilton Road. The decking on the side facing No. 13 Wilton Road would remain as existing.

The host flat is already a 2 bedroom flat and the application does not propose to increase the amount of bedrooms or create additional units at the property. Therefore, the proposal is not considered to result in the over-intensification of the use of the site or increase parking issues within the area. The outlook from the proposed bedroom in the basement with a lightwell is not considered to be a sufficient enough reason for refusing the application.

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

3. COMMENTS ON GROUNDS OF OBJECTIONS

Objections can be summarised as follows:

- The development will result in overlooking.
- It will result in overdevelopment.
- It will result in over intensification of the use of the property.
- Increase parking stress.
- The proposed basement rooms will not have sufficient daylight.
- Risk of structural collapse.
- Increase risk of flooding.
- It will result in loss of light.
- Result in unacceptable sense of enclosure.
- The development may be used for commercial purposes in the future.
- The proposal will result in 3 flats.
- It will increase security risk of who is coming to the property.
- Unacceptable noise from construction.

- Extension is too large
- Out of character.
- Concerns about resulting costs to the property.

Comments addressed in appraisal above.

The site is not located within a flood zone and therefore flooding is not considered to be an issue.

The application does not propose the use of the property to be used for commercial purposes.

All other objections are not a material planning consideration.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

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

SITE LOCATION PLAN: 11 Wilton Road, London, N10 1LX

REFERENCE: B/03761/14



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LOCATION: 32 Church Hill Road, Barnet, Herts, EN4 8TA

AGENDA ITEM 8

REFERENCE: B/04046/14

Received: 26 July 2014

Accepted: 30 July 2014

WARD(S): East Barnet

Expiry: 24 September 2014

Final Revisions:

APPLICANT: Mr Dervish

PROPOSAL: Construction of rear garden outbuilding ancillary to the main dwelling, following the demolition of existing garages.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 1754 PL 02. Received - 30/07/2014. Drawing No. 1754 03 Rev A. 1754 PL 01 Rev B. Received - 23/09/2014.

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

Reason:

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

- 2 Waste Comments:

Surface Water Drainage - 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.

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

- 3 Water Comments:

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

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

The Mayor's London Plan July 2011:

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

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

The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

Relevant London Plan (2011) Policies: 7.4 and 7.6

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 11 September 2012.

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

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

Supplementary Planning Documents and Guidance

The Council's Residential Design Guidance SPD was adopted by Cabinet in April 2013. This sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation.

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

In respect to amenity, 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.

The Council adopted a Sustainable Design and Construction SPD in April 2013, following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

Relevant Planning History:

Site Address: 32 Church Hill Road EAST BARNET
Application Number: N03224A
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 03/01/1990
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of a two-storey attached house at side.**

Consultations and Views Expressed:

Neighbours Consulted: 128 Replies: 9 (1 comment of support & 8 objections & petition)
Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

- The proposed building would result in loss of light
- The scale and appearance of the building is offensive.
- Visually obtrusive.
- No amenity space provided.
- It would result in loss of privacy.
- It would be out of character.
- The building is a separate unit and not an annexe.
- It will exacerbate parking issues in the area.
- The construction will be noisy.
- The outbuilding could be turned into a habitable house at a later stage.
- The amendments are totally different.

Comments of support may be summarised as follows:

- The annexe will make the road look better.
- It will bring value to the area.

Date of Site Notice: 14 August 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application building is a pair of pre-fabricated garages to the rear of 32 Church Hill Road that front onto Capel Road. Capel Road comprises two storey terraced houses. The nearby properties in Church Hill Road are also two storey terraced houses.

Proposal:

Following the submission of amendments, the proposal includes the demolition of an existing pair of garages and the construction of a single storey outbuilding ancillary to the enjoyment of the main dwellinghouse. The proposed outbuilding would have a width of 6.9 metres, a depth of 6.7 metres, a height of 2.5 metres to the eaves and a maximum height of 4 metres with a hipped roof. The outbuilding would be used as a garden / games room and would contain a toilet.

Planning Considerations:

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

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

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity.

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.

The Council's SPD 'Residential Design Guidance' states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant.

The Guidance also states that rear garden outbuildings should be located to the rear

of properties, not be too large, significantly reduce the size of the garden or become out of character with the area.

Following amendments, the scheme has been reduced in height so that the proposed structure is now single storey and the proposed bedroom and kitchen facilities have been removed from the scheme, it is therefore considered that the application should be assessed as a rear garden outbuilding ancillary to the main dwellinghouse rather than a self contained unit or annexe.

The proposal still includes two off-street car parking spaces to the side of the outbuilding. The proposal should also be conditioned to remain as an outbuilding ancillary to the enjoyment of the dwellinghouse and shall not be used at any point as a separate unit.

Given that the proposed outbuilding would be of similar proportions to the pair of garages that are currently on site, it is considered that the proposals would have an acceptable impact on the character and appearance of the streetscene, site property, general locality and the residential amenity of neighbouring occupiers.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Comments of objections addressed in appraisal above.

4. EQUALITIES AND DIVERSITY ISSUES

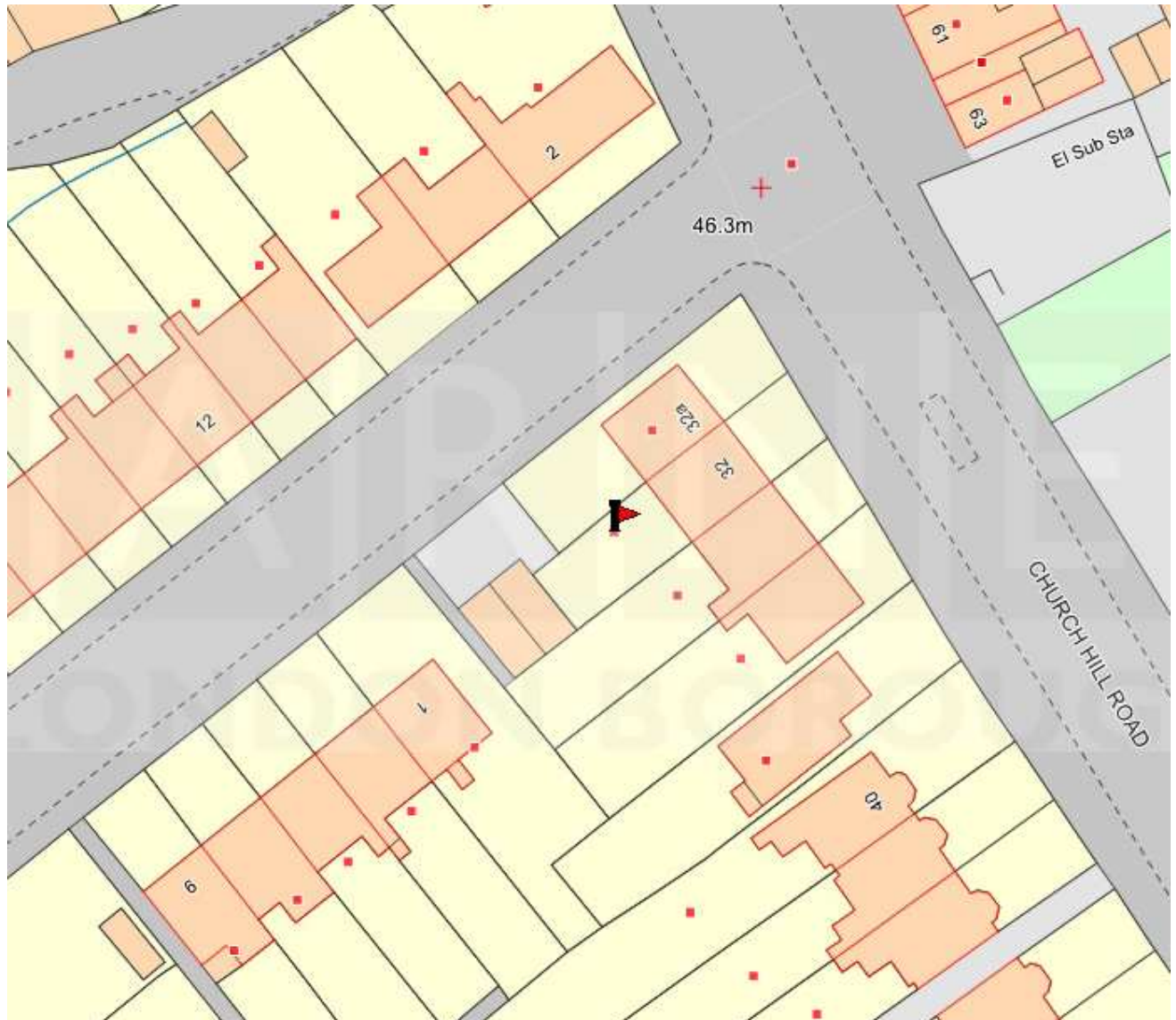
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

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

SITE LOCATION PLAN: 32 Church Hill Road, Barnet, Herts, EN4 8TA

REFERENCE: B/04046/14



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LOCATION: East Barnet Post Office, 282 East Barnet Road, Barnet, Herts, EN4 8TD **AGENDA ITEM 9**
REFERENCE: B/03369/14 **Received:** 24 June 2014
WARD(S): East Barnet **Accepted:** 24 June 2014
Expiry: 19 August 2014

Final Revisions:

APPLICANT: P2M Coffee Ltd

PROPOSAL: Change of use from a retail store to a mixed class coffee shop (A1/A3 use) and new shopfront.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: PIn/A.01, PIn/A.02, PIn/A.03, PIn/A.07, PIn/A.05, Marketing Information, Design and Access Statement.

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 layout of the premises shall be implemented in accordance with the details as indicated on approved drawing No. PIn/A.05 before the premises are first occupied and shall be permanently maintained.

Reason:

To ensure that the A1 use class element of the premises is maintained and to safeguard the vitality and viability of the town centre.

- 4 The use hereby permitted shall not be open to customers before 7am or after 7pm on weekdays or before 9am or after 6pm on Sundays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

- 5 No flues, ducting, air conditioning units or piping shall be constructed on the exterior of the building without prior specific written consent of the Local Planning Authority.

Reason:

To safeguard the amenities of neighbouring occupiers in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies 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 This planning permission relates solely to the change of use from Class A1 (retail) to coffee shop (mixed use Class A1/A3) including a new shop front. The new fascia signs and projecting sign would require separate advertising consent and is subject to a separate application.

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

The Mayor's London Plan July 2011

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

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

The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

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 11 September 2012.

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5, CS9.

Relevant Development Management DPD (2012): Policies DM01, DM02, DM12, DM17.

Supplementary Planning Documents and Guidance

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

Relevant Planning History:

Site Address: 282 East Barnet Road NEW BARNET HERTS
Application Number: N00147D
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 29/10/1987
Proposal: **New shopfront.**

Site Address: East Barnet Post Office, 282 East Barnet Road, Barnet, Herts, EN4 8TD
Application Number: B/03370/14
Application Type: Advertisement
Decision: Not yet decided
Decision Date: Not yet decided
Proposal: **Installation of 2x internally illuminated fascia signs and 1x internally illuminated projecting sign.**

Consultations and Views Expressed:

Neighbours Consulted: 252 Replies: 145 Objectors,
12 in Support

Neighbours Wishing To Speak 3

A petition of 600 names has also been received. The petition objects to the proposal as it will have huge detrimental consequences to the traders of the village which are already struggling.

The individual objections received can be summarised as follows:-

1. Already too many food, takeaway and restaurant venues in this small village;
2. Currently there are 25 venues to purchase food and drink, this was previously higher at 28 but 3 have closed indicating saturation point/over capacity has been reached. Café businesses struggling with lack of trade without added competition, approval of the application would put other coffee places out of business. Will cause all to fail resulting in job losses and vacant units.
3. Will lead to loss of independent shops and vacant shops and a loss of revenue to the Council.
4. Costa Coffee would be in 10-20 metres of local pub and Church Hill Bakery and opposite Café Fresco which both offer beverages and cake.
5. If keep adding food outlets there will be no reason to shop in East Barnet Village; would not encourage other retailers to the area and need other retail shops to attract wider public and more people to East Barnet Village.
6. Ridiculous, inappropriate idea.
7. The Council should look at their strategy in terms of what kind of premises are redesignated.
8. Café Fresco is a community Hub serving and supporting the community, investing in local charities, providing an independent, local shop, carefully chosen trained staff, friendly welcome, fabulous food and has 5 star rating for food hygiene. It will not survive if application allowed.
9. The unique nature of East Barnet Village is a lovely family friendly place where there are independent shops and businesses run by local people, a real sense of community. Community wish for them and identity of area to remain. Big chain coffee shop would not enhance the village amenities and not wanted by local shop keepers and community. They are all about making money and push small, struggling independent businesses out.
10. Big chain will destroy jeopardise the village, as has been the case in Whetstone, Barnet and Finchley where there is no feel of community. Will result in loss of character and heritage of area, will become an homogenous and anonymous area and spoil village feel.
11. Council should be on side of small business to maintain shops and develop the local community and not just looking for a quick sale to make money.
12. Council should visit the Village and listen to the community.
13. The big chains can cope with direct competition.
14. Other locations more suitable for proposal.
15. Building unsuitable for coffee shop. Very limited parking for residents in the adjoining side road and none on corner. No pavement outside of building for table and chairs. Will make it dangerous and difficult to bypass for the elderly community.
16. Already a rat problem due to number of food outlets. Don't need another fire risk premises in the Village.
17. Only reason Council would approve application is because they want income from the property.
18. A lot of East Barnet residents will be against the Council if allowed.
19. Should support local business allowing them to sell bespoke products and help allure shoppers away from on line shopping.
20. High street has many empty shops through high rents.

21. Will open flood gates for more chains.
22. The post office is part of community; need a post office not coffee shop.
23. Don't let village be taken over by money grabbing tax evading big chains.
24. Will become like Barnet High Street dead.
25. Worried about lengthy opening hours in this residential area.
26. Village has more than enough eateries and a plethora of hairdressers/nail bars, grocery shops need convenience shops.
27. Feel that it is misleading that the information that Costa Coffee is the applicant is missing from the application, as this would affect people's views.
28. Would not object if an independent company and to support local organisations which would keep money in our local area and benefit the local population.
29. Double yellow line outside this shop is not suitable for A3 use.
30. There have been an increase in village sewage problem since 2000 because of numbers of A1/A3 uses granted.
31. Changes to waiting restrictions means that parking is limited and will create more problems with parking for residents of local roads. Strain on parking spaces during peak hours. Previously there was a death in East Barnet road involving a dispute on traffic congestion.
32. Costa spreading throughout the country selling overpriced not of high quality coffee.
33. There are many home based businesses selling bespoke products, that could be helped, rural areas offer 100% discount on business rates and rents why can't London boroughs offer the same, or allow businesses to set up shop in a vacant space of 6 months- 1 year (pop up shops). If they are successful let them then take on the lease. Would generate income for Barnet, through diversity and uniqueness and help businesses grow.
34. More noise and disturbance;
35. Can buy my A3 shop "for a song". There is vicious competition between A3 establishments and oversaturation of market has occurred.
36. Local business will give up and the integrity of good honest personal enterprise will be lost.
37. Need pop up shops/arts and craft shops will help village flourish.
38. Area needs more variety which could be achieved by keeping rates affordable to attract local businesses and provide services for the local community.
39. Independent useful shops are far more sustainable in the long term.

The comments supporting the application can be summarised as follows:

1. Great idea - Costa would bring their own style of coffee shop to the village, just what is needed. Will smarten up dreary village scene, would be an asset.
2. Bringing a branch of a successful chain to East Barnet Village would provide employment opportunities. If not allowed no other applications to make use of the shop so jobs would not be created if application is unsuccessful
3. Would not have an excessively detrimental impact on similar local services. Additional competition good for consumers in terms of price and quality.
4. Increases choice as homemade, personal service, independent already in existence. Proposal would still provide personal service and deliver a consistent product of a successful brand.
5. Healthy competition would not drive anyone out of business, merely provide

greater choice.

6. Could encourage passing trade to stop at a well known brand, and increase footfall in the area and may lead to greater business for other retailers.

7. Good to see a vacant shop reopen. East Barnet needs more good cafes, something more coffee shop than typical cafe.

8. The fact that a major chain shows an interest in the village suggests confidence in its viability as a small shopping/leisure centre.

9. Coffee shop is preferable to a charity shop or an empty unit.

10. Will bring more quality clientele to area and will have positive impact and knock on effect to other local traders.

11. Would encourage me to walk into village a lot more.

12. Few existing venues have outside seating and even fewer have capacity to take away. Especially useful for dog owners walking to park.

13. Be nice to have somewhere to meet people. Currently cafes very busy with young families, with little space for other demographics.

14. Litter can be controlled by bins and levies, won't be worse than the current situation.

15. Currently I walk to Whetstone even though living in East Barnet because there is more choice of coffee shop. Would prefer to stay in East Barnet Village.

16. If a shop is that different then it will survive the trick is to diversify.

17. There are more tattoo parlours than places that sell coffees and lunches. Do not allow more tattoo shops.

18. There is a gap in the market for a coffee shop that opens sensible and consistent times is family friendly and offers a good quality product.

19. Another coffee shop will not lead to closure of three other establishments. One modest sized coffee shop won't have the capacity to serve the level of business catered for in the other three.

20. If customers stay loyal to existing establishments the new store will build their own customer base. If they desert other cafes will do so for improved quality and better price.

21. Will not lead to increased levels of traffic, beyond the increase that any new shop might generate. Not a destination store that would travel a distance too or offer products that you would need a vehicle to take away.

Internal /Other Consultations:

Traffic & Development –

The proposal is for change of use of existing post office from A1 use to A1/A3 use. No off street parking is provided for the existing use and no off street parking is proposed for the A1/A3 use.

The site is located in close proximity to bus routes and amenities.

The proposed change of use is not expected to result in detrimental impact on the public highway and I have no objections on highways grounds.

Date of Site Notice: 10 July 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site comprises a ground floor retail unit of an end of terrace three storey property located on the western side of East Barnet Road, on the junction with Jackson Road. The property is located in East Barnet Village which is classified as a Local Centre within Barnet's Local Plan. The character of the area is formed by parades of retail units at ground floor with residential or offices above. The application site is currently vacant, formally used as a post office at ground floor with residential above.

Proposal

The application relates to the change of use from retail (Use Class A1) to a Coffee Shop (mixed use Class A1/A3) including replacing the windows and doors as well as redecorating the shopfront. The existing windows and doors of the shop front are timber and aluminium and the proposal is to replace these with aluminium windows of the same size as existing and redecorating the frontage with grey and black paint and tiles. A new fascia and additional signage is also proposed, these alterations are subject to a separate application for advertisement consent and do not form part of this application.

Planning Considerations

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

- Whether the proposal would adversely impact the retail function of East Barnet Village.
- The living conditions of neighbouring residents;
- Whether the proposed new shop front are in character with surrounding shops and accessible for disabled and less mobile users;

Impact on the East Barnet Village

The property has been identified as falling within a retail frontage of the local centre East Barnet Village. Policy DM12 of the DPD relates to local centres and is therefore relevant to this application. It requires that the Council will protect all retail uses (Class A1) in existing local centres unless it can be demonstrated that:

- i. there will be no significant reduction of shopping facilities as a result; and
- ii. that alternative shopping facilities that are similarly accessible by walking, cycling or public transport exist to meet the needs of the area;
- iii. the proposed use is within Class A2, A3, A4, A5 or meets an identified local need; and
- iv. there is no demand for the continued Class A1 use, and that the site has been marketed effectively for such use.

The proposal seeks to change the use of a vacant unit, previously used as a Post Office (Use Class A1) to a mixed use A1/A3 (Costa Coffee Shop). The unit will sell coffee and other hot and cold drinks, snacks and coffee paraphernalia and as such will operate in part as a retail unit for the sale of goods. The proposal also includes a seating area largely located to the rear as well as some tables to the side and front

of the unit, which would form the A3 element of the proposal. No seating is proposed outside of the unit. No cooking facilities other than to heat food, would be installed on site, as the only food items served within the premises are pre-manufactured off-site. Previous applications received in other retail centres within the borough and appeal decisions have accepted that this type of operation falls within a mixed use of A1/A3 unit, as retail goods are sold from the unit.

An important consideration in determining the application is the impact on the vitality and viability of East Barnet Village as a local centre. It is considered that as a range of consumable and non-consumable goods would be sold from the premises that the proposal would maintain an A1 function and that there would be no significant diminution of local shopping facilities. Coffee shops are popular and well used High Street amenities that attract strong customer footfall, the proposal would maintain an active shopfront and would not be detrimental to the vitality and viability of the East Barnet Village local centre. Furthermore these premises have been empty for a year and it is considered preferable for a retail unit to be in partial use than in no use at all.

There is a diverse range of services and uses in this area and it serves a wide community. A Post Office remains in East Barnet Village having been relocated within a newsagent in a parade opposite the application site.

The application site has been actively marketed continuously since July 2013 for rent as a retail unit. Information has been submitted that the premises have been marketed from July 2013 to March 2014 (when the applicant's solicitor was instructed) at a viable rent. The rent was reduced in October and further incentives were introduced. Although some viewings took place in general there was a lack of interest in the premises and although two other offers were received these were not considered viable offers. Although the property has not been marketed for a full year it is considered that the submitted information indicates that there is no demand for the continued use of the unit solely as a Class A1 use.

Policy DM12 also seeks to ensure that a proposal does not create an overconcentration of Class A2, A3, A4 and A5 uses or has a significant adverse effect on the amenity of existing residents. The preamble to the policy states that where a proposed use would create three or more adjacent non retail uses of any class system then this would be resisted. The application site is located on a corner site. A road separates the unit from a Public House (Class A3) and the unit is adjoined by a double frontage A1 use (Pharmacy) to the north. The other uses within this parade also comprise A1 uses. Therefore it is considered that the scheme would not result in the overconcentration of non retail units.

Impact on living conditions of neighbouring residents

Flats are located above the unit. Given the type of food preparation that would take place at the premises no flue or ducting would be required, thereby reducing the impact on residential amenity. It is also considered that the mixed use of the unit would not adversely affect the amenities of existing residents as any increase in noise and disturbance from the use would not be above that which would be expected in a retail local centre.

Traffic and Development have raised no objections to the scheme as it is not expected to result in detrimental impact on the public highway.

Accessibility of shop and impact of shop front on surrounding area

Policy DM01 states that development proposals should be based on an understanding of local characteristics and that proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Policy DM03 states that development proposals should meet the highest standards of accessible and inclusive design by demonstrating that they are convenient and welcoming with no disabling barriers, so everyone can use them independently without undue effort, separation or special treatment.

The proposed shop front is of a similar design that currently exists and it is considered that the proposed alterations are in character with surrounding shops and shopfront. Currently there are steps into the retail unit. To facilitate access to the unit for less mobile users a temporary access ramp would be provided by staff. A doorbell would be fixed externally at the entrance so that staff would be aware of this need. Although this is not an ideal way to gain access to the shop it is an improvement on the existing situation and on balance is considered acceptable.

On balance the proposal is considered to comply with council policies and would result in a vacant unit being brought back into use which will maintain the vitality and viability of East Barnet Local Centre.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The majority of objections have been covered within the main appraisal. Additional comments include:

1. Competition is not a material planning consideration. The Council has no planning powers to control whether a main chain or the premises are occupied independently.
2. The Council does not own the shop. Any revenue generated through rates by the application is not a material planning application.
3. Planning legislation has no control over the leasing and cost of rents of properties.
3. The proposal does not include a seating area outside on the pavement.
4. Whether there would be problems with rats, sewage and whether there would be an increase in a fire hazard falls under separate legislation.
5. Any further change of units to tattoo parlours would be subject to a separate application.
6. The Planning Statement and the plans show that the proposal relates to a Costa Coffee Shop.

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 has been recommended for APPROVAL subject to conditions.

**SITE LOCATION PLAN:
Barnet, Herts, EN4 8TD**

East Barnet Post Office, 282 East Barnet Road,

REFERENCE:

B/03369/14



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LOCATION: Annexe, 47 Station Road, Barnet, Herts, EN5 1PR

AGENDA ITEM 10

REFERENCE: B/03574/14

Received: 02 July 2014

Accepted: 08 July 2014

WARD(S): Oakleigh

Expiry: 02 September 2014

Final Revisions:

APPLICANT: Demco

PROPOSAL: Conversion of existing garage/flat to 3 bedroom house, including two storey rear extension (to ground floor and lower ground floor) and single storey front extension to form bay window

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: PM.14.4, PM.14.5 C, PM.14.2 C, PM.14.1, PM.13.010 E & PM.14.8 B & PM.13.014 B.

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 is occupied the parking spaces shown on Plan PM.14.2.B shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards

in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

- 5 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.

- 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).

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 £1,522,50 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 £5,872.50 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.

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

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

The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

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 11 September 2012.

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

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

Supplementary Planning Documents and Guidance

The Council's Residential Design Guidance SPD was adopted in April 2013. This sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation.

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

In respect to amenity, development 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.

The Council adopted a Sustainable Design and Construction SPD in April 2013, following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

Relevant Planning History:

Site Address:	47 Station Road New Barnet Barnet Hertfordshire EN5 1PR
Application Number:	N06370B/06
Application Type:	Full Application
Decision:	Refuse
Decision Date:	15/02/2007
Proposal:	Demolition of detached garage at side and construction of side and rear extensions to basement level, ground floor, first floor and roof to accommodate 7 No. self-contained flats. Provision of 9 No. off-street parking.

Site Address: 47 Station Road, Barnet, Herts, EN5 1PR
Application Number: B/02930/11
Application Type: Full Application
Decision: Refuse
Decision Date: 09/09/2011
Proposal: **Extensions and alterations to existing garage/annexe to side of No. 47 Station Road including lower ground and ground floor rear extension and creation of 2 additional floors to form a 4 storey building to facilitate the provision of 3no. self-contained flats. Provision of 3no. off-street parking spaces.**

Site Address: 47 Station Road, Barnet, Herts, EN5 1PR
Application Number: B/03360/12
Application Type: Full Application
Decision: Approved
Decision Date: 29/04/2013
Proposal: **Extensions and alterations to existing garage/annexe to side of No.47 Station Road including lower ground and ground floor rear extension to facilitate conversion into 2no. self contained flats. Provision of 2no. off-street parking spaces. Alterations to existing rear balcony to No.47 Station Road.**

Site Address: Annexe, 47 Station Road, Barnet, Herts, EN5 1PR
Application Number: B/05109/13
Application Type: Outline Application
Decision: Refuse
Decision Date: 17/12/2013
Proposal: **Demolition of existing two-storey building and erection of a three-storey building with rooms in roof space to provide 3 self-contained flats. (Outline application for Appearance, landscaping, layout and scale).**

Site Address: Annexe, 47 Station Road, Barnet, Herts, EN5 1PR
Application Number: B/00128/14
Application Type: Full Application
Decision: Refuse
Decision Date: 24/04/2014
Proposal: **Conversion of existing two-storey garage/flat into 1no. four-bedroom house including lower ground and ground floor rear extension.**

Consultations and Views Expressed:

Neighbours Consulted: 101 Replies: 5 objections received.
Neighbours Wishing To Speak: 0

The objections raised may be summarised as follows:

- The drawings are not accurate [Officer Note: Since the receipt of this letter, amended drawings have been received which correct the discrepancies].
- The previously approved scheme was amended to take the balcony away from No. 45, and to change fenestration in the rear, all to preserve the privacy of the neighbours.
- Proposed double doors and balcony would adversely affect privacy of neighbours.
- Front bay window is not in keeping with the character of the surrounding houses or the subservient nature of the host building.
- Design does not reflect that of neighbours.
- Proposal would block light to neighbours.

Date of Site Notice: 07 August 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site as outlined in red on the submitted site location plan is currently occupied by a single storey building containing a studio at ground floor level, and further residential floorspace within the roof space. The building is adjacent to a large semi-detached dwelling, which as a result of the ground level changes has three visible storeys when viewed from the front. Both buildings share a vehicular access and the buildings appear attached such that the application site appears as an ancillary building to the main larger dwellinghouse. This part of Station Road is characterised by two storey semi-detached buildings of a similar size and design to each other, with regular spaces between them which add to the character of the area.

Proposal:

This application proposes a two storey rear extension and single storey front bay window to the building, to facilitate its conversion into a separate three bedroom house.

The proposed rear extension would measure approximately 3.5 metres in depth. It would have a width, ridge height and eaves height matching those of the existing building, and as such would project no closer to the boundary with the neighbouring building than the existing structure.

The front bay window would measure 2.3 metres in width by 0.9 metres in depth, and would be single storey only with a flat roof.

Planning Considerations:

This application follows the refusal of outline application B/00128/14. As such, it is necessary to assess whether the current scheme overcomes the previous reasons for refusal and whether any new objections are introduced.

Character

The first reason for refusal related to the visual impact of the previous proposal, which included a roof extension, on the character of the area. In the current application, the main existing building would remain at the same height. The proposed two storey rear extension would reflect the form and appearance of the existing building. As such, the first reason for refusal attached to the previous application is considered to have been overcome. Given that the existing building is a stand-alone building, and that the bay window projects only 0.9m beyond the main front elevation wall, the proposed front bay window would be a subordinate feature and would not be out of keeping with the character and appearance of the host dwelling or the streetscene.

Impact on neighbours

In relation to the second previous reason for refusal, the proposal would remain in close proximity to the flank elevation of No. 45 Station Road. That building is split into flats. However, given that the height and roof form of the latest main building would not change, the second reason for refusal attached to the previous scheme would be

overcome. Given the depth of the approved extension to the existing building, projecting only slightly beyond the rear of the neighbouring property, the extension is not considered to be detrimental to the amenities of the occupants of the neighbouring property.

Quality of amenity for future occupants

The proposed unit would meet the necessary minimum floor space requirements and room space requirements. It would provide adequate outdoor amenity space and a good outlook from habitable rooms.

Parking

The site would provide two off street parking spaces, which is sufficient for a site of this size. This arrangement is considered to be acceptable.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Dealt with in the planning appraisal.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

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

SITE LOCATION PLAN: Annexe, 47 Station Road, Barnet, Herts, EN5 1PR
REFERENCE: B/03574/14



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LOCATION: Cottage Farm, Mays Lane, Barnet, Herts, EN5 2AQ

REFERENCE: B/04041/14

Received: 26 July 2014 **AGENDA ITEM 11**

Accepted: 28 July 2014

WARD(S): Underhill

Expiry: 22 September 2014

Final Revisions:

APPLICANT: Mr Varsani

PROPOSAL: Construction of two detached dwellings and one outbuilding to provide leisure facilities

RECOMMENDATION: Refuse

- 1 The construction of two residential dwellings and an outbuilding are inappropriate forms of development within the green belt, which do not preserve the openness of the Green Belt. No very special circumstances have been demonstrated that would justify the development. The development would therefore have an unacceptable impact on the aims, purpose and openness of the Green Belt, contrary to Policies CS NPPF, CS1 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM15 of Barnet's Local Plan Development Management Policies (Adopted September 2012), and paragraphs 89 and 90 of the National Planning Policy Framework Published 2012.
- 2 Inadequate information has been submitted in respect of the impact of the proposed development on protected species, including Bats and Great Crested Newts, as identified in the submitted Ecological Reports, and Bat and Great Crested Newt surveys have not been submitted. Therefore there is potential for the proposed development to result in a loss of biodiversity within the site and loss of habitat to protected species. The proposal would therefore be contrary to Policy DM16 of the Development Management Policies DPD (adopted September 2012)

INFORMATIVE(S):

- 1 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to the appeal process itself:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments.

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 were set at a rate

of £0 per sq m.

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is 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.

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

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; 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 any appeal being allowed, please contact us: cil@barnet.gov.uk.

- 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 sought formal pre-application advice which was provided.

During pre-application, officers raised a in principle objection to the scheme.

- 3 The plans accompanying this application are: Tree Survey dated 22 April 2014, 2028, 2027, Design and Access Statement, Planning Statement, Sustainability Statement, Site Photos, Ecological Assessment, Residential and Water Search, Contaminated Land Risk Assessment, Groundsure Floodview, GroundSure Screening, 0.5, 0.6a, 0.6b, 0.6c, 0.7a, 0.8, 2.0b SP2.1, SP2.2, SP2.2, SP2.3, SP2.4, H2. 2.1, H2. 2.2, H2. 2.3, H2. 2.4, H2. 3.1, H2. 3.2, H2. 3.3, H2. 2.4, H2. 3.5,

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

The Mayor's London Plan July 2011:

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

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

The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

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 11 September 2012.

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5 and CS7.

Relevant Development Management DPD (2012): Policies DM01, DM02, DM08, DM15 and DM17.

Supplementary Planning Documents and Guidance

The Council's Residential Design Guidance SPD was adopted by Cabinet in April 2013. This sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation.

Included advice states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible

enhancing the character of the borough's residential areas and retaining an attractive street scene.

The Council adopted a Sustainable Design and Construction SPD in April 2013, following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

Relevant Planning History:

N07957 - Two single storey buildings - planning permission granted 2 April 1986

N07957A - Erection of single storey building comprising thirty kennels each with external exercise area - planning permission refused 9 November 1988

N07957B - Erection of detached two storey dwelling house with attached double garage, to replace existing cottage - planning permission refused 24 October 1989

N07957C - Erection of detached bungalow with integral garage to replace existing - planning permission refused 10 September 1991

N07957D - Demolition of part of bungalow, single storey side extension and dormer windows on front and rear - planning permission granted 29 April 1992

N07957G - Erection of single storey building for use as a boarding cattery - planning permission granted 24 January 1995

N/07957/D/00 - Demolition of storage building adjacent to main entrance and erection of single storey side extension to Cottage Farm house - planning permission granted 4 July 2000

N/07957/R/05 - Conversion of existing barn into 1 no. self-contained residential unit and storage room - planning permission refused 22 November 2005

N/07957/S/05 - Single storey front extension. New dormer window to rear elevation to provide additional bedroom - planning permission granted 2 February 2006

Consultations and Views Expressed:

Neighbours Consulted: 11

Replies: 10 - In favour
1 - Objection.

Neighbours Wishing To Speak 0

Objections :

- The proposal will result in a net increase of 3 times as many residential units on the site.
- The drawings depicts 3 houses for residential units not "leisure facilities".
- The title of the planning application is ambiguous and misleading.
- The increase in the residential units on the property is contrary to the original intend and purpose of Cottage Farm, which was intended for livery, horticultural and animal husbandry use

- Cottage Farm is in the vicinity of protected woodlands with an indigenous bio-diversity. The proposed screen planting will therefore need to be managed so non-native species are not introduced.

In Favour

- The existing Kennels cause noise and disturbance. As such their removal is welcomed
- The proposal is more in keeping with the Green Belt than that of the existing use
- Existing buildings are an eyesore
- The proposal would increase safety, reduce traffic and increase a sense of community

Internal/Other Consultation

Thames Water: No objection raised.

Highways: No objection

Date of Site Notice: 07 August 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The applications site, located on Mays Lane and known as Cottage Farm, is located within the Metropolitan Green Belt. The site is occupied by a single dwelling, and a collection of derelict buildings (x7), previously in use as kennels. Access to the site is gained via Mays Lane. The site is surrounded on all sides by open countryside.

Proposal:

The applicant seeks permission for the construction of two detached, two storey dwellings (One x 5-bed, One x 5-Bed + library) and an ancillary leisure block. The Leisure block will house a swimming pool, gym, sauna, steam room, changing rooms, storage and associated plant equipment.

All existing buildings will be removed so to permit the proposed structures to be located to the rear of the site.

All three blocks will be unique to themselves in design.

Planning Considerations:

The main issues are considered to be:

- The principle of the proposed development in the Green Belt and whether harm would be caused to the openness of the Green Belt;
- Any other harm arising from the proposed development.

These shall be addressed in turn:

Principle of development and Visual Amenity

The application seeks to demolish all existing outbuildings to the rear of the site, reduce the amount of hard-surfacing (from 3050m² to 1815m²), and to erect 2x new detached single family dwelling houses and non-essential ancillary leisure use. Owing to the existing kennels/outbuildings holding no designation and containing limited

architectural merit, no in principle objection is raised to their removal. As such, the discussion now falls to the merits of their replacements. Paragraph 89 of the NPPF states, the replacement of a building within the Metropolitan Green Belt is only appropriate, provided the new building is in the same use and not materially larger than those insitu.

Whilst the applicant states the use of the site to be residential only, the lawful use of the property is animal husbandry (Kennels). Therefore as the proposal involves the change of use from Kennels to residential, the proposed use is not the same as the existing and would not comply with the first test noted above.

The applicant states the existing kennels/outbuildings occupy a footprint of 1368m², and that the proposed development would occupy a footprint of approximately 861m². However, an assessment of openness does not solely relate to the quantum of floor space but also to the scale and bulk of the proposal. Whilst the development would result in a reduction of built footprint on the site (in part due to replacing existing hard landscaping with soft landscaping), the new structures will be multiples, large, bulky and predominately two storeys buildings and therefore be significantly greater in volume, size, bulk, mass, form and character from the existing single storey collection of buildings. In addition, the site would continue to be enclosed. It would be landscaped to form residential gardens and would almost certainly include some domestic paraphernalia, such as outside seating areas, washing lines, children's play equipment and the like. As such any benefit arising from the reduction in floor area would not be offset by the creation of large and bulky dwellings and a leisure block set within a substantial residential garden.

There are significant concerns with the size of the replacement developments, proposed. Whilst the combined footprint of the proposal is less than that of the existing and the volumes of the existing and proposed are comparable, the height of the resulting proposals are twice as large as those insitu. There are considerable concerns about the proposal to provide two storey accommodation where currently exists modest single storey buildings. It is considered that the proposed developments are inappropriate in terms of its size, scale, mass, bulk and design, within the context of the Green Belt. This is because it is considered to detrimentally impact on openness. The proposed buildings would be materially larger than those to be replaced and would fail to comply with Green Belt Policy.

Paragraph 90 of the NPPF states that certain other forms of development are also appropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. These include the re-use of buildings provided that the buildings are of permanent and substantial construction. However, the proposal seeks permission for new building and not for the re-use of existing buildings. The proposed development as independent residential and leisure facilities are therefore found to be unacceptable uses within the Metropolitan Green Belt.

The provided Design and Access Statement states each block will be bespoke in their architectural vernacular. No objection is raised to the unique modern architectural design approach. However issues rehearsed above do not outweigh the merits of design quality proposed here.

Any Other Harm

Neighbouring amenity

The site is located in a secluded rural location accessible from the May Lane. The pattern of development is sparse and as a result it is not considered that the proposals would harm neighbouring amenity. The proposed dwellings would provide adequate amenity for existing and future residents.

Highway safety

The proposals could make provision for parking in accordance with the Council's standards. This is considered acceptable in highways terms.

Sustainable Development

The development would be required to meet Level 3 of the Code for Sustainable Homes, and the applicant has proposed this.

The Ecological Survey concluded that some onsite features contained potential to support wildlife:

- Pond - Good potential to support Great Nested Newts,
- Buildings and trees – potential to support bats – further surveys required.
- Trees and Hedgerows – Potential to support nesting birds.

Whilst ecological enhancements have been proposed to improve the overall value of biodiversity, further ecological enhancements will be required following bat and Great Crested Newt surveys. In the absence of surveys and relevant steps of protection, it is not considered the sufficient information has been submitted to demonstrate that existing biodiversity will be protected.

3. COMMENTS ON GROUNDS OF OBJECTIONS

No trees located within the site are considered to be protected by Tree Protection Orders. All other matters raised during consultation have been addressed in the appraisal above.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

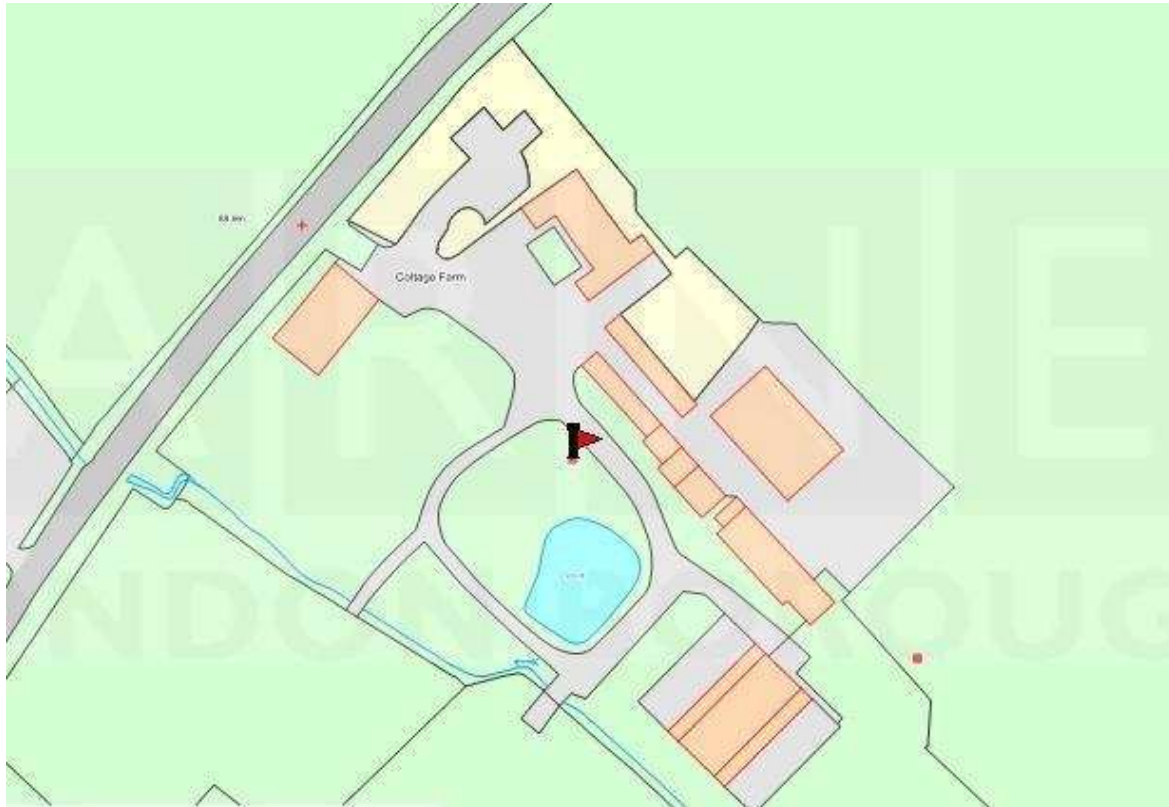
The application is recommended for **REFUSAL**.

**SITE LOCATION PLAN:
2AQ**

Cottage Farm, Mays Lane, Barnet, Herts, EN5

REFERENCE:

B/04041/14



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LOCATION: Brookfields Garage, Victoria Lane, Barnet, Herts, EN5 5UN

REFERENCE: B/03629/14

Received: 07 July 2014 **AGENDA ITEM 12**

Accepted: 10 July 2014

WARD(S): Underhill

Expiry: 04 September 2014

Final Revisions:

APPLICANT: c/o DPA (London) Ltd

PROPOSAL: New roof to existing workshop to increase roof height and single storey side extension to existing workshop

RECOMMENDATION: Approve Subject to Conditions

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

- Ordnance Survey Map showing the Application Site
- 1006 01 Revision B; 1006 02 Revision B; 1006 11 Revision B and 1006 12 Revision C.
- Acoustic Assessment of noise at Brookfield Garages produced by Ned Johnson Acoustic Consultants accompanied by plan drawing no. 1006.401 and dpa letter by Luke Saunders.
- E-mail from Luke from <architectural@dpa-architects.co.uk> dated 02/09/2014 clarifying proposed roof insulation details for the application premises.
- E-mail from Luke from <architectural@dpa-architects.co.uk> dated 03/09/2014 confirming employee and car parking situation for the application site.

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).

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 £1792 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 £6912 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 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 and CS13.

Relevant Development Management DPD (2012): Policies DM01, DM02 and DM04.

Relevant Planning History:

Site history for current landparcel :

287508 - Brookfields Garage, Victoria Lane, Barnet, Herts, EN5 5UN

Case Reference: **B/03629/14**

Planning applications picked up in spatial search

Site Address: Land in Victoria Lane Barnet Hill BARNET Herts EN5
Application Number: N00028G
Application Type: Full Application
Decision: Refuse
Decision Date: 13/06/1973
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Prefabricated spray booth**
Case Officer:

Site Address: South-west of Victoria Lane off High Street BARNET Herts EN5
Application Number: N00028H
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 22/07/1974
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Renewal of permission for continuation of use for car park.**
Case Officer:

Site Address: Land south-west of Victoria Lane & r/o 15 Fitzjohn Avenue BARNET Herts EN5
Application Number: N00028L
Application Type: Full Application
Decision: Refuse
Decision Date: 26/02/1975
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **prefabricated concrete garage for car servicing.**
Case Officer:

Site Address: Repair Garage Victoria Lane BARNET Herts EN5
Application Number: N00028N
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 11/07/1990

Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of single storey workshop building to replace existing building and continued use of land as car park.**

Case Officer:

Site Address: Workshop Victoria Lane BARNET HERTS
Application Number: N00028Z
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 15/10/1996
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing motor workshop and erection of new motor workshop with continued use of car park (same as application approved in 1990).**

Case Officer:

Site Address: Land in Victoria Lane Barnet Herts EN5
Application Number: N00028AB/00
Application Type: Retention/ Contin. Use
Decision: Refuse
Decision Date: 05/03/2001
Appeal Decision: Dismissed
Appeal Decision Date: 05/03/2001
Proposal: **Continued use of land at end of Victoria Lane for the Parking of HGV vehicles (no larger than 7.5 tonnes). Use of portocabins for office and storage and separate storage container.**

Case Officer:

Site Address: 1 Victoria Lane, Barnet, Herts, EN5 5UN
Application Number: B/00827/11
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 15/09/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Continued use of part of site for storage of scaffolding boards.**
Case Officer: Mary Kearns

Site Address: Brookfields Garage, 1 Victoria Lane, Barnet, Herts, EN5 5UN
Application Number: B/02973/12
Application Type: Full Application
Decision: Refuse
Decision Date: 24/10/2012
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Re-building of a new garage with 6no. rooflights following demolition of the existing garage building.**

Case Officer: Adam Ralton

Site Address: Brookfields Garage, Victoria Lane, Barnet, Herts, EN5 5UN
Application Number: B/01227/13
Application Type: Full Application
Decision: Not yet decided

Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing garage followed by construction of new garage with 6no. rooflights**

Case Officer: Adam Ralton

Site Address: Brookfields Garage, Victoria Lane, Barnet, Herts, EN5 5UN
Application Number: B/00947/14
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 13/05/2014
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **New roof to existing workshop to increase roof height.**
Case Officer: Mumtaz Shaikh

Consultations and Views Expressed:

Neighbours Consulted: 150 Replies: 7 objections received
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- The planning process is being abused by the applicant in that the applicant is clearly making tactical multiple applications in the hope that local residents will be worn down and not object.
- The proposal would result in increased scale and footprint of the building to allow 2 additional car lifts and it would lead to increased noise, disturbance and pollution from the resulting use
- The application shows no current employees on the site and no figures are given for the proposed employee.
- The application says there is no parking currently on site. However there is always significant car parking on site. Currently there are around 20 car parking spaces including commercial vehicles.
- The proposal would be out of keeping, overbearing and detrimental to the visual amenity of the locality and it will deteriorate the area.
- The existing building is an eyesore, the metal roof is incompatible and a change of roof material /colour could help alleviate the problem. Extending the roof at the rear would exacerbate this problem.
- It would lower the house value in the area.
- It provides no details of its impact on the surrounding.
- The proposal moves the present accesses's to the garage away from the access road and instead directly face the rear gardens of properties in Fitzjohn Avenue.
- The proposal includes no plans to improve existing car park and improve boundaries of the site
- The proposal does not list hours of working
- It would affect privacy of residents in Fitzjohn Avenue

Reconsultation on amended description was carried out. However, no further objections were received.

Internal /Other Consultations:

- Environmental Health - No objections to the proposal

Date of Site Notice: 17 July 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site contains a detached repair garage/workshop building, and is located between Normandy Avenue and Fitzjohn Avenue, accessed from Victoria Lane. A public car park is located to the north of the site, residential gardens to the south and east, and hardstanding areas used in connecting with the storage and repair of vehicles to the west of the existing building. The planning history for the site indicates that a garage building has been in existence in this locality for a number of years.

The building comprises two distinct elements, the northern flat roof element 10.2m (deep) x 7.3m (wide) has a maximum height 2.9m (high) to flat roof, abutting the rear buildings of Nos. 10 and 12 Normandy Avenue. The second element 5m (deep) x 8.3m (wide) with a mono-pitched roof has a ridge height of 4.5m to 3.8m from its highest to lowest point and eaves height of 4.2m to 3.4 from its highest to lowest point. In addition to this, the existing repair garage/workshop building has a 1.6m (wide) x 9.1m (deep) open car port type structure (i.e. it is covered by roof and supported by timber pillars and building walls) on the west side of the building overlooking the car park located within the application site.

Proposal:

The proposal involves *"removal of existing car port type structure on the west side of the existing repair garage/workshop building and erection of a new single storey side extension as a replacement. The proposal also involves a new roof to existing workshop including increase in roof height.* Planning application ref: B/00947/14 for *"New roof to existing workshop to increase roof height"* was recently approved by the Members of the Chipping Barnet Area Planning Committee on 08/05/2014. Given the approved development has not been implemented, the description of the current application is amended to include the development approved under ref: B/00947/14 to form part of this application.

The proposed new single storey extension on the west side of the existing repair garage/workshop would be set-back 1.1m from the front of the existing garage/workshop and it would increase the width of the front element of the existing repair garage/workshop by 4.2m and therefore the existing front element would

increase in width from existing 7.3m to 11.5m to accommodate two additional car lifts. The new side extension would also increase the width of the rear element of the existing repair garage/workshop by 3.2m and therefore the existing rear element would increase in width from existing 8.3m to 11.5m to increase the size of the existing car lift area.

The proposal also includes installation of a new curved roof of the existing front flat roof element of the existing workshop to increase internal height. The proposed curved roof rises from east to west side of the existing workshop and therefore the height of the resulting workshop on the east side would be 2.65m which gradually increases to a maximum of 4.52m on the west side of the workshop. It should be noted that the new curved roof approved under previous application ref: B/00947/14 would now extend over the new single storey side extension to the front element of the existing repair garage/workshop building and the height of the new curved roof over the new side extension would be restricted to 4.52m at its highest point as approved in the previous application ref: B/00947/14. The new single storey side extension to the rear element of the existing workshop building would have a new roof with a height of 3.76m and this would match the lowest height of the existing sloping roof over the rear element of the existing building.

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.

The Council's approach to extensions and alterations to existing buildings as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity.

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 make 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.

Assessment of the proposal

The application site as noted above comprises a single storey garage/workshop building that has been present at the site for a number of years. As a result, the principle of the use of the existing garage/workshop area for vehicle repairs is acceptable.

It should also be noted that as "*new roof to existing workshop to increase roof height*" has been fully assessed and approved under previous planning application ref: B/00947/14 by the Members of the Chipping Barnet Area Planning Committee on 08/05/2014. Therefore the only new element that needs to be considered in this application is the "*single storey side extension on the west side of existing repair garage/workshop and extension of the approved curved roof over this extension*".

The proposed new single storey side extension would replace existing single storey dilapidated car port extension and the replacement of existing unsightly flat roof of varied roof heights with a new insulated curved shaped roof that would have a height of 2.65m on the east side gradually increasing to a maximum height of 4.52m on the west side.

It is considered that the proposal would make a significant improvement to the appearance of the existing building. Victoria Lane is not a main road or a public through road. Given its location in a yard area, set back from the public highway, the proposed single storey side extension and the proposed new curved roof is not considered to be detrimental to the character and appearance of the area. It would not appear as a prominent building within the street scene, and would appear functional in the context of the vehicular repair and storage operations.

Residential Amenity

The proposed single storey side extension is set-away approximately 19m from the rear boundaries of residential properties of No. 15 to 19 Fitzjohn Avenue. The boundaries of these properties are well screened by denser trees and planting, and therefore not considered to have any adverse impact on the amenities of the occupiers of these neighbouring residential properties.

The proposed single storey side extension abuts the rear boundaries of properties No. 12 and 14 Normandy Avenue. However, given the modest height of the extension and the fact that the boundaries of these properties are largely screened by their rear fence together with planting and trees. This is not considered to have any adverse impact on the amenities of the occupiers of this neighbouring house.

The proposed curved roof as discussed in the previously approved application ref: B/00947/14 still relates to the flat roof part of the existing garage/workshop building (i.e. up to the depth of 10.2m from the front) while the rearmost part of the existing building remains unchanged. In terms of "new curved roof", the main difference between that previously approved and the current application is that the approved curved roof would be extended over the proposed single storey side extension. This is considered acceptable with no appreciable adverse impact on the surrounding area.

The existing garage/workshop is open between 08:00 to 17:00 and at present has one car lift located at the rear adjacent to the rear part of the rear garden of the

neighbouring house No. 14 Normandy Avenue. The proposed extension to this part of the garage/workshop is to create adequate size bay to carry out the same function and to accommodate new equipment. The remaining part of the proposed single storey extension would take place in front of this existing car lift bay area to accommodate two additional car lift bays and to accommodate the new equipment. It should be noted that the two additional new car lifts / bays would be approximately 5m away from the rear boundary of No. 14 Normandy Avenue. According to the noise report submitted with the application, the proposed extension is not expected to increase the existing business significantly on the application site. At present, there are approximately 3 cars per day at the garage. The expectation is that there will be three to four additional cars a day to the garage. The applicant therefore commissioned Acoustic Consultant to produce and submitted Acoustic Report to demonstrate that the proposed extension resulting in small increase in workshop size and business would not have detrimental impact on the amenities of the occupiers of neighbouring houses in terms of noise. The noise report has been assessed by the Council's Environmental Health Noise Officer and it is concluded that the noise report is considered acceptable. The extra noise that will be resulting from additional car lifts which will be internally housed, would be attenuated by the proposed reasonable insulation in the new roof and therefore noise from less than 10 cars visiting the site per day, would not result in significant increase in noise affecting neighbours during the day. The proposal based on this information is not considered to have any detrimental noise impact on the amenities of the occupiers of neighbouring residential properties on both Normandy Avenue and Fitzjohn Avenue.

3. COMMENTS ON GROUNDS OF OBJECTIONS

With regards to objections received they are considered as follows:

- The applicant has followed a planning process for their applications whereby neighbouring properties have been consulted and objections received are considered in the assessment of the proposal.
- With regards to noise, the proposal would result in small increase in the footprint of the existing garage/workshop to house 2 additional car lifts. It is acknowledged that this would result in small increase in business. However, the Noise Report is considered to address this issue.
- The applicant's agent has now confirmed that there are all together 3 employees including himself.
- The ordnance survey map submitted with the application shows the boundaries of the application site outlined in red which comprises a large un-marked car park on the west side of the existing garage/workshop that would accommodate for off-street parking required for the garage/workshop.
- The application site is located in Victoria Lane, which is not a main road or a public through road. Given its location in a yard area, set back from the public highway, the proposed single storey extension is not considered to be detrimental to the character and appearance of the area. It would not appear as a prominent

building within the street scene, and would appear functional in the context of the vehicular repair and storage operations.

- The objection regarding proposal affecting house prices in the area is not a relevant planning objection as houses prices are affected by housing market in the area.
- The Noise Report confirms that the existing garage/workshop is open between 08:00 to 17:00.

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 this proposal would comply with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for Approval.

SITE LOCATION PLAN: Brookfields Garage, Victoria Lane, Barnet, Herts, EN5 5UN

REFERENCE: B/03629/14



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LOCATION: 55 Woodside Park Road, London, N12 8RX

AGENDA ITEM 13

REFERENCE: B/04691/14

Received: 27 August 2014

Accepted: 01 September 2014

WARD(S): Totteridge

Expiry: 27 October 2014

Final Revisions:

APPLICANT: MEH Homes Limited

PROPOSAL: Demolition of existing dwelling and construction of a new 4-storey block of 5no. flats incorporating rooms in roofspace, 5no. parking spaces, refuse bin storage, cycle storage and associated site works.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 55WPR-PP2-01, Arbtech AIA 01 Rev A, and Arbtech TPP 01 Rev A (received 27 August 2014), and Drawing Nos. 55WPR-PP2-02B, 03A and 04B (received 9 October 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 is occupied the parking spaces shown on Drawing No. 55WPR-PP2-02 Rev B shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 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.

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

Reason:

To safeguard the 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.

- 6 Prior to the first occupation of the development hereby approved, the enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers shall be constructed in accordance with the details on Drawing No. 55WPR-PP2-04.

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 building hereby permitted is occupied the proposed windows to the rear of the east flank elevation facing Greville Lodge shall be glazed with obscure glass only in accordance with the submitted drawings below 1.7 metres above the finished floor level of the room they serve, 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).

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

Reason:

In the interests of highway safety and good air quality in accordance with Policy DM17 and DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 of the London Plan (2011).

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

Reason:

To ensure a satisfactory appearance to the development 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).

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

Reason:

To ensure a satisfactory appearance to the development 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.

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

Reason:

To ensure a satisfactory appearance to the development 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.

- 12 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.

- 13 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.

- 14 No siteworks or works on this development shall be commenced before a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations and expanding on the principles in the submitted statement are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval. The statement shall include details of foundation types and the relevant associated construction methodology.

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.

- 15 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.

- 16 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).

- 17 Prior to the first occupation of the development hereby approved, the window serving Bedroom 2 in the ground floor flat shall be fitted with an angled obscure glass to protect privacy and maintain outlook, the details and specification of which have been previously submitted to and approved in writing by the Local Planning Authority. The window shall be installed in accordance with the details as approved and maintained as such thereafter.

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

INFORMATIVE(S):

- 1 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 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 3 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 £17010 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 £65610 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.

- 4 Wildlife and Countryside Act 1981 Obligations etc: TIN/TPO
Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.
- 5 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.

- 6 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of

work are raised and the condition and safety of the Borough's streets and pavements are improved.

- 7 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day as calculated according to the Code for Sustainable Homes.

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

The Mayor's London Plan July 2011:

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

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

The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

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 11 September 2012.

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

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

Supplementary Planning Documents and Guidance

The Council's Residential Design Guidance SPD was adopted in April 2013. This sets

out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation.

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

In respect to amenity, development 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.

The Council adopted a Sustainable Design and Construction SPD in April 2013, following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

Relevant Planning History:

Site Address:	55 Woodside Park Road, London, N12 8RX
Application Number:	B/02618/14
Application Type:	Full Application
Decision:	Withdrawn
Proposal:	Demolition of existing dwelling and construction of a new 4-storey block of 9no. flats incorporating additional rooms at roof space, 3no. parking spaces, refuse bin storage, cycle storage and associated site works.

Consultations and Views Expressed:

Neighbours Consulted: 418 Replies: 9 letters of objection and 5 letters of support.

Neighbours Wishing To Speak: 5

The objections received can be summarised as follows:

- Proposal appears to be a mass of concrete and glass, and represents poor design.
- Proposal should not result in the loss of more trees.
- Development is unnecessary due to the increased volume of traffic and lack of parking.
- Proposal would result in a proliferation of flats.
- Existing building should be retained as a heritage asset.
- Development would result in the loss of a single family dwelling.
- Development is too high in the context of the neighbouring buildings, and too high in relation to its width.
- Proposal would not provide good internal accommodation.
- Proposal involves a substantial encroachment of garden land due to its depth, and would destroy the front garden.

The letters of support can be summarised as follows:

- Development would enhance the area and be more aesthetically pleasing than the existing blocks of flats.
- Flats like this are in short supply.
- Existing house looks odd, sandwiched between two blocks of flats.

Internal /Other Consultations:

Traffic and Development:

- The proposal is for a residential development of 5 flats. A total of 5 parking spaces are proposed: 2 at the forecourt of the site and 3 at the rear of the site, all assessed via existing vehicle access from Woodside Park Road leading to a hardstanding area at the front of the property. The parking provision is in accordance with the parking standards in London Borough of Barnet's Local Plan.
- The proposed internal access road to the rear of the site due to its width would only allow for a one way operation, therefore a warning system should be provided at the entrance to the narrow section to manage the one way operation warning vehicles if another vehicle is approaching in the other direction.
- Recommendation: No objection on highways grounds.

Date of Site Notice: 11 September 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site contains a two storey detached dwelling, located on the southern side of Woodside Park Road, opposite its junction with Dorie Mews. It is the one remaining single family dwelling along this part of Woodside Park Road, being flanked on both sides by four storey blocks of flats.

Proposal:

This application proposes the demolition of the existing dwelling, and the construction of a four storey building which would contain a total of 5 flats. The ground, first, second and third floors would each contain one 3-bedroom flat. A 2 bedroom flat would be contained within the roof area of the building. The submitted drawings show this roof area to be set back from the main front and rear walls, and to also be very low in height such that it would not represent a full further storey of massing.

The proposed building would measure approximately 20.4 metres in depth by 11 metres in width. It would have a height of approximately 12.6 metres when viewed from the front. Two parking spaces and refuse storage would be located to the front of the building, with an undercroft on the western side providing vehicular access to three further parking spaces to the rear, as well as storage areas for garden equipment and bicycles. Each flat would have a balcony, and the building would also benefit from a communal amenity area to the rear.

Planning Considerations:

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

- Whether harm would be caused to the character and appearance of the street

- scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
 - Whether the proposal would provide adequate amenities for future occupants;
 - Whether harm would be caused to highway safety;
 - Whether harm would be caused to trees.

Impact on the character of the area

In respect of the loss of the existing building, whilst it is noted this is an attractive Edwardian house, the building does not benefit from any local or national designation as a heritage asset. There are other examples of similar architecture in the surrounding area and the loss of the existing building is not considered objectionable in principle. Whilst the existing building is a single family house, the proposed development would provide four 3-bed flats and one 2-bed flat. Three bed units are a medium priority in the Borough and it is considered that the replacement of one family house with four medium-priority units represents an acceptable use of this site.

As noted above, whilst the application site at present contains a single family dwelling, a large number of the neighbouring buildings are purpose built blocks of flats. As a result, the provision of a flatted development would accord with the pattern, use and appearance of the surrounding area.

In relation to the proposed building itself, the front elevation is set between the staggered front building line of both neighbouring buildings. The neighbouring building to the east, Greville Lodge, is separated from the application site by the access drive to its parking area. The highly visible flank elevation of the application building is punctuated by steps in the elevation which would allow for some soft landscaping to be established, and is broken up by windows and different materials. As such, the flank elevation would have an acceptable appearance in the street scene. The separation between the site and Greville Lodge would ensure the proposed building does not appear cramped within its plot. Whilst contemporary in design, the street scene does not contain one single typology of design or style of building. It contains buildings of varying age, style and design. The proposed design would be an acceptable contemporary addition to this varied street scene.

The proposed building would in part project beyond the front of the neighbouring building to the west, Beecholme, but with the elevation staggered such that the undercroft element is set 10 metres back from the front elevation. This would give an appearance of spacing about the proposed building, and would result in an acceptable relationship with Beecholme. The height and massing of the proposed building would relate acceptably to both the neighbouring buildings and the wider locality, and the proposal is therefore not considered to have an adverse impact on the character and appearance of the area.

The proposed bin storage would be very close to the front elevation, and would appear as a discreet feature within the wider street scene.

Impact on the amenities of neighbours

Neither neighbouring building includes any primary windows to habitable rooms in their flank elevations facing toward the application site. As a result, the proposed

building would not appear overbearing or visually intrusive when viewed from either neighbouring building. The proposed building would project only slightly beyond the rear of Beecholme, at a distance from Beecholme such that it would not appear prominently from this neighbouring building. The proposal would have no clear-glazed windows facing directly toward the amenity areas of the neighbouring buildings, and as such would not be detrimental to the privacy of the occupants of these buildings.

Quality of amenity for future occupants

The proposed units would provide good quality units, meeting the relevant minimum unit and room size requirements, providing a good quality dual-aspect outlook and satisfactory outdoor amenity space. In respect of the ground floor unit, the layout of this has been amended during the course of the application to provide additional glazing to bedroom 3, and to provide additional light to the kitchen internally. In respect of ensuring Bedroom 2 benefits from privacy and an outlook, the window to this room has been repositioned. In addition, a directional concealing glass system has been specified to ensure that occupants have an outlook out of the room, whilst people walking past cannot see into the room. It is considered that this system would protect the privacy of future occupants, and the proposal would provide good living conditions for future occupants.

Impact on parking and highway safety

The proposal would provide one parking space for each unit. This would accord with the Council's parking standards and is acceptable for a development of this nature.

Impact on trees

The application site is surrounded by a number of trees. The applicant has included an Arboricultural Report detailing how the construction would take place to minimise any adverse impact on these trees, and subject to conditions requiring additional details to be submitted, no objections are raised in relation to the impact on the trees.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The objections raised are addressed in the appraisal above.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

The proposal is considered to accord with the Development Plan and is therefore recommended for approval.

SITE LOCATION PLAN: 55 Woodside Park Road, London, N12 8RX

REFERENCE: B/04691/14



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LOCATION: Arthur House, Barnet Lane, London, N20 8AP

AGENDA ITEM 14

REFERENCE: B/04204/14

Received: 05 August 2014

Accepted: 08 August 2014

WARD(S): Totteridge

Expiry: 03 October 2014

Final Revisions:

APPLICANT: Shandler Homes

PROPOSAL: Demolition of existing dwelling and construction of a two-storey dwellinghouse with rooms in the roof space and basement.

RECOMMENDATION: Approve Subject to Conditions

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

- 1413.P.02 Revision E dated 12.11.2013
- 1413.P.03 Revision D dated 11.11.2013
- 1413.P.04 Revision D dated 20.11.2013
- 1413.P.05 Revision A dated 17.06.2014
- 1413.P.06 dated 18.08.2014
- Sustainability Statement by Andrew Scott Associates Architects
- Design and Access Statement by Andrew Scott Associates Architects
- Demolition and Construction Method Statement by Andrew Scott Associates Architects
- Arboricultural Report by David Clarke Chartered Landscaped Architect and Consultant Arboriculturist Limited received via e-mail dated 08/10/2014 from Andrew Scott from <andrew.scott@architects-asa.co.uk>.

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 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).

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

Reason:

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

- 7 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).

- 8 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.

- 9 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.

- 10 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.

- 11 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.

- 12 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.

- 13 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.

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, C, D, E, F of Part 1 to Schedule 2 of that Order shall be carried out within the curtilage of the dwelling hereby approved.

Reason:

To safeguard the amenities of neighbouring occupiers and the general locality in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 15 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).

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

Reason:

In the interests of highway safety and good air quality in accordance with Policy DM17 and DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 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 £12950 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 £49950 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.

- 3 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 4 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day as calculated according to the Code for Sustainable Homes.
- 5 *Surface Water Drainage* - With regards to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, watercourses 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 separated and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developers 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.

Thames Water would advise that with regard to sewage infrastructure capacity, there is no objection to this application.

Water Comments - With regard to water supply, this comes within the area

covered by the Affinity Water Company. For your information the address to write to is - Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9Ez - Tel - 0845 782 3333.

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 and is recognised in the NPPF as part of the development plan.

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

The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

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 11 September 2012.

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

Relevant Development Management DPD (2012): Policies DM01, DM02, DM06, DM08, DM17.

Supplementary Planning Documents and Guidance

The Council's Residential Design Guidance SPD was adopted by Cabinet in April 2013. This sets out information for applicants to help them design an extension to their property and new build development which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation.

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

In respect to amenity, development 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.

The Council adopted a Sustainable Design and Construction SPD in April 2013, following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

The Council's Supplementary Planning Document: Residential Design Guidance (April 2013) is divided into four parts:

- Part 1 sets out the context for residential design in Barnet providing, local design principles which reflect and contribute to the understanding of Barnet's suburban character.
- Part 2 sets out general guidelines for new residential development as well as amenity and space standards. This document provides advice on privacy and overlooking, minimum room sizes, good building layout, provision of gardens, outdoor play space requirements.
- Part 3 sets out the requirements and design criteria related to changes to the existing housing stock within Barnet.
- Part 4 includes/provides supporting information including references, useful web links and the glossary list.

Totteridge Conservation Area Character Appraisal.

Relevant Planning History for Arthur House:

Site Address:	Arthur House, Barnet Lane, London, N20 8AP
Application Number:	B/05757/13
Application Type:	Full Application
Decision:	Application Withdrawn
Decision Date:	30/01/2014
Proposal:	Demolition of existing dwelling and construction of a two-storey dwelling house with rooms in the roofspace and basement.

Site Address:	Arthur House, Barnet Lane, London, N20 8AP
Application Number:	B/00982/14
Application Type:	Full Application

Decision: Refuse - The proposed development by reason of siting, mass, bulk and design, would result in a cramped, overly prominent building in this part of the Totteridge Conservation Area and constitute an overdevelopment of the site. It would not preserve or enhance the character or appearance of the conservation area and would be detrimental to the character and appearance of the street scene.

Decision Date: 04/08/2014.

Appeal Decision: An appeal is lodged against the refusal of this application and awaiting appeal decision.

Proposal: **Demolition of existing dwelling and construction of a two-storey dwellinghouse with rooms in the roof space.**

Relevant Planning History for the wider area

Site Address: 1 The Pastures, London, N20 8AN
Application Number: B/04253/13
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 08/11/2013
Proposal: **Demolition of existing dwelling and construction of a two-storey dwelling house with rooms in the roof space and associated landscaping.**

Site Address: 1 The Pastures, London, N20 8AN
Application Number: B/06095/13
Application Type: Material Minor Amendment/Vary Condition
Decision: Approve with conditions
Decision Date: 10/03/2014
Proposal: **Variation to condition 2 (Plans) pursuant to planning permission B/04253/13 dated 08/11/13 for "Demolition of existing dwelling and construction of a two-storey dwelling house with rooms in the roof space and associated landscaping". Variation include new subterranean development and changes to fenestration.**

Site Address: 1 The Pastures, London, N20 8AN
Application Number: B/02363/13
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 26/06/2014
Proposal: **Demolition of existing dwelling and construction of a two-storey dwelling house, plus basement, with rooms in the roof space and associated landscaping.**

Site Address: Shelbourne, 18 The Pastures, London, N20 8AN
Application Number: B/04354/14
Application Type: Full Application
Decision: Awaiting Decision
Proposal: **Demolition of existing dwelling and detached garage and construction of new 2 storey house including rooms in roof space, basement level, landscaping, new boundary walls and cross over.**

Site Address: Waen Havon, Barnet Lane, London, N20 8AP
Application Number: B/03920/11
Application Type: Full application
Decision: Deemed Refusal
Appeal Decision: Dismissed
Appeal Decision Date: 06/06/2012
Proposal: **Demolition of the existing house. Erection of two storey 2no. dwellinghouses with rooms in the roofspace. Provision of off-street**

parking and associated landscaping.

Site Address: Waen Havon, Barnet Lane, London, N20 8AP
Application Number: 03598/12
Application Type: Full Application
Decision: Refuse
Appeal Decision: Dismissed
Appeal Decision Date: 17/09/2013
Proposal: **Demolition of existing dwelling and replacement with a two storey new dwelling with room in the roofspace and swimming pool in the basement with associated landscaping.**

Site Address: Waen Havon, Barnet Lane, London, N20 8AP
Application Number: B/01868/13
Application Type: Full Application
Decision: Refuse
Appeal Decision: Dismissed
Appeal Decision Date: 14/02/2014
Proposal: **Demolition of existing single dwelling and erection of two new build dwellings.**

Site Address: Waen Havon, Barnet Lane, London, N20 8AP
Application Number: B/05897/13
Application Type: Full Application
Decision: Approve with conditions
Decision date: 04/03/2014
Proposal: **Demolition of existing dwelling and replacement with a new dwelling with basement.**

Consultations and Views Expressed:

Neighbours Consulted: 37 Replies: 5 objections received
Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

Objections received from neighbouring house Searles Field

- The proposed new house on 3 stories as opposed to 2 stories would be much larger than the old property on site. The proposed house would be built too close to neighbouring house Searles Field and it would block out the light at the front of this neighbouring property and it would result in loss of light and privacy, cause overlooking and overshadowing and it would be overbearing.
- The occupiers of neighbouring house Searles Field are extremely worried about the conservation area. The proposed house would be too close to their trees at the front of their house and are worried that the trees would get damaged. The trees at present provide privacy for their house and if the trees get damaged their privacy would be lost. It is suggested that the size of the property should be scaled down, built similar to the existing property and it should be set further away from their property so as not to cause any of the above mentioned problems.

Objections received from neighbouring house 17 Priory Close

- The proposed redevelopment of Arthur house is totally against the letter and spirit of the Totteridge Conservation area.
- The destruction of a perfectly good four bedroom house is not an act of conservation area. The proposal does not add to the housing stock of Barnet in any

way.

- The design of the front of the property is not in keeping with any other property in Barnet Lane.
- The re-submitted planning application indicates that the development is still over the twice the size of the existing four bedroom house.
- With a proposed rear patio area again around half the size of the existing property, the total area covered by cement is over three times that of the existing building. This is strongly anti-environmental. It is particularly dangerous as earlier this year six 70 years old protected trees in the garden of 17 Priory Close (directly to the rear of Arthur House) were brought down in strong winds largely caused by having their roots almost totally submerged as a result of run-off from two previous developments in Barnet Lane.
- The drop on the land of Arthur House is 7 metres and with the proposed massive over development it represents a real and dangerous threat to trees and the property in Priory Close. This is particularly concerning as all long term weather forecasts indicate increasingly severe winters in the UK. The interruption of natural drainage can only be further exacerbated by placing a swimming pool in the basement of this four-storey development. Planned parking for 5 cars would add further risk to the already difficult junction of Barnet Lane/ White Orchards/ The Pastures.

Summary of objections received from neighbouring house High Elms (please note the full objection letter is available as an Appendix to this report)

- We would strongly submit that the application before your Authority is not relating to exceptional circumstances despite the Applicants assertions.
- Proposal would be in Direct Contravention of and contrary to Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy, Policies DM01 and DM06 of the Development Management Policies DPD, the Totteridge Conservation Area Character Appraisal and the Residential Design Guidance SPD.
- Previous refusal was empathic and unequivocal in the extreme in its terms and can be taken as very comelling precedent for any future application of this site.
- Existing dwelling should be retained, remodelled and refurbished
- Proposed construction works would impede traffic flow along Barnet Lane and would harm the amenities of local residents
- Construction workers would exacerbate existing on-street parking pressures.
- Proposal would prejudice the quite enjoyment by adjacent owners of their properties, contrary to The Human Rights Act Protocol 1, Article 1.
- Insufficient parking is proposed on-street and the point of access is a threat to road safety.
- Proposal is too large and an overdevelopment of the site. Spaces between the proposal and the neighbouring buildings have only increased marginally since the previous application. The current application relates to a structure of greater scale and massing than the previously refused application.
- Proposal would reduce natural light to neighbouring properties, and views of the sky and sun.
- Excavation would cause damage to trees.
- Design and Access statement and Demolition and Construction statement relates to the previous scheme.

Totteridge Conservation Area Advisory Committee

- Reduction in size from previously refused application B/00982/14 is negligible and our comments of 28th April remain relevant to this current application.

Internal Consultations:

- Urban Design & Heritage - This is a resubmission to an application that was approved by the planning department, but was overturned at committee. As such the plans have been resubmitted, with minor amendments to the dimensions of the house. The Planning team have sent it straight to committee, in light that the planning department approved a larger scheme and would therefore have no reason to not approve this application.
- Transportation - No objection to the proposal.
- Tree Officer - The amended plans are considered to be an improvement on the original plans submitted with the application and are now considered to be acceptable subject to conditions.

Date of Site Notice: 21 August 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

This application relates to a two-storey, detached dwelling located within a substantial plot on the western side of Barnet Lane and within 'Area 3' of the Totteridge Conservation Area. A group of mature trees within the rear garden are covered by a Tree Preservation Order (TPO) although the numerous large trees along the side boundaries are also considered to make a valuable contribution to the character and appearance of the site and wider area.

The Totteridge Conservation Area Character Appraisal highlights a number of key characteristics of this particular part of the conservation area including the following: "*Barnet Lane is narrow, winding and steeply sloping to the north. It is dominated by high brick walls toward Totteridge Village and is semi-rural in character with overhanging trees, simple cottages and houses.*" The properties known as 'The Close' and 'Hillside Manor', which are located slightly further north along Barnet Lane, have both been identified as 'positive buildings.'

A number of negative features of the overall conservation area have also been identified within this appraisal document, including the "*bland residential development such as Badgers Croft, The Pastures and White Orchards*" and the "*...continuous development pressure to enlarge smaller properties which are so characteristic of the area either by extension, demolition and rebuild.*"

The levels fall from the front (east) to the rear west of the site. There is a large garden area to the southern side of the application property, which contributes to the site's spacious character and allows views through from the front of the site to the dense vegetation at the rear. A narrow pathway runs along the northern side of the dwelling, adjacent to the boundary with the neighbouring property (High Elms). Due to the

topography along Barnet Lane, the application property sits at a slightly higher ground level than High Elms.

The area to the front of the application property consists of a fairly small driveway and garden area. As with a number of properties along this part of Barnet Lane, a large brick wall, with recessed vehicular entrance, extends across the site's front boundary.

Although the age and architectural style of the properties within this area are varied, they are largely two-storey, modest detached dwellings with pitched roofs and modest dormers.

The application property, which has a steep cat slide roof over the integral garage to the northern side, measures approximately 15.4m wide at ground floor level - 12m wide at first floor level; 8-11m deep at first floor level; and 5.1-5.4m in height to the eaves / 8.9m to the ridge. There is also a single-storey projection to the rear of the dwelling, which measures approximately 2-5m deep and 8m wide. The dwelling sits approximately 9.2m - 13m back from the front boundary with Barnet Lane; approximately 11.8m - 18.3m from the southern boundary; and 3m from the northern boundary. The properties to the north of the site are of a similar size to the application property whereas the two dwellings to the south are of a greater depth.

Proposal:

The proposal is for the demolition of the existing dwellinghouse and the construction of a new two-storey, detached dwellinghouse with basement and rooms in the roofspace that would have 2 front pitched roof dormers, 3 rear flat roof dormers, 3 rooflights to north-east and 1 rooflight to north-west elevation.

The proposed new dwellinghouse at ground floor level would be 18.7m (wide) with a depth of 14.7m on the side of neighbouring house "High Elms" and 17.6m on the side of neighbouring house "Searles Field". However, at first floor level, the house would be smaller comprising a width of 18m and a depth of 12.4m on the side of "High Elms" and 14.6m on the side of "Searles Field". The basement of the house (i.e. lower ground floor) would have the same width (i.e. 18.7m) as the ground floor of the house. However, its depth in the centre would be 13.5m and on the side of both "High Elms" and Searles Field would be 8.5m.

The main part of the proposed house would have a crown roof with height of 9.3m to the ridge level and 5.5m to the eaves level. The front and rear of the house would have two projecting gables, located on both sides of the house and these would have a height of 8.6m to the ridge level and 5.5m to the eaves level. The front projecting gable towards "Searles Field" is longer than that on the side of "High Elms". The centre of the front elevation of the house would also have a gable with a height of 7.9m to the ridge level. The rear projecting gables are of the same depth. The front and rear elevation of the house would have single storey projection with crown roof with a height of 3.5m to the ridge level. A balcony is also created between the two rear projection at first floor level and it would be enclosed by approximately 1.2m high railings.

The rear roof elevation of the house would have 3 flat roofed rear dormers which would be 1.15m (wide) x 1.4m (deep) x 1.4m (high). The front roof elevation would

have 2 pitched roofed rear dormers which would be 1.8m (high) to ridge level x 1.15m (wide) x 1.4m (deep). The rooflights on both side elevations would be 0.7m x 0.7m.

The windows and doors in the house would have vertical emphasis.

The proposed house from the side boundary adjoining "High Elms" would be set-in 5.3m at the front and 3m at the rear and from the side boundary adjoining "Searles Field" would be set-in 7.5m at the front and 6.5m at the rear. The front of the house from east to south would be set-back approximately 15.8m to 12.2m from its front plot boundary facing Barnet Lane.

The existing Cypress Hedge providing a screen between "Searles Field" and the application site would be retained. The trees along the north-east boundary providing a screen between "High Elms" and the application site largely fall within the site of "High Elms" and therefore would be retained. The proposal would provide part soft landscaping and part permeable gravel at the front of the house. The rear of the house would have approximately 2.2m (deep) patio area extending across the width of the house which would be constructed of permeable paving. The rear garden beyond this would retain its existing levels. The existing vehicular access on the east side of the site boundary would be retained to provide vehicular access for the proposed house.

Planning Considerations:

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

- Whether harm would be caused to the character and appearance of the street scene and the conservation area, as a result of the proposed demolition or construction;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to trees located within and adjacent to the site.

Background

By way of background, this application has been submitted following a previous planning application ref: B/00982/14 for "*Demolition of existing dwellinghouse and construction of a two-storey dwellinghouse with basement and rooms in roof space*" that was reported to Chipping Barnet Area Planning Committee on 28/07/2014 with a recommendation for approval subject to conditions. However, the officer's recommendation was overturned at the committee meeting and the application was refused by the Members of the Chipping Barnet Area Planning Committee for the following reason:

- *The proposed replacement dwelling, by reason of its siting, mass, bulk and design, would result in a cramped, overly prominent building in this part of the Totteridge Conservation Area and constitute an overdevelopment of the site. It would not preserve or enhance the character or appearance of the conservation area and would be detrimental to the character and appearance of the street scene. The proposal would be contrary to policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), Policies DM01 and DM06 of the Development Management Policies DPD (adopted September 2012), the*

The current application is very similar to the previous planning application. The main differences between the current and the previous application ref: B/00982/14 are as follows:

1. The proposed new dwellinghouse at ground floor level would have a width of 18.7m, depth of 14.7m on the side of neighbouring house “High Elms” and 17.6m on the side of neighbouring house “Searles Field”. However, the ground floor of the previously refused planning application had a width of 19.4m, depth of 15.2m on the neighbouring house “High Elms” and 18.2m on the side of neighbouring house “Searles Field. **Therefore the ground floor of the proposed new house has been reduced in width by 0.7m and its depth on the side of neighbouring house “High Elms” is reduced by 0.5m and on the side of neighbouring house “Searles Field is reduced by 0.6m.**
- The first floor of the new house would have a width of 18m and a depth of 12.4m on the side of “High Elms” and 14.6m on the side of “Searles Field”. However, the first floor of the previously refused planning application had a width of 18.7m, depth of 13m on the neighbouring house “High Elms” and 15.2m on the side of neighbouring house “Searles Field. **Therefore the first floor of the proposed new house has been reduced in width by 0.7m and its depth on the side of neighbouring house “High Elms” is reduced by 0.6m and on the side of neighbouring house “Searles Field is reduced by 0.6m.**
- The basement (i.e. lower ground floor) of the new house (162m²) would have the same width (i.e. 18.7m) as the ground floor of the new house. However, its depth in the centre would be 11.2m and on the side of both “High Elms” and Searles Field would be 8.5m. However, the basement (i.e. lower ground floor) of the previously refused planning application (291.1m²) had a width of 19.4m and its depth on the side of “High Elms” was 15.2m and on the side of Searles Field was 18.2m. **Therefore the basement (i.e. lower ground floor) of the proposed new house has been reduced in width by 0.7m and its depth on the side of neighbouring house “High Elms” is reduced by 6.7m and on the side of neighbouring house “Searles Field is reduced by 9.7m. The overall floor area of the basement (i.e. lower ground floor) is reduced by 56%.**
- The front and rear of the proposed new house as in the previously refused planning application has two projecting gables, located on both sides of the house and these would have a height of 8.6m to the ridge level. However, in the previously refused planning application it had a height of 8.9m to the ridge level and **therefore the height of the projecting gables locates on both sides of the new house is reduced by 0.3m to the ridge level.**
- The proposed house from the side boundary adjoining “High Elms” would be set-in 5.3m at the front and 3m at the rear and from the side boundary adjoining “Searles Field” would be set-in 7.4m at the front and 6.5m at the rear. However, in the previously refused planning application the proposed new house from the

side boundary adjoining “High Elms” would be set-in 5.15m at the front and 3m at the rear and from the side boundary adjoining “Searles Field” would be set-in 7.8m at the front and 6.1m at the rear. **Therefore the proposed new house at the front from the side boundary adjoining “High Elms” has increased its set-in by 0.16m. However, the set-in of the proposed new house at the front from the side boundary adjoining “High Elms” is reduced by 0.41m and at the rear it is increased by 0.4m.**

- The front of the proposed new house from east to south would be set-back approximately 15.8m to 12.2m from its front plot boundary facing Barnet Lane. However, in the previously refused planning application the front of the proposed new house from east to south had a set-back approximately 15.6m to 13m from its front plot boundary facing Barnet Lane. Therefore, the proposed new house set-back on the east side from the front plot boundary facing Barnet Lane is increased by 0.2m and towards the south side is reduced by 0.8m. **This means that the proposed house is set-back further 0.2m on the east side and brought forward by further 0.8m on the south side to the front boundary facing Barnet Lane.**

Therefore most of the changes proposed in the current application are of a minor nature except for the basement level which has been reduced in floor area by approximately 56%. The current application therefore is, in terms of its siting, mass, bulk and design, almost the same as the previous planning application that was reported with a recommendation for approval and was overturned and refused by the Planning Committee Members. Given the small nature of the changes made, officers remain of the opinion that the proposal would comply with the requirements of the Development Plan. The application is therefore recommended for approval.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The objections received are mostly addressed within the appraisal section above. Officers consider the size and massing of the proposal to be acceptable, and are satisfied that adequate protection can be afforded to trees within and adjacent to the site. Matters of noise and disturbance caused by construction vehicles and activities are not a material planning consideration, and fall to be controlled under separate legislation.

4. EQUALITIES AND DIVERSITY ISSUES

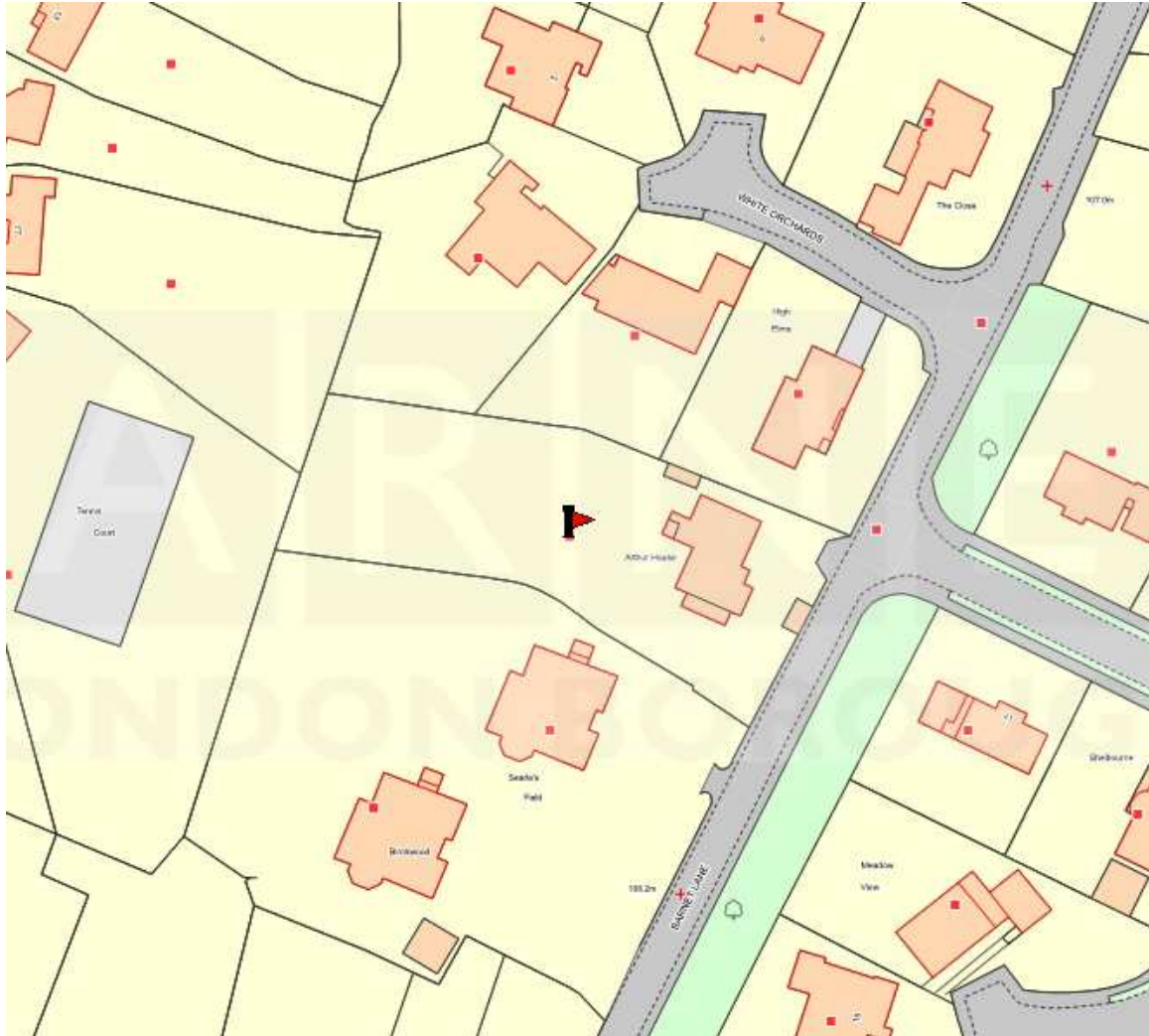
The proposals do not conflict with either Barnet Council’s Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

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

SITE LOCATION PLAN: Arthur House, Barnet Lane, London, N20 8AP

REFERENCE: B/04204/14



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Shaikh, Mumtajbanu

From: [REDACTED]
Sent: 05 September 2014 11:47
To: Shaikh, Mumtajbanu; Prince, Dave
Cc: [REDACTED]
Subject: Fw: Your Ref B/04204/14, Arthur House, Barnet Lane, London N20 8AP

Dear Ms. Shaikh

4th September 2014

We would refer to your advice of the 14th August 2014 and our subsequent meeting and set out below our strong objections to this Application:-

1. Objectors Address :-

2. Telephone Number [REDACTED]

3. REQUEST TO SPEAK AT PLANNING COMMITTEE.

4. OBJECTORS NAMES [REDACTED]

5. E Mail Address [REDACTED]

May we also refer you to previous correspondence submitted and exchanged between us in respect of the earlier Application(B/000982/13), subsequently refused, a point we will refer to in greater detail below, your advice of the 4th August 2014 refers.

We would now submit this as our formal strong objection and set out below our specific Points of Objection and serious concerns:-

1. Development in a Conservation Area

The Subject Application relates to Development in a Conservation Area which by its definition under the relevant Town and Country Acts is an area where further development is to be resisted, avoided and discouraged other than under exceptional circumstances.

We would strongly submit that the application before your Authority is not relating to exceptional circumstances despite the Applicants assertions!!

Furthermore it would be in Direct Contravention of and contrary to Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), Policies DM01 and DM006 of the Development Management Policies DPD (adopted September 2012), the Totteridge Conservation Area Character Appraisal and the Residential Design Guidance SPD (adopted April 2013).

2. Decision Given by Chipping Barnet Area Planning Committee on the 28th July 2014.

As you advised in your letter of the 4th August 2014, the Application (Your Reference B/000982/13) was refused!

This was despite an Officers Recommendation To Approve predicated on what was, as I stated at the Committee Meeting, an "Inherently Flawed Officers Report"

This matter is the subject of on going correspondence between Ourselves, Members and your Senior Officers.

Not only was it refused (very correctly, in our view, having regard to all relevant factors) but the Wording of the Committee's Decision was empathic and unequivocal in the extreme in its terms and can only be taken as a Very, Very Compelling Precedent for any future Applications for the Development of this site, such as the current one. Particularly so when one refers to the Deposited a) The Demolition and Construction Method Statement and b) The Design and Access Statement both of which we will refer to in greater detail below.

For the sake of good order and completeness we attach your letter of the 4th August 2014 as Attachment 1 to the hard copy of this letter.

3. The Existing Property

The subject property is a substantial, characterful structure.

If I may take you to Your Report to the Planning Committee Meeting of the 28th July 2014, Page 131, headed "Loss of existing dwelling" you state that the building is in keeping with the architecture so evident in the immediate and wider area of the Conservation Area and in our STRONG SUBMISSION should be retained, remodelled and refurbished for which there is obvious and great potential, not demolished and rebuilt with all the consequential adverse, detrimental and injurious affection that such a process would cause to the neighbouring Property Owners within the Conservation Area.

It is to be commented that the owners are playing the old Developers Trick of allowing the Property and Garden to fall into disrepair and neglect and should be prevailed upon to remedy the position forthwith. We would also refer you to the Conclusion set out in The Deposited Sustainability Statement in support of our contention.

It is to be unequivocally stated that the Property is not Derelict, purely as we state, in disrepair and suffering neglect, as a direct result of the Owners wants of repair and omissions.

Structurally it appears sound, this is said by a retired Chartered Surveyor, and is capable, viably of remodelling and refurbishment.

We would caution you not to be duped by this old and well known Developers trick! In fact one of the oldest in the book.

4. Traffic

Barnet Lane is a heavily trafficked thoroughfare. We are sure your own Authority's traffic flow figures will prove and bear testimony to this, irrefutably.

Any impediment to traffic flow that would be caused during the demolition and rebuilding process is to be deplored, deprecated and avoided at all cost!! Despite the Developers untenable unsustainable and unachievable claims as set out in the Supporting Documentation.

Moreover allowing the proposed development would cause, undeniably, much impediment during the demoltion and construction process due to the inherent access problems of the site.

It must be of great material concern that your Authority, has, by their "Delegated Officer Approval Mechanism" recently given Approval to the demolition and rebuilding of Waen Havon, Barnet Lane and 1, The Pastures.

Both these properties are in close proximity to Arthur House, The Subject Property.

Moreover Rebuilding Work is in train in respect of a further property in The Pastures and an Application (Your Ref B/04354/14) has been lodged with Your Authority for the demolition of 18 The Pastures and the construction of Four Storey Dwelling, again wrongly described in your letter of the 12th August 2014!!

In fact work is presently underway on 1, The Pastures with many, many traffic movements of heavy lorries along Barnet Lane, the obvious resultant generation of noise and dust emanating from the progress of work as prophesied by us in correspondence to your colleague Adam Ralton. This situation can only be greatly exacerbated should this and further Applications be approved.

To approve a or any further Application for Demolition and rebuilding of the Subject Property, would we strongly suggest show your Authority as failing in their duty as a competent and responsible Planning Authority and be open to an Action for Judicial Review as they would clearly be rendering and subjecting residents of the Conservation Area to all that the definition thereof seeks to protect and avoid!! Particularly so having appropriate regard to and due cognisance of the previous Committee Decision as referred to above!!

Further reference is made to this concern in 7.B) below.

We submit that the proposal would demonstrably harm the amenities enjoyed by local residents, in particular, safe and available on road parking, valuable green space, privacy and the right to enjoy a quiet and safe residential environment.

5. On Street Parking in the Immediate Area

Parking in the immediate area is at a premium, on street, and undoubtedly building and construction workers employed on site would park in these thoroughfares over the long period of the proposed contract period thus exacerbating and putting excessive pressure on an already pressured situation in White Orchards and The Pastures and occupiers of properties therein. Again this situation will be greatly compounded when work proceeds in The Pastures on a further one, possibly two, developments.

We submit that the proposal would demonstrably harm the amenities enjoyed by local residents, in particular, safe and available on road parking, valuable green space, privacy and the right to enjoy a quiet and safe residential environment a situation which has already been deleteriously affected by consents already granted by your Authority.

Exacerbation of the position cannot be allowed or permitted!!

6. Prejudice .

The points made and envisaged under 4. & 5. above would cause prejudice resulting in detrimental impairment to the quiet enjoyment by adjacent owners of their properties and such prejudice should not be caused as it is contrary to the precept that the amenities enjoyed by local residents, as stated above, in particular safe and available on road parking, privacy and the right to enjoy a quiet, safe and peaceful residential environment.

It is in fact a matter of Law that all Property Owners have a Right to Quiet Enjoyment of their Owned Properties. We would also refer you to The Human Rights Act, under which your Authority have responsibility, in particular, Protocol 1, Article 1 clearly states that a person has the right to peaceful enjoyment of all their possessions, which includes their home and other land

7. The Proposed Detail of The Application

Having regard additionally and specifically to the design of the proposed structure and from reference to the Deposited Documents, we would accordingly submit that:-

A) Description

Whilst described in your advice of the 14th August 2014 as a "2-storey dwelling house with rooms in the roof space and basement", a description we have already taken issue with your Office over.

It is, in our submission, despite Mr Prince's advice of the 27th August 2014, a FOUR STOREY STRUCTURE! Indeed as was the structure proposed in the previously resoundingly refused Application (Your Ref B/000982/14) which we would strongly submit was wrongly described in that Application!!

Another flaw!!

B) Access

It is intended to use the existing one point of access onto Barnet Lane during and following completion of the Construction Process.

We have already made comment on this in 4.above and will comment further below in addressing the many errors in the Deposited Design and Access Statement.

The previous occupiers had one vehicle which was garaged,hence one parking space,as the area in front of the garage was required for access thereto.

They were unable to enter and leave in a forward direction causing disruption of Traffic flow on egressing the property to users of Barnet Lane due to the fact that the Lady of the house would have to take up position on the other side of the Barnet Lane to ensure the Driver had safe passage from the point of access onto the Highway,on many occasions stopping traffic flow !

The Deposited documents incorrectly refer to there being some 6 existing car parking spaces,which might include the garage.

This is lacking veracity totally!! I again inspected the site only yesterday!

Having regard to this we are also confused by Mr Prince`s reference - point h)in his Email of the 27th August 2014,wherein he refers to a 1:1 ratio being acceptable and further states that the question was considered acceptable on Highway Grounds as stated in the "report".I can see no specific reference to this!

The Application refers to there being a provision of 5 spaces including 5 retained.We are unclear from the drawings if this figure includes or not the spaces in the Garage,which appears to be of triple size.

Perhaps you could clarify please?

Even a 5 for 1 replacement ratio,in view of the extreme danger of this point of access, can only be a threat to road safety and life and limb!!Indeed a great threat.

Eight would compound and exacerbate this extremely already serious concern by geometric proportion. Moreover the increased parking provision be it 5 or 8 would undeniably have traffic implications in respect of the already precarious junctions of Barnet Lane with The Pastures and White Orchards.

C)Scale and Massing

It can only be strongly stated that [REDACTED] who frequently walks our dogs in the Conservation Area, advises that she has not seen a property of such overwhelming magnitude as that being proposed in this Application,generally and specifically in such close proximity to neighbouring properties, as the Proposal envisaged in this Application would be in relation to our property.

The previous Application was refused, amongst other very valid reasons,for its overbearing scale and proportion!

It is to be noted that the size of accommodation proposed,if we may take you to the Design and Access Statement as deposited,which states that the footprint will be 442 sq.metres/4757sq.ft.,precisely the same as the footprint specified in the Design and Access Statement deposited in connection with the previously correctly refused Application (Your Reference B/000982/14)!!

This ,for the reasons set out below is incorrect.It is in fact larger in terms of footprint area and overall cubic content !!

It is noted that whilst the space between The Application Structure and Searles Field(to the left of the site) has been increased slightly,the space between our property and the Dwelling as proposed has also been very marginally increased relative to the previous Application,which was refused, but remains very close and moreover as we point out below the height of the entire structure obscures our views and and natural light whereas the previous Scheme had buildings of much lower height in that location.

Hence [REDACTED] apposite comments above.

If we may take you to your Report to Committee of the 28th July 2014, we would make specific reference to the Penultimate Paragraph on Page 133,Headed "Views"!

In the first few lines of the relevant passage you refer to the importance of Space around buildings.The Application you were reporting on did not meet this criteria and neither does the current Application.It is irreconcilable!!

We would therefore contend strongly that as such, the proposed development is in direct contravention of your Authority`s Policies,as it does not respect local context and street pattern or in particular ,the

scale and proportions of surrounding buildings and would be entirely out of character of the area, to the detriment of the local environment.

Planning Policy Statement 3 provides, as we are sure you will be aware, in paragraphs 13 and 14 "that good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted.

The Frontage would appear to scale – 19.202 metres/ 63 feet and the Depth – 14.935 metres/ 49 feet for the main structure, and 17.678 metres/ 58 feet overall.

This is to be compared with Dimensions given for the Refused Application (Your Reference B/000982/14) This had a frontage of 19.66 metres/64 feet 6 inches (it is to be noted that in your Report to Committee of the 28th July 2014, Page 133 you gave figures of 67 feet 6 inches/19.4 metres which is incorrect – another flaw) and a depth of 15.2 metres/ 49 feet 11 inches for the main structure a small reduction only in terms of the previously proposed main structure, but greater in terms of the overall depth of construction. In terms of height the previous proposal had a stated height of 8.8 metres/29 feet 11 inches whereas the current Application appears to have a height of 9.45 metres/ 31 feet

For ease of Comparison we set out in table form the relevant dimensions. It is to be stated that the figures given above and set out below are taken from page 133 of Your Department's Report to Committee of the 28th July 2014. It is however to be commented that there is repeated reference to a previous proposal such references are the subject of correspondence between us your office, Members and Senior Officers as in our submission they were inadmissible, prejudicial, seeking to misdirect and unworthy of Competent Officers!!

The figures given for the current proposal are ones we have taken from the Deposited Plans!

	Current Proposal	Proposal Refused 28th July 2014
Height	31 feet/9.45 metres	29 feet 11 inches/8.8 metres
Frontage	63 feet/19.202 metres	64 feet 6 inches/ 19.66 metres
Depth on Right	58 feet/17.678 metres	49 feet 11 inches/15.2 metres
structure)	(50 feet/15.24 metres	(for the main
	for the Main Structure)	
Site frontage		
/width	108 feet/32.91 metres	108 feet/32.91 metres
Site depth	261 feet/79.3 metres	261 feet/79.3 metres
Building line	49 feet/14.935 metres	42 feet 8 ins/51 feet 2 ins
		to 13 to 15.6 metres
Distance between High Elms Boundary and proposed structure		
*** (See Below)		
a) at front	14 feet /4.268 metres	13 feet 4 inches
		/4 metres
b) at rear	12 feet /3.658 metres	9 feet 11 inches
		/3 metres
Distance between Perimeter Wall of High Elms and Proposed Main Structure		
a) at front	34 feet /10.363 metres	Not Available
b) at rear	34 feet/10.363 metres	Not Available
Length of Main		

Structure extending along boundary of Garden to High Elms Footprint as Per Deposited Design and Access Statement for both Proposals	32 feet /9.7536 metres	Not Available
	4757 sq. ft./442 sq. metres	4757 sq.ft./442 sq. metres

As will be evident from this Data the Current Application relates to a Structure of greater scale and massing (save for a minor reduction (2.38%) in width but of greater depth) than the previously Refused Application and as such is in again in total conformity with the all the reasons for refusal given forcibly in the Refusal Letter attached as Attachment 1 and should also be refused.

We would in fact state that in view of this it is extremely surprising that this Application is being processed!

Inherent in this, is the obvious fact that the extensive scale and massing of the envisaged structure, will entail an extended Construction period with the obvious impact on the issues raised in 4.) Traffic and 5. On Street Parking in the immediate Area as set out above.

*** It is to be noted that in the previous proposal the section of the envisaged New Build, as stated above, extending along our Garden boundary was not the full height of the structure as is now shown to be proposed, which is a cause for great additional concern and prejudice, all as referred to below!!

The foregoing will prove beyond all reasonable doubt that the current proposal remains an Overdevelopment of the site and as set out in our " Attachment 1" to quote directly "The proposed replacement dwelling, by reason of its siting, mass, bulk and design would result in a cramped, overly prominent building in this part of the Totteridge Conservation Area and constitute an overdevelopment of the site. It would not preserve or enhance the character or appearance of the conservation area and would be detrimental to the character and appearance of the street scene.....etc."

In response to a point made by a Member at the Planning Committee Meeting on the 28th July 2014, the current Application the totality of the dwelling has been set back further into the site.

The consequence of this is that the right hand flank walling of this FOUR STOREY STRUCTURE, as proposed, extends into the site for the total depth of our garden..

The obvious deleterious consequences of this are that:-

a) Our Natural light and the views from our rear windows will be taken, having been enjoyed by this property for at least 50 years (it was constructed in the late 1960 s.)

Moreover our currently clear view of Sun and Sky will be lost as the proposed building will completely dominate the garden of our House, resulting in the loss of any views that we currently enjoy of skyline and trees to the left of our house and replaced by the dominating view of a long, tall, intimidating and cold -- "Berlin Wall" -- totally contrary to that which is acceptable in a Conservation Area and which we had always considered a beautiful semi rural residential area --, overshadowing most, if not all of our garden.

This would be an infringement of our Human Rights and urge your Authority to carefully consider their responsibility under the provisions of the Human Rights Act, in particular Protocol 1, Article 1 which clearly states that a person has the right to peaceful enjoyment of all their possessions which includes their home and other land.

We believe the proposed development would have an exceedingly dominating effect and impact on us and our right to quiet enjoyment of our property.

Article 8 of The Human Rights Act patently states that a person has a substantive right to respect for their private and family life. This principle was tested, reinforced and confirmed in the Case of Britton vs SOS

b) We will look out and along the garden at a "Prison Wall" and in turn be seriously overlooked and lose privacy.

The Deposited Plans provide that there will be 1 Window at Ground floor, 2 at First Floor and 1 at Second Floor looking on to our property!

Furthermore we submit that the Application relates to a proposed development that is in contravention of the District Wide Plan (Policy 6.8) in that adequate privacy is not afforded to the occupants of adjacent residential properties, particularly with regard to their right to quiet enjoyment of their property.

Moreover as we have stated above and restate here for the avoidance of doubt this would be an infringement of Article 8 of the Human Rights Act and the provisions thereof as confirmed and reinforced by the Case of Britton vs SOS.

E) Tree Survey

No tree survey has been made available to us and as far as we can establish has not been lodged.

This in itself is grounds for refusal as the Application fails to conform to requirements for the making of any Planning Application.

However it is of great moment in this case as excavation is envisaged in the Application for the creation of basement accommodation. We will make reference below to our concerns regarding the impact on the stability of our house but wish here to state in absolute terms that the allowing of the proposed development will have serious effects on trees growing within our garden close to the boundary with the subject property.

You will, we are sure, be aware that most trees in this Country have a significant radial root system, sometimes extending to 1 to 1.5 the height of the tree. Severing just one of a tree's major roots during deliberate or careless excavation to facilitate the creation of the basement area can cause the loss of up to 20% of the root system, undermining its water absorption and also leaving it vulnerable in high winds threatening the safety of our property and ourselves.

Moreover the loss of any live trees is to be deprecated particularly in a Conservation Area.

Your Authority cannot possibly be an accessory to this likely eventuality and condone such consequences by allowing the Application.

It would in fact be contrary to and in direct contravention of your Authority's Policy DM01 of the Adopted Barnet Development Management Policies D P D (2012) and CS 5 and CS 7 of the Adopted Barnet Core Strategy D P D (2012) and 7.21 of the London Plan 2011!!

These Policies are also relevant in the context of possible harm or injury to trees within our demise but whose root systems will be affected by excavation as referred to above!!

Moreover our contention and strong submission is that allowing the Proposal would be a breach and contravention of your stated Policy "To Protect or enhance the local environment, including wildlife habitats, trees and woodlands, parks and Gardens".

F) Threat to Stability

You will be as aware of the nature of the local ground conditions, as we are, that we reside in an area where the soil is London clay with all the problems resulting therefrom.

In view of the proximity, scale and mass of the proposed 4 STOREY DEVELOPMENT and the fact that VERY extensive excavation would be involved on a site sloping to the rear in connection with the creation of a Basement area and swimming pool, we can but conclude that this can only threaten the structural integrity of our property, with implications regarding our safety, wellbeing and contravening the Human Rights Act as referred to above.

G) Design and Access Statement

May we point out that the document deposited is a "Carbon Copy" of the document deposited dated 21st February 2014. It is word for word a duplicate and repeats the errors and omissions of the earlier document.

As stated above the footprint is given as 442 sq.metres/4757 sq.feet!

Are we really considering the same proposal that was so resolutely refused on the 28th July 2014?

In 2.2 reference is made to a document previously lodged in connection with the previous Application!

We are at a loss to reconcile the properties referred to in 4.1 with reality!! Moreover all the Documents referred to have not been made available for consideration by interested parties and as referred to above should have been as part of the Consultation Process!!

We have already questioned the statement made in 3.1 in Section 3 above (Existing House) and make further reference in I) (Sustainability Statement) below.

The Statement made in Section 3 (Sustainability) is refuted absolutely for the reasons so clearly and appositely rehearsed in Section C) Scale and Massing, above.

Again the data provided in 4.2 relates to the Previously Refused Scheme.

We again totally refute the Statement made in Section 6 other than in respect of Size as indeed we do in respect of the Statement made in 7.4.

We think it is commonly and widely known and accepted that the Building Industry in this Country is much reliant on the Services of non local and non national labour and hence the point maintained is flawed.

Reference is made to the Arboricultural Method Statement but this has not been made available as pointed out in E) Tree Survey above.

Moreover the points made in Section 11 thereof are flawed and lack veracity totally and absolutely particularly in regard to "harmonious" and further to "neighbouring buildings."

H) Demolition And Construction Statement

Again it is to be stated that the Deposited Document displayed on your web site is a "Carbon Copy" of the one deposited in connection with Previously Refused Application dated 21 February 2014!

For the reasons stated above, the statement made in section headed "General Construction Impact" is impossible to achieve and are unrealisable, as indeed are the statements made in the Section headed "Public protection". Who are they trying to misdirect?

In the section headed Avoidance of dust, we question the effect on roads of wet wagons entering Barnet Lane generally and particularly in conditions of snow and ice.

Who will enforce vehicle emissions and delivery times. These are unsustainable in the extreme.

We suggest as will be obvious to the world and one, having regard to the location and access to the site the claims made in regard to Vehicles entering the Site are equally unsustainable.

We have already dealt above with the claim made in regard to Vehicle Wheel Washing and Cleaning and can but emphasise the point in terms of road safety and dare one say, in view of the busyness of Barnet Lane a real risk to road safety and life and limb as this should be obvious.

Also one can but question the facilities for draining the surface water and the possibilities of water egress from the site onto Barnet Lane and neighbouring property.

No Statements are made in any of the deposited documents for the arrangements for the parking of workers vehicles hence our concerns made in our Section 5) above!!

I) Sustainability Statement

Reference has already been made above in 3) The Existing Property in this regard.

It is to be again stated that the Property is not derelict, as maintained in the conclusion of this Document, but has been allowed to fall into disrepair by the Owners neglect and is beneficially capable

of, in our Strong Submission, being refurbished, remodelled at a fraction of the cost of the rebuild envisaged in the current Application.

Their measure of Viability is based on resultant projected profit not True Viability.

Maximisation of Profit should not and cannot be a Planning Consideration!!

J) Conditions

It is, we acknowledge, usual for Your Authority, in common with many others to impose and attach Conditions to any Planning Consent.

This is a Practice, which for reasons clearly set out we can but question.

Such conditions require further details in respect of specific elements of the scheme submitted for consideration at a later stage. A number of such conditions are Prescriptive and require compliance but no further details are required.

This in our view that is an abdication of your responsibility to prosecute fully the Application notwithstanding the commonality of the use of Conditions and an abrogation of the Application or elements thereof away from Committee To Enforcement Sections.

We attach as Attachment 2 to the hard copy of this letter a copy of Mr Boateng's letter of the 13th August 2014 and would make specific reference to his advice in the second paragraph.

In your Department's Report to Committee dated 28th July 2014 reference is made on Pages 117 through to 122 to many proposed Conditions relating to matters such as:-

- a) Commencement
- b) Materials
- c) Levels
- d) Enclosure of the Site
- e) Operational Hours
- f) Landscaping Conditions 7&8
- g) Tree Survey
- h) Excavations
- i) Tree Protection
- j) Vehicle Washing
- k) Use Classes
- l) Sustainable Homes Technical Guide
- m) Demolition and Construction and Method Statement

It is to be stated, that in our submission, as admitted by Mr Prince in his note to me of the 27th August 2014, your Authority are unable to Police breaches of conditions and would also again make reference to the sentiments expressed in Mr Boateng's letter, attached as Attachment 2.

This, notwithstanding Mr Prince's advice "that this is not an area for which your Section has responsibility and has not for several years", does not in any way detract from our forceful point in this regard as it appears that your Authority are sanguine that Breaches of Conditions can only be acted upon if reported by Members of the Public, always assuming that the Public are aware of the relevant Conditions imposed. How Farcical.

The statement by Mr Prince would imply that a) the dimensions, levels and position of the Structure could be changed, b) different materials could be substituted, c) the root systems of trees could be damaged c) operational hours breached (and we could go on and on), all without the Planning Authority's knowledge, concern and consent!!

Our experience of Your Authority's manifest lack of enforcement of conditions imposed but not complied with for other Developments, both past and current, is being gracious -- "woeful" and just cause for our very, very real concern in this regard as we can be forgiven for having little confidence nor trust in the merit of such conditions protecting our quiet enjoyment of our property and as such a possible

infringement of our Human Rights and an abdication of your Authority's responsibilities in this regard as referred to in detail above.

This means that in respect of Matters a),b),d),e),j),k),and i)our foregoing sentiments apply absolutely as responsibility for compliance is devolved to the General Public!!

As to items g),h),i)and m) these relate to matters which should be available for consideration by interested Parties in order that they can make representations as part of the Consultation process.

In this regard we submit that you are acting Ultra Vires your Authority,which is actionable if ,as appears to be the case, repeated and a cause for Judicial Review!!

K) Other Objections

In your report to Committee of the 28th July 2014 you listed these on page 127.

We will not rehearse them but will firmly assert that the current Application will again attract all these objections, which were not properly covered in your Report consistent with my advices to Mr Prince.

We have set out above our strong objections to the Proposed Application.

In our strongest of submissions,any one of our grounds for objection should be cause for refusal.

Cumulatively they are incontrovertible and irrefutable.

As stated we are concerned that for many reasons the Application has,indeed,been processed, as it is undoubtedly,we submit,strongly,in Contravention of your Authority's own Planning Policies and the Provisions of the Human Rights Act.

Moreover many necessary Documents have not been lodged supporting the Application and hence The Proper Consultation Process has been denied to interested Parties.

This as, stated, is in itself amongst many other facets of the matter, grounds for a cause for Action for Judicial Review.

In essence and irrefutably the Proposal falls to be refused based on The Decision of The Chipping Barnet Planning Committee given on the 28th July 2014 in respect of Application B/00982/14

attached as Attachment 1 and the wording thereof,its empathic and unequivocal terms which can only be taken as a VERY,VERY POWERFUL PRECEDENT in this case having regard to the data set out above

in Section C)above and the sentiments set out therein and as stated having due regard to The Human Rights Act and your Authority's responsibility thereunder.

You might consider the foregoing to be somewhat lengthy and detailed.

We can but invite your understanding that it is so because it has been prepared as a document for the support of any necessary Action for Judicial Review which might be caused to be referred in respect of this Application and the matter of your Report in respect of Application B/00982/14.

We strongly contend that in all the circumstances, particularly having regard to what has recently gone before,that this Application should fall to be considered ,not at Officer Level only but by Committee,thus according with the Principles of Democracy(not Bureaucracy) and of the Doctrines of Natural Justice and The Human Rights Acts as enacted and re enacted

Please confirm receipt of our letter of Objection and that it will be placed on the record.

Yours sincerely



P.S .It is to be commented that as we are finishing this letter my wife has just witnessed a collision on Barnet Lane between a construction lorry and a car causing an extensive backup of traffic and long delays.As set out in 4.Traffic and 7.B)Access this occurrence is likely to increase very greatly if this Application is approved.

LOCATION: 1 Willow End, London, N20 8EP

REFERENCE: B/02796/14

Received: 23 May 2014 **AGENDA ITEM 15**

Accepted: 18 July 2014

WARD(S): Totteridge

Expiry: 12 September 2014

Final Revisions:

APPLICANT: Mr Slagel

PROPOSAL: Retention of single storey wooden cabin and deck, privacy screen and alterations to include removal of sink and oven and window in flank elevation

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: location plan, block plan, Elevation C and D/Changes (dated 7.10.2014), Elevations A and B, floor plans, interior plan/Blocked sink and window (dated 7.10.14), photographs (received 7.10.2014).

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 The privacy screen adjoining the rear gardens of Greenway Close shall be maintained at the same height and length at all times.

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).

- 3 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the east and west elevation facing 2 Greenway Close and 2 Willow End.

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).

- 4 The use of the outbuilding 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.

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

The Mayor's London Plan July 2011:

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

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

The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

Relevant London Plan (2011) Policies: 7.4 and 7.6

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 11 September 2012.

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

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

Supplementary Planning Documents and Guidance

The Council's Residential Design Guidance SPD was adopted by Cabinet in April 2013. This sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation.

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

In respect to amenity, 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.

The Council adopted a Sustainable Design and Construction SPD in April 2013, following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

Relevant Planning History:

Site Address:	1 WILLOW END TOTTERIDGE LONDON N20 8EP
Application Number:	N05312D/00
Application Type:	Full Application
Decision:	Approve with conditions
Decision Date:	03/04/2000
Proposal:	Part single, part two-storey rear extension.

Site Address:	1 Willow End LONDON N20
Application Number:	N05312C
Application Type:	Full Application
Decision:	Refuse

Decision Date: 25/10/1999
Proposal: Two-storey rear extension.

Site Address: 1 Willow End LONDON N20
Application Number: N05312A
Application Type: Section 192
Decision: Lawful Development
Decision Date: 01/07/1999
Proposal: Conversion of garage to playroom and replacement of garage door with window.

Site Address: 1 Willow End LONDON N20
Application Number: N05312B
Application Type: Full Application
Decision: Refuse
Decision Date: 12/07/1999
Proposal: 2 storey rear extension, first floor side extension and dormer window on east elevation.

Site Address: 1 Willow End Totteridge N20
Application Number: N05312
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 27/10/1976
Proposal: Single storey rear extension.

Enforcement Notices

Reference Name	ENF/01394/12/B
Description	Without planning permission the construction of raised decking in the rear garden within the last four years
Reference Name	ENF/01303/13/B
Description	Without planning permission, the erection of a rear garden outbuilding incorporating raised decking and the use of the outbuilding as a separate residential dwelling within the last four years.

Consultations and Views Expressed:

Neighbours Consulted: 11 Replies: 7
Neighbours Wishing To Speak 1

The objections received include 5 householders, Three Closes Residents' Association and Totteridge Residents Association and their views can be summarised as follows:-

1. Disapprove of retrospective application.
2. The size and design of the building with the decking is more like a bungalow capable of independent living.
3. Excessively large structure for suburban garden. Size, mass and bulk of building out of keeping for the area and site.
4. Screening for decking is excessively large, unattractive and increases mass of side elevations.
5. Screening is inappropriate in area where boundaries are marked by natural hedges, call attention to the dominant nature of building and does not obscure side window.

6. Due to elevated position the mass of the east elevation would adversely impact properties in Greenway Close which are downhill of the site.
7. Side window is intrusive and results in overlooking, although a blind has been fitted this can be opened.
8. Condition should be imposed to ensure building integral to the main dwelling.
9. Structure has been advertised as a dwelling, listed as a guest house on the web and previously was referred to as a summer house. It was built as a self-contained separate dwelling. Although minimal changes are proposed the nature of the construction remains the same, the previous use could be restored over time at no effort or cost.
10. Irrelevant that the plans do not show kitchen appliances or use as bedrooms these could be reinstated. It has a full bathroom.
11. Drains have been laid and connected to main system without permission or inspection by relevant authorities. And without registration to pay for the service.
12. Increase density of housing in small road, and the call on infrastructure and services would set an unwelcome precedent and change nature of environment.
13. Granting permission would establish a precedent that will be welcomed by unscrupulous property developers who are targeting the area.
14. Retrospective planning permission should not be allowed and enforcement action against the building and drains should be taken.
15. Have not consulted although regarded as material neighbours.
16. Overlooking and loss of privacy and peace and quiet, which is not addressed by privacy screen.
17. Rear extension built on main house without planning permission.
18. Replacement building should be erected on ground level.
19. Height of building makes it clearly visible and spoils view in winter.
20. Building built on decking and questions whether height breaches planning rules.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a detached two storey property located on the north site of Willow End. The rear gardens of Greenway Close adjoin the eastern boundary.

The site does not fall within the Totteridge Conservation Area and the building is not a Listed Building.

Proposal

Towards the rear of the garden there is a natural change in ground level of 87 centimetres creating a natural plateau. A new timber outbuilding has been constructed on this plateau, with an integral raised wooden platform/decking which is accessed by stairs from the garden which in turn gives access to the outbuilding. The outbuilding measures 4.5 metres deep and 10.5 metres wide (almost spanning the full width of the rear garden). It has a shallow pitch roof measuring 2.2 metres to the eaves and 2.5 metres to the ridge, although as the land has been levelled the

maximum height of the building from ground level is approximately 3.37 metres. The building is set 1.2 metres from the boundary with both No. 2 Willow End and the rear gardens of Greenway Close. The building is to be used as a home office and a family recreation area. Internally it has been divided to include an office area, a bathroom which includes a toilet, sink and shower, a play area and a seating area.

An artificial privacy screen attached to the outbuilding has been erected on the decking adjoining the boundary with the rear gardens of Greenway Close. It has a maximum height of 2.2 metres (3.07 metres from original ground level) and width of 4.2 metres.

Planning Considerations:

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

- The living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the area, having regard to the size and siting of the proposal;
- Whether the use of the building is out of character with the locality;

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity.

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.

The Council's SPD 'Residential Design Guidance' advises that outbuildings should ensure that they do not cause undue harm to the street, are not overbearing, intrusive, cause overshadowing or undue harm to the amenity of neighbouring occupiers and users. It also states that all development proposals should protect and enhance residential gardens.

The outbuilding has previously been investigated and the raised rear decking was subject to an enforcement notice reference ENF/01394/12/B. The notice was appealed and quashed, as the Inspector considered that the decking could not be considered independent to the outbuilding.

In paragraph 10 of the appeal decision the inspector states " In this case, the problem is that the platform is not a self-contained independent structure; it is physically attached to the outbuilding. The design and layout of the outbuilding and raised platform indicates that both are interconnected and were constructed as a single building operation. It was considered that the whole development would fail

the terms of paragraph E.1 subparagraph (g) of Schedule 2, Part 1, Class E of the General Permitted Development order because the outbuilding includes the provision of a raised platform."

The planning department also received a number of concerns from neighbours regarding the use of the outbuilding. Following an inspection of the outbuilding following the appeal site visit, it was established that it contained all the facilities to be used as a separate residential dwelling, including a kitchen, a bathroom and sleeping facilities.

As a result of the quashed appeal and the site visit a further enforcement notice was served relating to the whole structure and the use of the building as a separate residential dwelling. The grounds of the Enforcement Notice include that the building and decking by reason of its design, siting and location results in a significant loss of privacy and overlooking to the rear gardens of the adjoining properties on Greenway Close.

It also cites that the use of the rear garden outbuilding as a separate unit of residential accommodation constitutes an incongruous and opportunistic form of development detrimental to the character of the property and surrounding area. Insufficient outdoor amenity space has been provided that fails to meet the required standard, to the detriment of present and future occupiers residential amenity and that the outbuilding is substantially overlooked from the rear garden of No. 1 Willow End, resulting in a significant loss of privacy to the occupiers of the rear garden outbuilding. It is considered that the scheme is contrary to policy DM01 and DM02 of Barnet's Local Plan Development Management Policies DPD 2012 and Supplementary Planning Document: Residential Design Guidance 2013.

The Enforcement Notice required the removal of the rear garden outbuilding and raised decking and for the use of the outbuilding as a self-contained residence to cease, including removal from the property of all constituent materials resulting from the works above.

The current application has been submitted to overcome the grounds of the Enforcement Notice and to regularise the structure as a whole.

Impact on the amenities of adjoining neighbours

The artificial hedge privacy screen has been erected on the decking area on the boundary with the rear gardens of Greenway Close to overcome the overlooking and loss of privacy to these properties. Given the height of the screen and the artificial nature of the screen, which would provide a permanent screen all year through, it is considered that the screen does prevent overlooking and loss of privacy to the rear gardens of Greenway Close. It is also proposed to remove the window in the flank elevation which overlooked No. 2 Greenway Close rear garden. Evergreen screening is also present beyond the deck on the boundary with Greenway Close which also helps to prevent overlooking.

Due to the decking and outbuilding being built on raised levels, the privacy screen and the building are of a greater height than a standard 2m high fence and are visible from the rear gardens of Greenway Close and Willow End. However it is

considered that given the height of the building is 3.37 metres to the ridge, the boundary screen only just exceeds 3 metres and the structure is located adjacent to the end of the rear gardens of adjoining neighbours, that on balance the overall height of the scheme would not unduly over-shadow or adversely affect the amenities of the adjoining properties habitable rooms or rear gardens. The relationship with the properties in Willow End is also considered acceptable given the screening on the boundary and that the building is located to the rear of the site.

Impact on the Character of the Area

The SPD Residential Design Guide advises that garden buildings should be located to the rear of properties and that building materials used should respect the existing buildings and overall character of the area. It also states that garden buildings should not be too large or significantly reduce the size of a rear garden to become out of character with the area. The current scheme is located to the rear of No. 1 Willow End's garden. The outbuilding is a substantial building covering approximately a third of the rear garden, however given that a significant amount of useable amenity space of lawn and patio would remain it is considered that the building would not adversely affect the overall character of the area. The building is constructed of timber which relates satisfactorily to the existing character of the area.

Use of the Building

The building is to be used as a home office and for family recreation, which has been altered from the use referred to in the Enforcement Notice. The oven and sink have been removed. A seating area now remains where the kitchen facilities were sited. The bathroom does remain however. The remaining space is divided to include an office area and play area. It is considered that the use of the building would now be incidental to the enjoyment of the dwelling house, which would not be out of character with the surrounding area. The reasons relating to the outbuilding being used as a separate dwelling, the impact on residential amenity and insufficient amenity space are overcome by this change of use. A condition to restrict any self-contained use of the outbuilding in the future is also proposed to add further control.

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

3. COMMENTS ON GROUNDS OF OBJECTIONS

The objections raised have been largely covered within the appraisal above, additional comments include:-

1. The Local Planning Authority cannot refuse an application just because it is a retrospective application. The application has to be considered on its planning merits.
2. A condition has been proposed to limit the use of the building and any further change of use would require a separate planning permission.
3. The construction of drainage and the payment of this service are not

- controlled by planning legislation.
4. The statutory requirement to consult adjoining neighbours was undertaken. The neighbours who have previously shown an interest regarding the development commented before additional consultation took place.
 5. There is no rear extension built on the main house without planning permission.
 6. There is no right to a view under planning legislation.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

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

SITE LOCATION PLAN: 1 Willow End, London, N20 8EP

REFERENCE: B/02796/14



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