

MEETING

FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE

DATE AND TIME

THURSDAY 8TH JANUARY, 2015

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4AX

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

Chairman: Councillor Eva Greenspan
Vice Chairman: Councillor John Marshall MA (Hons)

Councillors

Jack Cohen	Arjun Mitra	Melvin Cohen
	Alan Schneiderman	Jim Tierney

Substitute Members

Ross Houston	Reuben Thompstone	Gabriel Rozenberg
Graham Old	Anne Hutton	Shimon Ryde BSc (Hons)

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

Andrew Charlwood – Head of Governance (Acting)

Governance Services contact:
Kirstin Lambert kirstin.lambert@barnet.gov.uk 020 8359 2177

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	To Follow
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Report of the Monitoring Officer (If any)	
5.	Public Comments and Questions (If any)	
6.	Members' Items (If any)	
	Reports of the Assistant Director of Development Management and Building Control	
	Childs Hill Ward	
7.	23-25 Woodstock Road Golders Green London NW11 8ES - 14/07300/FUL	1 - 24
8.	20 Hoop Lane, London, NW11 8JL - F/04373/14	25 - 34
9.	135 Golders Green Road London NW11 8HG - 14/07216/S73	35 - 50
	Woodhouse	
10.	79 Queens Avenue, London, N3 2NN - F/05592/14	51 - 60
	Finchley Church End	
11.	35 Windsor Road, London, N3 3SN - F/05874/14	61 - 70
12.	Any item(s) the Chairman decides are urgent	

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Location **23-25 Woodstock Road Golders Green London NW11 8ES**

Reference: **14/07300/FUL**

Received: Andy Parker

AGENDA ITEM 7

Accepted: 13th November 2014

Ward: Childs Hill

Expiry 8th January 2015

Applicant: Mr

Proposal: Demolition of the existing building and the erection of 1no. three storey building, plus basement and rooms in roof-space to facilitate 8 no. self-contained units, including associated access, hard/soft landscaping, refuse facilities and 4no. off street parking spaces (Note amended description - 8 flats are proposed)

Recommendation: Approve subject to legal 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. A contribution of £2,000 towards amending the traffic order
4. A contribution of £100 towards monitoring the agreement.

Recommendation II

That upon completion of the agreement the Assistant Director of Development Management & Building Control approve the planning application reference: 14/07300/FUL under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Construction and Method Statement; Code for Sustainable Homes, Design and Access Statement, Schedule of Accommodation; Site location plan; 654-SS.01C; 654-SU.01, 654-SU.02, 654-SU.03, 654-SU.04, 654-SU.05, 654-SU.06, 654-SU.07, 654-SU.08, 654-SU.09; SS.02B; 654-GA.01B; 654-GA.02B; 654-GA.03B; 654-GA.04B; 654-GA.05B; 654-GA.06B; 654-GA.07B; 654-654-GA.08B; 654-GA.09B; 654 GA.010E and 654- GA.11B received on 13/11/14

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 Prior to occupation the approved development shall make provision of cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved in writing 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.

- 4 Prior to the commencement of development details of the layout of the front forecourt including the design and location of the proposed pedestrian access; refuse store; landscaping and parking shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that parking is provided in accordance with policies DM01 and DM17 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 and 7.6 of the London Plan 2011.

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

Reason:

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

- 6 Before the development hereby permitted commences, details of 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 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 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.

- 10 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).

- 11 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.

- 12 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.

- 13 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.

- 14 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.

- 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 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).

- 17 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. A vibration monitor shall be installed on site in accordance with details to be agreed with the Local Planning Authority to ensure compliance with British Construction Guideline standards.

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).

- 18 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).

- 19 Before the development hereby permitted is occupied, the outdoor amenity areas shall be implemented as indicated on plan S01A 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).

- 20 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.

- 21 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

- 22 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.

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £15,969.80 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 £61597.80 payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extensions: 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

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

- 3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 4 The applicant is advised that 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 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 street.naming@barnet.gov.uk or by telephoning 0208 359 7294.

- 5 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

- 7 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.

Recommendation III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 08/03/2015, unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet the costs of amending the traffic order. In the absence of this, the development would be harmful to highway and pedestrian safety. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Adopted Barnet Development Management Policies 2012 and the Planning Obligations SPD (adopted April 2013).

Officer's Assessment

1. Site Description

23/25 Woodstock Road is a pair of semi detached properties located on the south side of Woodstock Road equidistant between the junctions with Armitage Road and Hodford Road. The property has been converted into six flats. The front garden of the property has been hardsurfaced and provides off street parking for approx 4 cars serviced by a dropped kerb. An all-day CPZ operates in the street. Levels rise from the back edge of the footpath so that the front door is elevated above the street. The surrounding area is predominantly residential although within close proximity of Golders Green Town Centre. The street is characterised by a mix of original houses; in-fill developments including purpose built blocks of flats. Property's are predominantly two storey although the majority of properties on this side of the road have had their roofs converted to accommodation through the use of front/ side and rear dormers.

The site has a PTAL (public transport accessibility level rating) of 6a.

2. Site History

Site Address: 23 Woodstock Road NW11

Application Number: C08279

Application Type: Full Application

Decision: Refuse

Decision Date: 23/11/1983

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Conversion to three self-contained flats, two storey side extension, part single, part two storey rear extension, front side and rear dormer windows.

Case Officer:

Site Address: 23 Woodstock Road NW11

Application Number: C08279A

Application Type: Full Application

Decision: Approve with conditions

Decision Date: 08/08/1984

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Two storey front extension, basement and ground floor rear extension, dormer window and alterations, dustbin enclosure and two parking spaces and conversion to three self contained flats.

Case Officer:

Site Address: 23-25 Woodstock Road LONDON NW11

Application Number: C08279B

Application Type: Full Application

Decision: Refuse

Decision Date: 20/04/1988

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Continued use as guest house, single storey rear extensions, two storey side extensions, and eight off-street parking spaces

Case Officer:

Site Address:23 & 25 Woodstock Road LONDON NW11
Application Number: C08279C
Application Type: Full Application
Decision: Refuse
Decision Date: 16/11/1988
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Continued use as guest house, single storey rear extension to 25, two storey side extensions to 23 and 25and seven parking spaces
Case Officer:

Site Address:23-25 Woodstock Road LONDON NW11
Application Number: C08279D
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 27/11/1990
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Residential development incorporating six flats on four floors with basement level swimming pool and car parking for 8 cars and new vehicular access.
Case Officer:

Site Address:23-25 Woodstock Road LONDON NW11
Application Number: C08279E
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 16/04/1991
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Residential development incorporating 6 flats on four floors with basement level swimming pool and car parking for 8 cars. New vehicular access.
Case Officer:

Site Address:23-25 WOODSTOCK ROAD GOLDERS GREEN LONDON NW11
Application Number: C08279G/99
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 31/05/2000
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Ground and first floor side and rear extensions, loft conversion incorporating dormer windows to front, sides and rear to create five residential units.
Case Officer: Clive Townsend

Site Address:23-25 Woodstock Road, London, NW11 8ES
Application Number: F/00683/14
Application Type: Full Application
Decision: Refuse
Decision Date: 04/09/2014
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists

Proposal: Demolition of the existing buildings, and the erection of 1no. three storey building, plus basement and rooms in roof-space to facilitate 9 no. self-contained flats, including associated access, hard/soft landscaping, refuse facilities and 4no. off street parking spaces.

Case Officer: Jo Dowling

Site Address: 23/25A WOODSTOCK ROAD, LONDON, NW11 8ES

Application Number: 00888/08

Application Type: Section 191

Decision: Lawful Development

Decision Date: 14/08/2008

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Retention of use of ground floor as two self-contained flats.

Case Officer: Alissa Fawcett

Enforcement Notices

Reference Name

PLG.4056.PJP/JM

Description

Enforcement Notice served under Section 172 of the Town & country Planning Act 1990. (The making of a material change in the use of the premises, namely the commencement of the current use for multiple paying occupation).

Reference Name

BTP.20.1478.PZ/SW

Description

Enforcement Notice served under Section 87 of the Town & Country Planning act 1971. (The making of a material change in the use of the premises, namely, the commencement of the present use for guest house purposes.)

3. Proposal

This planning application is a resubmission following the refusal of planning application (ref: F/00683/14) for the demolition of the existing buildings, and the erection of 1no. three storey building, plus basement and rooms in roof-space to facilitate 9 no. self-contained flats, including associated access, hard/soft landscaping, refuse facilities and 4no. off street parking spaces.

This planning application (ref: F/00683/14) was reported to the Finchley and Golders Green Area Planning Committee on 03/09/14 with an officer recommendation for approval. However, this application was overturned by Members who recommended refusal for the following reasons:

1. The proposed development, by reason of the number of units and increased floor space would result in an overdevelopment of the site to the detriment of the character of the street contrary to Policy DM01 of the Barnet Local Development Plan Development Management Policies (Adopted) 2012 and the Residential Design Guide SPD 2013.
2. The units by reason of the size would provide a sub-standard accommodation to the detriment of the amenity of future occupiers contrary to Policy DM01 and DM02 of the Barnet Local Development Plan Development Management Policies (Adopted) 2012 and the Sustainable Design and Construction SPD 2013.

3. The development would require a section 106 Agreement and no formal undertaking is given to the Council, as a result the proposed development would by reason of the developer not meeting the costs of amending the traffic order contrary to policy DM17 of the Barnet Local Development Plan Development Management Policies (Adopted) 2012; and contrary to Policy CS9 of the Local Plan Core Strategy (Adopted) 2012.

This current application has been submitted following the obtaining formal pre application advice from the Local Planning Authority regarding overcoming the previous planning reasons for refusal.

The current application seeks permission for the demolition of the existing building and the erection of 1no. three storey building, plus basement and rooms in roof-space to facilitate 8 no. self-contained units, including associated access, hard/soft landscaping, refuse facilities and 4no. off street parking spaces.

The changes from the previously submitted scheme can be summarised as follows:

The number of the proposed dwelling units has been reduced from 9 to 8 units.

The loss of a residential unit occurs at second floor level where there are proposed to be 2 x three bed units instead of the 3 x two bed units previously proposed. One of the flats at first floor level has also been reduced from a 2 bed, 4 person unit to a 2 bed, 3, person unit. The proposed 8 flats would now provide 6 x two bed units and 2 x 3 bed units.

The proposal has been reduced in size at basement and ground floor levels. At basement level, the footprint has been reduced by approximately 96 sqm.

At ground floor, the projection has also been reduced by approximately 1.1 metres and the overall footprint at this level by 22sqm. Moreover, the two flank dormers have now been omitted to reduce the bulk.

The GIA for each unit is as follows:	Minimum Space Standard
Ground and Basement	
Flat 1 (3 bed, 5 person) 174sqm	100sqm
Flat 2 (3 bed, 5 person) 174sqm	100sqm
First Floor	
Flat 3 (2 bed, 3 person) 67sqm	61sqm
Flat 4 (2 bed, 3 person) 71.6sqm	61sqm
Flat 5 (2 bed, 4 person) 70.8sqm	70sqm
Second Floor	
Flat 6 (3 bed, 5 person) 99sqm	86sqm
Flat 7 (3 bed, 6 person) 106sqm	95sqm
Roofspace	
Flat 8 (3 bed, 6 person) 124sqm	95sqm

The basement/ground floor flats would have the benefit of their own private amenity space immediately adjacent to the rear elevation. The first floor units would have a rear balcony and the remainder of the rear garden would provide a communal garden for the remaining units.

As part of this resubmission the applicant has confirmed that they are willing to enter into a Section 106 Agreement to ensure that the Traffic Order is amended so that future residents are not able to purchase parking permits.

4. Public Consultation

77 consultation letters were sent to neighbouring properties.

21 responses have been received, comprising 8 letters of objection, and 13 letters of support.

The letters of support received can be summarised as follows:

- (i) The proposed purpose built flats would result in the removal of an unsightly existing building and would improve the visual amenities of the street scene;
- (ii) The proposal would provide much needed flat accommodation;

The letters of objection received can be summarised as follows:

- (i) The introduction of 8 flats would exacerbate existing congestion and parking problems;
- (ii) The proposal would result in the unacceptable loss of an existing semi-detached houses and would change the character of the road from individual houses to a built-up area of multiple dwellings;
- (iii) The proposal would set an undesirable precedent;
- (iv) The proposal would increase additional pressure on the water supplies, street cleaning and waste collection;
- (v) The siting, size and bulk of the proposed development would be out of keeping with the character of the surrounding area;
- (vi) The proposed parking provision is considered to be inadequate;
- (vii) The proposed amendments to the previously refused scheme are not considered to be sufficient as the number of units has only been reduced by 1 and the proposed parking provision has not increased;
- (viii) The proposal would result in the unacceptable loss of an existing green space;
- (ix) Building construction results in unacceptable noise, disturbance, anti-social behaviour and detriment to the condition of the highway;
- (x) The proposal would devalue the price of existing properties;
- (xi) The proposal would result in a reduction of parking spaces.
- (xii) The S.106 Agreement would not be enforceable;
- (xiii) The demolition of building is not sustainable.

Traffic and Development

4 parking spaces are being retained.

The proposed development will need to provide parking spaces in the range of 8 to 12 parking spaces to meet the parking standards as set out in the Development Management Policies of the Barnet Local Plan approved in 2012.

Our site observation has shown that the demand for parking on roads in the vicinity of the proposed development is high. The proposed 4 parking spaces falls short of the parking provision required to meet the parking standards.

To ensure that there is no detrimental impact on public highway as a result of the proposed development, the applicant would be required to enter into a Section 106 Agreement to prevent occupants of the proposed development from purchasing resident's car parking permits.

A contribution of £2000 would be required towards a cost of amending a traffic order to prevent the residents occupying the proposed development from applying for parking permits.

Also the site is located in a Town Centre location close to local amenities and public transport with PTAL Score of 6a and the site is within an All Day Control Parking Zone (CPZ).

One space would need to be identified for disabled parking.

The access to the parking spaces is as per existing.

Cycle parking:

Cycle parking in accordance with the London Plan Parking Standards would need to be provided.

Recommendation

On balance, the proposal is acceptable on highways grounds subject to the above comments, S106 Agreement and the following conditions and informatives.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to development as set out in Policy DM01 is to minimise the 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.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

With regard to the previous planning application no objection was raised in principle to the proposed conversion of the property into flats. The properties are not within a conservation area and were not of any particular architectural merit to warrant their retention. Furthermore, it was considered that there were 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.

The main issues for consideration in respect of this current application is therefore whether the amendments to the previously submitted scheme, would be sufficient to address the reasons for refusal of the previous planning application:

The main issues area therefore considered to be as follows: -

- (i) Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality (reason for refusal 1 of planning application ref: F/00683/14);
- (ii) Whether the proposal will provide suitable accommodation for future occupiers (reason for refusal 2 of planning application ref: F/00683/14);
- (iii) Highway Matters (reason for refusal 3 of planning application ref: F/00683/14);
- (iv) Whether harm would be caused to the living conditions of neighbouring residents;
- (v) Other matters

5.3 Assessment of proposals

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 designed 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.

With regard to this current application, the reduction of in the size of the basement and the depth of the proposed single storey extension, together with the removal of the side dormer windows as specified above has resulted in a significant reduction in the overall size and bulk of the proposed development when compared to the previous application. The proposed additions do not significantly increase in the overall floor space of the development over and above that which already exists so that the overall scale of the building is more in keeping with adjacent buildings. The proposed removal of the side dormers would also ensure that the overall bulk and style of roof is more reflective of the immediately adjoining properties and not an over dominant feature in the street scene.

As such the overall the scale and design of the building would respond positively to the context of the site and would have an acceptable relationship with the neighbouring buildings, streets and spaces.

In respect of the previous application members considered that the increased number of units also contributed to the overdevelopment of the site. With regard to the current application the number of units has reduced from 9 units into 8 units. Officers consider that

given the reduction in the overall scale of the proposed development and the improvements to the design of the building the removal of one unit would be sufficient taking into consideration that this is a town centre location,

As such, the proposed revisions are considered to be sufficient to adequately address Members concerns and ensure that the overall quality of the development responds more positively 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. As such, it is considered that reason for refusal 1 of planning application ref: F/00683/14 has been satisfactorily addressed.

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

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. With regard to the previous application two of the proposed units (flats 5 and 8) failed to meet these minimum standards and Members considered that as such, these units by reason of their size would provide a sub-standard accommodation to the detriment of the amenity of future occupiers.

In respect of this current application, the internal floor area at second floor level has now been redesigned and the substandard 2 bedroom, 4 person unit (Flat 8 on the previous application) has now been replaced by one of three, 2 bedroom units now proposed on the second floor. The internal floor space of these units now meets minimum internal space standards units as can be seen above.

A proposed flat on the first floor (Flat 5 on the previous application) of the proposed development has changed from the 2 bedroom, 4 person unit as identified on the previous application to a 2 bedroom 3 person unit. This flat has been (referred to as flat 3 on the

floor plans of the current application) has reduced the minimum floor space requirement for this unit from 70sqm to 61sqm. As such, the proposed floor space of 66sqm would now be sufficient to meet minimum standards.

The revisions to the previously submitted scheme are therefore considered sufficient to ensure that all of the flats would now meet minimum internal floor space requirements. As such, it is considered that reason for refusal 2 of planning application ref: F/00683/14 has been satisfactorily addressed.

Development plan policy requires that new dwellings are provided with adequate outlook. The previous scheme ensured that the quality of the outlook for future occupiers was acceptable and the amendments to current application have not altered the outlook arrangements.

As stated in the committee report in respect of the previous application 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. This can be addressed by the use of a condition and therefore is not considered to form a sustainable reason for refusal.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room (definition of a habitable room is set out in the glossary including the maximum size considered before a room is counted as two (20 sqm). The applicant has provided private gardens for the basement/ground floor duplex units which meet the outdoor amenity space standard. In addition, a communal rear garden of 250sqm at ground floor is provided. This exceeds the required amenity space for the 6 flats (excluding flats 1 and 2 which benefit from private outdoor amenity space) and is therefore acceptable.

Refuse bins are indicated to be provided at the back edge of the footpath either side of the pedestrian entrance. Details of the type of enclosure have not been provided. There are concerns about the proposed location of the bin stores and their impact (the bins for the current flats are stored on the sound boundaries) as they would form a prominent feature within the streetscene which if not treated carefully would be out of character. However, it is considered that through the use of a condition requiring the submission of further details this would not form a sufficient reason for refusal.

Highway matters

With regards to the provision of parking, the scheme provides 4 parking spaces. Council standards would require the provision of 8 to 12 parking spaces. However, as the site is in a town centre location close to local amenities and public transport with a PTAL score of 6a

It was considered in respect of the previous application that on balance subject to a Section 106 agreement to amend the traffic order to exempt future residents from being able to purchase parking permits and a number of conditions. Highways Officers raised no objections to the proposal.

However, at the time of the previous application no formal undertaking had been given to the Council through a section 106 Agreement. Without such undertaking the developer, could not meet the costs of amending the traffic order. As such Members considered that the previous application was contrary to policy DM17 of the Barnet Local Development

Plan Development Management Policies (Adopted) 2012; and contrary to Policy CS9 of the Local Plan Core Strategy (Adopted) 2012.

In this case, the applicants have confirmed that they are willing to enter into a S106 agreement to ensure the development is car parking permit free. Subject to this S.106 Agreement and conditions Traffic and Development raise no objections to the current application.

As such, it is considered that reason for refusal 3 of planning application ref: F/00683/14 has been satisfactorily addressed.

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

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 neighborliness 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.

It was considered in respect of the previous application that the ground floor would have a similar rearward projection to the existing property with the upper floor stepped back from the boundary As such, it was therefore considered on balance to not adversely affect the amenity of adjoining properties to such a level as to warrant a refusal. The current application proposed to reduce the depth of this rearward projection by 1.1m. The impact of the current proposal on neighbouring properties when compared to the previous scheme would have a lesser impact. The proposal is not therefore considered to have an adverse impact on the amenities of the neighbouring occupiers.

Other Matters

Environmental Health previously advised that they have concerns about the impact of the construction of the proposed basement but consider that this could be addressed through the use of a condition and therefore subject to a number of conditions they have no objection to the proposal. The same conditions are recommended in respect of this current application.

Community Infrastructure Levy

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013. The proposal is liable for the increase in

floorspace which has an area of 577.52 sqm. Therefore, should the application be approved at appeal, the Mayoral CIL required is £20,213.20 and the Barnet CIL required is £77,965.20.

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 0.09 hectares in size and the current application proposes 8 flats with a total of 39 habitable rooms. The proposal for 8 flats would equate to a density of 88 units per hectare (411 habitable room per ha). The revised scheme would therefore still fall within the recommended density range.

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

5.4 Comments in respect of the representations received

With regard to the letter of objection received the comments area as follows: -

- Woodstock Road is a mix of housing and flats and therefore the proposal is considered to reflect the character of the road.
- For the reasons outlined in the report the proposal is not considered to have an adverse impact on the street scene and surrounding area.
- Each case should be considered on its own merits.
- The impact on water pressure is not a material planning consideration.
- If Members are minded to approve the application a condition is recommended that would restrict the hours of working and manage the construction so as to minimize the impact on adjoining properties.
- 4 parking spaces are proposed in addition a Section 106 agreement is recommended to amend the traffic order to exempt future residents from purchasing parking permits on this basis Highways Officers do not object to the proposal.
- Woodstock Road is a mix of housing and flats and therefore the proposal is considered to reflect the character of the road.
- Impact on value is not a material planning consideration.
- A substantial part of the existing garden is to be retained.
- If Members are minded to approve the application conditions are recommended to ensure that the development would be sustainable.

The comments made in the letters of support in respect of this application are noted.

6. Equality and Diversity Issues

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

7. Conclusion

For the reasons specified above, officers consider that the applicants have satisfactorily addressed the previous reasons for refusal. The proposal would not detract from the character and appearance of the surrounding area and the visual amenities of the street scene, would provide suitable accommodation for future occupiers and makes sufficient provisions to ensure that the proposal would not be detrimental to highway safety. The proposal is considered to be acceptable in all other respects. The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



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Location **20 Hoop Lane, London, NW11 8JL**

Reference: **F/04373/14**

AGENDA ITEM 8
Received: Graham Robinson
Accepted: 12th August 2014
Expiry 7th October 2014

Ward: Childs Hill

Applicant: Mr Sam

Proposal: Creation of new basement level to provide additional accommodation.

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 01, 02, 03, 04C (Received 12/12/2014), 05B, 07C.

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 CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 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 pm 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 Development Management Policies DPD (adopted September 2012).

- 3 Before the basement hereby permitted is brought into use, details of the external appearance of the proposed lightwells 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 safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 The use of the basement 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 or dwelling.

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 Development Management Policies DPD (adopted September 2012).

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £1,995 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 £7,695 payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extensions: 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

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

Officer's Assessment

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

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

Relevant Planning History:

Planning applications picked up in spatial search

Site Address: 20 Hoop Lane LONDON NW11

Application Number: C11111

Application Type: Full Application

Decision: Approve with conditions

Decision Date: 03/03/1992

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Creation of vehicular access onto Hoop Lane

Case Officer:

Site Address: 20 Hoop Lane, London, NW11 8JL

Application Number: 06129/13

Application Type: Prior Approval Householder Notification

Decision: Prior Approval process not applicable

Decision Date: 21/01/2014

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Single storey rear extension with a proposed depth of 6 metres (including existing s/s 4.85 metres extension) and flat roof with maximum height of 3 metres.

Case Officer: Denisse Celi

Site Address: 20 Hoop Lane, London, NW11 8JL

Application Number: F/00029/14

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: Conversion of existing dwellinghouse into 4 self-contained flats following single storey rear extension to replace existing rear extension. Roof extension including hip to gable and rear dormer window to facilitate extension of the existing loft conversion.

Case Officer: Graham Robinson

Site Address: 20 Hoop Lane, London, NW11 8JL

Application Number: F/00704/14

Application Type: Prior Approval Householder Notification
Decision: Prior Approval Not Required
Decision Date: 03/04/2014
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Single storey rear extension with a proposed maximum depth of 6 metres from original rear wall and flat roof with maximum height of 3 metres.
Case Officer: Denisse Celi

Site Address: 20 Hoop Lane, London NW11 8JL
Application Number: F/02486/14
Application Type: Material Minor Amendment/Vary Condition
Decision: Approve with conditions
Decision Date: 27/06/2014
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Conversion of house to four flats (2 one bedroom and 2 two bedroom). Provision of refuse stores.
Case Officer: Graham Robinson

Consultations and Views Expressed:

Neighbours Consulted: 24 Replies: 6
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

No other houses on street have a basement
Traffic congestion
Will set precedent for future developments
Conversion of houses to flats harms the character of the area
Excessive bulk
Quality of building work
Impact on stability of neighbouring buildings
Impact in terms of flooding.
Elderly residents nearby will be unduly affected by construction works
This is an attempt to get an extra unit in the basement

Internal /Other Consultations:

N/A

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is a two storey semi-detached house on the east side of Hoop Lane. The site area is mixed in character with houses and dwellings converted to flats. The site is located close to Golders Green Town Centre.

Proposal:

The proposals are for the creation of a basement to serve the existing approved flats. This would involve the creation of lightwells to the side and rear elevation.

Planning Considerations

Planning permission has been approved for conversion of the property to 4 flats under reference F/02486/14. This is currently being undertaken however no conditions have been discharged.

The main issues are considered to be:

Whether the proposed basement would harm the character and appearance of the general locality

The proposed basement has been reduced from that initially submitted. The proposed front parking area at basement level has been removed.

To the rear, the size of basement lightwells has been reduced. These would be partially sunken into the ground. Given the relatively limited impact of the changes visually, it is not considered that these would be harmful to the appearance of the area. It would not be unusual for such a visual manifestation of a basement to the rear of a building in this area.

It is not considered that the proposals would be materially harmful to the character and appearance of the streetscene and general locality.

Whether the proposed basement would harm neighbouring amenity

The proposals involve additional basement accommodation in relation to the ground floor flat. The proposed basement level would include storage and utility rooms, storage, study area and bathroom. It is not considered that refusal could be justified on the basis of any additional noise and disturbance from the use of these rooms given that the property remains in use as 4 units.

A condition is suggested to prevent the unit from being occupied as habitable accommodation which would not be acceptable at basement level given the quality of outlook.

The proposals would result in additional residential accommodation, but would not increase the number of residential units at the property or materially increase noise and disturbance caused.

The plans have been amended to ensure that the basement is linked to the ground floor by an internal staircase and to remove habitable rooms.

The additional fenestration would not result in additional overlooking to neighbouring occupiers.

It is considered that the proposals would provide an acceptable level of amenity for future and neighbouring occupiers.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Generally addressed in main report.

No other houses on street have a basement - Noted, but it is not considered the visual impact of the revised scheme would warrant refusal.

Traffic congestion - The proposed traffic impact would not materially increase above the previously approved scheme to convert to 4 flats.

Will set precedent for future developments - Planning applications are assessed on their own merits.

Quality of building work - The Local Planning Authority cannot control the quality of the construction.

Impact on stability of neighbouring buildings - This is principally a building control issue. A construction method statement would be required by condition.

Impact in terms of flooding. - The site is not located within a flood risk area. In terms of local hydrogeology, the site is located within an area of London Clay and it is not anticipated that harmful impacts would result.

Elderly residents nearby will be unduly affected by construction works - Any development is likely result in noise and disturbance during construction to a degree, and this is not considered reason to refuse planning permission.

This is an attempt to get an extra unit in the basement - A condition is suggested restricting the use of the basement. The Local Planning Authority can only consider the proposals on their merits, and cannot consider what 'might' happen. In any event the applicant has applied for planning permission for storage rooms, study area and a bathroom.

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.

The comments in relation to disabled residents being affected by construction works are considered above. Whilst this issue has been considered it is not considered that this is reason to withhold permission.

5. CONCLUSION

The application is recommended for **APPROVAL**.



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Design and Access statement

Drawings 135GGR-PP2-01, 135GGR-PP2-02, 135GGR-PP2-03A, 135GGR-PP2-04A, 135GGR-PP2-05A, 135GGR-PP3-06, 135GGR-PP3-07, 135GGR-PP3-08.

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 The basement shall be used as offices and no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

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

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

Reason:

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

- 7 Before the building hereby permitted is occupied the proposed windows in the side elevation facing 137 Golders Green 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).

- 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, the amenity areas shall be subdivided as shown on the hereby approved drawings, 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 In the event of the installation of extraction and ventilation equipment, details shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before their installation.

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.

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

Reason:

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

- 16 The level of noise emitted from any plant installed on 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.

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

Reason:

To ensure that the development is sustainable and complies with policy 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).

- 18 The non-residential development is required to meet the following generic environmental standard (BREEAM) and at a level specified at Section 6.11 of the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007). Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

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).

- 19 Before the development hereby permitted is occupied, parking spaces shall be provided in accordance with drawing no 135GGR-PP2-03A 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.

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional

units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a 1,750 payment under Mayoral CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extensions: 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

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

- 3 The applicant is advised that 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 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 street.naming@barnet.gov.uk or by telephoning 0208 359 7294.

Recommendation III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 08/03/2015, unless otherwise agreed in writing, the Assistant Director of Development Management

and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet the costs of amending the traffic order. In the absence of this, the development would be harmful to highway and pedestrian safety. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Adopted Barnet Development Management Policies 2012 and the Planning Obligations SPD (adopted April 2013).

Officer's Assessment

1. Site Description

The application site is a detached building located at the corner of Golders Green Road and Powys Gardens. It consists of 3 flats. This side of Golders Green Road is characterised by semi-detached dwellings used as family houses and flats. The opposite side is more commercial in nature. The site is on the edge of the town centre. There is an existing access point onto the site from the public highway.

2. Site History

H/002844/13 - Demolition of existing building and 3no. locked-up garages and erection of a new mixed use 3 storey building plus rooms at roof level comprising 7no. self-contained flats and 2no. offices at basement level, including lightwells. Associated off-street car parking, refuse store, cycle storage and landscaping. - Approved 17/12/2013.

3. Proposal

The proposal is for the variation of condition 1 (Approved Plans) pursuant to planning permission F/02844/13 dated 17/12/2013 for "Demolition of existing building and 3no. locked-up garages and erection of a new mixed use 3 storey building plus rooms at roof level comprising 7no. self-contained flats and 2no. offices at basement level, including lightwells. Associated off-street car parking, refuse store, cycle storage and landscaping". Amendments to include incorporation of additional office space to basement level

The proposals essentially involve the provision of 50 square metres additional office space at basement level.

4. Public Consultation

91 consultation letters were sent to neighbouring properties.
5 responses have been received, comprising 5 letters of objection.

The objections received can be summarised as follows:

- Loss of privacy
- Loss of light
- Entrance on Powis Gardens will cause noise and disturbance
- Increased parking in the area will disrupt flow of traffic
- Property is badly maintained, garages are full of rubbish and there are rats
- Introduction of commercial use will change the character of the area

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

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

- Relevant Development Management Policies: DM01, DM02.

The Council's approach to development as set out in Policy DM01 is to minimise the 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.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

Whether the proposed amendment would be acceptable with regard to the provision of additional office space in this location

Whether the proposals would harm neighbouring amenity

Whether the proposals would harm the character and appearance of the streetscene and general locality.

Whether the proposals would harm highway and pedestrian safety

5.3 Assessment of proposals

The proposals follow a previous approval granted for 'Demolition of existing building and 3no. locked-up garages and erection of a new mixed use 3 storey building plus rooms at roof level comprising 7no. self-contained flats and 2no. offices at basement level, including lightwells. Associated off-street car parking, refuse store, cycle storage and landscaping.'. The only change to these previously approved proposals is an increase of 50 square metres office space at basement level.

Whether the proposed amendment would be acceptable with regard to the provision of additional office space in this location

The proposals would provide an additional 50 square metres of office space, a total of approximately 193 square metres, and an increase of 34%.

Policy DM14 states that 'All proposals for new office space should follow a sequential approach which considers town centre sites before edge of centre sites.'

It is noted that the site is located immediately outside Golders Green Town Centre and is therefore an edge of centre site. The preamble to policy DM14 states that retail uses of over 200 square metres will require a sequential assessment, and whilst there is no specific standard for office use, this is considered comparable. The proposals would fall below this and this is not considered to be warranted given the size of the office.

Whether the proposals would harm neighbouring amenity

The proposals would provide an additional 50 square metre office unit. This activity would be confined principally to the building itself. It is not considered that the proposals would result in harmful increase in terms of noise and disturbance to neighbouring residents. The use would be subject to the same conditions in relation to ventilation/extract details as the original grant of permission.

Whether the proposals would harm the character and appearance of the streetscene and general locality.

Council Policies state that new residential developments must harmonise with and respect the character of the area. The proposal has been designed in order to fit in within the streetscene by introducing gables and retained a roof of a domestic scale which would ensure that the building fits in within this part of Golders Green. The building lines would complement surrounding buildings. It is considered that the design of the proposed building would complement the design of neighbouring existing buildings and it would not have any adverse visual effect on the character of the locality or the street scene generally. The success of the building will depend on the quality of the materials to be used and the materials to be used in the construction of the dwelling will have a condition to this recommendation to ensure that the proposed materials are acceptable.

The visual manifestation of the basement would be the same as the previously approved scheme. It is not considered that the proposals would harm the character and appearance of the streetscene and general locality.

Whether the proposals would harm highway and pedestrian safety

The proposals are for an additional third office unit in addition to the development approved under reference F/02844/13 for the provision of 8 residential units comprising 5 x 2bedroom flats and 1 x 1bedroom flat and 2x studio flats and commercial space for 2 offices. Two car parking spaces were provided.

An additional 3rd office is proposed as part of the application above.

Considering that:

- o The proposal is for conversion
- o The site is within walking distance of a Town Centre, local amenities and public transport
- o And the site is within a Control Parking Zone (CPZ)

The proposals would necessitate a deed of variation to the originally approved scheme for the legal agreement in relation to an amendment to a traffic order to prevent residents from obtaining parking permits.

It is considered that the office use is acceptable on highways grounds.

Sustainability:

Sustainable development is a key priority of Central Government and the Council. Any new residential development in Barnet is expected to meet Code Level 3 of the Sustainable Homes ' whilst the applicant has not indicated in the design and access statement that this will be achieved; a condition is recommended.

5.4 Response to Public Consultation

- Loss of privacy - The proposed basement extension would not result in any additional overlooking.
- Loss of light - The proposed basement extension would not result in any additional loss of light as the only extension to the approved scheme is a basement extension.
- Entrance on Powis Gardens will cause noise and disturbance - The entrance was a feature of the previously approved scheme. The additional office will not cause a materially increased amount of noise and disturbance.
- Increased parking in the area will disrupt flow of traffic - Addressed in main report
- Property is badly maintained, garages are full of rubbish and there are rats - These are environmental health matters and not planning consideration.
- Introduction of commercial use will change the character of the area - The principle of the use was established under the previous grant of permission. It is not considered that the further office extension would harm the character of the area.

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location	79 Queens Avenue, London, N3 2NN	AGENDA ITEM 10
Reference:	F/05592/14	Received: Andy Parker
		Accepted: 28th October 2014
Ward:	Woodhouse	Expiry 23rd December 2014
Applicant:	Mr I Lucas	
Proposal:	Demolition of existing rear outbuilding and erection of a single storey granny annexe ancillary to main house.	

Recommendation: Refuse

- 1 The proposed dwelling by reason of its siting, overall size, bulk, height and level of activity associated with its use would fail to respect the surrounding pattern of development in the area and would result in a cramped, obtrusive and incongruous form of development that would be unsympathetic to the character and appearance of the site and surrounding area. As such the proposal is considered unacceptable and contrary to Policy CS5 of the Barnet Core Strategy (2012), Policy DM01 and DM02 of the Barnet Development Management Policies DPD (2012) and the adopted Supplementary Planning Document 'Residential Design Guidance' (April 2013).

Informative(s):

- 1 The plans accompanying this application are: 0179-04-14/01A- Location Plan; 0179-04-14/02A- Existing Site Plan; 0179-04-14/03A- Proposed Site Plan; 0179-04-14/04A- Existing Elevation Drawing; 0179-04-14/05A- Proposed Elevation Drawing.
- 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 (LPA) 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 LPA 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 LPA to discuss possible solutions to the reasons for refusal.

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

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments. This planning application was assessed as liable for a £6750 payment under Mayoral CIL at this time.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking were set at a rate of £0 per sq m. This planning application was assessed as liable for a £0.00 payment under Barnet CIL at this time.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

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

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

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: cil@barnet.gov.uk.

Relief or Exemption from CIL

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

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

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

Please visit www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil for further details on exemption and relief.

Officer's Assessment

1. Site Description

The application site comprises a two-storey, semi-detached dwelling house located on the western side of Queens Avenue, a residential street comprising of predominantly family sized semi-detached and terraced dwelling houses. The property is not a Listed Building and is not located within a Conservation Area.

2. Site History

Planning applications picked up in spatial search
Site Address: 81 Queens Avenue, London, N3 2NN
Application Number: F/04555/11
Application Type: Section 192
Decision: Lawful Development
Decision Date: 16/12/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Roof extension including hip to gable, 3no. rooflights at front elevation, rear dormer window to facilitate a loft conversion.
Case Officer: Denisse Celi

Site Address:
Application Number:
Application Type:
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal:
Case Officer:

Site Address: 2 Woodlands Avenue, London, N3 2NR
Application Number: F/03653/14
Application Type: Section 192
Decision: Lawful Development
Decision Date: 24/07/2014
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Hip to gable loft extension with rear dormer and juliette balcony to facilitate loft conversion.
Case Officer: Nora Andreea

Site Address: 79 Queens Avenue, London, N3 2NN
Application Number: F/05592/14
Application Type: Householder
Decision: Not yet decided
Decision Date: Not yet decided

Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Demolition of existing rear outbuilding and erection of a single storey granny-annexe ancillary to main house.
Case Officer: Andy Parker

3. Proposal

The application seeks planning permission for the demolition of an existing outbuilding in the rear garden of the site and its replacement with a 1-bed dwelling unit. The application form and Design and Access Statement states that the proposed building would be an ancillary building to the main house and is required because of the personal circumstances of the applicant. Whilst this is noted, plans indicate the outbuilding would provide a lounge, bedroom kitchen and shower room and would therefore be capable of being used as a separate dwelling unit. As such, its use as an ancillary building cannot be adequately secured by a planning condition and this application has therefore been assessed on this basis of it being a separate dwelling unit. The building would be 9.5m wide, 8m deep and 3.5m high with a pitched roof. Access to the premises would be from No.57 Queens Avenue via the side of this property.

4. Public Consultation

10 Neighbours were consulted and 1 comment and 2 letters of objection were received

The letters of objection received may be summarised as follows:

- (i) The proposal would not be ancillary and would be contrary to policy
- (ii) The proposal would set an undesirable precedent
- (iii) The proposed development would be highly visible from neighbouring properties
- (iv) The scale and type of development would be inappropriate.
- (v) The applicants needs could be met by more appropriate development.

The comment received may be summarised as follows:

All necessary regulations should be adhered to in relation to sanitation and waste disposal.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

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.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

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

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. 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.

- In respect of amenity, states that 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.

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main planning considerations would be the impact of the new dwelling on the

- character and appearance of the area,
- quality of amenity for future occupiers
- neighbouring amenity,
- refuse and parking provision.

Character and appearance:

The properties within the surrounding area are characterised by a degree of uniformity in terms of overall scale and layout. The area is characterised by two storey buildings set back by from the highway to create established building lines which is characteristic of a semi-urban locality in Barnet. The gardens of properties along Queens Avenue back onto Woodlands Avenue back on to each other with only modest outbuildings/garden sheds to the rear.

The application site would be clearly visible from neighbouring properties and any proposed development in this location should respect the character of the surrounding area.

The proposed separate dwelling unit in the rear garden of the existing house would fail to respect the surrounding pattern of development in the area.. The proposed building would be situated in proximity to neighbouring properties and its substantial size, bulk, height together with the level of activity associated with the proposed development would result in an incongruous and cramped form of development that would appear visually obtrusive and

unsympathetic to the character and appearance of the site plot and surrounding area. As such, the proposal is considered unacceptable and fails to comply with the Council's relevant policies and guidance.

Quality of amenity for future occupiers

The two bedroom house would have an internal floor area of 50sq.m which would comply with the Council's minimum residential space standards requirements as set out in Table 1.3 of the SPD: Residential Design Guidance (Adopted April 2013). The proposed kitchen/living room and bedrooms would meet the minimum internal floor space requirements specified in Table 2.2 of the Council's SPD 'Sustainable Design and Construction' (April 2013). The proposed room layout would also provide sufficient natural lighting, ventilation and outlook to the habitable rooms.

The proposed overall internal habitable floor space of the proposed single bedroom meets the minimum requirements set out in the Council's Residential Design Guide SPD (2013).

The proposed development provides a patio for the proposed development which would have a floor area of 16.5sqm. As such, the area indicated falls short of the minimum floor space requirement of 40sqm outdoor amenity space for a one bed house. However, the rear garden of No.79 Queens Avenue is considered to be of a sufficient size to ensure that adequate outdoor amenity space could be provided for the existing house and proposed dwelling unit.

In terms of amenity space provision, the proposal is considered acceptable and subject to appropriate conditions would comply with the Council's relevant policies and guidance.

- Neighbouring Amenity

The building would not overlook or overshadow the amenity space of neighbouring properties to an unacceptable degree. Given the building is single storey the existing boundary fencing would be sufficient to ensure that the windows in the side elevations would not give to an unacceptable loss of privacy to the neighbouring properties. The windows in the east facing elevation would be a sufficient distance from No.77, No.79 and No.81 Queens Avenue to ensure that they would not result in the unacceptable overlooking of these properties.

The proposed one bedroom unit is not considered to result in a significant increase in noise and disturbance which would adversely affect the amenities of neighbouring properties.

As such it is considered that the amenities of the occupiers of neighbouring properties would not be adversely affected by the proposed development.

- Parking and refuse

There is an existing car parking space to the front of the site serving the existing property. The scheme provides no parking space, cycle storage or refuse provision has been indicated for the proposed unit. However it is considered that sufficient space could be provided to the front and rear of the existing property in order to ensure that adequate details could be secured by condition were the application to be approved.

5.4 Response to Public Consultation

The comment received in respect of this application is noted. With regard to the letter of objection received points (i) and (iv) are supported in the reason for refusal. With regard to point (ii) each case should be considered on its own merits. Points (iii) and (v) are noted.

6. Equality and Diversity Issues

Officers acknowledge the personal circumstances of the applicant. However, in this case it is considered that these do not outweigh the planning objections raised in respect of the harm to the character and appearance of the area.

7. Conclusion

The proposal, would harm the character and appearance of the host site and surrounding area. As such the proposal is considered unacceptable and fails to comply with the Council's relevant policies and guidance. Consequently the application is recommended for REFUSAL.



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- 3 Before the building hereby permitted is occupied the two side facing dormer windows shall be obscure glazed and top opening only at 1.7m above finish floor level.

Reason:

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

- 4 The roof of the single storey ground floor rear and ground floor front 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 Development Management Policies DPD (adopted September 2012).

- 5 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.

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

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 7 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in either side elevation.

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

Informative(s):

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

Officer's Assessment

1. Site Description

The application relates to a semi-detached single family dwelling house located to the south of Windsor Road.

The site is unique for two reasons. First, in terms of overall height it is significantly lower than the other half of the semi-detached house (No. 33 Windsor Road). Second, it was the first house to be built on the street where the primary aspect faced east. All subsequent houses constructed on the same side of the road face north.

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

2. Site History

Reference: F/04063/14

Address: 35 Windsor Road, London, N3 3SN

Decision: Approved subject to conditions

Decision Date: 29 September 2014

Description: Single storey front extension. Two-storey side & rear extension with lower ground level to the rear. Extension to roof including 1no. side dormer window, 2no rooflights and 3no. rooflights on both side roofslopes to facilitate a loft conversion.

3. Proposal

The current application is almost identical to that granted permission under application F/04063/14 with the following changes:

- 1 x side dormer window (w: 3.0m, h: 1.7m, d: 1.8m)
- Re positioning of roof lights
- Increase size of the single storey front extension (w: 5.3m, h: 3.4m, d: 1.5m)

4. Public Consultation

The application is reported to committee at the request of Councillor Thomas.

21 consultation letters were sent to neighbouring properties.

4 responses have been received, comprising 4 letters of objection.

The objections received can be summarised as follows:

- Front, side and rear dormers do not fit in with the character of the area.
- Side dormers present a fire and safety risk
- The chimneys do not show in the plans
- Front bay should not extend beyond that of No.33
- Squaring off of the first floor to the rear would impact privacy
- There should be no balcony above the ground floor bay window
- Party wall issues raised
- Chimney stacks should be retained

- Issues over raising of the roof and position of windows to the front elevation

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- 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.

5.3 Assessment of proposals

The majority of the elements proposed already have planning permission.

Side dormer window

The proposed side dormer meets the criteria set out in Barnet's Residential Design Guidance which states that 'Dormer roof extensions should normally be subordinate features on the roof and should not occupy more than half the width or half the depth of the roof slope'. There are also several examples of side dormers in close proximity to the application site. Furthermore these dormers are set back from the street and would do little to harm the character of the area.

In order to reduce the potential for overlooking and maintain a certain level of privacy, both dormer windows will be obscure glazed and top opening only at 1.7m above finished floor level.

Re positioning of roof lights

In order to reduce the potential for overlooking and maintain a certain level of privacy the three roof lights facing 33 Windsor Road will be obscure glazed and permanently fixed shut.

Increase size of the single storey front extension

The difference in area between the previously approved front extension and the current proposal is 1.44m². This addition is not considered to affect the amenities of neighbouring occupiers.

With regard to the character of the area, attention has been paid to the occupiers of No. 33 Windsor Road who benefit from a full width ground floor front extension. The proposed infill would therefore add a certain degree of symmetry to the pair of semi-detached houses and maintain the character of the area.

5.4 Response to Public Consultation

Front, side and rear dormers do not fit in with the character of the area: Through negotiations with the applicant the front dormer has been removed from the proposed plans.

The side dormer has been discussed in 'assessment to proposals' above.

Side dormers present a fire and safety risk: Although these are a valid concerns they are not considered to be a reason for refusal of planning permission.

The removal of chimney stacks do not show in the plans: The removal of the chimney is shown on the plans.

Front bay should not extend beyond that of No. 33: Assessed above.

Squaring off of the first floor to the rear would impact privacy: Through negotiations with the applicant the infill section has been removed from the proposed plans.

There should be no balcony above the ground floor bay window: A condition has been attached stating that the roof of the single storey front extension should only be used for maintenance purposes and not as a balcony.

Party wall concerns raised: Party Wall concerns are not planning concerns and therefore not assessed as part of this application.

Chimney stack should be retained: Chimney stacks can be removed through permitted development and therefore do not require planning permission.

Concerns over raising of the roof and position of windows to the front elevation: Raising of the roof was previously granted permission under application F/04063/14. The changes to the ground floor front extension have been discussed above.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



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