

**MEETING**

**FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE**

**DATE AND TIME**

**MONDAY 28TH JULY, 2014**

**AT 6.00 PM**

**VENUE**

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

**TO: MEMBERS OF FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE (Quorum 3)**

Chairman: Eva Greenspan  
Vice Chairman: John Marshall

**Councillors**

Melvin Cohen	Alan Schneiderman	Jack Cohen
Arjun Mittra	Jim Tierney	

**Substitute Members**

Graham Old	Reuben Thompstone	Ross Houston
Gabriel Rozenberg	Shimon Ryde	Alon Or-bach
		Anne Hutton

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

**Andrew Nathan – Head of Governance**

Governance Services contact: Chidilim Agada 020 8359 2037  
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Media Relations contact: Sue Cocker 020 8359 7039

**ASSURANCE GROUP**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Absence of Members (If any)	
2.	Declaration of Members' Disclosable Pecuniary Interests and Non Pecuniary Interests (If any)	
3.	Public Comments and Questions (If any)	
4.	Members' Items (If any)	
	<b>Reports of the Assistant Director of Planning and Development Management</b>	
	<b>Childs Hill Ward</b>	
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13.	Roman House, 296 Golders Green Road, London, NW11 9PY - F/01318/14	105 - 110
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22.	Any Item(s) the Chairman decides are urgent	

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

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**LOCATION:** University College School Sports Ground, Ranulf Road,  
London, NW2 2BS **AGENDA ITEM 5**

**REFERENCE:** F/00002/14 **Received:** 23 December 2013  
**Accepted:** 23 December 2013

**WARD:** Childs Hill **Expiry:** 24 March 2014

**Final Revisions:**

**APPLICANT:** University College School

**PROPOSAL:** Replacement of existing building to provide a new sport pavilion, maintenance facilities and associated works, including landscaping and car parking. Alterations to existing vehicular access from Hocroft Road/ Farm Avenue.

**Approve Subject to S106**

**Subject to a Section 106 Agreement**  
**RECOMMENDATION I:**

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Requirement to submit Travel Plan** **£5,000.00**  
A travel Plan meeting the TfL criteria shall be submitted 3 months prior to occupation of the new facility and a contribution provided towards the monitoring of the Travel Plan objectives.
- 4 **Highways Improvement (local to the site)** **£5,000.00**  
A contribution towards the implementation of Waiting Restrictions on roads in the vicinity of the development in necessary to ensure that the proposed accesses are kept free of obstruction.

**RECOMMENDATION II:**

That upon completion of the agreement the Assistant Director of Development Management & Building Control approve the planning application reference:

F/00002/14 under delegated powers subject to the following conditions: -

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

593/050 P1, 593/051 P1, 593/052 P1, 593/053 P1, 593/054 P1, Ecology Appraisal, Energy Strategy, Landscape Masterplan.

Plans Received 12/05/2014:

Landscape and Visual Assessment, Findings of Arboricultural Assessment, Ecological Appraisal Report, Energy Strategy Report, Transport Statement, Framework Travel Plan, External Lighting Ventilation & Utility Services Report, Supplement to External Noise Assessment Report dated 28/11/2013, 593/LOC1 P2, 593/011 P3, 593/0012 P3, 593/013 P3, 593/021 P3, 593/022 P3, 593/023 P3, 593/025 P3, 593/026 P3, 593/031 P3, 593/032 P2, 593.037 P3, 593/038 P2, 593/040 P2, 593/041 P2.

Plans Received 15/07/2014:

593/040 P4, 593/001 P5, 593/002 P5.

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, car and coach parking spaces, and turning spaces shown on Drawing No. 593/001 P1 and 593/002 P1 shall be provided and marked out within the site. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 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.

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

Reason:

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

- 6 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 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 11 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).

- 12 The proposed bar areas shall not be used outside the hours of 11am to



11pm Monday to Saturday and 11am to 10.30pm on Sundays and Bank Holidays, with the exception of up to 6 events per calendar year where it can be used between 11am and 1am.

Reason: To safeguard the residential amenities of neighbouring occupiers in accordance with policy DM04 of the Adopted Barnet Development Management Policies 2012.

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

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

- 13 Before the permitted development commences details of the bridging over the public footpath shall be submitted to and agreed by the Local Planning Authority. All works must be carried out in full accordance with the approved details.

Reason: This is to ensure that correct vertical clearance is provided and the access for the maintenance vehicles is not restricted. In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 14 Before the permitted development is occupied a full Construction Logistic Plan (CLP) shall be submitted to and agreed by the Local Planning Authority.

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

- 15 Before the permitted development is occupied a full Delivery Service Plan (DSP) shall be submitted to and agreed by the Local Planning Authority.

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

- 16 The approved development shall ensure that the unrestricted public access over the existing scheduled footpath Nos. 118 and 156 in the vicinity of the development site is maintained at all times.

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

- 17 Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the approved parking spaces to be provided with electric vehicle charging facilities. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

- 18 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.

- 19 Before development commences, a report should be carried out by an approved acoustic consultant and submitted to the Local Planning Authority for approval that assesses the likely noise impacts from the development with regards to its use as a Sports Pavilion. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels. It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied/ the use commences).

**Reason**

To ensure that the amenities of neighbouring premises are protected from noise from the development in accordance with policy DM04 of the Adopted Barnet Development Management Policies 2012.

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

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

Reason:

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

- 21 Before development commences, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development of the ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the amenities of neighbouring premises are protected from noise from the development in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 22 A scheme for acoustic fencing to the northern and western boundaries of the site shall be submitted in writing and approved by the Local Planning Authority prior to development. This scheme shall be fully implemented before the development hereby permitted is brought into use and retained thereafter.

Reason:

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

Part 1

Before development commences other than for investigative work:

- a. A desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.
- b. If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:-
  - a risk assessment to be undertaken,
  - refinement of the Conceptual Model, and
  - the development of a Method Statement detailing the remediation requirements.

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

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

Part 2

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

Reason:

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

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

Reason:

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

25 No development shall take place until details of the Noise Management Plan to detail how the *coach park*, maintenance building and area will be constructed and managed so as to provide sufficient mitigation for noise generated by vehicles and machinery has been submitted to and approved in writing by the Local Planning Authority.

The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2011.

26 Notwithstanding the details submitted, prior to the development being brought into use, details of all external lighting shall be provided and the development shall implemented in accordance with these details.

Reason: To ensure that the development has an acceptable impact on neighbouring amenity in accordance with policy DM01 of the Adopted Development Management Policies 2012.

27 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.

28 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.

- 29 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. This shall include details of the removal or alterations to hardstanding within the Root Protection Areas (In accordance with BS5837: 2012) of trees.

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.

- 30 The proposed maintenance area shall only be used between 8am and 5pm Monday to Saturday.

Reason: To safeguard neighbouring amenity in accordance with policy DM04 of the Adopted Barnet Development Management Policies 2012.

- 31 Before the development hereby permitted is brought into use, a scheme detailing how the proposed measures within the Energy Statement will be implemented shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details.

Reason: To ensure that the development is compliant with part 5.2 and 5.3 of the Mayors London Plan 2011 and policy DM04 of the Adopted Barnet Development Management Policies 2012 and the Supplementary Planning Document on Sustainable Design and Construction.

- 32 Before the development commences, a scheme detailing the measures to be provided in order to implement the Ecological Appraisal Report shall be

submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details and permanently retained thereafter.

Reason: To ensure that the development complies with policy DM16 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 Any highway approval as part of the planning process for the alteration to the existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for crossover under Highways Act 1980. Removal or relocation of any existing street furniture or alteration to road markings or Controlled Parking Bays would be subject to public consultations and would be done at the applicant's expense, under a rechargeable works agreement, by the Council's term contractor for Highway Works.

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

Gated accesses are proposed to cross the public footpaths at various locations to cross over from one field to the other. The applicant is advised that these gated accesses must be locked and kept secured at all times to ensure that it does not open on to the foot paths and cause obstruction and danger to public.

If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway level by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Development and Regulatory Service, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

For construction works affecting the public highways, the applicant must contact the council's First Contact on 0208 359 2000 to obtain any necessary Highways Licenses if required prior to commencing works.

Any details submitted in respect of the Demolition and Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.

3 Flues - For Information

Please supply the following information:

1. The proposed hours of use of the equipment.
2. The sound pressure levels of the ventilation/ extraction system to be installed in decibels dB(A) at a specified distance from the equipment.
3. Details of where the equipment will be placed i.e. within or outside of the building, marked on to a scale map.
4. Details of silencers to be fitted and other sound insulation measures to reduce any noise impacts on neighbours including their noise reduction in dB(A).
5. Distance away from noise sensitive premises and the nature of these premises e.g.: offices, housing flats or storage.

The following should be noted: Flues should be sited to minimise effects of vibration transmission and noise to any adjacent façade. Flues must incorporate anti-vibration

mounts, flexible couplings and silencers. The height of the flue (must be minimum 1.5m above the highest eaves of the building and adjacent buildings) and a reasonable distance approximately 20 metres from any open able residential windows unless there is suitable level of filtration and odour abatement equipment. The final discharge must be vertically upwards. There should be no Chinese hat or cowl on the top of the flue.

- 4 You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The council's supplementary planning document on Sustainable Design and Construction requires that dwellings are designed and built to insulate



against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and measurement of environmental noise; 2) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 3) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 4) Department of transport: Calculation of road traffic noise (1988); 5) Department of transport: Calculation of railway noise (1995); 6) Department of transport : Railway Noise and insulation of dwellings.

- 5 In complying with the contaminated land condition parts 1 and 2:

Reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents;
- 2) Planning Policy Statement 23 (PPS 23) - England (2004);
- 3) BS10175:2001 Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 6 The applicant is advised that a separate application would need to be made to the Council's Highway Authority if alterations are proposed to the existing on-street waiting restrictions in Farm Avenue and Hocroft Road. Any amendments to waiting restrictions would be subject to a statutory consultation. The Council cannot prejudge the outcome of the consultation process. The amendments if approved will be carried out at the applicant's expense. Advise on amendments to waiting restrictions if required and the estimated cost for the works can be obtained from Development and Regulatory Services, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

### **RECOMMENDATION III**

That if an agreement has not been completed by 28/09/2014, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application F/00002/14 under delegated powers for the following reason/s:

1. The development would require planning obligations towards monitoring the Travel Plan and towards implementing waiting restrictions in the vicinity of the site, and no formal undertaking is given to provide these. In the absence of the planning obligations the proposals would be detrimental to highway and pedestrian safety, being contrary to Policy DM17 of the London Borough of Barnet Adopted Development Management Policies 2012.

## **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.

Policies 5.1, 5.2, 5.3, 5.11, 5.21, 6.3, 7.4, 7.6, 7.15, 7.18, 7.21 are specifically relevant.

## 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, CS7.

Relevant Development Management DPD (2012): Policies DM01, DM02, DM03, DM04, DM13, DM15, DM16, DM17

## Supplementary Planning Documents and Guidance

The Council adopted a Supplementary Planning Document (SPD) "Sustainable Design and Construction", 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 is currently consulting on the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations. The Residential Design Guidance SPD and Sustainable Design and Construction SPD are now material considerations.

## Relevant Planning History:

C01130F - Vehicular access - Approved subject to condition that it is used as emergency access only - 08/01/1986

C01130G - Single storey side extension to pavillion - Approved - 03/12/1987

C01130H - Levelling of cricket field and formation of hockey pitch, re-alignment of public footpath - Approved - 15/09/1989

C01130K - Alteration and extension of store to rear of pavillion to form staff toilet and changing facilities - Approved - 22/01/1991

C01130L - Development of junior school and sports pavillion - Refused - 21/01/1992

C01130M - Development of junior school and sports pavillion - Refused - 21/01/1992

C01130Q - Installation of portable buildings. Ramps and roof canopy and alterations to Wade pavillion - Approved - 27/09/1995

C01130R - Roof extension and alteration to Wade Pavillion - Approved - 27/08/1996

C01130S - Alterations to Western end of Eve pavillion including new roof terrace at first floor level and enlarged side dormer. New access drive from Hocroft Road to Service pavillion - Refused (Due to insufficient information regarding access) -

02/12/1998

C01130T - Extension to western end of Eve pavilion including new side dormer and first floor terrace - Approved - 27/07/1999

C01130U - New access drive from Hocroft Road to serve Eve pavillion. Provision of 15 car parking spaces and vehicle turning area - Refused (Due to impact on neighbouring amenity and impact on highway and pedestrian safety on bend) - 27/07/1999

Consultations and Views Expressed:

Neighbours Consulted: 98  
Neighbours Wishing To 5  
Speak

Replies: 64

A total of 56 letters of objection were received to the initial consultation.

5 Letters of support were received in response to the initial consultation

The objections raised may be summarised as follows:

- Currently experience few problems from traffic or car parking so there is no need for new access
- Proposed access is on a sharp bend and this would be dangerous
- Current access is restricted to emergency access and was previously refused permission
- Noise and traffic from use particularly at evening hours
- Maintenance area will give rise to noise and disturbance
- Open car parking area will be unsafe
- Yellow lines would be disregarded
- Works to footpath will reduce security
- Visual impact of building and loss of green space
- Rodent infestation

The letters of support can be summarised as follows:

- Existing sports pavillion is inadequate
- Questioning of whether the facilities would be used for functions and whether this would cause disruption
- No greater traffic impact than existing
- Current access from Ranulf Road is unsafe.

Amended plans were received and additional consultation was undertaken on 12/05/2014

An additional 23 objections were received to the additional consultation including 2 new objections from residents who had not responded to the initial consultation.

An additional 4 letters of support were received including 1 letter of support from resident who had not responded to the initial consultation.

Generally the comments expressed are similar to those already made, other than additional objections that residents would want to see design of the gates

Internal /Other Consultations:

- London Borough of Camden - Object on the following grounds:

1. While it is noted that the site has a low Public Transport Accessibility Level of 2, concern is raised over the level of car parking proposed and the associated increase in trip generation. The Transport Statement provided by the Applicant does not provide trip generation figures. The roads that access the site are narrow; vehicles have trouble passing due to on-street parking. As such the proposal could result in a significant impact on local roads. It is recommended that Council seek projected trip generation figures and consider ways to minimise impact on the local traffic network. The proposal also includes coach parking. There are several routes to the site. Council should consider which route would be most appropriate for coaches and require that the Applicant provide signage directing coaches to the most appropriate route.

2 The proposal will require significant construction works. A Construction Management Plan (CMP) should be secured by s106 legal agreement and monitored by Barnet Council. It is requested that consultation be undertaken with Camden's Transport Team in drafting the CMP.

- Traffic & Development - No objection subject to section 106 agreement
- Environmental Health - No objection subject to conditions. Comments contained within main report.
- Street Lighting - No comments received.
- Metropolitan Police - No objection on the amended proposals subject to details of updated perimeter boundaries, including managed gated access.

Date of Site Notice: 23 January 2014

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The site is located at the border of the London Boroughs of Barnet and Camden. It is accessed via a narrow road from Ranulf Road. A secondary access at the junction of Farm Avenue and Hodford Road also exists. There are residential gardens to the north and Hampstead cemetery to the east and south. The site is crossed by a public right of way.

The application site is known as the Ranulf Sports Ground and is comprised mainly of playing fields and existing pavilions. The site supports a range of sporting activities on predominantly grass pitches, with an artificial all-weather pitch in the south-eastern corner. The pitches are used by the University College School (UCS).

The site is not designated Metropolitan Open Land but receives some protection under 'Policy DM15:Green Belt and Open Spaces' of the adopted Development Management Policies DPD (2012).

Mature vegetation lines sections of the public footpath that cuts across the fields and there is significant mature vegetation around the edge of the playing fields. Some of the trees around the edge of the playing fields are covered by Tree Preservation Orders (TPOs).

#### Proposal:

The proposals involve the demolition of the existing Eve pavillion and replacement with a new part single part two storey pavilion. The new building would form a bridge over the existing public footpath. The areas either side of the public footpath would be laid out as car parking.

The proposals would include an acoustic fence of 1.8m height to the northern boundary with residential properties and additional planting.

The proposals include new vehicular and pedestrian access from Hocroft Road/ Farm Avenue. The vehicular access would lead to a new coach parking and drop off/pick up area.

The overall site has an area of approximately 8.5 hectares but the redevelopment works will be contained within an area along the site's northern boundary measuring 0.69 hectares.

The information submitted with the application states that the proposals include the replacement of the main sports pavilion, the provision of a new building for grounds staff and improved vehicular access with on-site parking. Other minor proposals at the site include a maintenance area, new crossovers with gates, additional planting, new fencing and a small bridge.

The applicant has confirmed that the existing green/planted area amounts to 8.29ha and that the proposal would result in this space being reduced to 8.06ha.

The proposals have amended following discussion with planning officers. The following changes have been made:

- Semi-public forecourt space omitted, New metal railings to public footpath adjoining footpath to north of pavilion
- Amended Buffer planting to south of new railings
- Amended lighting scheme
- Refuse store relocated
- Omission of first floor raised walkway
- Swale location amended
- Relocation of external stair to pavilion
- Roof of pavillion amended

#### Planning Considerations:

The main issues are considered to be:

- The principle of the development
- The impact on the character and appearance of the general locality.
- The impact on neighbouring amenity
- The impact on highway and pedestrian safety
- The impact on trees of special amenity value
- The impact on security in the locality
- The sustainability requirements of the proposals

### The principle of the development

The proposals are for improvements to an existing sports facility.

Policy DM13 states that 'New community or educational uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres. New community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties.'

Policy CS7 states that a greener Barnet will be created through meeting increased demand for access to open space and opportunities for physical activity, by tackling deficiencies and under provision.

Paragraph 73 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Development Management Policy DM15 relates to Open Spaces and states that open space will be protected from development. In exceptional circumstances loss of open space will be permitted where the following can be satisfied:

- a. The development proposal is a **small scale** ancillary use which supports the use of the open space or
- b. Equivalent or better quality open space provision can be made. Any exception will need to ensure that it does not create further public open space deficiency and has no significant impact on biodiversity.

The proposals involve an increase to the size of the pavillion which in turn will reduce the amount of open space by approximately 0.23ha.

Ultimately the proposed works would provide more modern facilities and encourage the use of the facilities in accordance with policy CS7. Given the size of the open space retained, the amount of area used for the parking area and pavillion would be

comparatively small and it is considered that the proposals would not be contrary to policy DM15.

#### The impact on the character and appearance of the general locality.

The proposed building would be of modern appearance and no objection is expressed to this providing that the proposals do not prejudice the open space adjoining. The height of the buildings whilst two storey would be relatively low and would make use of the on site topography given that land drops south-west from the north east. The mono-pitched roofs would help slope the bulk of the building away from neighbouring residential properties

The size of the building has been reduced following discussions with planning officers.

It is noted that the proposals would introduce an area of hardstanding for parking for vehicles including coaches. Details would be secured by condition for the materials of the building and also the hard surfaced areas but 'grasscrete' would be used to prevent the parking areas from appearing harsh given the open nature of the site.

Overall it is considered that the proposals would not materially harm the character and appearance of the general locality.

#### The impact on neighbouring amenity

##### *Noise impact*

The hours of use of the existing facility is not controlled by planning conditions. However, given that the proposals would result in an intensification of the use on the site, it is considered necessary to introduce conditions to prevent undue noise disturbance to neighbouring residents.

Following amendments Environmental Health officers are satisfied that noise escape from the new pavillion would be minimised and that the development would not result in harmful noise escape to neighbouring residents.

It is noted that the existing access from Ranulf Road is located close to residential properties either side. In order to prevent harmful noise and disturbance to neighbouring residents, this access would need to be managed appropriately. It is therefore suggested that conditions are attached to ensure that hours of use are limited and a noise management plan is provided.

A buffer zone to neighbouring properties would be created with dense planting and existing trees.

The new access to the parking area from Hocroft Road and Farm Avenue. There are nearby residential properties to the access. Landscaping Buffer zones are also proposed in this location as well as acoustic fences to properties to the north of the site.



A noise assessment has been provided to assess the impact from parking on neighbouring residents. The proposals include a 3m buffer zone to the north of dense planting and this would be secured by condition.

In terms of the maintenance area, this has been amended so that it is further from the nearest residential property at 50 Farm Avenue. Environmental Health officers have requested a condition that restricts work so it is only carried out 8am – 5pm Monday to Saturday and that no noisy work to be carried out outside of these hours. Also, that a noise management plan is conditioned to reduce the noise impact at this neighbours premises including such points as signage to turn engines off whilst vehicles stationary, no use of tools outside of hours. This would limit noise outbreak to the neighbouring residents.

### *Visual Impact*

Following concerns expressed by the case officer the proposed bridge section to the north of the building to reduce potential overlooking and noise escape. The size and height of the bridge has been amended and this would now terminate further from the residential properties to the north.

The proposed building would be sited approximately 22m from the neighbouring residential properties to the north. Given the distance between the properties it is not considered that the proposed building would result in undue loss of light, or outlook as perceived from the windows or gardens neighbouring properties including those of 1-9 Hocroft Road, 50 Farm Avenue or 27-37 Ranulf Road.

The impact of lighting on neighbouring residents needs to be given thorough consideration. At this stage an External Lighting, Ventilation and Utilities Report has been provided which includes location of luminaires on 6m columns. The location of these is generally acceptable however a condition is suggested to ensure that further details are provided. The impact from the building itself in terms of lighting is considered acceptable.

### Impact on highway and pedestrian safety

The University College School Sports Ground (UCSSG) is located between Hampstead Cemetery and the Brondesbury Cricket, Tennis and Squash Club and bounded by properties on Ranulf Road, Farm Avenue and Menelik Road. The main vehicular access into the site is from Ranulf Road with a secondary access at the junction of Farm Avenue and Hocroft Road.

There was a previous planning application in 1999 for a similar proposal which was recommended for approval by the Highway Planning Officer at the time. However, the application was refused by the members.

Since then there has been the following changes to the public highway in the vicinity of the site:

- Introduction of One Hour Controlled Parking Zone in the vicinity of the site which operates from Monday to Friday 10am – 11am.

- Introduction of 20 miles per hour speed limit restrictions on roads the following roads in the vicinity of the site.
  - Farm Avenue NW2 – entire length
  - Harman Close NW2 – entire length
  - Harman Drive NW2 – entire length
  - Hocroft Avenue NW2– entire length
  - Hocroft Road NW2– entire length
  - Lyndale NW2– entire length
  - Ranulf Road NW2 – between its junction with Hocroft Road and the boundary with the London Borough of Camden

#### Existing Use:

The playing fields are used by University College School (UCS). This includes UCS Junior and senior branches, The Phoenix School, The Old Gower’s rugby and football clubs and sports courses during school holidays all of whom use the pavilion.

There are two pavilions on the site; the Eve Pavilion to the north, and the Wade Pavilion to the east. The site also includes the head groundsman’s house, outbuildings and storage containers where the groundsman’s equipment and sports equipment are stored.

Pedestrian and vehicular access to the site is directly from Ranulf Road. There is a secondary access to the site from Farm Avenue which allows for deliveries and emergency access.

An informal area for car parking is available on the site which accommodates approximately 10 - 15 cars.

#### Current Operation of Sports Ground:

Access to the site is currently provided from Ranulf Road which is the main access to the site and from Farm Avenue/Hocroft Road which serves as a secondary (emergency) access.

#### School Coach Services:

The school provides a dedicated coach services to transport pupils from all the three school branched of UCS which includes pre-prep (Phoenix School), Junior and senior schools and in addition, visiting teams also arrive by coach.

UCS has provided indicative information on the number of likely coach trips on any given school week as shown in table below.

Coaches	Monday	Tuesday	Wednesday	Thursday	Friday
53 Seater	13.30 (2no)	11.00 (2no)	13.30 (2no)	11.00 (2no)	10.20 (2no)
		13.20 (1no)		13.15	11.00 (2no)

				(2no)	
49 Seater	13.30 (1no)		13.30 (1no)		
25 Seater		11.00 (1no)		13.15 (1no)	10.20 (1no)
		13.20 (1no)			13.20 (1no)
Total	3	5	3	5	6

The current arrangement for the school coach services is to drop off and pickup in pupils in Ranulf Road. The applicant has stated that the current arrangement is not satisfactory as it causes delays to traffic and problems for the local residents in terms of both noise and delays and raises health and safety issues due to conflict between pupils and traffic.

In addition to the school coaches dropping and picking up on Ranulf Road, parents and visitors to the facility arrive by car and park on-street on roads in the vicinity of the site. This has an impact on local residents in Ranulf Road, Lyndale, Hocroft Road and Farm Avenue.

The proposal is therefore to address the parking issues by providing dedicated parking facility within the site.

Proposal:

The development proposals are to replace the existing Eve Pavilion which is approximately 600m<sup>2</sup> on the west of the site with a purpose built replacement pavilion. This pavilion will improve facilities for the pupils of UCS and includes enhanced changing facilities and viewing areas. The proposed pavilion will have an overall GIA of 1388 m<sup>2</sup> which is an uplift of 788 m<sup>2</sup> over the existing Eve Pavilion.

The applicant has stated in the Planning Statement that there would be no additional users of the playing fields and pavilion beyond those that currently exist. The primary purpose of the proposals is to provide significantly improved facilities that meet the needs of the existing users and enables the long term and continued use of the sports ground. No intensification of use is proposed. The pavilion is designed to be appropriate to the needs of the school.

Access arrangement and Parking provision for the Site:

The existing access from Ranulf Road is not deemed suitable for larger vehicles such as coaches to access the site therefore a change is proposed to the access arrangement as indicated below.

Access to the University College School Sports Ground (UCSSG) site will still be provided via both the existing main entrance on Ranulf Road, which will become the secondary entrance (eastern entrance) and will become a private school access with improved pedestrian links into the site. The existing secondary access on Farm Avenue/Hocroft Road will become the main entrance (western entrance) and be semi-public.

It is proposed that the existing access on Farm Avenue/Hocroft Road will be improved by removing the existing gates and security fencing and realigning the current access to the west of the current location to provide a centralised access. This relocation will also move the access away from the current public right of way to the north of the site which will reduce the conflict between pedestrians and vehicles that currently exists in this location.

For safety reasons dedicated coach services are provided for all three branches of UCS covering the pre-prep (Phoenix School), junior and senior schools to transport pupils from the school sites to the UCSSG. In addition, visiting teams also arrive by coach.

The applicant has stated that the coach drop-off/pick up and visitor parking currently occurs on an ad-hoc basis on Ranulf Road, which the applicant has claimed is not a satisfactory arrangement for either UCS or neighbouring residents. The proposals therefore seek to address these issues and provide a safer and more sustainable vehicular and pedestrian environment through relocating the vehicular access from Farm Avenue/Hocroft Road. It is proposed that the access is to be relocated centrally to ensure that it is safe for passing vehicles, users of the car park, pedestrians, and cyclists.

The revised access from Farm Avenue/Hocroft Road under the development proposals will allow school coaches to enter the site via the proposed revised entrance and provide formalised arrangements for drop off and pick up, turning and parking. This will eliminate the need for the school and visiting coaches from waiting on public highways in the surrounding roads including Ranulf Road, Farm Avenue and Hocroft Road and would resolve the current problems caused to local highway network by these vehicles.

Whilst the access is on a bend it is on the outside of that bend. With the relocation of the access as proposed the visibility is likely to improve further than previously proposed. It was also observed during site visit that the vehicles approaching the bend negotiate the bend at lower speeds which would further assist the vehicles exiting the site.

The transport consultants have provided information on the visibility splays and swept path information for coaches entering and leaving the parking area from Farm Avenue/ Hocroft Road which is considered acceptable on highway grounds.

However, to ensure that in case the visibility was being obstructed by parked vehicles on exist from the proposed access, a S106 contribution is sought towards the provision of additional waiting restrictions on Farm Avenue/ Hocroft Road if required.

#### Parking Provision:

3 coach parking bays are proposed as part of the re-development proposals. A total of 50 formalised car parking spaces are proposed. 25 parking spaces are to be provided in the eastern area car park. These parking spaces will be private school

spaces and will be accessed via controlled gates. 25 semi-public spaces are provided including 3 disabled parking spaces, adjacent the new pavilion building and will be accessed from the west site entrance.

#### Parking assessment:

The consultants have justified the parking provision of 50 parking spaces to meet the current parking requirements of the UCSSG site.

The existing parking provision is for 10 to 15 cars on site which results in overspill of parking in the surrounding public highway. Therefore provision of any additional parking spaces over and above 15 parking spaces and allowing parents and staff to park on site will contribute towards relieving the pressure on parking on street and reducing the detrimental impact on public highway.

#### Cycle Parking Provision:

Cycle parking will be provided in accordance with the cycle parking standards specified in the Transport for London (TfL) London Plan cycle parking standards. Cycle parking provision would be reviewed as part of the Travel plan assessment if required.

#### Public Transport Accessibility (PTAL):

The PTAL Score for the site is calculated by using Transport for London model and is considered as a low accessibility level.

Bus routes 113, 328, 13, 82, 245, 260, 460 and C11 are within walking distance of the site.

#### Traffic Generation:

No additional new trips are expected as a result of the proposed improvements to the operation of the sports ground.

#### Personal Injury Accidents:

The consultants obtained personal injury data from Transport for London for five year period August 2008 to July 2013. 5 personal injury accidents have been recorded at the A41 Hendon Way, Finchley Road and Burgess Hill. The accidents were slight in nature.

No accidents were recorded in the residential areas in the vicinity of the site.

#### School Travel Plan:

A Framework Travel Plan has been submitted with the planning application. However, a Travel Plan for the proposed use will need to be included in the S106 Agreement. A contribution of £5,000 will need to be provided for the monitoring of the objectives of the Travel Plan.

## Public Right of Ways:

There are two scheduled footpaths associated with the site as follows:

Public Footpath No 118 is on the western edge of the site adjacent to Brondesbury Cricket, Tennis and Squash Club and links Menelik Road. The footpath is approximately 2 metres wide and is lit.

Public Footpath No 156 dissects the sports ground. The footpath is approximately 2 metres wide and is lit. It provides a public right of way across Hampstead Cemetery and Fortune Green and links to Fortune Green Road.

Gated accesses are proposed to cross the footpaths at various locations to cross over from one field to the other. The applicant is advised that these gated accesses must be locked and kept secured at all times to ensure that it does not open on to the foot paths and cause obstruction and danger to public.

## Proposed Rerouting of Public Rights of Ways:

It is proposed that the replacement pavilion building will bridge footpath 156 and the public footpaths would be re-routed to soften their corners and to reduce visual clutter on the site. As part of this proposal the applicant has offered UCS land for adoption.

However, it is not considered necessary for the relocation of the footpath and therefore the offer of small parcels of land would not add any value to the proposed improvements to the scheduled footpaths. The Highway Officers are of the opinion that the proposed amendments to the site as part of the development would provide better visibility and security over the section of footpath proposed for relocation, considering that the site is to be monitored by CCTV cameras as stated in the item 5.29 of the Planning Statement submitted with the planning application.

Given the comments above the Council will not be adopting the parcels of land offered for adoption.

The applicant would also need to provide details of vertical clearance being provided under the bridging of the footpath as maintenance vehicles would need to access the footpaths for lighting and routine maintenance. A condition is placed on the planning application to provide these details.

## Public Consultation Responses:

Objections have been raised via emails by the residents in the vicinity of the site as follows as part of the planning process. London Borough of Barnet's (LBB) responses to the objections are as follows:

- 1) Objection to the proposed new access point on the bend in Hocroft Road and Farm Avenue on safety grounds due to lack of visibility and parked cars on the bend.

LBB Response: The objection is noted. However, the proposed access is on the outside of that bend and enjoys reasonable visibility. It is proposed that the access

is to be relocated centrally which will further improve the visibility on exiting the site. The proposal also allows for a turning facility within the site for the coaches and vehicles therefore the vehicles exiting the site will do so in forward gear eliminating the need for vehicles to reverse out.

A S106 contribution is sought to ensure that funds are available to provide any additional waiting restrictions by the proposed access in Hocroft Road/Farm Avenue if required. The obstruction of the access would be a matter for Police to enforce if required.

2) Comments were also made regarding the insufficient car parking provision.

LBB Response: At present the parking arrangement on site is informal with provision of approximately 10-15 parking spaces. The proposed overall parking provision of 50 car parking spaces which includes 25 semi-public parking spaces will formalise the existing parking arrangement and will assist in reducing the impact of parking on the public highway in the vicinity of the site and as result will also benefit the residents.

S106 Contributions:

- Travel Plan meeting the TfL criteria shall be submitted 3 months prior to occupation
- £5,000 will be required towards the monitoring of the Travel Plan objectives.
- £5,000 will need to be secured towards the implementation of Waiting Restrictions on roads in the vicinity of the development in necessary to ensure that the proposed accesses are kept free of obstruction.

Recommendation:

The application is recommend for approval on highway grounds.

#### The impact on trees of special amenity value

The proposals have been discussed with tree officers. There are trees under Tree Preservation Order to the north boundary of the site. There is an existing hardstanding close to the trees. It is suggested that details are secured by condition regarding the excavation of existing hardstanding to create landscaped area. The details provided are generally considered acceptable.

The ecological report provided with the planning application concludes that the site is of limited ecological value. It also makes recommendations for creation of habitats and a condition is suggested to ensure that this is followed through.

#### The impact on security in the locality

A number of residents have expressed concerns that the proposals would have a harmful impact on local security. The Metropolitan Police have been consulted on the proposals and expressed concern regarding the initial semi-public parking arrangement. This has been removed and replaced with a gated parking area on the

new proposals and the Metropolitan Police have confirmed that they have no objection to the revised arrangements.

### The sustainability requirements of the proposals

The proposals would need to comply with the requirements of policies 5.2 and 5.3 of the Mayors London Plan. The energy Statement states that the 40% Total Emission Reduction figure would be met by use of:

- Design of roof with low overhang
- Glazing to maximise daylight entry to the building
- The adoption of natural ventilation strategies
- High Thermal Performance
- Low building air leakage rate
- High efficiency boilers
- Photovoltaic energy generation

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

Generally addressed in the main report.

Current access is restricted to emergency access and was previously refused permission - *Noted however this was some time ago and the current proposals have to be considered on their own merits.*

Rodent infestation - *This is primarily an environmental health issue.*

Design of the gates - *This would be secured by condition*

Open car park unsafe - *The open car park would no longer be proposed.*

The objections of the London borough of Camden are noted. The issue of trip generation is addressed in the report. In terms of the construction management plan, it is considered sufficient to secure this by condition.

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

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

### **5. SECTION 106 ISSUES**

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

### **6. CONCLUSION**

Taking all above matters into account, the application the application is recommended for **APPROVAL**.

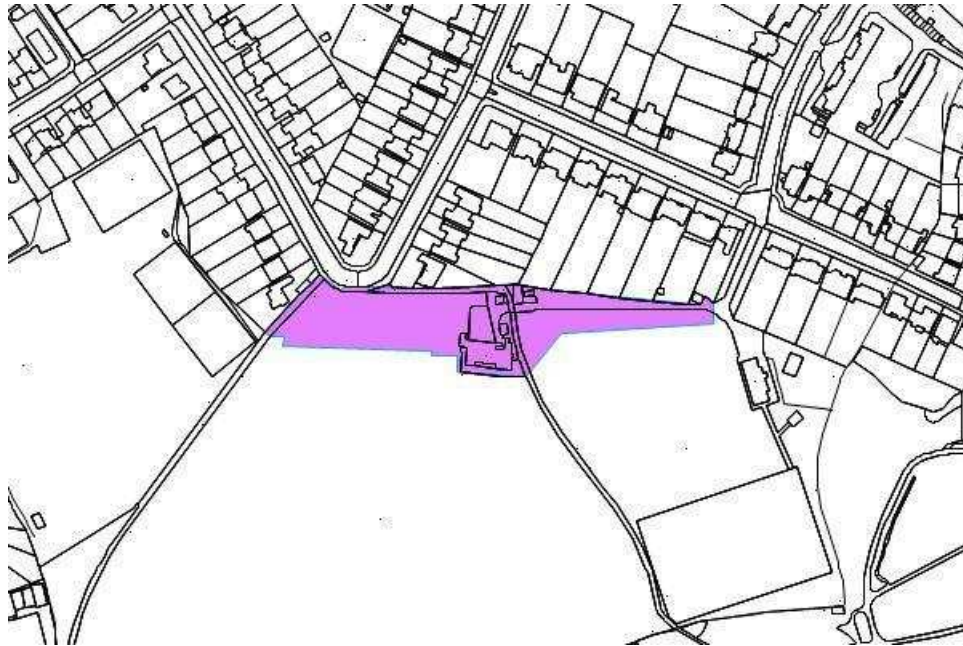


**SITE LOCATION PLAN:**  
**Road, London, NW2 2BS**

**University College School Sports Ground, Ranulf**

**REFERENCE:**

**F/00002/14**



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**LOCATION:** 7 Elmcroft Avenue, London, NW11 0RS

**AGENDA ITEM 6**

**REFERENCE:** F/01637/14

**Received:** 28 March 2014

**Accepted:** 28 May 2014

**WARD(S):** Childs Hill

**Expiry:** 23 July 2014

**Final Revisions:**

**APPLICANT:** Mr & Mrs Lahyani

**PROPOSAL:** Demolition of existing building and erection of 2no. two storey semi detached houses (1 pair) including rooms in roof space, basement, refuse facilities and hard/soft landscaping.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, 1318.PA1 Rev A, 1318.P1, 1318.2, 1318.4, 1318.5, 1318.6, 1318.P2, 1318.P4, 1318.P6, 1318.PA7 RevA, 1318.P8, 1318.P9, 1318.P10, 1318.P11, Planning Statement , 1318.PA5.

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 Notwithstanding the layout shown on plan 1318 PA1 revision A, no development shall take place until details of the parking spaces and vehicular accesses have been provided and approved in writing by the Local Planning Authority. The spaces shall be provided prior to first occupation of the dwellings and shall thereafter 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.

- 5 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 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).

- 7 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).

- 8 Before the building hereby permitted is occupied the proposed window(s) in the flank elevations facing 5 Elmcroft Avenue and 9 Elmcroft Avenue shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

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

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

Reason:

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

- 10 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).

- 11 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, B, C, D, E, F of Part 1 to Schedule 2 of that Order shall be carried out within the area of 7 Elmcroft Avenue 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).

- 12 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).

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

Reason:

To ensure a satisfactory appearance to the development 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 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.

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

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

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

Further details and the application form can be downloaded from:  
<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf>

or requested from the Street Naming and Numbering Team via email: [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning: 0208 359 7294.

- 3 The 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](http://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 £18,440 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £70,815 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](mailto: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](http://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](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](http://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". 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, DM08, DM17.

#### Supplementary Planning Documents and Guidance

Supplementary Planning Document: Sustainable Design and Construction  
Supplementary Planning Document: Residential Design Guidance

Relevant Planning History:

None Relevant

#### Consultations and Views Expressed:

Neighbours Consulted: 96                      Replies: 14  
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Aggravating existing problem of parking of cars for local residents
- Development is out of character resulting in loss of bungalows

- Loss of light
- Party wall issues
- Extension goes beyond neighbouring properties
- Basement could impact stability of neighbouring properties
- Proposals could impact ancient rights to light.
- Noise and vibration during construction
- Applicant should submit a basement impact assessment

Internal /Other Consultations:

N/A

Date of Site Notice: 05 June 2014

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The site property is an existing chalet bungalow on the west side of Elmcroft Avenue.

The area is characterised by a mixture of two storey single family dwellinghouses and a smaller number of bungalows (no.9, 11).

The site property was most recently used as three self-contained flats.

The existing building adjoins the boundary with no.9 which is a bungalow.

Proposal:

The proposals are for the demolition of existing building and erection of 2no. two storey semi detached houses (1 pair) including rooms in roof space, basement, refuse facilities and hard/soft landscaping.

Planning Considerations:

The main issues are considered to be:

- The principle of the development
- Whether the proposals would harm the character and appearance of the area
- Whether the proposals would harm neighbouring amenity
- Whether the proposals would harm highway or pedestrian safety

The principle of the development

Given the mixture of building types in the immediate locality, it is considered that the principle of replacing a chalet bungalow with two storey dwellings is acceptable. Similarly, in terms of the width of the new plots, the proposals would be comparable to those at no.3 and no.5.

The proposed density at 25 units per hectare would not exceed the figures within the Mayors London Plan density matrix.

The principle of the development is considered acceptable.

#### Whether the proposals would harm the character and appearance of the area

The proposed new dwellinghouses would be lower than no.5, and higher than the bungalow at no.9. The applicant has lowered the eaves of the proposed building so that the building would not appear as jarring against the lower eaves of no.9, and achieve more of a 'step down' within the streetscene.

It is noted that the front building line of the proposed dwellinghouses would be located between no.5 and no.9. This would help the pair of dwellings fit acceptably within the streetscene.

#### Whether the proposals would harm neighbouring and future amenity

Both no.5 and no.9 have been previously extended, with both having large single storey extensions. The plans indicate that the rearward projection of 5m at ground floor beyond the existing rear wall would be in line with the rear extension at no.5. It is noted that there is a small gap between the rear wall of no.9 and a large swimming pool outbuilding in its garden. Though the ground floor projection would extend across this space, it is not considered that it is likely that the rear projection would harm the amenities of the occupiers of no.9 in view of this. The existing rear outlook is currently onto the rear outbuilding.

The side windows to no.5 serve landing windows and not habitable rooms, therefore it is not considered any impact would be harmful.

The units would comply with the Mayor's London Plan in terms of the size of the proposed units.

The proposed dwellings would provide adequate standards of outlook and daylight.

It is noted that the proposals would provide a distance to boundary with no.5 of less than 1m in part to the rear, which would technically not comply with the requirements of the Supplementary Planning Document on Residential Design Guidance. In view of the fact that there would still be a gap of 2m to the flank wall of no.5 which is a further requirement, it is not considered that there would be any material harm caused by this.

The proposed garden areas would comply with amenity space requirements within the SPD Document on Residential Design Guidance.

The proposed new dwellings would need to comply with level 3 of the Code for Sustainable Homes.

#### Whether the proposals would harm highway or pedestrian safety

It is noted that 1 parking space is provided for each unit. Policy DM17 of the

development management policies document states that normally 1.5-2 spaces should be provided for 4+ bedroom units.

The proposals show one parking space for each dwelling. However it is noted that the access for the dwelling adjacent to no.5 would be onto an existing residents bay. The creation of the crossover and relocation of the residents bay would need to be subject to a formal consultation. A condition is suggested to ensure that details of access are provided prior to the development commencing. Taking into account the relative accessibility of the site and its location within a Controlled Parking Zone, highways officers consider that the proposals would not harm highway or pedestrian safety.

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

Aggravating existing problem of parking of cars for local residents - *Addressed in main report.*

Development is out of character resulting in loss of bungalows - *The bungalows are not of any specific townscape merit and their loss is considered acceptable. The demolition of the building would not itself require planning approval, only prior approval and the LPA would not be able to object to this in principle.*

Loss of light - *Addressed in main report.*

Party wall issues - *Party wall issues are not material planning considerations.*

Extension goes beyond neighbouring properties - *It is noted that the dwellings would extend 1m beyond neighbouring property at no.5 but this is considered acceptable.*

Likewise the impact on no.9 is considered acceptable.

Basement could impact stability of neighbouring properties - *This is principally a matter dealt with under the building regulations.*

Proposals could impact ancient rights to light. - *Ancient rights to light are a legal matter and are not considered under the planning process. However, it is considered that the impact on neighbouring occupiers would be acceptable.*

Noise and vibration during construction - *This is not reason to refuse the planning application. Conditions are attached to ensure disruption to local residents is minimised.*

Applicant should submit a basement impact assessment - *This is not considered to be justified given that the site is on London Clay geology which is relatively stable and the nature of the excavations.*

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

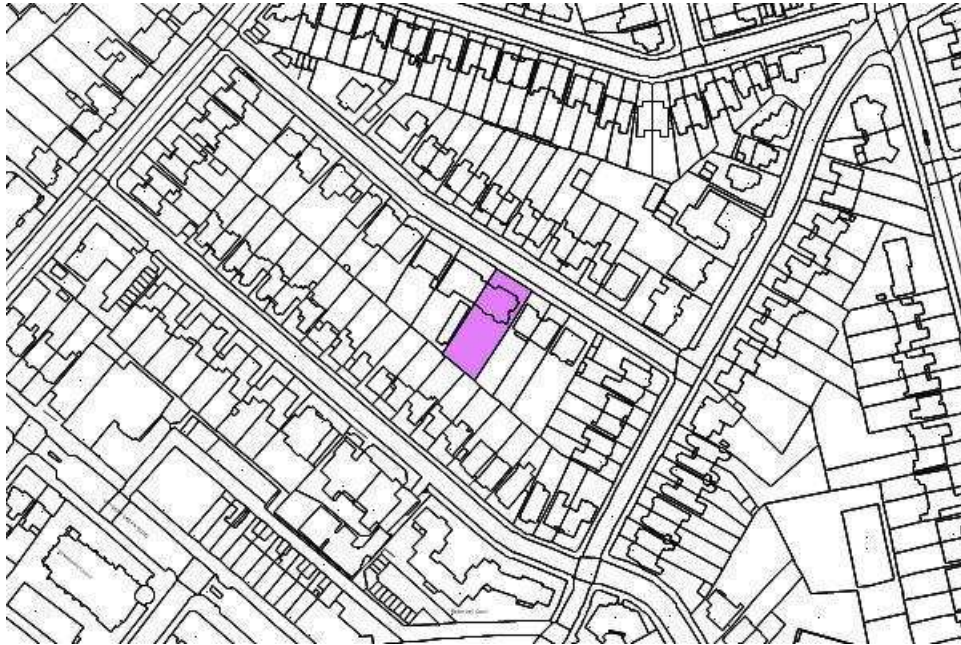
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

Taking the above into consideration the application is recommended for **APPROVAL.**

**SITE LOCATION PLAN:** 7 Elmcroft Avenue, London, NW11 0RS

**REFERENCE:** F/01637/14



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## AGENDA ITEM 7

**LOCATION:** 47-49 Woodstock Road, London, NW11 8QD  
**REFERENCE:** F/06062/13 **Received:** 20 December 2013  
**Accepted:** 20 December 2013  
**WARD(S):** Childs Hill **Expiry:** 14 February 2014

### Final Revisions:

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

### RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement; Drawing no. WR13-PP-01; Drawing no. WR13-PP-02; Drawing no. WR13-PP-06 (date received 20-Dec-2013); Drawing no. WR13-PPA-200 Rev C; Drawing no. WR13-PPA-201 Rev C; Drawing no. WR13-PPA-202 Rev C; Drawing no. WR13-PPA-203 Rev C; Drawing no. WR13-PPA-204 Rev C; Drawing no. WR13-PPA-206 Rev A; Drawing no. WR13-PPA-101 Rev C (date received 14-Mar-2014); Overlay Floor Plans; Overlay Elevations (date received 13-May-2014).  
Reason:  
For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).
- 2 This development must be begun within three years from the date of this permission.  
Reason:  
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.  
Reason:  
To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.
- 4 Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and

approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

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

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

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

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

Reason:

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

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

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

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

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

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

Reason:



To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with policies DM01, DM03, DM17 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

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

Reason:

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

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

Reason:

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

- 20 Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely

damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason:

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

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

Reason:

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

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

Reason:

To protect the amenities of future and neighbouring residential occupiers in accordance with policy DM02 and DM04 of the Adopted Barnet Development Management Policies DPD (2012).

- 23 Before the development hereby permitted commences, details of the lightwells shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

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

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

Reason:

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

- 25 The parking spaces indicated on plan no. WR13-PPA-200 Rev C shall not be

used separately for any other purposes other than occupation by occupiers of the flats and shall not be rented or sold separately.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties, future occupiers of the proposed units and in interest of highways safety in accordance with Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, policies DM04 and DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

**INFORMATIVE(S):**

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

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

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

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

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

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

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

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

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

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

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

- 4 Any details submitted in respect of the Demolition Construction and Traffic Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.

- 5 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.  
Reason:  
To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 6 Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality). Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
- 7 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

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

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework (2012):

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

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

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

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

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

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

#### Core Strategy (Adopted) 2012:

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

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

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

#### Other Material Considerations:

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

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

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

Chapter 15 of the Council's Guide 'Residential Design' seeks to revise and upgrade Design Guidance Note 7 which deals with Residential Conversions. This leaflet in

the form of a supplementary planning guidance (SPG) sets out information for applicants to help them design conversions which would receive favourable consideration by the Local Planning Authority and sets out how the council considers applications for the conversion of single family homes into two or more self-contained units.

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

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

#### Relevant Planning History:

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

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

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

#### Consultations and Views Expressed:



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

The objections received prior to receipt of amendments and re-consultation, may be summarised as follows:

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

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

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

#### Internal /Other Consultations:

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

Highways support the application and have recommended several conditions and highways informatives which are attached to this report.

Date of Site Notice: 23 January 2014

## **2. PLANNING APPRAISAL**

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

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

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

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

### **Proposal:**

The applicant seeks planning permission for the following development:

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

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

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

### **Planning Considerations:**

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

- Whether the principle of residential units including the density of the development is appropriate for the area;
- Whether the proposal will provide suitable accommodation for future occupiers;

- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

**Principle of self contained units**

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The Council recognises that flat developments can make an important contribution to housing provision, particularly in Town Centre locations and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

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

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

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

The principle of demolition is considered acceptable. The properties are not within a conservation area and are not of particular architectural merit to warrant its retention.

Furthermore, there are other examples of purpose built block of flats in the vicinity and therefore the principle of flatted development would not be out of character with the locale.

### **Density**

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

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

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

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

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

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

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

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

minimum standards as indicated in the table below:

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

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

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

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

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

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

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

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

**Design and character matters:**

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

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

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

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

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

The proposed design and bulk of the proposed building has been amended to respect the pattern of buildings in this section of the road. In addition, the scale of the building would also be in keeping with adjacent buildings. The building has been designed and amended to reflect the architectural style of similar properties, in particular the semi-detached properties located to the north west (no.45 and 43). The ridge height, bulk and style of roof and front gables are reflective of the immediately

adjoining properties and therefore are not considered to be over dominant in the corner location. At the rear elevation, the design incorporates gable projections that area characteristic to the properties of the same period.

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

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

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

### **Living conditions of neighbouring occupiers and impact on character**

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

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

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

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

It is noted that the intensification of the use will increase, however given the Town

Centre location, it is not considered that this is sufficient to warrant refusal of the application.

Following Highways consultation, the proposal (as amended) is considered to be acceptable and it is considered that there are adequate parking spaces for the size of the development.

### **Community Infrastructure Levy**

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

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

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

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

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

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

### **5. CONCLUSION**

Having taken all material considerations into account, the proposed development is considered to result in accommodation that exceeds the minimum space standards and therefore would be suitable for future occupiers. Furthermore, the massing, siting and design of the overall building would reflect the immediate adjacent properties and the general mixed tenure locale. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for **APPROVAL**.



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

**REFERENCE:** F/06062/13



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**LOCATION:** 1-17 Cromwell Close Garages, Cromwell Close, London, N2 0LL

**REFERENCE:** F/02048/14

**WARD(S):** East Finchley

**Received:** 17 April 2014  
**Accepted:** 23 April 2014  
**Expiry:** 18 June 2014

**Final Revisions:**

**APPLICANT:** Mr M Klotz

**PROPOSAL:** New rise and fall barrier at the entrance of the Cromwell Close garages.

**RECOMMENDATION: Approve Subject to Conditions**

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

Site Location Plan; CC100B; Design and Access Statement with Supplement (dated 30th June 2014); Expert Security UK Automatic Security Bollard and Remote Fob System Specification

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.

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

Relevant Planning History:  
None

Consultations and Views Expressed:

Neighbours Consulted: 23                      Replies: 20  
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- Scale and appearance
- Inappropriate
- Not in keeping / character
- Single pole in the ground would be sufficient
- Unnecessary
- Provide ease of access for turning vehicles (ambulances, deliveries, elderly and disabled)
- Negatively reflect on property values
- Barrier unsuitable as for medium to high usage car parks / commercial areas not residential
- Too large
- Eye sore
- Visual intrusion
- Block access to front door from footpath
- Undesirable
- Noise increase to adjacent flats from people waiting for barrier to rise
- What happens if key to barrier is lost
- What happens if barrier is defective / malfunctions
- Visual pollution
- Detrimental impact on community spirit

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site is located at the end of Cromwell Close, within the East Finchley

ward to the east of the Borough.

Cromwell Close is a small residential cul-de-sac located off East End Road developed in 1960. At the end of the Close there is access to a hard-surfaced area with 17 garages located around the perimeter.

The approximate area of the site is 740m<sup>2</sup>.

Proposal:

This application seeks consent for a rise and fall barrier, in the form of single electrical bollard (500mm by 115mm) at the entrance of the Cromwell Close garage court.

The bollard will be centrally located on the access drive, 7.29m from the edge of the footpath.

The bollard is proposed to stop illegal parking and dumping, add security to the individual garage owners and prevent the further deterioration of the garage court surface (along with manholes and gulleys) due to damage done by lorries turning on the garage court. In addition, the bollard is proposed to show that the garage court area is private and that there is control and management of it. Each garage owner will be provided with their own remote control fob, with a spare provided for emergencies. In case of electrical failure, the bollards screw mechanism and gravity ensure the bollard re-erects into the ground, re-erecting itself when the power supply restarts.

Originally the parking barrier proposed consisted of metal box with attached pole across the access road to the garages.

The scheme has now been amended to propose a single security bollard located centrally in the middle of the access road, which can rise and fall into the ground.

To serve the bollard the electricity supply will be taken via underground ducted cabling from the Electricity Mains located on the public footpath running alongside the Eastern side of the garage court to a meter box located at the side of the garages adjacent to the flower bed and on to the proposed bollard.

Planning Considerations:

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

- Whether harm would be caused to the character and appearance of the existing site, the street scene and the wider locality
- Whether harm would be caused to the living conditions of neighbouring residents;

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

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

As amended the proposed rise and fall bollard is no longer considered to present any visual detriment to the character and appearance of the application site. The single bollard offers a more discreet solution and is proposed in a dark colour with a reflective stripe which will not detract from the site when compared to the previous yellow painted barrier.

There is considered to be no harm caused to the living conditions of neighbouring residents as a result of the proposal. Its location, 7.29m away from the footpath ensures that no vehicle will need to wait within the Close for the barrier to move, thus preventing unnecessary congestion for residents.

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

The comments made by objectors are noted. However, the scheme has been amended to show a less visually detrimental proposal which is considered to be less harmful to the amenities of neighbouring occupiers than that originally proposed.

### **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**

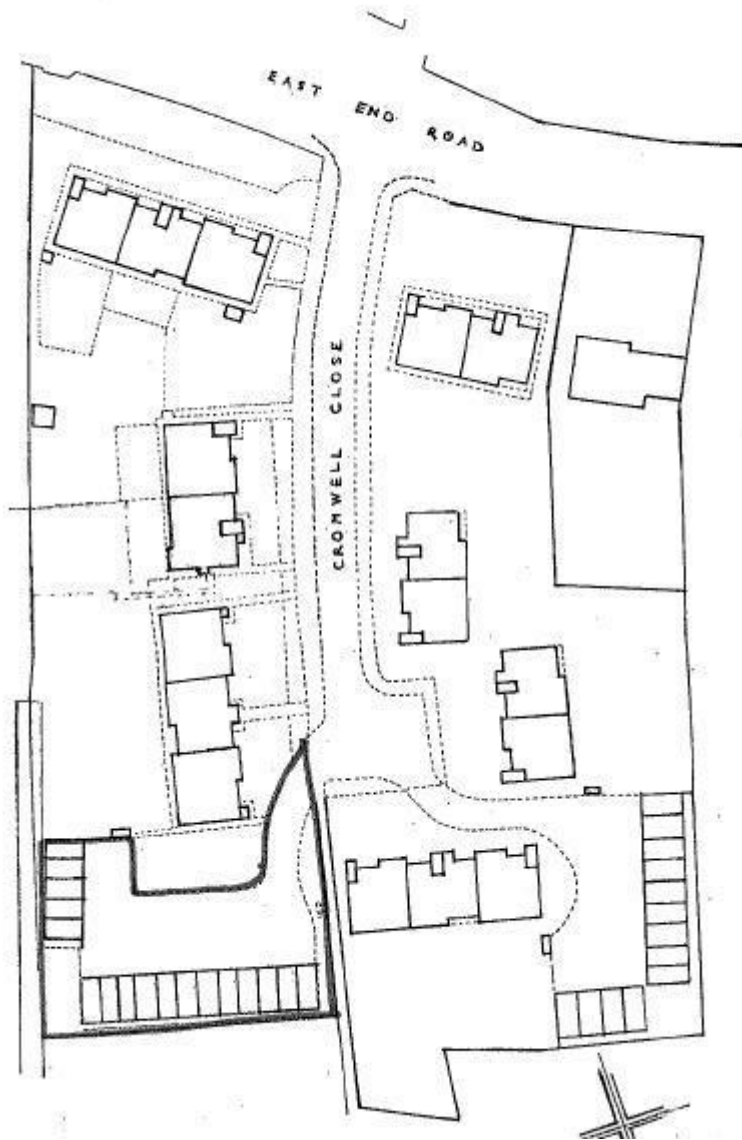
Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Local Plan policies and would be in keeping with the character and appearance of the surrounding area. It is not considered to have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

**SITE LOCATION PLAN:**  
London, N2 0LL

**1-17 Cromwell Close Garages, Cromwell Close,**

**REFERENCE:**

**F/02048/14**



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## AGENDA ITEM 9

**LOCATION:** 18 Bedford Road, London, N2 9DA

**REFERENCE:** F/00969/14

**Received:** 20 February 2014

**Accepted:** 20 March 2014

**WARD(S):** East Finchley

**Expiry:** 13 June 2014

### Final Revisions:

**APPLICANT:** Miss Asghar

**PROPOSAL:** Proposed rear extension to facilitate wheelchair lift and shower room

### RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 213038/05 and 213038/01.

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

Reason:

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

## **INFORMATIVE(S):**

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

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

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

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

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

The NPPF states that "good design is a key aspect of sustainable development, is

indivisible from good planning, and should contribute positively to making places better for people."

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

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

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

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

#### Relevant Local Plan (2012) Policies:

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

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

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

#### Supplementary Planning Documents and Guidance

Residential Design Guidance SPD  
Sustainable Design & Construction SPD

#### Equalities Act (2010)

#### Relevant Planning History:

<b>Application:</b>	Planning	<b>Number:</b>	F/03799/13
<b>Validated:</b>	22/08/2013	<b>Type:</b>	HSE
<b>Status:</b>	DEC	<b>Date:</b>	26/09/2013
<b>Summary:</b>	APC	<b>Case Officer:</b>	Tassama Amlak
<b>Description:</b>	Installation of access ramp with handrails to front of property.		
<b>Application:</b>	Planning	<b>Number:</b>	F/04027/13
<b>Validated:</b>	05/09/2013	<b>Type:</b>	Prior notification
<b>Status:</b>	DEC	<b>Date:</b>	04/10/2013
<b>Summary:</b>	Required and Refused	<b>Case Officer:</b>	Denisse Celi
<b>Description:</b>	Single storey infill rear extension with a proposed depth of 6 metres, eaves height of 2.48 metres and maximum height of 3.62 metres.		

## Consultations and Views Expressed:

Neighbours Consulted: 4                      Replies: 2  
Neighbours Wishing To Speak 0

### Summary of objections raised:

- The extension will result in a loss of light to a neighbouring property.
- The height of the extension will result in increased sense of enclosure to the patio area of a neighbouring property.
- The extractor unit in the proposed bathroom will result in increased noise and disturbance.

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The site property is a two storey terraced property located on the north side of Bedford Road which is residential in character.

### Dimensions:

The application seeks permission for a rear extension to facilitate wheelchair lift and shower room.

The proposed extension will have a maximum depth of 6 metres, a width of 1.6 metres and a maximum height of 3.2 metres with a mono pitched roof.

### 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 application site has an L-shaped configuration with a two-storey outrigger on the right side of the property. The neighbouring property at 16 Bedford Road has a similar L-shape configuration and the application proposes to infill the area closest to 16 Bedford Road.

The proposed extension will provide a wheelchair lift and a shower room which is required to improve the living conditions of a physically impaired resident.

The proposed extension will have a maximum depth of 6 metres along the boundary with the neighbouring property 16 Bedford Road. The extension would have a height of 3.4 metres for a depth of 1 metre and then the height of the extension would reduce to 2 metres with a mono pitched roof.

Concerns have been raised that the proposed extension would result in a loss of light to the windows of a neighbouring property. However the proposed extension will have a height of 2 metres along the boundary with the neighbouring property at 16 Bedford Road and the mono pitched element of the roof will be set away from the boundary of this neighbouring property. It would only be perceptible from the rear gardens of neighbouring gardens and its relatively low height would limit its impact from neighbouring properties. Notwithstanding this it is considered that the proposals would result in some harm to neighbouring amenity given its rearward projection which needs to be weighed up against any other considerations.

It is important to consider the fallback position of development that could be constructed under permitted development by the applicant which is a material consideration in the decision making process. The weight to be given to the fallback position varies according to whether what could be built using permitted development would have a broadly similar or worse impact to what is proposed.

Under 'permitted development', the applicant could erect a 3 metre deep single storey rear extension up to 3 metres in height along the boundary with 16 Bedford Road which is considered to have a worse impact on the amenity of neighbouring occupiers than the side wall of the proposed extension in this part of the site. Past the first 3 metres of the extension, the applicant is able to build a 2 metre high wall which would have a similar impact on amenity than the proposed side wall of the extension.

Another material consideration is the weight to be given to the equality legislation (discussed in more details in section 4. below). In summary, officers consider that significant weight should be given to the needs of the applicant and that the size and position of the proposals (a ground floor shower room accessed by stairs/lift off the applicant's bedroom) are reasonable and cannot be easily provided at an alternative location within the site.

The extension would not appear unduly overbearing, given its relatively low height

and roof pitched away from the boundary. The proposed extension would not appear harmfully out of character within the general locality given other extensions within locality.

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

The extension will result in a loss of light to a neighbouring property. - *Addressed in main report.*

The height of the extension will result in increased sense of enclosure to the patio area of a neighbouring property. *The height of the extension would reduce to the neighbouring boundary and this would limit the sense of enclosure caused.*

The extractor unit in the proposed bathroom will result in increased noise and disturbance. - *A condition has been suggested to ensure that noise from the extractor is not excessive.*

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

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

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

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

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

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

It is considered that the applicant is within a protected group (disability). It is acknowledged that the proposals would benefit a disabled member of their family by improving the facilities within the curtilage of the family home.

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

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

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

In this instance, the officers consider that the benefits to the applicant (within a protected group) would outweigh any significant harm to residential amenities of the neighbouring property at Bedford Road.

## **5. CONCLUSION**

Having taken all material considerations into account, it is considered that the limited harm caused by the rear extension on neighbouring amenity would be outweighed by the benefit to the disabled resident, and lack of harm to the character of the area. This application is therefore recommended for **APPROVAL**.

**SITE LOCATION PLAN:** 18 Bedford Road, London, N2 9DA

**REFERENCE:** F/00969/14



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**LOCATION:** 321 Regents Park Road, London, N3 1DP

AGENDA ITEM 10

**REFERENCE:** F/01323/14

**Received:** 18 March 2014

**Accepted:** 04 June 2014

**WARD(S):** Finchley Church End

**Expiry:** 30 July 2014

**Final Revisions:**

**APPLICANT:** Mr Noor Hussain

**PROPOSAL:** Change of use of existing office at rear of property into minicab office.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. Regents~01; Drawing no. Regents~02; Design and Access Statement; Photographs; Letter from Mr Hussain dated 2nd July 2014; Letter from Mr Hussian dated 1st June 2014; Planning 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 No customers shall be picked up by minicab drivers (associated with the use) on the public highway, within a radius of 100 metres from the office.

Reason:

To safeguard residential amenity in accordance with policy DM17 of the Adopted Barnet Development Management Policies DPD (2012).

- 4 No intercom equipment shall be placed outside the premises which would enable customers to contact the office.

Reason:

To ensure the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties in accordance with policy DM01 and policy DM17 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

- 5 No waiting area within 100 metres of the minicab office shall be provided for either minicab drivers or customers.

Reason:

To ensure the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties in accordance with policy DM01 and policy DM17 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

- 6 The hereby approved planning permission shall be occupied by no more than four telecommunication controllers only unless previously approved in writing by the Local Planning Authority.

Reason:

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

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

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

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

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

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

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

#### Relevant Local Plan (2012) Policies:

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

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

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

#### Relevant Planning History:

<b>Application:</b>	Planning	<b>Number:</b>	F/01323/14
<b>Validated:</b>	04/06/2014	<b>Type:</b>	APF
<b>Status:</b>	REG	<b>Date:</b>	
<b>Summary:</b>	DEL	<b>Case Officer:</b>	Denisse Celi
<b>Description:</b>	Change of use of existing office at rear of property into minicab office.		

<b>Application:</b>	Planning	<b>Number:</b>	F/01801/09
<b>Validated:</b>	02/06/2009	<b>Type:</b>	APF

**Status:** DEC **Date:** 28/07/2009  
**Summary:** APC **Case Officer:** Robert Marchant  
**Description:** Change of use of office to rear of shop, from Class B1 (office) to Class Sui Generis (mini-cab hire.)

Consultations and Views Expressed:

Neighbours Consulted: 99 Replies: 1  
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Minicab is entirely different to the current use.
- Use in the evening & at night
- Disturbance and noise
- Use is difficult to enforce
- No parking at the front.

In addition, Councillor Old has requested that the application is decided by the Planning Sub-Committee.

Internal /Other Consultations:

Urban Design & Heritage – No objection.

Finchley Conservation Area Advisory Committee

As per previous application:

‘The proposal is considered an inappropriate change of use in this location, particularly bearing in mind that the mini-cab office would not be self-contained and separated from the shop. There are also concerns about lack of hygiene.’

Date of Site Notice: 12 June 2014

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site is situated on the northern side of Regents Park Road within the Finchley Church End Conservation Area. The site is situated close to a large junction with Hendon Lane within a mixed use area with commercial properties to the ground floor and residential properties above. The site currently operates as a Foodstore selling Ethnic and English groceries and is immediately bordered by a café and a public house.

The property does not lie within the primary or secondary retail frontage, however it is recognised by the Development Management Policies DPD as falling within the Church End Finchley Town Centre.

Proposal:

The proposal involves the change of use from an A1 (Foodstore) to a part A1, part

Sui Generis use. The A1 use is to remain the same and a mini-cab office is proposed to be situated in an office to the rear of the premises.

The applicant has provided additional information to support the application as follows:

*The proposal does not involve any alterations to the existing shop internally or externally. The proposed use of the space [will be] to operate as a point to receive only telephone communication for arranging minicab supply.*

*There are to be no taxis parked, the cabs contacted for service and arranged to go directly to the customers from cab drivers coming from elsewhere other than the above shop.*

*proposed use is to use the existing office space for mini-cab operation. There is access at the rear yard area for the shop during daytime only. There is no need to use the rear entrance at night time. The front entrance of the office will be used for day and night shifts.*

*All communications with the cab drivers to be by radio-air wave contact... using the latest PDA system. There is no change to access for vehicles or changes to front drive. There are no changes proposed for the pavement or the highway. There is no change to the front or rear elevations.*

#### Planning Considerations:

The main issues are considered to be:

- Whether the proposals would have an acceptable impact on the vitality and viability of the town centre
- Impact on the amenities of neighbouring occupiers.

#### *Policy context*

Policy DM12 advises that the Council will protect all retail uses in the existing local centres, parades and isolated shops. The preamble to this policy also states that 'preventing an over concentration of similar non Class A1 uses is important to maintaining the vitality and viability of the local centre or parade. Where a proposed use would create three or more adjacent non retail uses of any class system then this will be resisted.' A proposal that is considered to have an adverse effect on the amenity of neighbouring residents will be refused, and community uses will be expected to present an active frontage at ground floor level.

It is considered that the principal use of the premises will remain as a retail unit having a street frontage display. The Mini-Cab use is to be operated from an area to the rear of the premises which is currently being used as an office. Therefore the proposal would not result in the loss of retail space or would detract from the established retail character of the area.

Although it has been stated within the Design and Access Statement that the drivers

will be working remotely, there is still concern in regards to the collection of customers close to the premises and the suitability of this within its location. A principal consideration is whether the location of the mini-cab office within the Finchley Conservation Area would detract from the residential amenities of those occupiers situated close by, also the potential for a mini-cab office to increase congestion in the area and to create an atmosphere that is not appropriate for a conservation area.

It must be highlighted that an identical scheme was approved in 2009, however the applicant failed to implement the permission. Although, this is no longer a material consideration, it is not considered that the circumstances and Local Plan policies now warrant refusal of the application.

At the time of the previous application, Highways offered no objection to the proposal subject to a condition which requires drivers not to visit the premises for the purpose of waiting or taking orders and instruction, collecting clients from the premises, or any other purpose. Given that this condition is complied with, it is accepted that no harm would be imposed to the amenities of occupiers within the area and that no increase of car congestion or congregation would occur and would damage the viability of the Finchley Church End Conservation Area.

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

It is considered that the planning objections have generally been addressed in the report above.

Finchley Conservation committee have considered the proposal as an inappropriate change of use and have addressed concerns in relation to the appropriateness of the proposal as it is not self-contained or separated from the shop, personal hygiene was also a concern that was raised.

The remote operation of the business is however considered to be appropriate to mitigate these concerns; it is considered that with the compliance of the conditions, no significant disruption would be caused to the conservation area. The personal hygiene of the drivers is not a material consideration that can be used in the determination of this application.

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

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

### **5. CONCLUSION**

Having taken all material considerations into account, the change of use from A1 to part A1 part sui-generis (mini-cab office) is considered acceptable and is in line with the Council's town centre policies. It is not considered that the proposal would detrimentally impact on the residential amenity of neighbouring residents. The application is not considered to harm the vitality and viability of this section of

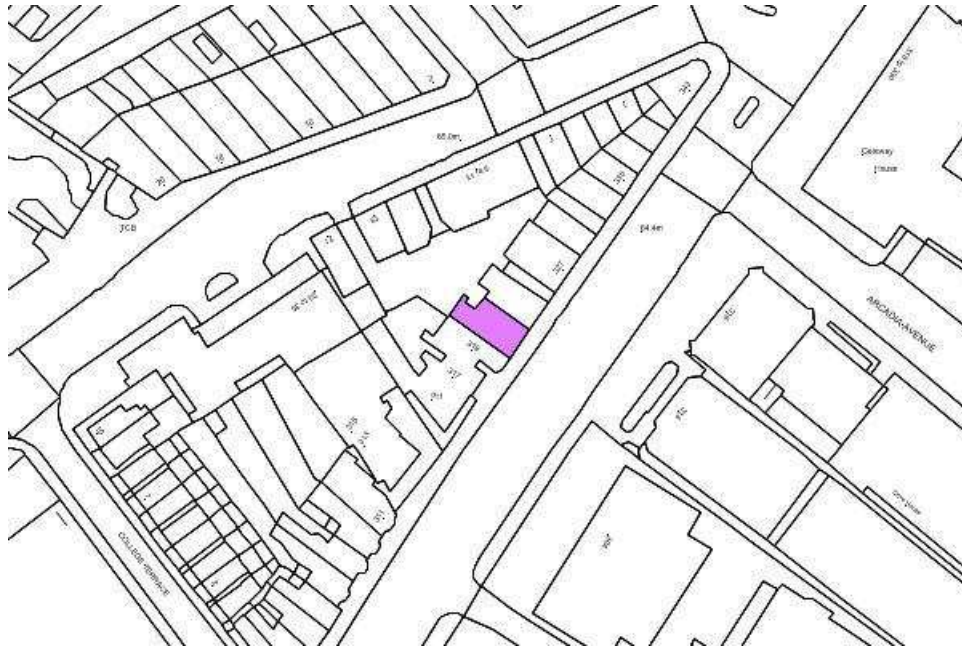
Regents Park Road, which is not considered to be a Town Centre location or a local shopping parade as defined by the Development Plan Document, or of the Conservation Area

The Local Planning Authority has considered this scheme's impact on neighbouring properties' amenities to be acceptable. The change of use is considered to be acceptable on Highways grounds, subject to the compliance of conditions

Therefore it is recommended that the application be **APPROVED** subject to conditions.

**SITE LOCATION PLAN: 321 Regents Park Road, London, N3 1DP**

**REFERENCE: F/01323/14**



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## AGENDA ITEM 11

**LOCATION:** 49 Village Road, London, N3 1TJ  
**REFERENCE:** F/02170/14  
**WARD(S):** Finchley Church End

**Received:** 18 April 2014  
**Accepted:** 18 April 2014  
**Expiry:** 13 June 2014

### Final Revisions:

**APPLICANT:** Mr & Mrs Bledin  
**PROPOSAL:** Single storey rear extension including raised patio and steps to garden.

### RECOMMENDATION: Refuse

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

### INFORMATIVE(S):

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

solutions to the refusal reasons.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

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

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

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

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

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

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

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

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

### Relevant Local Plan (2012) Policies:

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

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

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

## Supplementary Planning Documents and Guidance

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

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

### Finchley Garden Village Conservation Area Character Appraisal and Design Guidance 2013

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

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

### Relevant Planning History:

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

**Case Officer:**

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

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

Case Officer: Denisse Celi

Site Address: 49 Village Road, London, N3 1TJ  
Application Number: F/02170/14  
Application Type: Full Application  
Decision: Not yet decided  
Decision Date: Not yet decided  
Appeal Decision: No Appeal Decision Applies  
Appeal Decision Date: No Appeal Decision Date exists  
Proposal: **Single storey rear extension including raised patio and steps to garden.**

Case Officer: Denisse Celi

Other relevant history:

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

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

Consultations and Views Expressed:

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

The objections raised may be summarised as follows: None

Internal /Other Consultations:

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

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

Date of Site Notice: 08 May 2014

**2. PLANNING APPRAISAL**

Site Description and Surroundings:

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

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

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

The Conservation Area Character Appraisal notes;

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

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

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

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

#### Proposal:

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

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

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

### Planning Considerations:

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

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

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

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

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

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

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

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

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

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

Prior to the submission of the application, extensive discussions were undertaken between the applicant and the planning department, including the requirement for a dual pitched roof and the location of this between 10 and 20 cm below the window sill at first floor level; these were considered more appropriate for the Conservation Area. In addition, it was advised that the roof of the proposed extension should follow the pitch set by the main roof, particularly as due to the position of the property and the carrying ground levels, the rear of the property is visible from the streetscene. The amendments have not been forthcoming and the proposed extension would result in an overly dominant and bulky addition which would be detrimental to the character and appearance of the conservation area and directly contrary to the Design Guidance.

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

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

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

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

None received.

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

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

### **5. CONCLUSION**

Having taken all material considerations into account, it is considered that the

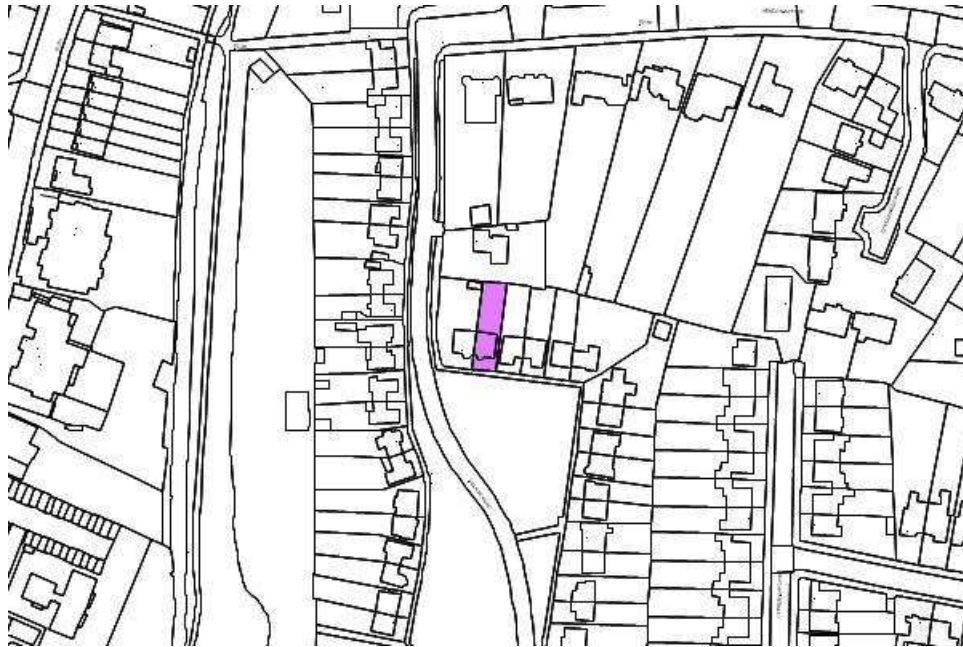
proposed rear extension would be an overly dominant structure which would fail to comply with the Council's policies and would be directly contrary to the Finchley Garden Village Conservation Area Design Guidance (2013), and therefore cause unacceptable harm to the character and appearance of the general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

The application is recommended for **REFUSAL**.



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

**REFERENCE:** F/02170/14



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**LOCATION:** 3 Arden Road, London, N3 3AB

AGENDA ITEM 12

**REFERENCE:** F/02066/14

**Received:** 12 April 2014

**Accepted:** 30 April 2014

**WARD(S):** Finchley Church End

**Expiry:** 25 June 2014

**Final Revisions:**

**APPLICANT:** Lewis Lyons

**PROPOSAL:** General refurbishment of the property to include new basement, rear ground floor extension, first floor extension over garage and new dormer to top floor to replace existing.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Drawing Nos. EL02, EXP02, EXP03, EXP01, EXS02, EXL01, EXS01, EXEL04, EXEL01, EXEL03, PRP01, P03, PEL01, EL04, EL02, EL03, P02 and P04.

1306\_P\_P\_P\_02 Rev B, 1306\_P\_EX\_EL\_02 Rev A, 1306\_P\_P\_EL\_01 Rev B, 1306\_P\_PR\_P\_01 Rev B, 1306\_P\_P\_EL\_04 Rev B, 1306\_P\_EX\_L\_01, 1306\_P\_EX\_S\_01 Rev A, 1306\_P\_EX\_EL\_04 Rev A, 1306\_P\_EX\_EL\_03 Rev A, 1306\_P\_EX\_EL\_01 Rev A, 1306\_P\_P\_P\_03 Rev B, 1306\_P\_P\_EL\_03 Rev B, 1306\_P\_P\_P\_04 Rev B, 1306\_P\_P\_EL\_02 Rev B, 1306\_P\_EX\_P\_01 Rev A, 1306\_P\_EX\_P\_02 Rev A, 1306\_P\_EX\_P\_03 Rev A, Site Plan.

Reason:

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

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

Reason:

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

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

Reason:

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

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

- 4 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 first floor flank elevation(s), facing 1 Arden Road of the extension(s) hereby approved.

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

Reason:

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

- 6 The use of the basement 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).

- 7 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.

- 8 Before the balcony area hereby approved is occupied details of a privacy screen shall be submitted to and approved in writing by the Local Planning Authority. The screen shall be implemented as approved and retained as such thereafter.

Reason:

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

#### **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](http://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 £5,075.00 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 £19,575.00 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](mailto: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](http://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](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](http://legislation.gov.uk)

Visit:

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

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

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

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

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

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

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

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

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

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

### Relevant Local Plan (2012) Policies:

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

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

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

### Supplementary Planning Documents and Guidance

Residential Design Guidance SPD  
Sustainable Design & Construction SPD

### Consultations and Views Expressed:

Neighbours Consulted: 12                      Replies: 8  
Neighbours Wishing To Speak 0

### Summary of objections raised:

- The proposed basement is out of character with the area.
- The development will increase the risk of flooding from paving or removal of garden area
- The scale of the development is out of character with the area.
- The basement will be damage the root protection area of a tree in a neighbouring garden.
- Impact of development on traffic and removal of material
- The application is similar to recently refused application at 2 Fitzalan Road
- Sub soil may not be stable

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The site property is a two storey detached property located on the south side of Arden Road which is residential in character.

### Dimensions:

The application seeks permission for general refurbishment of the property to include new basement, rear ground floor extension, first floor extension over garage and new dormer to top floor to replace existing.

The proposed ground floor rear extension will have a maximum depth of 4.1 metres, extends the full width of the property and will have a height of 3.1 metres with a flat roof.

The proposed first floor side extension will have a depth of 7.3 metres, a width of 1.7 metres and a height of 6.2 metres with a hipped roof.

The proposed basement will have a maximum depth of 7.2 metres, a maximum width of 11.6 metres.



## 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 proposed extensions are considered to be an acceptable addition to the property and would not be detrimental to the character and appearance of the host property and general locality; including the street scene.

The proposed first floor side extension has been set back from the front of the property by 1.2 metres, is set down from the main ridge of the property by 2.2 metres and set away from the boundary of the neighbouring property No. 1 Arden Road. This is not considered to be detrimental to the character and appearance of the area and nor the residential amenities of the neighbouring properties. The proposed extension would maintain a gap of 1m to the boundary with no.5 and 1.8m to the flank wall of no.5. It is considered that this would maintain an adequate gap and prevent a terracing impact within the streetscene.

The proposed ground floor rear extension has been amended to reduce the depth to 4.1 metres and will not project beyond the rear extension of the neighbouring property No. 5 Arden Road. The extension will project approximately 2m beyond the rear wall of the neighbouring property No. 1 Arden and this is not considered to be detrimental to the amenities of this neighbouring property. It is not considered that the proposals would result in harmful loss of light or outlook in terms of neighbouring occupiers.

The proposed first floor rear side extension will have a balcony and whilst this is not normally supported by the council the proposed balcony will be set back from the flank wall of the neighbouring property no.1 Arden Road and this is not considered to

result in the loss of privacy and overlooking of the rear garden of this neighbouring property. Furthermore the proposal includes a privacy screen on the side elevation facing the neighbouring property No.1 and this is considered to be acceptable subject to a condition recommending the installation of the privacy screen prior to occupation of the two storey side extension.

The proposed dormer windows will not occupy more than half width and half the depth of the roofslope and is in accordance with the councils design guidance in relation to dormer windows and would not be detrimental to the character and appearance of the area and nor the residential amenities of the neighbouring properties.

The Councils SPD 'Residential Design Guidance" states the following in relation to basement extensions:

- Any exposed area of basement should be subordinate to the property being extended and respect its original design and proportions. The length of any visible basement wall should not dominate a property nor extend its full width. In number, form, scale and panel size, basement windows should relate to the façade above. Windows should be aligned to any openings at the higher level and be of a size that is clearly subordinate to these so as to respect the character of the original building.
- Light-wells at the front need to appear as discreet interventions that do not harm the character or appearance of the building and its frontage. In situations where lightwells are not part of the established street scene, the nature of the front garden will help to determine their suitability. Where the depth of a front garden is sufficient, basement light-wells are more easily concealed by landscaping and boundary treatments providing a visual buffer from the street. In such circumstances lightwells that are sensitively designed may be acceptable, subject to other design requirements.

The proposed basement has been amended to reduce the depth and is ancillary to the main dwelling house. The Lightwells are proposed to the rear of the property and are considered to be subordinate in size and will not be detrimental to the character and appearance of the property and nor the residential amenities of the neighbouring properties. The proposal will not result in any changes to the front garden level and as such the proposal is not considered to be detrimental to the amenities of the neighbouring properties.

The proposals would comply with the aforementioned policies and Council 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**

The proposed basement is out of character with the area - *The proposed basement will not be visible front of the property and is not considered to be detrimental to the character and appearance of the street scene.*

The development will increase the risk of flooding - *The site is not located within an*

*area of flood risk and it is not considered that there would be a harmful impact on local flooding.*

*The scale of the development is out of character with the area - There are a number of properties in the locality that have had large extensions and therefore the proposal is considered to be in keeping with the character and appearance of the area.*

*The basement will be damaged by the root protection area of a tree in a neighbouring garden - The basement will be more than 15 metres away from the protected tree and this is not considered to impact on the root protection areas.*

*Impact of development on traffic and removal of material - The proposals are not considered to materially increase traffic considering that the use is not changing. Given the scale of the proposed basement it is not considered that this would be likely to cause harmful disturbance to neighbouring occupiers.*

*The application is similar to recently refused application at 2 Fitzalan Road - The proposals have to be assessed on their own merits. The proposals have been amended to address concerns raised.*

*Sub soil may not be stable - Structurally stability is primarily dealt with under the building regulations*

#### **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:**           **3 Arden Road, London, N3 3AB**

**REFERENCE:**                   **F/02066/14**



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## AGENDA ITEM 13

**LOCATION:** Roman House, 296 Golders Green Road, London, NW11 9PY  
**REFERENCE:** F/01318/14 **Received:** 10 March 2014  
**Accepted:** 20 March 2014  
**WARD(S):** Golders Green **Expiry:** 15 May 2014  
**Final Revisions:**  
**APPLICANT:** HCA International Ltd  
**PROPOSAL:** Variation of condition 5 (Opening hours) and condition 8 (Machinery-Hours of operation) pursuant to planning permission F/02132/13 dated 15/08/2013. Variations to include opening until 9pm on Sunday.

### **RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:  
Application form  
Reason:  
For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).
- 2 This development must be begun within three years from the date of planning permission F/02132/13.  
Reason:  
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.  
Reason:  
To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).
- 4 The premises shall be used for a B1 use or shall be used for medical consulting and no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).  
Reason:  
To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.
- 5 The facilities shall not be open to patients before 8am or after 10pm on weekdays, before 9am or after 1pm on Saturdays and before 9am or after 9pm on Sundays unless otherwise agreed by the Local Planning Authority.  
Reason:

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

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

Reason:

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

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

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

Reason:

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

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

Reason:

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

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

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

### **1. MATERIAL CONSIDERATIONS**

National Planning Policy Framework

The Mayor's London Plan: July 2011

Core Strategy DPD (Adopted) 2012: CS NPPF

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

Sustainable Design and Construction SPD (Adopted) 2013

Relevant Planning History:

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

Consultations and Views Expressed:

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

The objections raised may be summarised as follows:  
- Noise disturbance from machinery and from people using the site

Internal /Other Consultations:

- Environmental Health - No objection

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

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

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

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

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

### Proposal:

The current application seeks to vary conditions 5 (opening hours) and condition 8 (machinery - hours of operation) of permission F/02132/13.

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

### Planning Considerations:

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

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

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

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



The councils' Environmental Health officer has stated that they have no objection to extending the hours of operation and that there would be no impact on the residential amenity of the area. The Environmental Health officer has stated that from looking at their records there were no complaints regarding the use of the site and that the only complaints relate to the car park gate opening and closing which is a separate issue.

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

See report

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

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

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

### **5. CONCLUSION**

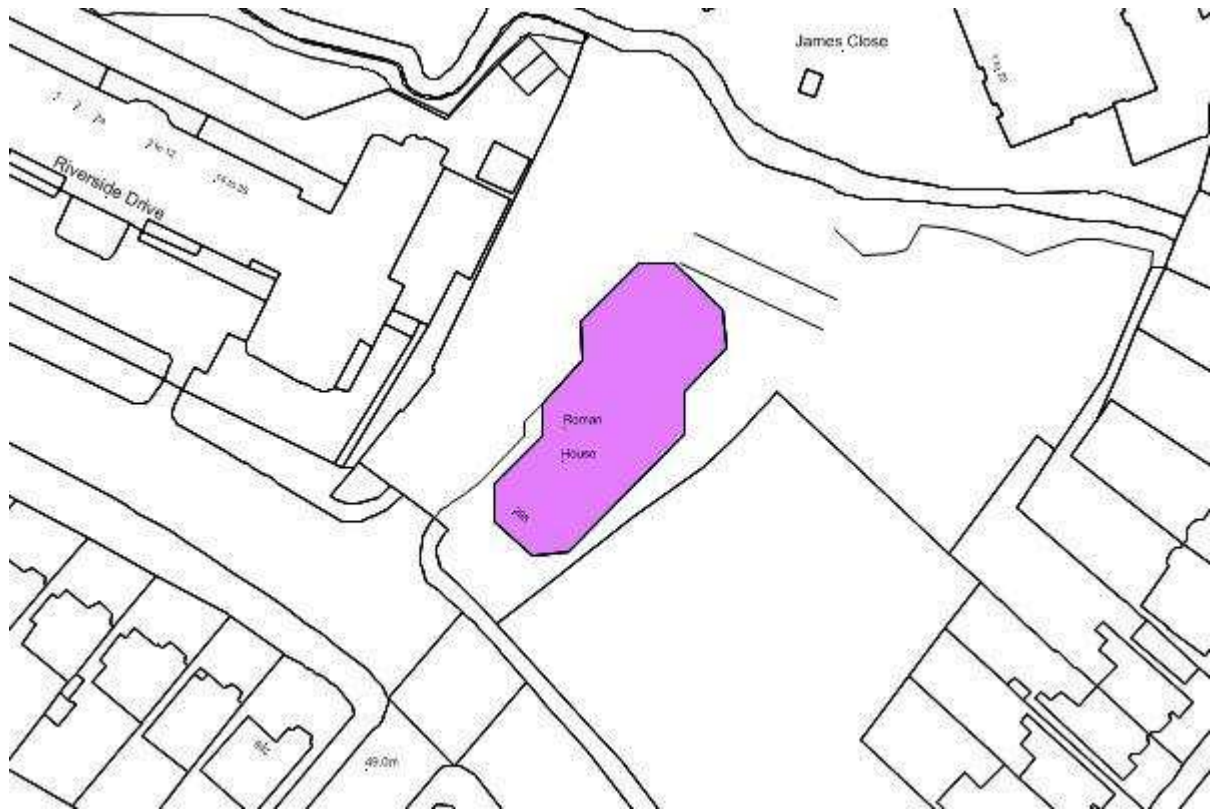
The proposal is in accordance with the policies and guidance of the adopted Barnet Local Plan and would not detract from the residential amenity of the area and is recommended for APPROVAL.

**SITE LOCATION PLAN:**  
London, NW11 9PY

**Roman House, 296 Golders Green Road,**

**REFERENCE:**

**F/01318/14**



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**LOCATION:** 3 Park Way, London, NW11 0EX  
**REFERENCE:** F/01644/14 **Received:** 27 March 2014  
**WARD(S):** Golders Green **Accepted:** 22 April 2014  
**Expiry:** 17 June 2014

**Final Revisions:**

**APPLICANT:** Mr Kut

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

**RECOMMENDATION: Refuse**

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

**INFORMATIVE(S):**

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

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

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

**1. MATERIAL CONSIDERATIONS**

National Planning Policy Framework (2012):

The determination of planning applications is made mindful of Central Government

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

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

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

#### Equalities Act (2010)

#### The Mayor's London Plan (2011):

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

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

#### Core Strategy (Adopted) 2012:

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

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

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

#### Other Material Considerations:

Residential Design Guidance (April 2013)

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

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

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

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

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

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

Relevant Planning History:

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

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

**elevations, and new windows in front elevation.**

**Site Address:** 3 Parkway NW11  
**Application Number:** C01055B  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 18/12/1984  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **First floor rear extension.**  
**Site Address:** 3 Park Way LONDON NW11  
**Application Number:** C01055C  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 17/04/1992  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **First floor side extension**

Consultations and Views Expressed:

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

Two letters of support were received.

Date of Site Notice: 01 May 2014

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

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

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

Proposal:

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

Planning Considerations:

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

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

existing building, the street scene and the wider locality

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

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

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

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

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

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

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

Whether the proposal will provide suitable accommodation for future occupiers

Space Standards

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

Amenity Space

With regard to the development standards relating to outdoor amenity space, the

development is compliant with Table 2.3 in councils Sustainable Design and Construction SPD 2013.

#### *Daylight, Privacy and Outlook*

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

#### *Sound Insulation*

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

#### *Whether harm would be caused to the living conditions of neighbouring residents*

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

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

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

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

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

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

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

Furthermore, the Residential Design Guidance SPD advises that the design and



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

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

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

None.

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

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

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

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

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

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

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

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

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

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

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

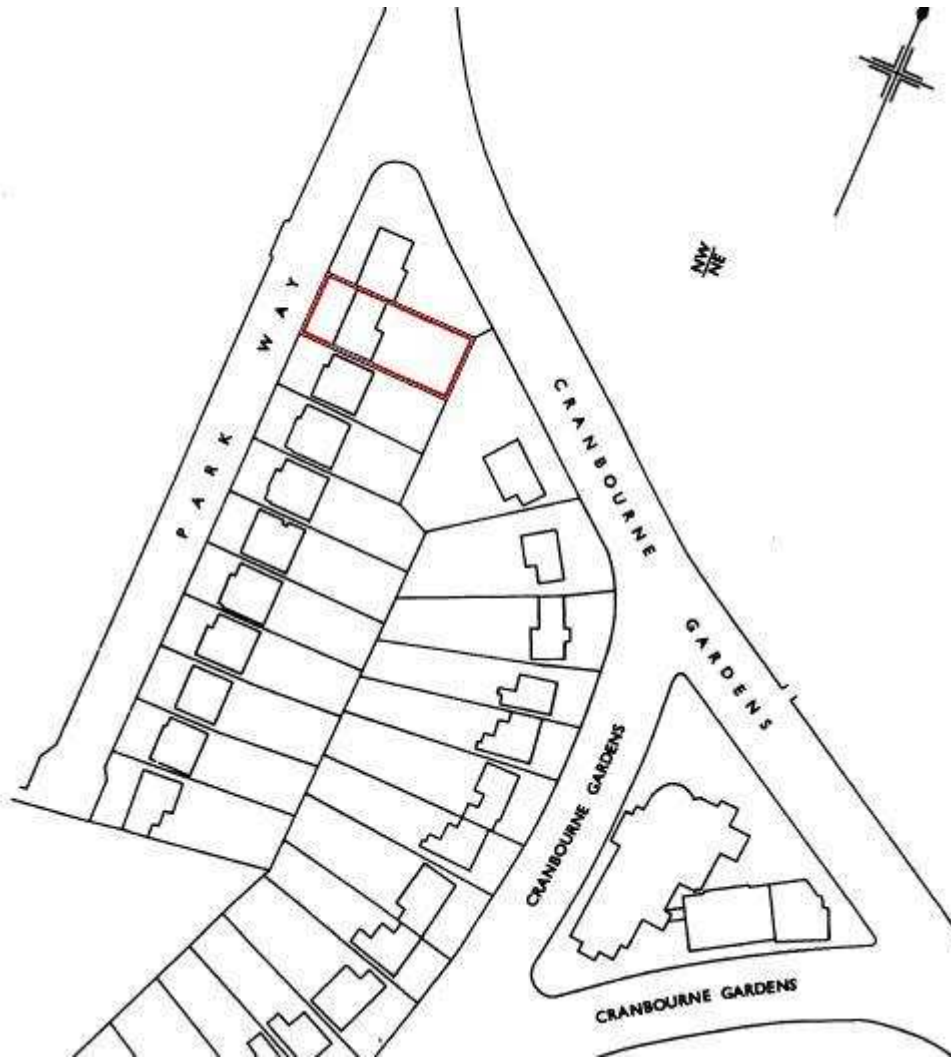
In this instance, the officers consider that the applicant has not demonstrated that the proposed conversion is the only solution to provide suitable accommodation for the applicant. The benefits to the applicant (within a protected group) would not outweigh the harm that a conversion would cause in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

## **5. CONCLUSION**

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

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

**REFERENCE:** F/01644/14



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**LOCATION:** 7 Brookside Road, London, NW11 9ND

AGENDA ITEM 15

**REFERENCE:** F/01961/14

**Received:** 08 April 2014

**Accepted:** 13 May 2014

**WARD(S):** Golders Green

**Expiry:** 08 July 2014

**Final Revisions:**

**APPLICANT:** Mr Halpern

**PROPOSAL:** Two storey side and single storey rear extension after demolition of existing garage. Alterations to roof.

**RECOMMENDATION: Approve Subject to Conditions**

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

Location Plan

B1/121/P1 - proposed ground floor plan

B1/121/P2 - proposed first floor plan

B1/121/P3 - proposed elevations

B1/121/P4 - proposed elevations

1115.1 - existing ground floor plan

1115.2 - existing first floor plan

1115.4 - existing elevations (front and side)

1115.4 - existing elevations (side and rear)

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

Reason:

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

- 5 Before the building hereby permitted is occupied the proposed window(s) in the rear elevation facing 17-19 Highfield Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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).

- 6 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the side elevation(s), of the extension(s) hereby approved, facing 23 and 25 Alba Gardens.

Reason:

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

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

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

## 1. MATERIAL CONSIDERATIONS

### National Planning Policy Framework

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

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

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

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

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

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

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

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

### Relevant Local Plan (2012) Policies:

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

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5, CS15.

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

### Supplementary Planning Documents and Guidance

- Residential Design Guidance SPD (April 2013)

- Sustainable Design and Construction SPD (April 2013)

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

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

Relevant Planning History:

Planning applications picked up in spatial search

Relevant Planning History:

Planning applications picked up in spatial search

**Site Address:** 7 Brookside Road NW11  
**Application Number:** C03909  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 20/09/1972  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Extension of existing offices to form executive's flat and caretaker's flat with car parking.**

**Case Officer:**

**Site Address:** 7 Brookside Road London NW11  
**Application Number:** C03909A  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 24/01/1973  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of three-storey block of flats with ground floor car park**

**Case Officer:**

**Site Address:** 7 Brookside Road, London, NW11 9ND  
**Application Number:** F/04576/11  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 27/02/2012  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Two storey side extension with associated alterations to roof following demolition of existing garage.**

**Case Officer:** Neetal Rajput

Consultations and Views Expressed:



Neighbours Consulted: 9    Replies:        5  
Neighbours Wishing To Speak    0

5 objections were received. They are summarised as follows:

Concern that the side/rear windows will overlook adjoining and nearby gardens and houses on Alba Gardens

- Concern that it is out of character with area
- Concern regarding the increased density
- Concern regarding height, prominence and dominating structure of the building and the two storey element
- Loss of light
- Visually obtrusive
- Concern about the variation to the building line in the street
- Concern about the prospect of the office block being used as residential purposes in Highfield Road.

## 2. PLANNING APPRAISAL

### Site Description and Surroundings:

The application site is a detached residential dwelling house on the southern corner of Brookside Road and Highfield Road in the Golders Green ward.

The property is not a listed building nor does it lie within a Conservation Area.

Previously, planning permission was granted in 2012 for “*two storey side extension with associated alterations to roof following demolition of existing garage*” under planning reference number F/04576/11. The current proposal is of similar width at ground floor but wider at first floor as it no longer incorporates a catslide roof.

### Proposal:

The applicant seeks planning permission for the following development:

Two storey side and single storey rear extension after demolition of existing garage and alterations to roof.

The 2 storey side extension would be the depth of the existing house, 4.5m wide at ground floor to full 2 storey height up to the existing ridge.

The single storey rear extension would be 2.4m deep, 3.3m wide and 3m high with a flat roof.

The planning permission is retrospective, given that construction of the extensions has begun on site.

### Planning Considerations:

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

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality
- Whether harm would be caused to the living conditions of neighbouring residents;

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 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

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 Council's guidance advises that extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

The development includes a two storey side extension which has a variable width of between 4.5m wide (at the ground floor level) and 6.5m wide (at the first floor level) and the depth of the two storey side extension measures 7.5m. This portion of the extension is located across the footprint of a previous garage adjacent to the house. In addition, a single storey rear extension measuring 2m deep and 3.4m wide is located at the rear of the site.

The side and rear extension is set off the side boundaries with 23 and 25 Alba Avenue by between 700mm and 1.8m, and is 5.5m high to the eaves. The development is adjacent to an existing garage (accessed via Brookside Road) at the rear of 25 Alba Avenue and the development is separated by this garage from the rear gardens of 23 and 25. The distance between the side flank wall of the development and the rear elevations of 23 and 25 is approximately 17 metres.

It is considered that the development will not result in overlooking into the adjoining properties, as the first floor side flank wall does not contain any windows facing 23 and 25, and the rear facing windows directed at the office building at 17 – 19 Highfield Road are conditioned to be obscured.

It is considered that the distances between the properties will be sufficient enough to allow the two storey extension to sit comfortably on the site without it leading to an overbearing impact or an unacceptable sense of enclosure to the adjoining users/occupants in the adjoining dwellings. The property will not result in unacceptable light or loss of outlook from the adjoining properties, and will not harm the character of appearance of the property and area.

The siting, proportion and design of the development is considered to be acceptable in terms of appearance and character within the existing building and street scene, and will not adversely impact the wider neighbourhood character. The proposal would comply with the abovementioned policies and Council's 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**

The planning matters raised have been discussed in the 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.

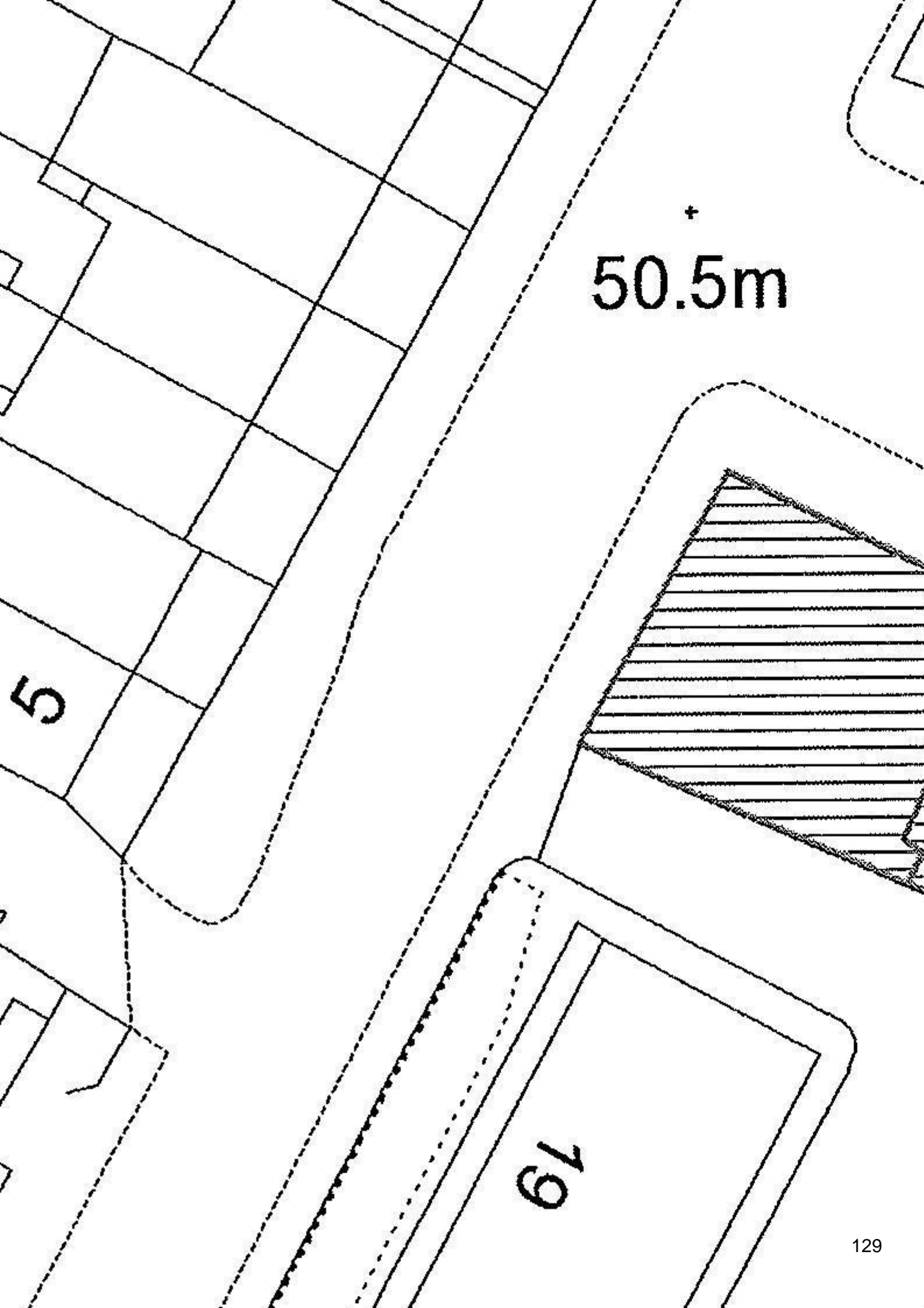
#### **5. CONCLUSION**

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. This application is therefore recommended for **APPROVAL**.

**SITE LOCATION PLAN: 7 Brookside Road, London, NW11 9ND**

**REFERENCE: F/01961/14**

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**LOCATION:** 5 Thornton Way, London, NW11 6RY

AGENDA ITEM 16

**REFERENCE:** F/01403/14

**Received:** 13 March 2014

**Accepted:** 28 March 2014

**WARD(S):** Garden Suburb

**Expiry:** 23 May 2014

**Final Revisions:**

**APPLICANT:** Mr Caplan

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

**RECOMMENDATION: Approve Subject to Conditions**

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 6 No development shall take place until details of a construction management plan have been submitted to and approved in writing by the local planning authority.

Reason:

To safeguard residential amenity in accordance with policy DM17 of the Adopted Barnet Development Management Policies DPD (2012).

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

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

Reason:

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

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

Reason:

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

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

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

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

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



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

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

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

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

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

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

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

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

#### Relevant Local Plan (2012) Policies:

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

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

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

#### Supplementary Planning Documents and Guidance

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

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

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and

extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

Relevant Planning History:

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

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

Consultations and Views Expressed:

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

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

Internal / other consultations:

HGS CAAC - Object: Wrong description on file

Date of Site Notice: 3rd April 2014

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

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

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

The adopted Conservation Area Character Appraisal notes;

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

### Proposal:

This application seeks consent for the following works;

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

### Planning Considerations:

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

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

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

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

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

importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

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

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

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

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

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

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

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

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

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

any loss of amenities to neighbouring occupiers.

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

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

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

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

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

### **5. CONCLUSION**

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

**APPROVAL** is recommended

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

**REFERENCE:** F/01403/14



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**LOCATION:** 4 Linnell Drive, London, NW11 7LJ

**AGENDA ITEM 17**

**REFERENCE:** F/01435/14

**Received:** 21 March 2014

**Accepted:** 24 March 2014

**WARD(S):** Garden Suburb

**Expiry:** 19 May 2014

**Final Revisions:**

**APPLICANT:** Mrs I Georgeaux

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

**RECOMMENDATION: Approve Subject to Conditions**

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

1244/S01; 1244/S02; 1244/S03; 1244/S04; 1244/S05; 1244/S06; 1244/S08; 1244/S09;  
1244/S21; 1244/AP 01H; 1244/AP 02H; 1244/AP 03H; 1244/AP 04H; 1244/AP 05H; 1244/AP 06H; 1244/AP 08H; 1244/AP 09H; 1244/AP21G; 1244/AP31G; 1244/AP32G; 1244/AP41G; 1244/AP43G; 1244/APD01C; 1244/APD02C; Design and Access Statement; TWS- Basement Impact Assessment; BTP- Construction Traffic Management Plan

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 8 No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in



accordance with details to be submitted and approved in writing by the Local Planning Authority. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.

Reason:

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

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

Reason:

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

- 10 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

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

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

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with policies DM04 of

the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

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

Reason:

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

- 13 Notwithstanding the details hereby submitted 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.
  - ii) In this case, formal pre-application advice was sought prior to submission of the application.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable

development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

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

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

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

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

Visit:

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

## 1. MATERIAL CONSIDERATIONS

### National Planning Policy Framework

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

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

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

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

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

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

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

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

#### Relevant Local Plan (2012) Policies:

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

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

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

#### Supplementary Planning Documents and Guidance

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

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

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

Relevant Planning History:  
None

#### Consultations and Views Expressed:

Neighbours Consulted: 29                      Replies: 6

## Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

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

### Internal /Other Consultations:

HGS CAAC - No objection

Date of Site Notice: 03 April 2014

## 2. PLANNING APPRAISAL

### Site Description and Surroundings:

The application site is the first property located on the southern side of Linnell Drive, within Area 4 of the Hampstead Garden Suburb Conservation Area.

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

The adopted Conservation Area Character Appraisal notes;

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

### Proposal:

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

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

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

Other amendments following objections include;

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

#### Planning Considerations:

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

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

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

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

domestic architecture of the period of 1900 – 1939.

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

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

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

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

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

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

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



issues.

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

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

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

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

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

The concerns raised in regards to overlooking are noted. However, there is a distance of over 10.5 m between these new windows and the site boundary, in line with the Local Plan's guidance on overlooking distances. In addition, it is noted that there are existing non obscure glazed windows closer than the proposed new windows facing the objectors.

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

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

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

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

statutory equality responsibilities.

## **5. CONCLUSION**

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

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

**REFERENCE:** F/01435/14



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**LOCATION:** 12 Wentworth Close, London, N3 1YP

**AGENDA ITEM 18**

**REFERENCE:** F/02664/14

**Received:** 15 May 2014

**Accepted:** 30 May 2014

**WARD(S):** West Finchley

**Expiry:** 25 July 2014

**Final Revisions:**

**APPLICANT:** Norman Properties

**PROPOSAL:** Part single part two storey side and rear extension following demolition of existing outbuilding.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Drawing Nos. WC/SP, BC/002, BC/003, W/C/009, BC/005, BC/004 and BC/001.

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 elevations, of the extensions hereby approved, facing the neighbouring properties.

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 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).

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

Reason:

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

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

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

### **1. MATERIAL CONSIDERATIONS**

#### National Planning Policy Framework

The determination of planning applications is made mindful of Central Government

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

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

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

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

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

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

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

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

#### Relevant Local Plan (2012) Policies:

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

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

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

#### Supplementary Planning Documents and Guidance

Residential Design Guidance SPD  
Sustainable Design & Construction SPD

#### Relevant Planning History:

**Application:** Planning  
**Validated:** 07/03/2014  
**Status:** WDN  
**Summary:** WIT  
**Description:** Conversion of dwellinghouse into 2 self-contained flats following part single, part two storey side and rear extension. Demolition of existing outbuilding and formation of 3 rooflights to front elevation. Provision of off-street parking and amenity space.

**Number:** F/00868/14  
**Type:** APF  
**Date:** 02/05/2014  
**Case Officer:** Tassama Amlak

**Application:** Planning  
**Validated:** 15/04/2013  
**Status:** DEC  
**Summary:** LW  
**Description:** Extension to roof including hip to gable end, 1no. front roof-light and 1no. rear dormer to facilitate a loft conversion.

**Number:** F/01496/13  
**Type:** 192  
**Date:** 17/05/2013  
**Case Officer:** Aahsanur Rahman

### Consultations and Views Expressed:

Neighbours Consulted: 13      Replies: 14 and joint letter with 23 signatories  
Neighbours Wishing To Speak 5

#### Summary of objections raised:

- Concerns that the property will be sub-divided into flats.
- The extension is overbearing and out of character with the close
- The intensification of use of the property will lead to parking problems.
- The intensification of use of the property will lead to noise and disturbance issues
- Loss of light
- Overlooking and loss of privacy
- Extension is out of scale.
- Impact on drainage
- Increased impact due to levels changes
- Loss of family home
- Impact on tree to the rear of the site

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The site property is a two storey semi detached property located on the north-east side of Wentworth Close.

### Dimensions:

The application seeks permission for a part single, part two storey side and rear extension following demolition of the existing outbuilding.

The proposed side extension will have a depth of 3.5 metres, a width of 2.9 metres and a height of 5.9 metres with a crown roof.

The two storey rear extension will have a depth of 2 metres a width of 6.5 metres



and a height of 5.8 metres with a crown roof.

### 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 proposed two storey side extension will have a depth of 3.5 metres and will be sited away from the boundary of the neighbouring property No.14A by 1.1 metres. The side extension will be set back from the front elevation of the property by 5.1 metres and is set down from the main ridge of the property by 2.5 metres.

The neighbouring property received planning permission (application reference number F/01018/10) for a similar proposal and it is therefore considered that the proposal is not considered to be detrimental to the character and appearance of the host property and general locality; including the street scene.

It is noted that there is an existing hip to gable extension on the site property. The proposals incorporate a low hipped roof to adjoin the gable wall. It is considered that this will result in minimal bulk visible. Though it is noted that the roof of the extension would be juxtaposed against the gable end against the main roof, given that the extension is set well back from the streetscene the extension would not be harmful to the character and appearance of the streetscene. The extensions would otherwise comply with the SPD on Residential Design Guidance.

The proposed two storey side extension will be sited a minimum distance of 1.1 metres away from the boundary of the neighbouring property No. 14a

Wentworth Close. The neighbouring property No. 14a has kitchen and

living room windows on the side elevation facing the proposed two storey side extension. However these habitable rooms are dual aspect and the proposed extension is not considered to result in significant harm to the residential amenities of this neighbouring property. Furthermore, the first floor facing window appears to serve a landing area. Taking into account the orientation of the sun in relation to these windows it is not considered that there would be a harmful loss of light.

The proposed two storey rear extension will have a depth of 2 metres and will be sited away from the boundary of the attached property No. 11 Wentworth Close by 3 metres and this is not considered to be detrimental to the residential or visual amenities of the neighbouring property.

The council have received concerns that the property will be sub-divided as the application site withdrew a previous application for the conversion of the property into to self contained flats and the erection of a two storey side and rear extension. However the current application is for the identical extensions however the application is not seeking permission for the conversion of the property into flats. It is acknowledged that the proposed extensions will increase the size of the existing bedrooms and provide en-suite bathrooms however this would not constitute a material change of use property and therefore the council cannot justify refusing the application on this basis.

The proposals would comply with the aforementioned policies and Council 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**

The proposed objections to the use of the property as a house of multiple occupancy are noted, however the proposals do not seek to change the use of what is currently a single family dwelling. It should be noted that normally a dwelling can be converted to a small scale House of Multiple Occupation (Up to 6 units) without planning permission under Use Class C4.

Concerns that the property will be sub-divided into flats - The application seeks permission to extend the property and does not include the conversion of the property into flats. However a condition requiring the extensions to be used in conjunction with the main house is recommended.

The extension is overbearing and out of character with the close - The extension is back from the front of the property by 5.1 metres and is not considered to be detrimental to the character and appearance of the street scene.

The intensification of use of the property will lead to parking problems - The application site has a front drive which can accommodate two cars and there is no evidence to suggest that the application property will be used as housing in multiple occupancy.

The intensification of use of the property will lead to noise and disturbance issues - The proposal is for extensions to a single family house and this is not considered to result in increased noise and disturbance to the neighbouring properties.

Impact on drainage - This is generally a building regulations matter. The site is not located within an area of flood risk.

Increased impact due to levels changes - Noted however the proposed extensions are still considered acceptable.

Loss of family home - There are no proposals to change the use of the property.

Impact on tree to the rear of the site - This tree is located a significant distance from the proposed works and is not protected by Tree Preservation Order.

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

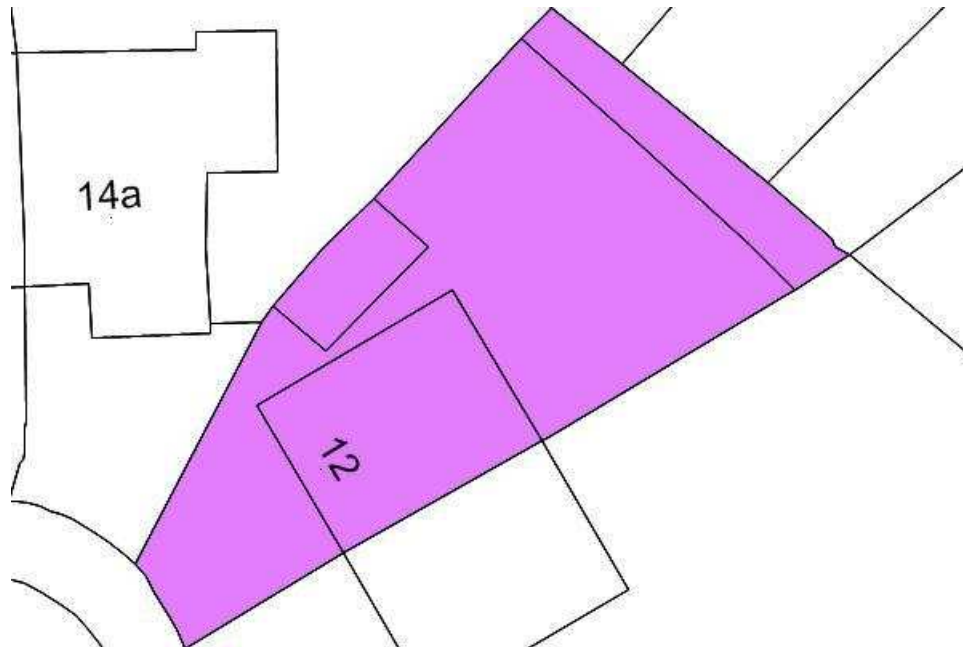
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

#### **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:** 12 Wentworth Close, London, N3 1YP

**REFERENCE:** F/02664/14



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**LOCATION:** 39 Churchfield Avenue, London, N12 0NS

**REFERENCE:** F/01636/14

**Received:** 26 March 2014

**Accepted:** 08 April 2014

**WARD(S):** Woodhouse

**Expiry:** 03 June 2014

**Final Revisions:**

**APPLICANT:** Redshaws Ltd.

**PROPOSAL:** Demolition of the existing building and the erection of a two storey building including rooms in roof space, basement level to facilitate 5no. self-contained flats. Cycle store, hard/soft landscaping and refuse facilities.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 258.ST.01 rev A, 258.BP.01, PS-0977-TS, 258.P.01, 258.P.02 rev H.

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 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.

- 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 Before the development hereby permitted is occupied, the screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable as shown on plan 258.P.02 rev H shall be provided at the site in accordance with the approved details.

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 11 The proposed development shall be built in accordance with the approved plans. The basement as shown on plan 258.P.02 rev H shall be laid out as shown on the plans and thereafter that layout shall be permanently maintained. The basement area shall only be used for the purposes of storage and a plant room in conjunction with the flats hereby approved.

Reason:

To ensure that the proposed development does not prejudice the character and appearance of the locality, the flow of traffic and conditions of general safety on the adjacent highway or the enjoyment of neighbouring occupiers of their properties.

- 12 All work comprised in the approved scheme of landscaping as shown on the approved plans 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.

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

Reason:

To ensure a satisfactory appearance to the development 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 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).

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

Reason:

To protect the amenities of future and neighbouring residential occupiers in accordance with policy DM02 and DM04 of the Adopted Barnet Development Management Policies DPD (2012).

## **INFORMATIVE(S):**



- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
- 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](http://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 £5,656 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 £21,816 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](mailto: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](http://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](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](http://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 Mayor's London Plan: July 2011 3.4 and 3.5

Core Strategy (Adoption version) 2012 CS NPPF, CS1, CS5

Development Management Policies (Adoption version) 2012 DM01, DM02, DM04,

DM08, DM17.

Supplementary Planning Document (2013) Residential Design Guidance and Sustainable Design and Construction

Relevant Planning History:

<b>Application:</b>	Planning	<b>Number:</b>	F/00556/13
<b>Validated:</b>	15/02/2013	<b>Type:</b>	APO
<b>Status:</b>	DEC	<b>Date:</b>	03/04/2013
<b>Summary:</b>	REF	<b>Case Officer:</b>	Jo Dowling
<b>Description:</b>	Demolition of existing house and erection of a two-storey building comprising 5x self-contained flats. Associated amenity space and refuse store. (Outline application - landscaping reserved)		

<b>Application:</b>	Planning	<b>Number:</b>	F/03792/12
<b>Validated:</b>	11/10/2012	<b>Type:</b>	APO
<b>Status:</b>	APD	<b>Date:</b>	19/08/2013
<b>Summary:</b>	DIS	<b>Case Officer:</b>	Jo Dowling
<b>Description:</b>	Demolition of existing house and erection of a two-storey building comprising 5x self-contained flats. Associated amenity space and refuse store. (Outline application - landscaping reserved)		

<b>Application:</b>	Planning	<b>Number:</b>	F/04079/13
<b>Validated:</b>	09/09/2013	<b>Type:</b>	APO
<b>Status:</b>	DEC	<b>Date:</b>	07/11/2013
<b>Summary:</b>	APC	<b>Case Officer:</b>	Jo Dowling
<b>Description:</b>	Demolition of existing building and erection of a two-storey building with 5 self-contained flats. Associated amenity space and refuse store. (Outline application)		

Consultations and Views Expressed:

Neighbours Consulted:	74	Replies:	3
Neighbours Wishing To Speak	1		

The objections raised may be summarised as follows:

- The proposal results in an intensification of development.
- The proposal is excessive given the size of the property.
- There is no need for cycle storage the developer has only chosen to do provide this for financial gain.
- The size of the cycle storage area is bigger than required.
- The size of the cycle store is the same size as the ground floor flat and residents believe that the intention is to use the basement as a flat which will result in 6 flats with no parking.
- Noise and disturbance from construction.
- Proposal is an overdevelopment - two flats would be acceptable as this is found elsewhere in the street.
- Proposal would look out of character.

A petition of 90 signatures has also been received raising the following concerns.

- Two previous applications for this site have been refused and one dismissed at appeal.
- Although there is a current outline consent this proposal will intensify the

development and result in the loss of a single family dwelling unit.

- The proposal is excessive given the size of the development.
- There is no need for cycle storage the developer has only chosen to do provide this for financial gain.
- The size of the cycle storage area is bigger than required.
- The size of the cycle store is the same size as the ground floor flat and residents believe that the intention is to use the basement as a flat which will result in 6 flats with no parking.
- The proposal will impact existing parking problems - unless there is a restriction for issue of parking permits for future occupants of the flats.
- Churchfield Avenue is used by children and students to access local schools and colleges and is also a cut through which results in pedestrian safety issues.
- Road rage incidents occur in Churchfield Avenue and as a result the road should be made one way.

#### Internal /Other Consultations:

- Traffic & Development - Contained within the report
- Environmental Health - No objection subject to certain conditions

Date of Site Notice: 17 April 2014

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

39 Churchfield Avenue is a two storey, double fronted end of terraced property located on the north side of Churchfield Avenue close to the junction with Woodhouse Road. The property has a single storey side extension that forms a garage for the property. The property is in a poor state of repair with the front and rear garden overgrown and the garage beginning to decay. The property is currently a 3 bed, single family dwelling unit.

Churchfield Avenue is characterised by Edwardian terraced properties which are predominantly family homes. Due to the short front garden depths, with the exception of no. 45 which has a return frontage, there is no off street parking in the road. A Controlled Parking Zone operates in the area.

Due to its proximity to North Finchley town centre the site has a PTAL rating of 3.

### Background history

Two planning applications were submitted in 2012 (ref: F/03792/12) and 2013 (ref: F/00556/13) for outline consent to demolish the existing house and the erection of a two storey building containing 5 self contained flats. Both applications were refused and the applicant appealed the 2012 decision. The appeal was considered under written representations and was subsequently dismissed.

The applicant then submitted a revised application (ref: F/04079/13) for the demolition of the existing building and the erection of a two storey building with 5 self contained flats. Associated amenity space and refuse store. Outline consent was

granted by the East Area Planning Committee on the 6th November 2013. A copy of the committee report from this meeting is contained within Appendix A.

Proposal:

The proposal is for the demolition of the existing building and erection of a two storey building including rooms in the roof space, basement level to facilitate 5 no. self contained flats, cycle store, hard/soft landscaping and refuse facilities. The application originally included a roof terrace for the top floor flat, however the plans have been amended to omit this from the proposals.

The proposed building would extend across the full width of the plot and would be set 0.2m off the boundary with No.41. The proposed building would line through with the front elevation of No.37 and project rearward 9m. A two storey central projecting element is proposed on the rear elevation. This would be set 2.3m off the boundary with No.37 and 2.6m off the boundary with No.41. Dormer windows are proposed in the rear roofslope and rooflights in the front roofslope. A ridged roof with gable end is proposed.

5, one bedroom flats are proposed of the following sizes:

Unit	Floorspace
A	51sqm
B	51sqm
C	53sqm
D	53sqm
E	59sqm

A rear garden would provide shared amenity space of 72sqm which would be accessed directly from the bedrooms of flats A and B and from a communal rear door for the remaining three flats.

6 individual bin stores would be located adjacent to the entrance from the street.

No off street parking is proposed, a basement area adjacent to No.41 is proposed which would house a plant room and a separate storage area for each flat incorporating space for cycle storage.

Planning Considerations:

The in-principle issues regarding whether of not the proposal to redevelop the site for flats was considered in full when Members considered application F/04079/13 in November 2013. The only issues therefore for consideration as part of this application is whether or not the creation of a basement store is acceptable. The application originally included a roof terrace for the proposed flat within the roofspace but this has subsequently been deleted from the scheme.

The proposed basement would be located adjacent to No. 41 Churchfield Avenue and would mirror the footprint of Flat B (the left hand flat) giving a floor area of 51sqm. Access to the basement would be achieved by an external flight of stairs that would be accessed from the front garden and lead down to a lightwell and paved

courtyard/access area. A smaller lightwell would be located in the rear elevation. A bay window is proposed to the front elevation which would mirror the design of those at ground and first floor level.

The basement has been laid out with a corridor running the length of the basement with 6 rooms opening off it. The front (largest) room is annotated as a plant room and it is indicated that boilers/meter boxes would be located within this room. The remaining 5 rooms would provide an individual storage area for each of the proposed flats. Four of the rooms would be 5m long by 1.5m wide (for flats A-D) with the remaining storage area (for flat E) being 3.6m long by 1.8m wide. In addition to providing storage for the flats, it is proposed that the two cycle parking spaces for each flat would be located within the storage room. Under the current extant permission (ref: F/04079/13) storage for cycles would be within the rear garden area - 5 spaces are currently proposed.

Section 12 of the Residential Design Guidance Supplementary Design Guidance provides advice on the design of basements in new developments. The guidance advocates that basements should generally be limited to the proposed footprint and volume of the building. The proposed basement would only be under half of the proposed new building and as a result is considered to comply with the guidance. The site falls within flood zone 1 and is also not proposed for residential purposes and as such issues about flooding and drainage are not a consideration.

The guidance advocates that lightwells should be located away from the boundary to enable a planted boundary to be maintained. Whilst the current property has a mature hedge to the front this would be removed and replaced with a 0.9m brick boundary wall. The current proposal would maintain this boundary wall. Given the boundary wall and the narrow depth of the frontage views of the proposed lightwell from the street will be limited and although there are no other basements within the street it is not considered given the restricted views that the proposed lightwell to the front elevation would be out of character. Furthermore, the lower ground floor elevation has been designed to replicate that at ground and first floor level and would therefore appear as part of the original design. It is therefore considered that on balance the proposed front lightwell is considered acceptable. The proposed lightwell to the rear is much smaller and given that it would only be visible from within the rear garden area would not adversely impact upon the character and appearance of the area. Finally, the guidance highlights the issue of potential light spillage from basements. However, given that in this instance the proposed basement would be used for storage and therefore would be accessed intermittently it is not considered that the proposed basement would result in light spillage. It is therefore, on balance, considered that the proposed basement complies with current council guidance for basements.

Policy 6.9 of the London Plan states that developments should provide secure, integrated and accessible cycle parking facilities in line with the minimum standards as set out in Table 6.3. Table 6.3 requires the provision of 1 cycle space per 1 or 2 bed unit for residential developments. The current approval provides 5 cycle parking spaces in the rear garden area. The current proposal would provide 10 cycle parking spaces. The London Plan requirement is the minimum provision that is required. Given that there is no off-street car parking proposed for the new units it is considered that provision of additional cycle storage at the site is appropriate to

encourage future residents to use sustainable forms of transport. Furthermore, the proposed cycle storage would be secure and covered unlike the current approval which locates it within the communal rear garden area.

Concerns have been raised by local residents that the proposed basement will be used as an additional residential unit. The Local Planning Authority has to consider the application on the basis of the information submitted. The submitted plans show the basement subdivided into a storage area and this is reflected in the description. A condition on the planning permission lists the approved plans and development is required to be built in accordance with the approved plans. If at some point in the future the applicant wished to convert the basement to residential accommodation they would need to submit an application and the proposal would need to be considered on its planning merits including the impact of the intensification of the use. Local residents would be notified of any proposals and would have the opportunity to forward any concerns.

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

The majority of these have been considered in the appraisal. However, in response to the specific points raised:

- Whilst the proposal results in an additional floorspace the use would not intensify as the proposed floorspace is for storage.
- The proposed basement would only extend under half the property and is therefore not considered to be a disproportionate addition
- New development is required to provide cycle storage in accordance with Policy 6.9 of the London Plan. The minimum requirement for the proposed development would be 5 spaces, 10 are proposed. However, given that no off street parking is proposed as part of the development the additional provision is considered acceptable as this will hopefully encourage future residents to use sustainable modes of travel.
- If the basement is to be used as a flat planning permission would be required and the impact of the residential use of this area would be considered as part of this proposal.
- A condition restricting the hours of construction is recommended to protect the amenity of adjoining residents during the construction period.
- The principle of 5 flats was considered as part of the current extant consent (contained within Appendix A).
- The design of the proposed building is considered to reflect and respect the design of the current building it is replacing and those that adjoin the site.
- The issue of the impact on on-street parking and exempting future residents from purchasing permits was considered as part of the current extant consent (contained within Appendix A).
- Existing issues with traffic using Churchfield Avenue as a cut through; road rage and existing pedestrian safety concerns relating to this is not a material planning consideration when determining this application.

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

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

statutory equality responsibilities.

## **5. CONCLUSION**

The proposed basement is not considered to be harmful to the character and appearance of the area and it would not adversely impact the amenity of existing residents or future residents of the proposed units. The proposal is therefore considered to be in accordance with Policy 3.5 of the London Plan and Policies CS1, DM01 and DM02 of the adopted Local Plan. Accordingly, subject to a number of conditions approval is recommended.



**Committee Report for 39 Churchfield Avenue (F/04079/13) from the West  
Area Sub-Committee of the 6th November 2013**

**LOCATION:** 39 Churchfield Avenue, London, N12 0NS

**REFERENCE:** F/04079/13

**Received:** 09 September 2013

**Accepted:** 09 September 2013

**WARD(S):** Woodhouse

**Expiry:** 04 November 2013

**Final Revisions:**

**APPLICANT:** Redshaws Ltd.

**PROPOSAL:** Demolition of existing building and erection of a two-storey building with 5 self-contained flats. Associated amenity space and refuse store. (Outline application)

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 258.ST.01 rev A, 258.P.01, 258.P.02 rev E and 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 Application for the approval of the reserved matters must be made before the expiration of three years from the date of this permission.

Reason:

To comply with Section 92 of the Town and Country Planning Act, 1990.

- 3 The development to which this permission relates must be begun not later than two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason:

To comply with Section 92 of the Town and Country Planning Act, 1990.

- 4 Details of landscaping shall be approved by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the proposed development does not prejudice the appearance of the locality, the flow of traffic and conditions of general safety on the adjacent highway or the enjoyment of neighbouring occupiers of their properties.

- 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 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.

- 7 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).

- 8 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).

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

To protect the amenities of future and neighbouring residential occupiers in accordance with policy DM02 and DM04 of the Adopted Barnet Development Management Policies DPD (2012).

- 13 The dwelling(s) shall achieve a Code Level 4 in accordance with the Code

for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 4 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 Strategic and Local Policies in accordance 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).

- 14 All new residential dwellings within the development hereby approved shall be constructed to meet and achieve the 'Lifetime Homes' standard.

Reason:

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and policies 3.8 and 7.2 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](http://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 £5,656 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 £21,816 payment under Barnet CIL.

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

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

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

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

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

## **1. MATERIAL CONSIDERATIONS**

National Planning Policy Framework

The Mayor's London Plan: July 2011 3.4 and 3.5

Core Strategy (Adoption version) 2012 CS NPPF, CS1, CS5

Development Management Policies (Adoption version) 2012 DM01, DM02, DM04, DM08, DM17.

Supplementary Planning Document (2013) Residential Design Guidance and

## Sustainable Design and Construction

### Relevant Planning History:

**Application:** Planning  
**Validated:** 15/02/2013  
**Status:** DEC  
**Summary:** REF  
**Description:** Demolition of existing house and erection of a two-storey building comprising 5x self-contained flats. Associated amenity space and refuse store. (Outline application - landscaping reserved)

**Number:** F/00556/13  
**Type:** APO  
**Date:** 03/04/2013  
**Case Officer:** Jo Dowling

**Application:** Planning  
**Validated:** 11/10/2012  
**Status:** APD  
**Summary:** DIS  
**Description:** Demolition of existing house and erection of a two-storey building comprising 5x self-contained flats. Associated amenity space and refuse store. (Outline application - landscaping reserved)

**Number:** F/03792/12  
**Type:** APO  
**Date:** 19/08/2013  
**Case Officer:** Jo Dowling

### Consultations and Views Expressed:

Neighbours Consulted: 73      Replies: 5  
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Changing the property from a single family dwelling to flats will cause problems on this busy road which is used as a cut through.
- No parking is proposed and up to 10 cars could be trying to park on the road. In the evening there are not enough parking spaces.
- Disruption from demolition and construction.
- There are a number of disabled residents.
- Out of character.
- Contrary to Policies DM01(h) and DM01(i).

A petition of 95 signatures has been received objecting to the proposal on the following grounds:

- Overdevelopment of the site.
- Loss of a single family dwelling unit detrimental to the prevailing character of this locality and would be harmful to the amenity of the area.
- It would exacerbate existing parking problems on the street.
- The street is used by children to reach schools and nearby colleges, the additional traffic will cause a hazard to these users.
- There are regular incidence's of road rage in the street due to the narrowness of the road.
- Increase in noise and disturbance.

The Finchley Society has made the following comments:

- Two flats at 51sqm and two flats at 53sqm are against the LBB minimum of 50sqm and indicates overcrowding.
- Flats will be unpleasant to live in.

- No parking means that the residents cars will be on the road.

Internal /Other Consultations:

Traffic and Transport - No objection

Date of Site Notice: 19 September 2013

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

39 Churchfield Avenue is a two storey, double fronted end of terraced property located on the north side of Churchfield Avenue close to the junction with Woodhouse Road. The property has a single storey side extension that forms a garage for the property. The property is in a poor state of repair with the front and rear garden overgrown and the garage beginning to decay. The property is currently a 3 bed, single family dwelling unit.

Churchfield Avenue is characterised by Edwardian terraced properties which are predominantly family homes. Due to the short front garden depths, with the exception of no. 45 which has a return frontage, there is no off street parking in the road. A Controlled Parking Zone operates in the area.

Due to its proximity to North Finchley town centre the site has a PTAL rating of 3.

Proposal:

The application is an outline application for the demolition of the existing property and replacement with a two storey building comprising 5 self contained flats. Associated amenity space and refuse store.

The only matter reserved for consideration is landscaping.

The proposed building would extend across the full width of the plot and would be set 0.2m off the boundary with No.41. The proposed building would line through with the front elevation of No.37 and project rearward 9m. A two storey central projecting element is proposed on the rear elevation. This would be set 2.3m off the boundary with No.37 and 2.6m off the boundary with No.41. Dormer windows are proposed in the rear roofslope and rooflights in the front roofslope. A ridged roof with gable end is proposed.

5, one bedroom flats are proposed of the following sizes:

Unit	Floorspace
A	51sqm
B	51sqm
C	53sqm
D	53sqm
E	59sqm



A rear garden would provide shared amenity space of 72sqm which would be accessed directly from the bedrooms of flats A and B and from a communal rear door for the remaining three flats.

5 individual bin stores would be located adjacent to the entrance from the street.

No off street parking is proposed, 5 cycle parking spaces are proposed in the rear garden.

### Planning Considerations:

The main consideration in determining this application is the difference between the current scheme; the previous refusal and the direction given by the Inspectors decision letter.

Two similar applications (our ref: F/03792/12 and F/00556/13) were refused planning consent for the following reasons:

- The proposed development by reason of the number and type of units proposed would represent an overdevelopment of the site and result in the loss of a family dwelling unit detrimental to the prevailing character of the locality, harmful to the amenity of the area and contrary to policies DM01, DM02 and DM08 of the Adopted Development Management Policies 2012 and Draft Supplementary Planning Document Sustainable Design and Construction and Residential Design Guidance.
- The proposal would result in an intensification of the use and noise generating activities at the site such as residents entering and exiting the site and parking on the surrounding road network that would result in an increase in noise and activities that would be out of character with the surrounding area to the detriment of the amenity of occupiers of the adjoining residential properties contrary to Policies DM01 and DM04 of the adopted Local Plan.
- 1. The proposal would provide substandard accommodation which would be detrimental to the amenity of future residents and fails to meet the requirements of the adopted Local Plan contrary to Policy DM02.

The applicant appealed F/03792/12 and the Inspector dismissed the appeal.

The Inspector highlighted three areas for consideration:

2. The character and appearance of the area, having regard to the loss of a family size dwelling and the type and number of units proposed;
  3. the living conditions of neighbouring residents having regard to the use of the building and associated activities, and
- whether or not acceptable living conditions would be provided for the intended future occupiers of the proposed flats having regard to their size and outlook.

Dealing with each of these in turn:

### **Character and Appearance**

The Inspector concluded that although the proposal would result in the loss of a

single family dwelling unit given the character of the area and the presence of other converted properties within the street the proposal would not prejudice the objectives of Policy DM08 of the Local Plan. They also concluded that the proposed flats and bin storage area would not be harmful to the character and appearance of the area as the proposed new building has been designed to reflect other properties within the street and that the street was characterised by small front gardens where bins were stored. As a result they felt that there would be no conflict with the objectives of Policy DM01 of the Local Plan which requires proposals to preserve or enhance the local character. Moreover, the proposal would not undermine the core principles of the NPPF. They concluded that the building would sit comfortably within the streetscene, so avoiding harm to the character or appearance of the area.

The current scheme is the same as was previously submitted and as a result given the conclusions reached by the Inspector it is not considered that the application could be refused on the basis that it would be out of character with the surrounding area.

The proposal is considered to be in accordance with the NPPF and policy DM01 of the adopted Local Plan.

### **Living conditions for existing residents**

The Inspector concluded that the use of the flats and future vehicle movements associated with them would not be harmful to the living conditions of neighbouring residents and therefore found no conflict with Policies DM01 and DM04 of the adopted Local Plan. As the layout and number of units would remain the same as that considered at appeal the proposal is not considered to adversely impact on the amenity of adjoining residents for the reasons outlined by the Inspector to such a level as to warrant a refusal.

### **Living conditions for future occupiers**

Although the appeal scheme was for the same number of units, the proposed units were smaller and fell below the minimum floorspaces standards required by the London Plan. The current scheme amends the layout of the flats so that they all have a GIA of over 50sqm and are thus considered to comply with the requirements of Policy 3.5 of the London Plan.

The Inspector also raised concerns about the layout of the top floor flat (flat E) as although it did comply with the London Plan space standards it was laid out in such a way that the main living accommodation was located at the front of the property and would have been served by three rooflights. As a result the Inspector considered that the outlook for future occupiers of this unit was unacceptable. The layout of the top floor flat has been redesigned so that the living accommodation would be at the rear of the property and would have the benefit of two dormer windows which would provide both outlook and light to the living room and kitchen.

The proposals are therefore considered to provide suitable living conditions for future residents and would be in accordance with Policy 3.5 of the London Plan and Policy DM02 of the adopted Local Plan. Furthermore, the proposal would be in accordance with the core principles of the framework relating to a good standard of amenity

being provided for future occupiers of the land.

### **Community Infrastructure Levy and other contributions**

The proposal will result in the provision of more than 100sqm of additional floorspace and as a result the applicant will be required to pay both the Mayoral and Barnet CIL. The former has a rate of £35 per sqm whilst the local rate is £135 per sqm. It is estimated that the contributions will be approximately £5,656 for mayoral CIL and £21,816 for Barnet CIL.

Policy DM10 of the local Plan states that all new sites providing 10 or more units or covering an area of 0.4 hectares would be required to provide an element of affordable housing. as the site is less than 0.4 hectares and only 4 units are proposed this policy is not considered relevant and affordable housing is not required.

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

The majority of these have been considered in the report. However, the following specific responses can be made:

- The proposal is for demolition of the existing house and construction of 5, one bedroom flats. No off street parking is proposed. The proposal is not in accordance with the parking standards set out in the Local Plan. Any vehicles associated with the occupancy of the flats would have to be parked on-street. Churchfield Avenue is located within a Controlled Parking Zone (CPZ). However, the Councils Traffic and Transport section consider that subject to future residents of the site being exempted from purchasing permits to park then on balance the proposal is considered to be acceptable on highways grounds. The Inspector considered this matter further at appeal and concluded that whilst flat owners may place further demands on the 'on street' parking spaces, which may inconvenience existing residents, in isolation and having regard to the existing vehicle movements along the road, the vehicle movements of the flat owners would be insufficient to unacceptably disturb neighbouring residents. They did not consider it necessary to exempt future residents from purchasing permits to park. On this basis it is not considered that the impact on on-street parking would form a sustainable reason for refusal.
- If Members are minded to approve the application a condition controlling the hours of working is recommended in order to protect the amenity of existing residents from the noise and disturbance during construction.

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

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

### **5. CONCLUSION**

The proposed flats are not considered to be harmful to the character and appearance of the area. The proposed flats would not adversely impact the amenity

of existing residents or future residents of the proposed units. The proposal is therefore considered to be in accordance with Policy 3.5 of the London Plan and Policies CS1, DM01 and DM02 of the adopted Local Plan. Accordingly, subject to a number of conditions approval is recommended.

**SITE LOCATION PLAN:** 39 Churchfield Avenue, London, N12 0NS

**REFERENCE:** F/01636/14



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**LOCATION:** 79 Friern Park, London, N12 9UA

**REFERENCE:** F/01104/14

**Received:** 26 February 2014

**Accepted:** 25 March 2014

**WARD(S):** Woodhouse

**Expiry:** 20 May 2014

**Final Revisions:**

**APPLICANT:** Henry Charles Investments Ltd

**PROPOSAL:** Conversion of existing single family dwelling into two self-contained flats. Two-storey rear extension. Formation of new basement. Creation of one additional off street parking to front elevation. (amended description)

**RECOMMENDATION: Approve Subject to Conditions**

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

2001410-PL01D - existing and proposed plans, elevations  
Site Location Plan

Reason:

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

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

Reason:

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

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

Reason:

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

- 4 Before the development hereby permitted commences, details of enclosures

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

To protect the amenities of future and neighbouring residential occupiers in accordance with policy DM02 and DM04 of the Adopted Barnet Development Management Policies DPD (2012).

- 8 All new residential dwellings within the development hereby approved shall be constructed to meet and achieve the 'Lifetime Homes' standard.

Reason:

To ensure the development meets the needs of its future occupiers and to



comply with the requirements of policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and policies 3.8 and 7.2 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](http://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 £2,643.75 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 £10,197.32 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](mailto: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](http://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](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](http://legislation.gov.uk)

Visit:

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

- 3 If the proposal is carried out it will be necessary for the existing crossovers

to be amended and for new crossovers to be constructed by the highways Authority. Any new crossovers or amendments to existing crossovers will be subject to detailed survey assessment as part of the application for crossover under the Highways Act 1980 and would be carried out at the applicant's expense. The applicant should submit a vehicle crossover application to London Borough of Barnet, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP. Any street furniture including lamp columns affected by the proposed crossover would be relocated at the applicant's expense. Relocation of Lamp column works may not just relate to the lighting column directly in front of the applicants property. Amendments may also be required to other lighting columns along the road to ensure adequate street lighting coverage is maintained along Friern Park.

The applicant is advised that the proposed vehicular crossover would involve alterations to the existing on-street parking bays. Alterations to on-street parking bays will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process.

The applicant is advised that following the outcome of the detailed crossover inspection the position of the proposed crossovers (and parking layout) may need to be amended

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

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via email: [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning: 0208 359 7294.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework (2012):

The determination of planning applications is made mindful of Central Government advice and the Development Plan for the area. It is recognised that Local Planning

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

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

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

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

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

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

#### Core Strategy DPD (Adopted) 2012

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

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

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

#### Other Material Considerations:

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

The basic principles the Local Authority has adopted in respect to different types developments are that they should not unduly reduce light or outlook from neighbouring windows to habitable rooms, overshadow or create an unacceptable

sense of enclosure to neighbouring gardens. They should not look out of place, overbearing or bulky from surrounding areas.

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

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

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

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

#### Relevant Planning History:

Nil

#### Consultations and Views Expressed:

Neighbours Consulted: 103 Replies: 9  
Neighbours Wishing To Speak: 5

The following matters were raised in the submissions:

- Scale and appearance of the proposal and its impact to the surrounding area
- Concern building basement will affect the structural integrity of the buildings adjoining and concern about who may be liable for compensation if damage occurs.
- Concern basement will have insufficient floor to ceiling heights
- Light and ventilation in the proposed basement will be inadequate
- Rear projection will increase overlooking to immediate neighbours
- Reduced privacy to adjoining neighbours gardens
- Concern relating to the internal layout of the flats
- Parking, traffic and congestion

- Loss of on street parking
- Waste disposal
- Character of area
- Shortage of four bedroom houses in Finchley
- Mass and scale, concern about overdevelopment
- Noise and disturbance
- Impact to trees
- Surface water and drainage
- Alternative development location
- Loss of light
- Pollution from works

Date of Site Notice: 24 April 2014

Consultation with Highways

The proposed parking provision is considered to be acceptable for the proposed conversion at this location. Please note the following comments:

*If the proposal is implemented it will be necessary to amend the existing crossover in order to provide access to the additional car parking spaces. The applicant should submit an application to the Highways Authority for widening of the existing crossover. Any costs for necessary works on the public highways will be borne by the applicant. The proposed crossover will affect an existing on street parking bay and will therefore be subject to statutory consultation as part of the crossover assessment.*

*The proposed crossover is in close proximity to a lamp Column and may require Lamp Column re-location. These works may not just relate to the lighting column directly in front of the applicants property. Amendments may also be required to other lighting columns along the road to ensure adequate street lighting coverage is maintained along Friern Park.*

An informative has been included addressing the above matter.

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site contains a two storey terraced dwellinghouse. The property is the centre building in the terrace and is located on the northern side Friern Park in the ward of Woodhouse.

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

### Proposal:

Initially the proposal included:

*Conversion of existing single family dwelling into three (3) self-contained flats, including two storey rear extension and the formation of new basement and the creation of one additional off street parking to front elevation.*

However, concerns were raised regarding the proposal and amended plans were

submitted. The scheme was reduced to include only two (2) self-contained flats. The scheme still includes works to the basement, two storey rear extension and parking are still included.

The amended plans are the subject of this report. Measurements:

- The basement extension is proposed to measure approximately 5 metres wide and 4.2 metres deep and includes a lightwell at the rear.
- The two storey rear extension is proposed to measure approximately 4.2 metres deep and 6.5 metres wide.
- Flat A includes 3 bedrooms (5 person) and has a total internal area of 135sqm.
- Flat B includes 2 bedrooms (3 person) and has a total internal area of 77sqm.

#### Planning Considerations:

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

- Whether the principle of residential units is appropriate for the area;
- Whether the proposal will provide suitable accommodation for future occupiers;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.

#### Principle of self-contained units

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

There are a significant proportion of converted residential properties in the locality. Therefore the proposed self-contained flat is not considered to detract from the mixed character of the area, which accommodates both converted properties, purpose built flats and single family dwelling houses.

### Living conditions of future occupiers

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

This policy also explains that 'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'. The extensions to provide for the new self-contained flats are designed to allow for adequate daylight to the proposed unit. The proposal is consistent with the Council's Sustainable Design and Construction SPD (2013) in relation to gross internal area, layout, privacy and access to daylight and the external manifestation of the building respects the constraints of the site and does not detract from the residential amenity of character of the area

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.

In line with Table 2.1 within the Sustainable Design and Construction SPD (and the London Plan Standards), the proposed flats meet the required Gross Internal Area standard in accordance with policy within Council's Development Management Policies, the external manifestation of the building respects the constraints of the site.

The proposed habitable room windows in the building are in line with Table 2.4 of the Council's Sustainable Design and Construction SPD which advocates that there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms and 10.5 metres to neighbouring gardens.

In accordance with the Table 2.4 of the Council's Sustainable Design and Construction SPD, all habitable rooms proposed will have a reasonable outlook and be sufficiently large enough for light and ventilation to serve the varying room sizes. It is considered that the habitable rooms will provide a suitable level of amenity for future residents in accordance with Policy DM02 of Council's Development Management Policies.

The proposal accords with the outdoor amenity space Table 2.3 within the Sustainable Design and Construction SPD. The development includes two areas of outdoor amenity space for the new flats. The space connected with Flat A is approximately 45sqm and space connected to Flat B is approximately 31.2sqm.

In terms of meeting the requirements for waste from the site, the development includes a refuse area at the front of the building, and a planning condition has been included require an appropriate supply of and accessibility to refuse bins at the site.

### Noise Transmission



Noise can be a significant nuisance in urban areas. Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential properties. The applicant should achieve the required sound insulation levels and this will be enforced by an appropriate condition attached to the decision. This issue will also be addressed at the building regulations stage.

The proposal is not considered to be out of character within its context and would not result in harm to the surrounding area.

### Parking

DM17 states that parking should be provided in accordance with the London Plan standards, except in the case of residential development, where a maximum of 1.5-1 space per unit for development consisting of two bedroom flats may be acceptable. The development site indicates space for two off street parking spaces. This is considered to be acceptable level of parking for the units.

### Whether harm would be caused to the living conditions of neighbouring residents

The proposal would not result in a loss of privacy, loss of outlook or loss of light for neighbouring properties. The new two storey rear extension aligns with the rear building line of the adjoining buildings at 77 and 81 Friern Park. There are no side windows proposed in the development and all new windows proposed at the rear of the building will overlook the outdoor amenity space at No. 79 Friern Park.

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

The proposed extensions are considered to be subordinate to the original building and the conversion into self-contained units is considered to be acceptable in principle, given the range of dwelling types in the nearby area. It is considered that the extensions respect the overall character of the street and align with council's policy DM01 within the Development Management Policies 2012.

### Community Infrastructure Levy

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 sqm. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £36.04 per sqm on all forms of development in Barnet except for education and health developments which are exempt from this charge.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sqm on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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.

**3. COMMENTS ON GROUNDS OF OBJECTIONS**

Planning matters have been addressed in the main body of the report.

**4. EQUALITIES AND DIVERSITY ISSUES**

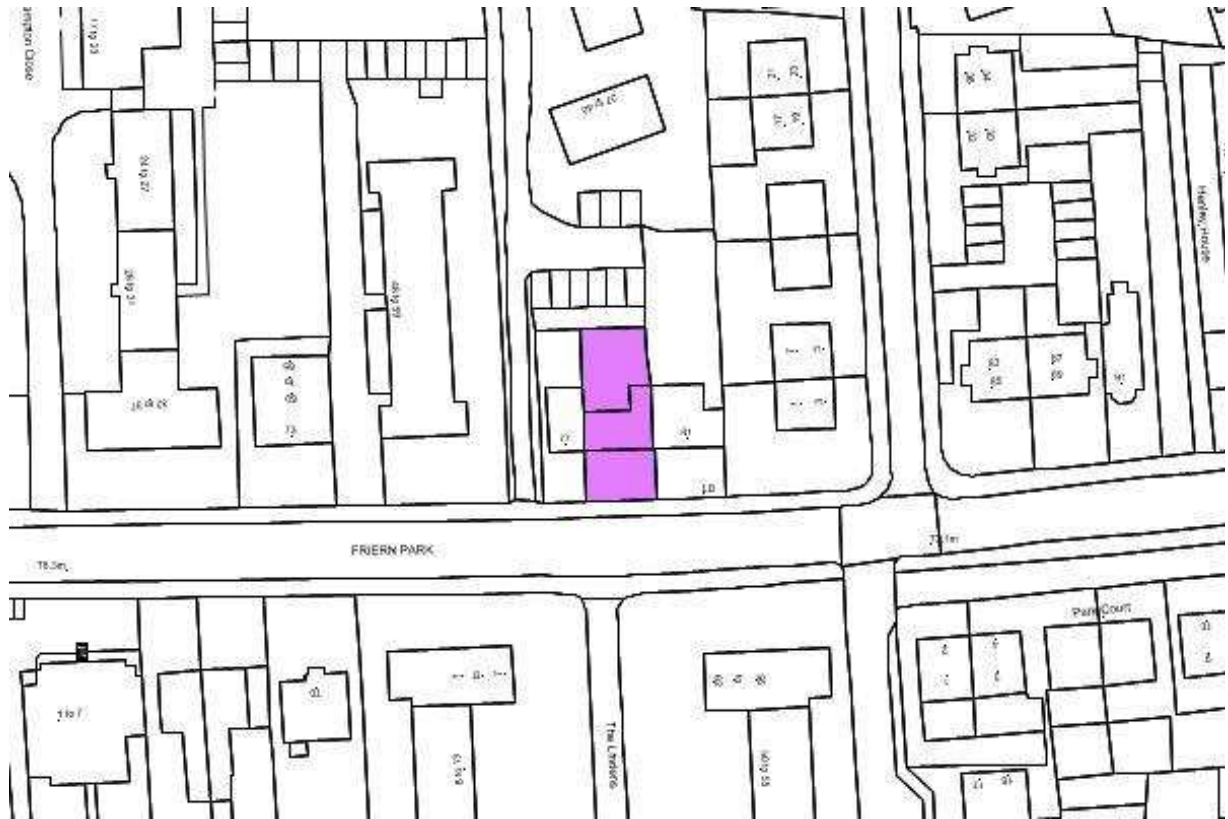
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

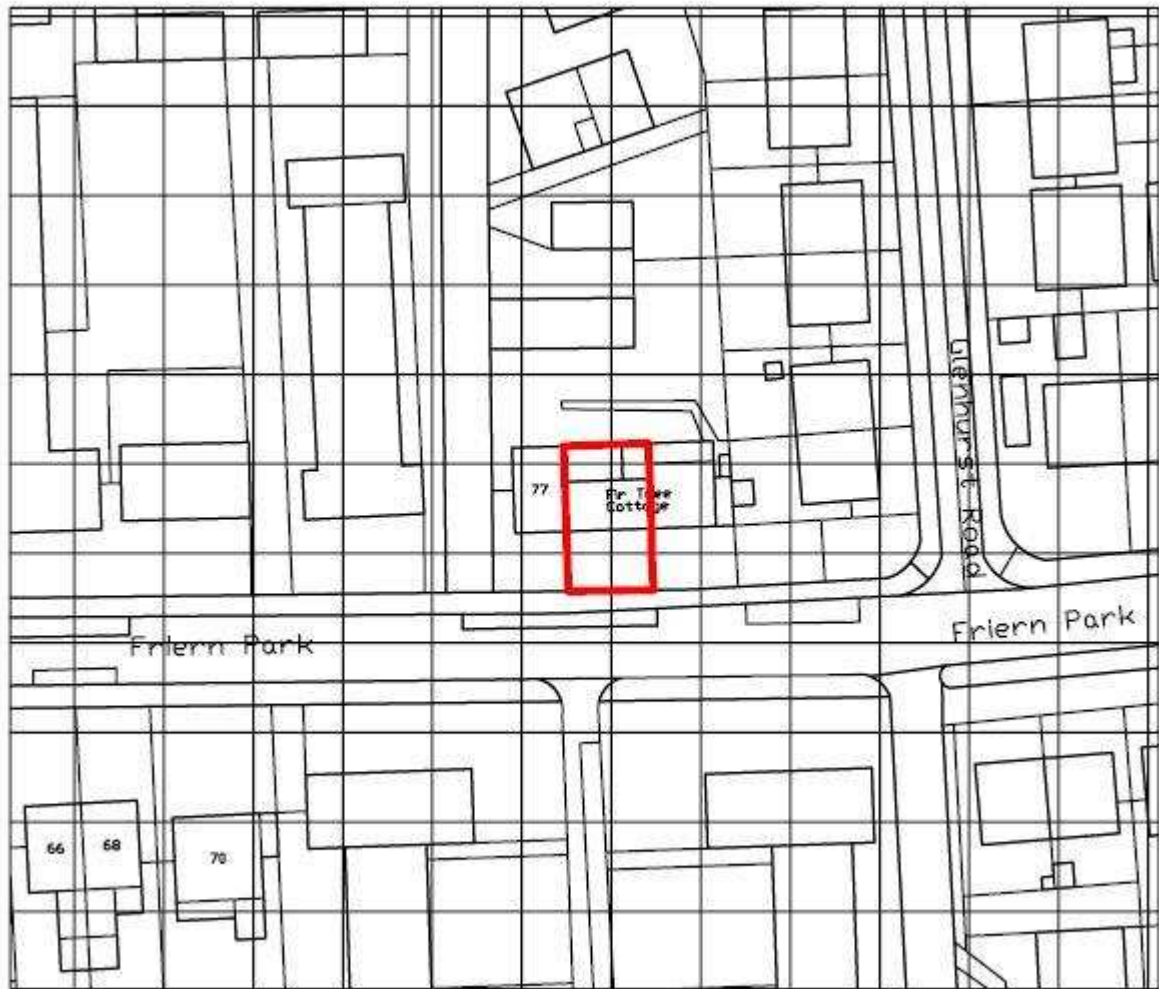
**5. CONCLUSION**

The proposal is in accordance with the guidance and policies contained in the Barnet Local Plan and so is recommended for **APPROVAL**.

**SITE LOCATION PLAN: 79 Friern Park, London, N12 9UA**

**REFERENCE: F/01104/14**





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**LOCATION:** Gloucester House, 150 Woodside Lane, London, N12 8TP

**REFERENCE:** B/00551/14 **Received:** 31 January 2014  
**Accepted:** 16 May 2014

**WARD(S):** Woodhouse **Expiry:** 11 July 2014

**Final Revisions:**

**APPLICANT:** Mr S Hamid

**PROPOSAL:** Variation to 106 contribution pursuant to planning permission F/01620/11 dated 2/12/11 for "Use of ground floor as Montessori nursery school (D1 use). Alterations to car park layout to provide walkway access to school entrance. Associated internal alterations". Variation includes removal of 106 agreement.

**RECOMMENDATION:** Approve following legal agreement

**INFORMATIVE(S):**

**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 Planning History:

Application:	Planning	Number:	F/00554/11
Validated:	01/02/2011	Type:	APF
Status:	WDN	Date:	05/04/2011
Summary:	WIT	Case Officer:	David Campbell

Description: Use of ground floor as Montessori nursery school (D1 use). Removal of 6no parking bays to use as external play area and landscape alterations including perimeter fencing and planting and erection of 2no canopies. Associated internal alterations and insertion of door to rear elevation to create access to proposed external play area.

Application:	Planning	Number:	F/01620/11
Validated:	08/04/2011	Type:	APF
Status:	DEC	Date:	02/12/2011
Summary:	APL	Case Officer:	David Campbell

Description: Use of ground floor as Montessori nursery school (D1 use). Alterations to car park layout to provide walkway access to school entrance. Associated internal alterations.

#### Consultations and Views Expressed:

Neighbours Consulted:	95	Replies:	1
Neighbours Wishing To Speak	0		

The objections raised may be summarised as follows:

- The nursery has erected a fence in their car park which is causing vehicles to drive into the adjoining block of flats parking area which is causing noise and disturbance.

Date of Site Notice: 22 May 2014

## 2. PLANNING APPRAISAL

### Site Description and Surroundings:

The application site is a two storey building comprising of mainly medical uses on the upper floors, with the ground floor (the subject of this application) which is currently occupied by MACE Montessori nursery school. The premises are located in Woodside Lane, with nearby residential dwellings including flats to the side and rear of the building. The site does not fall within a conservation area.

### Proposal:

The proposal relates solely to the provisions for planning contributions with the s106 planning agreement as it relates to MACE Montessori School, Gloucester Hose, 150 Woodside Lane.

The subject deed of variation seeks to vary the planning agreement to delete the financial contributions required in relation to play equipment maintenance (£12,000) and open space provision (£60,000).

### Planning Considerations:

#### **Nature of Application – Legislative and policy framework**

Section 106A(3) provides the ability to apply for the obligation:

*“(a) to have effect subject to such modifications as may be specified in the application; or  
(b) to be discharged.”*

The procedure to be followed is set out in the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992.

An application may be determined in one of three ways:

*“(a) **that the planning obligation shall continue to have effect without modification;**  
(b) **if the obligation no longer serves a useful purpose, that it shall be discharged;** or  
(c) **if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.”***

The modifications specified in the application must be considered in their entirety. It is not possible to approve an application by accepting some modifications but rejecting others. In this case there are no modifications proposed; it seeks to remove the

financial contributions in relation to open space provision and play equipment maintenance in their entirety.

## **Key Considerations**

The key consideration of section 106A is whether or not the obligation serves a useful purpose.

There are no further planning regulations or guidance about how this is assessed. The National Planning Policy Framework (NPPF) does state that where obligations are being revised, local planning authorities should take account of changes in market conditions over time and, where appropriate, be sufficiently flexible to prevent planned development being stalled.

Section 106A of the 1990 Act does not require that regard is to be had to the development plan for the purposes of determining an application or appeal in respect of the proposed modification or discharge of a planning obligation.

## **Current S106 provision**

The current S106 agreement provides for the following obligations:

- £12,000 - Play Equipment Maintenance Fee (20 years)
- £5,000 - Travel Plan Contribution
- £60,000 - Open Space Provision
- £2,400 - Monitoring contribution

## **Planning Purpose of the modification.**

The purpose of the modification is to remove the contribution for play equipment maintenance and open space provision.

The nursery is located in the ground floor of Gloucester House and due to the restrictions on the site there is no external play space. When the application was originally submitted the applicant intended to use Swan Lane Open Space which is directly adjacent to the site for outside play for the children at the nursery. As a result consent was granted on the basis that there would be financial contributions towards the open space and maintenance of the play equipment within the park. These were secured through the current S106 agreement.

The nursery school has now been operational for a number of years and due to lower numbers of children than originally envisaged and safeguarding issues for children using the public open space the applicant has not used the adjoining open space as originally envisaged. Due to the lower numbers attending the nursery they are able to meet the play needs of the children within the building. Finally, the requirement to pay these charges is placing a financial burden on the business which if the Council enforce payment will result in the business closing.

The proposed modification is considered to serve a useful planning purpose. The intent of the previous applications was to enable the use to provide external play,



however in implementing the consent and starting the business access to external play space is not required therefore the contributions no longer meet the test for obligations as they do not fairly and reasonably relate to the development. Therefore the, S106a variation is recommended for approval.

### 3. COMMENTS ON GROUNDS OF OBJECTIONS

The objections received are to do with parking problems and do not relate to the proposal to vary the S106.

### 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 s106a variation application to remove the financial contributions for open space provision (£60,000) and play equipment maintenance (£20,000) are considered to serve a useful planning purpose and is therefore recommended for approval.

**SITE LOCATION PLAN:  
N12 8TP**

**Gloucester House, 150 Woodside Lane, London,**

**REFERENCE:**

**B/00551/14**



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