

MEETING

HENDON AREA PLANNING COMMITTEE

DATE AND TIME

MONDAY 27TH JULY, 2015

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4AX

TO: MEMBERS OF HENDON AREA PLANNING COMMITTEE (Quorum 3)

Chairman: Councillor Maureen Braun
Vice Chairman: Councillor Brian Gordon

Councillors

Claire Farrier	Sury Khatri Hugh Rayner	Gill Sargeant Agnes Slocombe
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Substitute Members

Tom Davey Val Duschinsky	Helena Hart Dr Devra Kay	Charlie O-Macauley Mark Shooter Zakia Zubairi
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You are requested to attend the above meeting for which an agenda is attached.

Andrew Nathan – Head of Governance

Governance Services contact: Jan Natynczyk jan.natynczyk@barnet.gov.uk 020 8359 5129

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	MINUTES	1 - 2
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 QUESTION AND COMMENTS (IF ANY)	
6.	MEMBERS' ITEMS (IF ANY)	
	Reports of the Assistant Director of Development Management and Building Control	
	Mill Hill Ward	
7.	6 Wentworth Hall The Ridgeway London NW7 1RJ - 15/02767/HSE	3 - 10
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	Edgware Ward	
9.	1 Rectory Lane Edgware HA8 7LF - 15/02839/OUT	17 - 30
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	Hendon Ward	
12.	Land To The Rear Of 51 Finchley Lane London NW4 1BY - 15/02221/FUL	55 - 66
13.	Any Item(s) the Chairman decides are urgent	

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Decisions of the Hendon Area Planning Committee

16 June 2015

Members Present:-

AGENDA ITEM 1

Councillor Maureen Braun (Chairman)
Councillor Brian Gordon (Vice-Chairman)

Councillor Claire Farrier
Councillor Sury Khatri

Councillor Gill Sargeant
Councillor Agnes Slocombe

1. MINUTES

The minutes of the meeting held on 29 April, 2015 were agreed as a correct record and signed by the Chairman.

2. ABSENCE OF MEMBERS (IF ANY)

Councillor Hugh Rayner.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

None.

4. PUBLIC QUESTIONS AND COMMENTS (IF ANY)

None.

5. MEMBERS' ITEMS (IF ANY)

None.

6. 87-89 BRENT STREET (HENDON WARD)

The Committee considered the report and addendum to the report.

A representation was heard from Martin Saluzzo (Architect)

RESOLVED that the application be refused for the reasons detailed in the report.

For (refusal): 5

Against: (refusal) 1

Abstained: None.

7. REPORTS OF THE ASSISTANT DIRECTOR OF DEVELOPMENT MANAGEMENT AND BUILDING CONTROL

The addendum to this report was considered as part of the 87-89 Brent Street application.

8. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 7.20pm

Location **6 Wentworth Hall The Ridgeway London NW7 1RJ**

Reference: **15/02767/HSE**

Received: 5th May 2015

AGENDA ITEM 7

Accepted: 5th May 2015

Ward: Mill Hill

Expiry 30th June 2015

Applicant: Mr Peter Baulk

Proposal: Single storey rear extension

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan. Received on 05 May 2015.
Drawing No: PL-100,200,002,003,004. Received on 05 May 2015. Design and Access statement .Received on 05 May 2015.

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

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

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

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

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the 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 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 applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.
- 3 The applicant is advised that this grant of planning permission does not infer or imply a right to access any land outside of the applicant's ownership. Permission should therefore be sought from any other landowners prior to their property being accessed. In addition, this grant of planning permission does not affect the applicant's duties under any covenants attached to the property.

Officer's Assessment

1. Site Description

The application site contains a three storey mid-terrace dwellinghouse located on the south-west side of The Ridgeway. The property is not listed, but is within the Green Belt and the Mill Hill Conservation Area.

The dwellinghouse is number six in a terrace of 11 properties. These are all identical in appearance, with a flat roof over three stories of accommodation. The land levels rise up from south-east to north-west, and as a result the building sets up in three sections to follow the natural topography.

The site is accessed from The Ridgeway. There is a tree belt along the front boundary of the site which screens it from The Ridgeway. On the whole the site is surrounded by trees, the majority of which are protected by an area Tree Preservation Order (TPO). Any trees not covered by the TPO will benefit from protected by reason of the site being within a conservation area.

2. Site History

Reference: W00175K

Address: Wentworth Hall The Ridgeway NW7

Decision: Approved subject to conditions

Decision Date: 14 May 1968

Description: 11 terraced houses with integral garaging

3. Proposal

This application seeks planning permission for a single storey rear extension which would measure 6 metres in width, 3metres in depth, and have a flat roof 2.9 metres high.

4. Public Consultation

Consultation letters were sent to 2 neighbouring properties. Eight letters of objection have been received.

The objections received can be summarised as follows:

- Proposed extension would change the present common rear building line of the 11 houses.
- Deeds contain restrictions to ensure future modifications do not affect the amenity of neighbours.
- Extension would violate the existing visual and architectural unity of the rear of Wentworth Hall.
- Proposal would set an example for other applications, which would ruin the character of the community and the conservation area.
- Concerns regarding structural stability.
- Proposal would result in the loss of neighbouring fence.
- Roof to extension could be used as a balcony.
- Proposed extension would threaten the sense of space in neighbouring gardens.
- Extension would not comply with Barnet's Residential Design Guidance.
- Extension would be overlooked by neighbouring properties.
- Proposal would go against covenants on the property.
- Concerns regarding the proposal breaching the original planning permission.

Other Consultation:

Mill Hill Conservation Area Advisory Committee: Wentworth Hall is in the CA and presumably for good reasons. This extension, though small and at the rear, will spoil the coherence of the terrace by projecting out. It is likely that others residents will wish to follow suit here and there along the terrace, further compromising it. Piecemeal extensions should be resisted.

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 2015

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 2050. 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 and CS7.
- Relevant Development Management Policies: DM01, DM02, DM06 and DM15.

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.

Mill Hill Conservation Area Character Appraisal

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the proposal would represent appropriate development in the Green Belt;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the conservation area;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

Impact on the Green Belt

Policy DM15 sets out that extensions to buildings in the Green Belt will only be acceptable where they do not result in a disproportionate addition over and above the size of the original building. The Residential Design Guidance SPD states that as a guiding principle, the volume of the original dwelling should not be increased by more than 25 per cent by external measurement in order to protect openness.

In this instance, the existing building (which has not been previously extended) has a volume of approximately 561 cubic metres. The proposed extension would have a volume of approximately 52 cubic metres, representing an increase of 9.3 per-cent over and above the volume of the original building. This falls within the guideline set out in the abovementioned SPD. As a result, it is considered that the proposal would not result in a disproportionate addition over and above the size of the original building. The proposed development would therefore, by definition, represent appropriate development in the Green Belt.

Given its limited height and depth, it is not considered that the proposed extension would be detrimental to the openness of the Green Belt, especially given that it would be read against the massing of the existing building. Furthermore, as it would be built of bricks to match the existing building it is not considered that the proposal would be detrimental to the visual amenities of the Green Belt.

Impact on the host dwelling and the wider area

The proposed single storey rear extension would have a depth of 3m and a height of 2.9 metres. Given its size, it is considered that the extension would appear as a subordinate addition to the original building and would respect its proportions. The proposed extension would not be detrimental to the character and appearance of the building.

It is noted that the site is within the Mill Hill Conservation Area. However, the proposed extension would be single storey in height and located to the rear of this row of terraced properties which themselves are well screened from The Ridgeway by mature trees. Given the screened nature of the site, and that the proposed extension would reflect the materials of the host building, it is considered that the proposal would preserve the character and appearance of the conservation area.

Impact on the amenities of neighbours

The proposed extension would comply with the Residential Design Guidance recommended depth of 3 metres for a terrace property. Given this limited depth and its limited height with a flat roof, it is not considered that the proposal would appear overbearing or visually intrusive when viewed from any neighbouring property.

The flank elevations of the proposed extension would be brick, with windows proposed. Therefore there would be no adverse impact of overlooking on to the neighbouring properties.

A condition is recommended to ensure that the roof of the extension 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.

5.4 Response to Public Consultation

Most comments have been dealt with within the main body of the report.

- Matters regarding structural stability are not a material planning consideration, but would be dealt with by the Building Regulations.
- Matters relating to legal covenants are not a material planning consideration, but fall to be dealt with as a civil matter.

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 conservation area. 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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Location **18 Birkbeck Road London NW7 4AA**

Reference: **15/02994/HSE**

Received: 14th May 2015

Accepted: 26th May 2015

Ward: Mill Hill

Expiry 21st July 2015

Applicant: Mrs Tania Kallis

Proposal: Single storey rear extension including a rooflight.

AGENDA ITEM 8

Recommendation: Approve subject to conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: location plan; APT/1424/01A; 102B; 103; 101B
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 This development must be begun within three years from the date of this permission.

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

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

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

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the 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. 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 site contains a two storey detached dwelling that has been converted in to two self-contained flats. The property is situated in the eastern side of Birkbeck Road, which is characterised by terraced, semi-detached and detached two storey family dwellings.

The property is not listed and is not situated in a conservation area.

2. Site History

Reference number: W00457A

Description: Use of premises as two self-contained flats.

Decision: Lawful

Decision Date: 11/05/1993

3. Proposal

This application seeks planning permission for a single storey rear extension which would increase the existing rear extension by 1.9 metres on the side with no. 20 and 1.3 metres on the side with no. 14/16 Birkbeck Road, to a total depth of 4 metres from original rear wall. It would have a flat roof with a height of 2.85 metres and 1no. roof-light.

4. Public Consultation

Consultation letters were sent to 7 neighbouring properties. Six letters of objection have been received.

The objections received can be summarised as follows:

- lack of rubbish storage, interfering with off-street parking.
- drainage issues.
- reduce the existing amenity space.
- loss of light.
- overlooking.
- off street parking affecting the existing trees.
- loss of privacy.
- noise and disturbance.
- traffic, access and parking issues.
- scale.
- loss of views from the neighbouring properties.
- changes the character of the area.
- overdevelopment of the site and the neighbouring area.
- loss of the existing rural feel.

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 2015

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 2050. 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 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

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

The proposed single storey rear extension would have a total depth of 4 metres from the original rear wall and a height of 2.85 metres. Given its size, it is considered that the extension would appear as a subordinate addition to the original building and would respect its proportions. The proposed extension would not be detrimental to the character and appearance of the building.

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

The proposed extension has been amended to comply with the Residential Design Guidance recommended depth of 4 metres for a detached property. Given this limited depth and its limited height with a flat roof, it is not considered that the proposal would appear overbearing or visually intrusive when viewed from any neighbouring property.

The flank elevations of the proposed extension would be rendered, matching the existing building, with no windows proposed to either side. Therefore there would be no adverse impact of overlooking on to the neighbouring properties.

A condition is recommended to ensure that the roof of the extension 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.

The proposed extension is not considered to unacceptably impact on neighbouring properties by reason of loss of light, outlook or privacy. The distance between the proposed extension and the rear garden assigned to the first floor flat is approximately 7.8 metres and as such is not considered to overlook the space.

5.4 Response to Public Consultation

Most comments have been dealt with within the main body of the report.

- The new extension proposes the extension of the existing kitchen, living room area and does not increase the number of bedrooms that would indicate an increase on the number of people, as such it is not considered to have any additional impact on traffic or off street parking and therefore does not constitute a reason for refusal.
- lack of rubbish storage, interfering with off-street parking is not a material planning consideration.
- drainage issues is not a material planning consideration.
- As a result of the proposed rear extension, the existing amenity space to no. 18 Birkbeck Road, would be reduced by approximately 7.03 square metres, leaving a garden area of over 37 square metres. According to Barnet's Sustainable Design and Construction SPD, which derives from the London Plan, the recommended amenity space for flats is 5 square metres per habitable room. The existing flat has two habitable rooms and would be required to have an amenity space of 10 square metres, exceeding this by more than three times and is therefore considered acceptable.
- off street parking affecting the existing trees is not a material planning consideration.
- noise and disturbance is not a material planning consideration and therefore is not a reason to warrant refusal.

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.



Location **1 Rectory Lane Edgware HA8 7LF**

Reference: **15/02839/OUT**

Received: 8th May 2015

AGENDA ITEM 9

Accepted: 22nd May 2015

Ward: Edgware

Expiry 17th July 2015

Applicant: Mrs Linda Edwards

Proposal: Demolition of the existing structure and erection of basement and ground floor area for 7 parking spaces and Amenity area. First floor assisted living apartments and second floor roof garden. Five new self-contained units over five floors. (OUTLINE APPLICATION)

Recommendation: Refuse

- 1 The proposed development, by reason of its design, siting, height and scale would result in an excessive, overly prominent form of development and would constitute an overdevelopment of the site. It would not preserve or enhance the character or appearance of the area and would be detrimental to the character and appearance of the streetscene and the locality. The proposal would be contrary to policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (Adopted September 2012), Policy DM01 and DM02 of the Development Management Policies DPD (Adopted September 2012) and the Residential Design Guidance SPD (Adopted April 2013).

- 2 The proposed development by reason of its design, height and siting would give rise to an unacceptable loss of outlook and sense of enclosure as well as overlooking with subsequent loss of privacy to the neighbouring residential occupiers in Old Rectory Gardens and Station Road. The proposal would be contrary to policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (Adopted September 2012), Policy DM01 and DM02 of the Development Management Policies DPD (Adopted September 2012) and the Residential Design Guidance SPD (Adopted April 2013).

- 3 The proposed development would, by reason of the design and layout of the ground floor parking area would compromise the functionality and effectiveness of the access, collection and storage of refuse and the access to and storage of cycles. The proposal would be contrary to policies CS NPPF, CS1, CS9 and CS14 of the Local Plan Core Strategy (Adopted September 2012), Policy DM01, DM02, DM03 and DM17 of the Development Management Policies DPD (Adopted September 2012) and the Residential Design Guidance SPD (Adopted April 2013).

Informative(s):

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

The applicant sought formal pre-application advice which was provided. Unfortunately the submitted scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 2 The plans accompanying this application are: 12051-15; drg-01; drg-02; drg-03; drg-04; drg-05; scheme-10; scheme-11-1 (proposed elevations 4x4); scheme-11-1 (proposed elevations 1x4); scheme-11-2; scheme-11-3
- 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 £23380 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 £90180 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 single storey former industrial building located within Rectory Lane. The building is used for community purposes by the Larches Trust who care for vulnerable and disabled adults in the Borough and assist and develop them towards independent living. Another unit is in similar use on the adjoining site to the east. The site is surrounded by Rectory Lane on its southern and western side. Two storey semi detached dwellings are situated on the northern boundary of the site in Old Rectory Gardens. Rectory Lane running parallel to the southern elevation also functions as the service road for properties in Station Road. Properties in Station Road are retail on ground floor with residential above which would overlook the site. Centurion House, which is located at the junction of Station Road and Manor Park Crescent has seven storeys dominates the immediate setting however it reduces in height towards the rear and the application site.

2. Site History

Reference: H/03317/10

Address: Larches Trust1 Rectory Lane, Edgware, HA8 7LF

Decision: Pending decision: Approve with conditions: overturn by committee of planning officers' recommendation to refuse.

Decision Date: n/a

Description: Erection of two-storey building with rooms in roofspace to providing six self contained flats. (Outline application for Appearance, Layout and Scale)

Officers had recommended that this application should be refused on the grounds that it would result in the loss of community floorspace which would not be re-provided elsewhere in the Borough. The decision notice has not been issued.

The scheme proposed a two storey building with accommodation in the roof designed to reflect the appearance of neighbouring semi detached dwellings.

Reference: H/03317/10

Address: 1 Rectory Lane, Edgware, HA8 7LF

Decision: Approved subject to conditions

Decision Date: 9 November 2010

Description: Extension to the time limit for implementing planning permission W03404F/07 dated 20/09/07 for "Alterations to front of ground floor and erection of two additional floors on front part of property to form 2no residential units."

Reference: W03404E/07

Address: 1 Rectory Lane, Edgware, HA8 7LF

Decision: Refused

Decision Date: 28 February 2007

Description: Alterations to front of ground floor and erection of two additional floors on front part of property.

Reference: W03404F/07

Address: 1 Rectory Lane, Edgware, HA8 7LF

Decision: Approved subject to conditions

Decision Date: 20 September 2007

Description: Alterations to front of ground floor and erection of two additional floors on front part of property to form 2 No. residential units.

3. Proposal

Planning permission is sought for the demolition of the existing building on the site and the erection of a part seven and part three storey building including basement on the site to be used as community and charity purposes on the basement and ground floor level, assisted living on the first floor part of the shorter section and one flat on each floor from 1st - 5th of the seven storey element.

The building is 11.1m wide and 23.0m long. The height of the two storey (above ground) element to the rear is 7.7m while the private residential tower is 18m in height and 13.5m long. The floorspace attributed to the charity use is approximately 500sq.m.

The assisted living element would consist of three bedrooms accessed from a communal living area. The proposed flats would serve as enabling development for the community space on the ground floor and basement. The flats in the larger building would be arranged as four x two bedroom flats and one x three bed flat. Private flats would have external amenity through balconies as well as access to a roof garden above the assisted living element. The assisted living unit would also have access to this roof garden which would be screened by a built up living wall. Six car parking spaces are provided at ground floor level in an undercroft and one disabled car parking space which would also be off street. Refuse, recyclables and cycle storage as well as landscaping would also be provided on site.

4. Public Consultation

Consultation letters were sent to 93 neighbouring properties.

7 responses have been received, comprising 7 letters of objection, 0 letters of support or comment.

Two people have expressed a wish to speak at the Committee on this application.

The objections received can be summarised as follows:

- The proposed development would give rise to a loss of light to the occupiers of neighbouring properties because of the height of the building.
- The proposed development would overlook and overhang back gardens and would reduce privacy and create noise.
- The proposed development would result in a loss of outlook and harm the visual amenity of adjoining residents.
- This proposal would cause overdevelopment.
- There is insufficient car parking capacity in the locality and this proposed development would exacerbate this problem as well as cause congestion on local roads.
- Demolishing the existing building would reduce access to a community facility.
- The development would exacerbate flooding problems in the area.

The application has been called in by Cllr Brian Gordon on the grounds of public interest in this application and to ensure that the community benefits of the proposal can be fully considered.

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 2015

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, CS3, CS4, CS5, CS6, CS8, CS11, CS14
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM09, DM11

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.

Residential Design Guidance SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan and sets the amenity and design parameters for new housing in the Borough.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The community benefits of the scheme and whether these outweigh the harm that has been identified by officers.
- 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.
- Whether the development would cause harm to existing highway conditions.

5.3 Assessment of proposals

Outline planning permission is sought for the demolition of the existing single storey building and the erection of a part 2 storey and part 7-storey (including basement) development to accommodate community and meeting space, three assisted living bedrooms and five self contained residential units.

It should be noted that the application is in outline with all matters reserved, however, the level of detail is such that a more comprehensive assessment can be made as to the overall acceptability of the scheme.

Land use

The proposed development appears to overcome previous land use objections by retaining the existing community use on the site and then subsequently increasing the level of this community floorspace from 200sq.m to 500sq.m.

The scheme aims to deliver an enhanced service to vulnerable adults in the community. The Larches Trust which has been serving the Community for 20 years works with adults with learning disabilities, enabling them to become more independent within the community. Part of meeting this objective is to provide three independent living apartments based on supported living. The aim of the development is allow the charity to remain on the site within the immediate community that they serve, following the loss of their alternative site.

Community uses are protected and promoted through policy DM13 of the Development Management Policies DPD and as such, the principle of enlarging and enhancing the on-site facilities are supported by the Council. However, policy DM13 advises that community facilities will only be supported if they do not have a harmful impact on neighbouring residential amenity or highway safety. In this case and as discussed below, it is considered that the proposed development would have a harmful impact on the character and appearance of the area and neighbouring residential amenity.

The principle of residential use within the development is considered to be an acceptable land use on this site. However, as with the community use, the development must not harm the character and appearance of the area and residential amenity.

Design and appearance

The 2012 National Planning Policy Framework states that "the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people".

In addition to the NPPF, Policy CS5 of the Core Strategy states that the Council "will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design". In addition to this, Policy DM01 of the Council's Development Management Policies 2012 states that "development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets... development (should)

demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused".

This application is a resubmission of a previous scheme that was refused on land use grounds. The previous submission which was presented to the Planning and Environment Committee on 29 October 2014 proposed a two storey building with roof accommodation providing six flats. That building was designed to be consistent with its immediate context and surroundings and was acceptable on design and amenity grounds.

The proposed development would be situated to the rear of Station Road in Edgware which generally features three storey buildings with the exception of Centurion House which has a staggered arrangement up to 7 storeys. Immediately adjoining the northern boundary to the site the land use and development character changes to two storey semi-detached properties which forms the predominant urban and spatial character away from the primary frontages.

Given this immediate context of low rise buildings set behind the primary retail frontage of Station Road the erection of a part two storey and part seven storey building would be out of keeping with the form of development in this location. This development would compete visually with Centurion House at the corner of Station Road and Manor Park Crescent, which given its corner location functions as a landmark development defining the streetscene. The proposed development is set behind the Edgware Road frontage would exist as an outlying tall building where there is no previous character to support this height. Instead the character is expressed through two storey detached and semi detached residential development The building would be visually dominant in views through Rectory Gardens and Rectory Lane and may be visible in views across Station Road.

Given the proximity to semi-detached residential properties in Rectory Lane and the use of the materials proposed, it is considered that the proposed development would form a discordant relationship to these properties and would be visually dominant in this setting. Although the proposed scheme reflects some of the visual characteristics of Century House, it is considered that this is not sufficient justification to outweigh the visual harm that this would cause to the visual amenity of the area.

As such, the proposed development would be contrary to the policies listed above which seek to ensure high quality design.

Amenity of existing neighbouring occupiers

In relation to residential amenity for existing neighbours, the proposed development would have a harmful impact on residential amenity for the occupiers of 23 and 28 Old Rectory Gardens in particular. For 28 Old Rectory Gardens, the two storey section (as well as the living wall forming screening around the roof garden) of the development would extend across most of the rear boundary line of this garden at a height of approximately 7.8m. At this point this development would, because of the irregular plot shape, range from 3.25m to 7.0m distant from the rear elevation of 28 Old Rectory Gardens. It is considered that the proximity of this development to the rear would give rise to a sense of enclosure and a loss of outlook for the occupiers of this property. 27 Old Rectory Gardens has been extended at the rear and it is considered that the development would have a lesser but not harmful impact on the amenity of this property.

23 - 26 Old Rectory Gardens would be situated directly to the north of this development and therefore the rear elevations would directly overlook the site to the south. As such, the

proposed 6 storey element (above ground) would be excessively prominent in views from these gardens from these windows. Although the tallest part of the development would be over 35m away from the rear elevations, it is considered that the proposed development would be visually intrusive from these properties and would harm the outlook currently enjoyed by these properties.

A daylight and sunlight assessment has been provided with this application to establish the likely impact that the development might have on the existing conditions for the occupiers of these properties. This appraisal has followed the methodology set out in the BRE guide: Site layout planning for daylight and sunlight (201111). This assessment has identified 16 windows at the rear of properties in Station Road Edgware as well as 13 windows to the rear of 27 - 28 Old Rectory Gardens and 7 windows to the rear of 25 Old Rectory Gardens for the purposes of assessing daylight impact. In respect of the evaluation of sunlight, only windows located within 90-degrees of due south are considered. As a result, only 10 windows qualify for consideration within the appraisal.

The daylight assessment has used the BRE recommended approach of assessing the impact on the Vertical Sky Component (VSC) of each of the identified windows. For a window to fail, the Vertical Sky Component has to fall below 27 and be less than 0.8 of the previous value (the pre-development baseline). The assessment has established that none of the 36 windows considered would lose daylight below an unacceptable standard. On this basis, the BRE would advise that the impact on daylight would be negligible. In respect of sunlight, windows should retain access to 25% of total available hours (5% of winter hours) and if there is any loss, this loss should not be any less than 80% of its former value. Again in respect of sunlight, there is no loss below the BRE standard.

As such, it can be concluded that there would not be any impact on the quantity and quality of daylight and sunlight reaching the windows of neighbouring residential properties.

Amenity for future occupiers

The assisted living apartments on the second floor of the two storey element would be served by windows overlooking the rear of 23 Old Rectory Gardens. The rear garden would be approximately 10m away and as a result, it is considered that the proposed development would give rise to overlooking with subsequent loss of privacy which would be harmful. All other windows on the elevation facing 28 Old Rectory Gardens would be obscure glazed. The open market flats are dual aspect with flank windows facing towards the rear of Station Road. The upper levels of the buildings on Station Road are residential and overlook towards the application site. The windows on the elevation facing Station Road would therefore be within 21m of the habitable room windows on the facing elevation and would therefore be contrary to the Adopted SPD (Sustainable Design and Construction).

In respect of the amenity for future occupiers of the development it is considered that the proposed development would provide for acceptable levels of internal residential amenity on a unit by unit and room by room basis. External amenity space comprising a roof terrace and private balconies would equate to over 130sq.m which equates to approximately 5sq.m of external space for each habitable room.

Highways and parking

In respect of highways and parking, the site is located within a PTAL 6a area and as a result, benefits from excellent passenger transport accessibility. The site provides seven car parking spaces which would comprise of four spaces for the proposed open market residential, two for use by the Larches Community Trust and one disabled parking space. Policy DM17 states that for flatted developments, one space should be provided per unit which is the indication for this development given the mix of uses.

Cycle parking and refuse storage is provided within the undercroft area, however it is unclear how this would be accessed from the street when the parking area is fully occupied and it would appear that anybody accessing these facilities when the parking area is occupied would need to exit the site and walk around the back of the building to an alleyway adjacent to 28 Old Rectory Gardens. This would constitute poor layout planning and lead to refuse containers being left on the street rather than in the storage area.

5.4 Response to Public Consultation

- The proposed development would give rise to a loss of light to the occupiers of neighbouring properties because of the height of the building.
- The proposed development would overlook and overhang back gardens and would reduce privacy and create noise.
- This proposal would cause overdevelopment.
- There is insufficient car parking capacity in the locality and this proposed development would exacerbate this problem.

The objections raised in relation to the amenity impact on neighbouring occupiers are upheld for the reasons listed above in the appraisal. However, it is considered that the proposed development would be wholly contained within the site and would not overhang the neighbouring properties. The objection on overdevelopment is also upheld.

In respect of noise, it is considered that the use of the roof terrace would be the only noise generating activity which would be similar to the use of a rear garden in the adjoining residential areas and although there is an intensification of the D1 use at the premises, the use could be restricted to residents through condition. The installation of 2.0m high screening would also mitigate the noise generation that could occur.

Finally, it is considered that given the PTAL 6a location, there would be a reduced parking demand for this site, although the parking provided appears to be consistent with the standards set out in policy DM17 of the Barnet Local Plan Development Management Document and the London Plan.

6. Equality and Diversity Issues

The scheme provides assisted living accommodation for vulnerable adults with learning disabilities. The DPD supports the provision, retention and enhancement of facilities for special needs groups, however, this should be balanced with achieving sustainable development that is of the best design possible and which also protects the amenity of existing communities. As a result, a recommendation to refuse this 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.

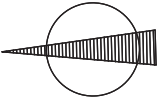
7. Conclusion

Having taken into account all the material considerations associated with this development, including the planning history, representations received and the site and surroundings, it is considered that the proposed development would be unacceptable. The retention and enlargement of the existing community uses as well as supported or assisted living accommodation is acceptable and are supported by policy, as is the provisions of market housing. However, the scale of the increase of the floor space on site and the scale and height of the overall development is considered to be overdevelopment of the site. It results in a development that is incongruous within its context and of excessive size, scale and bulk. Furthermore, the construction of the development would utilise materials which would be alien to the immediate context and would not reinforce local distinctiveness. In addition, it is considered that the proposed development would have a substantial impact on the residential amenity of the adjoining occupiers within Old Rectory Gardens and Station Road.

The scheme has overcome the previous reason for refusal associated with planning application H/04468/14 in re-providing D1 floorspace greater than that which previously existed on site. However, in overcoming that reason, the revised scheme is fundamentally different rather than a minor amendment thereby allowing the Council to recommend the introduction of new reasons for refusal.

Although the application has been made in outline (with all matters reserved), sufficient detail has been provided to allow the Council to make a detailed assessment of the proposed development. The application as submitted is unacceptable, contrary to the policies listed above and should therefore be refused.

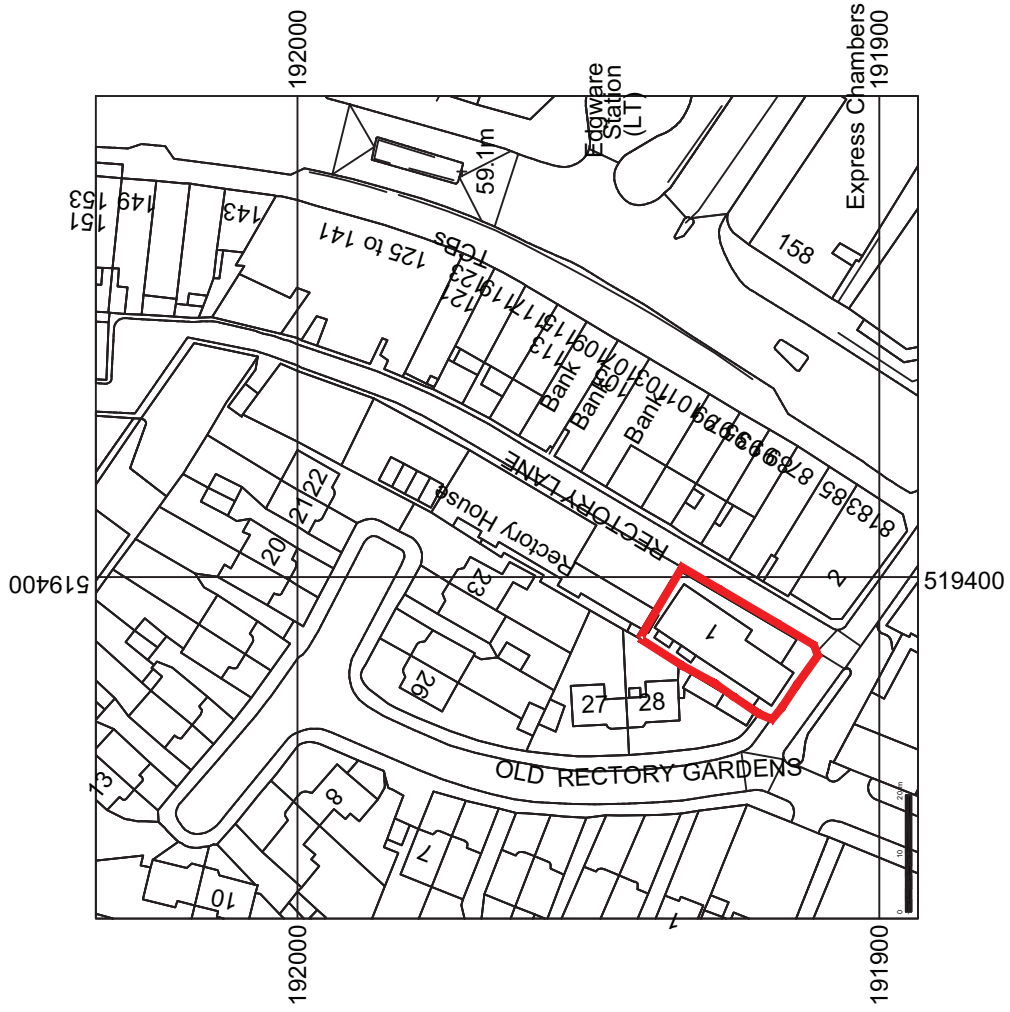
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Do not scale this drawing.

All heights, levels, sizes and dimensions to be checked on site before any work is put to hand.



STREETWISE OS PLANS REF: 10175573



Revisions:
Project:

**Proposed Redevelopment of no.1
Rectory Lane, Edgware for The
Larches Community Centre.**

Drawing Name:
Location Plan

Scale @ A4: 1:1250
Date: 20.02.15
Drawing Number: 12051-15
Rev:

LINKS Architecture Ltd

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Location **76 Vivian Avenue London NW4 3XG**

Reference: **15/02273/FUL**

Received: 10th April 2015

AGENDA ITEM 10

Accepted: 24th April 2015

Ward: West Hendon

Expiry 19th June 2015

Applicant:

Proposal: Conversion of upper floor levels into 3no. self-contained flats including first floor rear extension; extension to roof involving raising of height, 1no. rear dormer, 1no. side dormer and 3no. rooflights to facilitate a loft conversion; alterations to soft/hard landscaping, refuse/recycling facilities and 2no. off-street parking spaces

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 15866/01 RevA; 15866/02 RevB.

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

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

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

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with 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 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and Plans showing satisfactory points

of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 5 Prior to the first 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 Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 6 The property shall be used as self-contained units as shown in 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.

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 £2251.17 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 £8683.09 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. Site Description

The application relates to no.76 Vivian Avenue.

The site formerly was part of a pair of semi-detached dwellinghouses however the building at no.78 collapsed. No.78 has been reconstructed under the terms of planning permission H/03137/11 and is now occupied.

No. 76 is currently in use as three flats, divided as two at ground floor and one at first floor.

2. Site History

Reference: H/02829/13

Address: 76 Vivian Avenue, London, NW4 3XG

Decision: Approved subject to conditions

Decision Date: 2 September 2013

Description: Conversion of first and second floors in to 3 no. studio flats from 1 no. existing unit. Extension to roof including 1 no. side dormer window, 1 no. rear dormer window and 2 no. front facing rooflights to facilitate a loft conversion.

Reference: H/00775/12

Address: 76 Vivian Avenue, London, NW4 3XG

Decision: Refused

Decision Date: 17 May 2012

Description: First floor rear extension. Alteration and extension to roof including side and rear dormers to facilitate further rooms in roofspace in association with conversion of first floor and roofspace to create additional 2x2 bedroom flats and 1x1 bedroom flat. (A total of 4 flats within no 76 Vivian Avenue)

Reference: H/01656/12

Address: 76 Vivian Avenue, London, NW4 3XG

Decision: Application Invalid On Receipt

Decision Date: No Decision Made.

Description: Alteration and extension to roof including side and rear dormers to facilitate further rooms in roofspace in association with conversion of first floor into three self contained studio flats., , First floor extension above existing roof including side and rear dormers and conversion of the upper floor flat and loft to form 2 self-contained flats together with existing ground floor flat.

Reference: H/04246/11

Address: 76 Vivian Avenue, London, NW4 3XG

Decision: Withdrawn

Decision Date: 28 November 2011

Description: First floor rear extension. Conversion of property to create 1no additional flat (totalling 3no flats) following extension to roof including 1no side dormer, 1no rear dormer and removal of existing chimney stacks. Provision of 2no off-street parking.

Reference: H/02984/08

Address: 76 Vivian Avenue, London, NW4 3XG

Decision: Approved subject to conditions

Decision Date: 11 November 2008

Description: Excavation of basement at 78. Erection of part single, part two-storey rear extension to 76 and 78. Alterations to roof including side dormers to both properties to facilitate one additional flat (a total of seven flats within the two properties). Four off-street parking spaces.

Reference: H/00233/08

Address: 76 Vivian Avenue, London, NW4 3XG

Decision: Refused

Decision Date: 9 June 2008

Description: Excavation of basement at 78. Erection of part single, part two-storey rear extension to both properties. Alterations to roof including side and rear dormers to both properties to facilitate one additional flat (a total of eleven flats within the two properties) four off-street parking spaces.

Reference: W12148/00

Address: 76 Vivian Avenue, London, NW4 3XG

Decision: Lawful

Decision Date: 7 August 2000

Description: Use as two self contained flats.

3. Proposal

The application relates to the conversion of upper floor levels into 3no. self-contained flats including first floor rear extension; extension to roof involving raising of height, 1no. rear dormer, 1no. side dormer and 3no. rooflights to facilitate a loft conversion; alterations to soft/hard landscaping, refuse/recycling facilities and 2no. off-street parking spaces

4. Public Consultation

Consultation letters were sent to 87 neighbouring properties.

5 responses have been received, comprising 5 letters of objection, 0 letters of support and 0 letters of comment.

The objections received can be summarised as follows:

- Already a planning permission granted at the site.
- Current proposal is more extensive, visually obtrusive
- Domineering.
- Block light.
- Overlooking and loss of privacy.
- Ruin character of road by allowing so many flat conversions.
- Increased intensification.
- No need for bigger dormers which are unduly bulky.

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 2015

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 2050. 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 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

Planning permission was approved under application H/02829/13 for the conversion of first and second floors into 3 no. studio flats from 1 no. existing unit. Extension to roof including 1 no. side dormer window, 1 no. rear dormer window and 2 no. front facing rooflights to facilitate a loft conversion.

The current proposal now incorporates:

- 2 x 1 bedroom flats and 1 x studio flat for single occupation.
- New first floor rear extension.
- Raising of ridge height of property.
- New rear dormer window.
- New side dormer window.

The proposal has been amended since its initial submission to reconfigure the internal arrangement of the units and incorporate a hipped roof over the first floor rear addition to reduce the overall bulk of the roof.

Principle and Impact on the Established Character of the Locality, Impact on neighbouring amenity.

Permission was previously granted for 5 flats at no.78 under permission reference H/03137/11. Planning permission was granted at 76 Vivian Way in 2013 under permission reference H/02829/13 for the upper floors to be converted into 3 x studio flats. As such the principle of the conversion has already been accepted as appropriate. The only difference is the extension to the property will facilitate larger units with 2 flats now being 1 bedroom units with the potential for double occupation as opposed to the previously approved single occupation units.

Vivian Avenue is a busy classified road. It is not considered that the proposals would harm the established character of the area.

Whether the proposals would have an acceptable impact on the amenities of neighbouring and future occupiers

The first floor rear extension has been amended since the initial submission of the application to amend the gable roof to a hipped roof to reduce the overall bulk. The first floor extension is set approximately 3.4m from the common boundary with 78 Vivian Avenue and will project 1.7m. Given the projection and distance maintained it is not considered that the proposed extension will have a harmful impact on the neighbouring residential occupiers.

Whilst the proposal will be sited in close proximity of the glazed door of the lounge of flat 1 it is considered that given there is already a 4.6m brick wall along this line, it is not considered that the additional projection would have any further impact on the windows.

In relation to the London Plan policy 3.5 on minimum standards for new development, all units would meet the standards required.

Furthermore, the internal layout would result in the living rooms of no.76 being adjacent to the bedrooms of no.78, and that there is potential for noise and disturbance between the

two proposed first floor units. This is likely to generate additional noise and disturbance for future residents. It is noted that no.76 is currently divided into shared accommodation at present. However, it is considered that the majority of this disturbance could be addressed by a condition ensuring that adequate sound insulation is provided.

It is considered that the proposals would result in a satisfactory level of amenity for future residents.

Whether the proposals would have an acceptable impact on highway and pedestrian safety.

The proposals follow previous applications in conjunction with no.78 which has now been developed separately.

A previous application H/03137/11 for 5 additional flats at number 78 with 2 parking spaces has been previously approved. At number 76 an application (H/04246/11) for conversion of the upper floor flat into 2 x 2 bedroom flats has also been previously approved.

The site is at the edge of the CPZ adjacent to several roads outside of CPZ controls. Although the Council can recommend a restriction to exempt residents of a development from obtaining parking permits for a CPZ when assessing proposals, it was considered that preventing the residents of this property from obtaining permits would encourage them to park on the uncontrolled roads, which suffer from very high levels of parking stress.

Site visits have shown that while there is parking stress in roads outside the CPZ is very high, there are spaces available within the CPZ bays in the vicinity of the property. Therefore no highways objections are raised on parking grounds in this case given the availability of on street parking and the size of the proposal.

The current application is similar to the previously approved proposals for these properties and therefore not expected to have additional impact on the public highways compared to the previously consented proposals.

In view of the above, the proposal is considered acceptable on highways grounds.

Any changes to existing crossovers or provision of new crossover will require separate crossover approvals.

Whether the proposals would have an acceptable impact on the character and appearance of the streetscene and general locality

The dormers are now considered to fit acceptably on the roofslope and are not considered to harm the character and appearance of the streetscene and general locality.

The proposals would be liable to provide Mayoral and Barnet Community Infrastructure Levy based on the extensions proposed.

5.4 Response to Public Consultation

The first floor extension by virtue of its siting, projection and design is not considered to be domineering and is not considered to result in a loss of amenity to neighbouring occupiers.

The principle of flats at this property has been established as acceptable within its planning history.

All planning related matters are considered to be covered in the above appraisal.

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.



Location **229-231 Hale Lane Edgware HA8 9QF**

Reference: **15/02579/FUL**

Received: 24th April 2015

Accepted: 14th May 2015

Ward: Hale

Expiry 9th July 2015

Applicant: Mr Steve Hewitt

Proposal: Demolition of existing dwellings and erection of 9 no. two bedroom apartments with associated parking and landscaping

AGENDA ITEM 11

Recommendation: Refuse

- 1 The proposal by virtue of its scale and detailed design (including the use of grey brick and timber cladding) would form an overly dominant, visually obtrusive and cramped form of development that would be out of keeping with and detrimental to the character and appearance of the general street scene and wider locality. The proposal would therefore be contrary to the National Planning Policy Framework 2012, Policy DM01 of the Adopted Development Management Policies DPD 2012 and the Council's Residential Design Guidance Supplementary Planning Document 2013.

- 2 The proposal by virtue of its siting close to the rear boundary and layout incorporating large areas for car parking would form a visually obtrusive development that would be out of keeping with and detrimental to the character and appearance of the general street scene and wider locality and would constitute overdevelopment of the site. The proposal would therefore be contrary to the National Planning Policy Framework 2012, Policy DM01 of the Adopted Development Management Policies DPD 2012 and the Council's Residential Design Guidance Supplementary Planning Document 2013.

- 3 The proposed access to the front hardstanding located to the east of the site and impeded by the traffic island would reduce the effectiveness of access and egress from the site which would be detrimental to the safety and freeflow of vehicular traffic contrary to Policy DM17 of the Development Management Plan Policies.

Informative(s):

- 1 The plans accompanying this application are: Site plan; PL-01 Rev A; PL-02 Rev A; PL-03 Rev A; PL-04 Rev A; PL-05 Rev A; PL-06; PL-07; PL-08; PL-09; PL-10
- 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 £19,880 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 £76,880 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 relates to two individual detached dwelling houses on the southern side of Hale Lane. The site is located within a predominantly residential area predominantly characterised by large detached family dwellings. These dwellings are interspersed with much larger recently built flatted blocks. One of these recent developments is situated to the immediate west of the site and is laid out as two blocks with 17 flats in total and basement parking.

Each property within the application site contains a hardstanding area for car parking and a rear garden. The property at 231 Hale Lane has a mature conifer screen to the rear separating the site from 99 Peshurst Gardens and planting to the side boundary with 233 Hale Lane. The rear elevation of 227 Hale Lane is orientated towards the boundary of 229 Hale Lane and its rear garden wraps around the rear of 229 Hale Lane. Land levels drop from west to east along Hale Lane.

There is a traffic island directly outside 227 Hale Lane which prevents easy access and egress to and from this property into both lanes on Hale Lane.

The site is not located in a conservation area and there are no statutory or locally listed buildings on or near this site.

2. Site History

Reference: H/03295/08

Address: 231 Hale Lane, Edgware, HA8 9QF

Decision: Refused

Decision Date: 29 October 2008

Description: Alterations to front elevation involving new front entrance and new balcony at first floor level. Two storey rear extension and construction of additional floor-over with mansard style roof to provide a three storey building and conversion of property into 6 self-contained flats.

Reference: H/01646/09

Address: 231 Hale Lane, Edgware, HA8 9QF

Decision: Refused

Decision Date: 7 July 2009

Description: Front canopy over existing entrance. An additional storey to existing dwelling creating a 2nd floor. Three-storey rear extension. Conversion from single dwelling into 5 self-contained flats.

Reference: W05198A/06

Address: 227 Hale Lane, Edgware, HA8 9QF

Decision: Approved subject to conditions

Decision Date: 15 January 2007

Description: Demolition of existing garage and erection of a two-storey side extension. Front single, part two storey rear extension. Front porch.

Reference: W05198B/07

Address: 227 Hale Lane, Edgware, HA8 9QF

Decision: Unlawful

Decision Date: 9 May 2007
Description: Single storey side extension

Reference: W05198C/07
Address: 227 Hale Lane, Edgware, HA8 9QF
Decision: Lawful
Decision Date: 20 July 2007
Description: Single storey side extension, following demolition of existing garage.

3. Proposal

Planning permission is sought for the demolition of the two existing dwellings and the redevelopment of the site to form a three storey flat roof building accommodating nine x two bedroom flats on the site.

The proposed development would be constructed from dark and light grey brick with timber glazing to front and rear elevations. The proposed development would have a width of 21.6m, a depth of 17.6m and a height of 10.3m. Because of the curvature in the road at this point of Hale Lane, the footprint would be set back varying depths from the edge of the pavement. Adjacent to Lavender Court, the distance would be 22.0m however, close to 227 Hale Lane this would reduce to just 7.0m. The proposed development would provide car parking at the front of the property in the form of two separate hardstanding areas with 12 spaces in total which would occupy virtually the whole frontage area of the development. A communal garden area would be provided to the rear of the site although each unit would also have individual private balconies. Refuse and cycle storage would also be provided, accessible at the front elevation.

4. Public Consultation

Consultation letters were sent to 59 neighbouring properties.
11 responses have been received, comprising 10 letters of objection and 1 expression of support. 2 objectors have requested to speak at the Committee.

The objections received can be summarised as follows:

- The proposed development would give rise to a loss of light to windows in Lavender Court.
- The location of car parking immediately to the front close to the boundary with 233 Hale Lane would lead to car engines being highly audible to bedrooms windows in Lavender Court.
- The development would cause overlooking with subsequent loss of privacy.
- Hale Lane is already dangerously congested.
- The traffic island directly outside the property would restrict access and egress to and from the site.
- There isn't sufficient on street car parking capacity to accommodate the demand that would arise from the development within neighbouring streets.
- The proposed development would constitute overdevelopment of the site and the intensification of amenity impact.
- The design is unsympathetic to the character and appearance of the area.
- A smaller scheme for five units was refused a few years ago. The site cannot sustain nine units.
- The original site location plan/red line site was incorrect and it was shown to incorporate land belonging to another property without recognition through Certificate B.

- The garden of 227 Hale Lane would be overlooked with total loss of privacy.
- The proposal would prejudice the ability of 227 Hale Lane to implement a recent planning permission that was issued for the site.
- There has been no pre-application advice sought by the applicant with either the council or the neighbours.
- The application form is incorrect and there are irregularities in relation to access, trees, parking, drainage and sewerage.
- The development would give rise to poor outlook for the occupiers of 227 Hale Lane.
- The development would completely dominate 227 Hale Lane and Penshurst Gardens
- Too much important garden space would be lost at the rear of the property.
- The lack of visitor parking would generate overspill on to the highway causing harm to highway safety.
- The site would be capable of making a contribution towards affordable housing and none is provided in this instance.
- Insufficient information has been provided to assess the value of trees on the site. Therefore further protection will be required which will constrain the developable footprint of the site.
- The proposal does not constitute sustainable development.
- The London Borough of Barnet has exceeded its requirements for housing supply and there is no overriding housing supply requirement that outweighs other planning considerations.

This application has been called in to Committee by Councillors Braun and Davey on the grounds of scale and the character of development and also in light of the weight of objections received for this application.

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 2015

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, CS4, CS5,
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM17

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 harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether the proposed development would give rise to an acceptable housing mix which would meet established housing needs.
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the proposed development would deliver a high quality standard of residential accommodation for future occupiers.
- Whether the proposed development would have an acceptable impact on the highway network.

5.3 Assessment of proposals

Planning permission is sought for the demolition of two existing detached dwellings and in their place, the erection of a three storey building to provide nine x two bed flats with 12 car parking spaces arranged over two separate parking areas accessed from Hale Lane.

The proposed development would be constructed principally from brick including light grey brick and dark grey brick. The front and rear elevations would also feature extensive use of timber cladding to provide articulation and definition to these elevations particularly in the context of proposed balconies.

Meeting housing need

The proposed development would deliver nine, two bed units in a singular block. This would contribute to the Council's housing delivery targets recently revised by the London Plan (2015). Although the Council has identified that its main strategic regeneration sites will contribute significantly to meeting these targets, it is considered that windfall sites and small sites should also supported to contribute to housing delivery in the plan period.

The London Borough of Barnet has identified that its priority housing need away from designated town centres and/or accessible locations is for family housing such as four and three bedroom properties. Smaller units and/or flats in areas predominantly characterised by larger family housing would normally be resisted. However a number of flatted blocks have been constructed in Hale Lane including the neighbouring scheme at Lavender Court and Blueberry Court which provides 16 units. Furthermore, the section of Hale Lane between Heather Walk and Farm Road, consists of 6 flatted developments and one school site which demonstrates and reflects the mixed development character within this section of Hale Lane and elsewhere.

It is considered that the proposal to provide nine, two bedroom units would contribute to the Borough's housing stock.

Design and appearance/character of the area

The proposed development would consist of a three storey flat roof building occupying the full width of the site comprising 229 and 231 Hale Lane. The proposed development would be designed in a contemporary manner that would differ from the established architectural character of the area.

This development would have a width of 21.3m and a depth of 17.6m. Due to the slope and change in land levels from west to east, the site would have a height of 9.5m at the boundary with 233 Hale Lane and 10.5m at the boundary with 227 Hale Lane. The building would be 2.5m higher than 227 Hale Lane, 4.9m away to the east.

The proposed development as one large block fails to respond to the character of development principles set out in policy DM01 of the Local Plan Development Management Policies DPD. Materials are discussed below. However, by virtue of the form, appearance and elevation detail, the proposed development would not be consistent with the architectural form of semi-detached and detached dwellings in Hale Lane and other neighbouring roads. Other large scale flatted schemes have been developed within Hale Lane. However, these have been constructed with reference to the general architectural form and character of original properties in Hale Lane including hipped roofs, forward projections from the front elevation which reflect existing buildings in Hale Lane. As a result, the proposed development would be visually dominant and incongruous within the streetscene and would not appear subordinate to its surroundings. The proposed building would be 2.5m higher than the adjoining property which would accentuate the visual dominance that this proposal would deliver.

The development is indisputably modern and would not respond to local design characteristics. The proposed development would be constructed from a materials palette that would fail to be consistent with the character and appearance of the area which is largely white render walls and red or grey/brown clay tiles. The use of dark and light grey brick and timber cladding would not be consistent with local distinctiveness. The use of timber cladding is unacceptable. Timber is not a sufficiently robust material and it ages, weathers and deteriorates badly which would consequently degrade the appearance of the building. Furthermore, the proposed development would also utilise fenestration that would fail to respond to existing character within Hale Lane.

In respect of layout and site orientation, the proposed development would be situated further back towards the rear of the site with a 17.5m footprint behind a large front car parking area with a short back garden. Given the extent and depth of the footprint and the proximity of the rear building line to the rear, this leads to an unreasonably short garden depth. The relationship with the boundaries to the rear of the site would give rise to a

cramped form of development lacking appropriate spaciousness and would lead to an overdevelopment of the site. A large part of the site would also be taken up by two separate car parking areas which would dominate the frontage to the properties and would reduce the amount of external amenity that future occupiers of the premises would enjoy.

Amenity of future occupiers

All units would be single aspect with outlook. The development therefore includes units which would have a single aspect towards the north elevation which should normally be resisted. In addition, south facing units have a direct outlook towards the tree screen to the rear of 99 Penshurst Gardens which would have an impact on the level of amenity that the future occupiers would experience.

All units would be provided with floorspace that would meet the relevant standard in the SPD and each upper floor unit is provided with a balcony area that would also meet individual external amenity space requirements set out in the London Plan. There is also a rear garden with approximately 120sq.m of external area which can be accessed by all occupiers. If a recommendation for condition planning permission had been proposed, a condition would be recommended in relation to a soft landscaping plan and landscape maintenance strategy.

No future occupiers would be affected by loss of privacy through overlooking. However, the dense tree screen to the rear southern boundary could restrict the amount of daylight entering the ground floor rear habitable rooms particularly at the eastern end of the elevation.

Amenity of existing adjoining neighbours

The proposed development would be situated adjoining a similarly large flatted development at 233 Hale Lane although this has been constructed on a higher level than the application site. Furthermore, the building line of the development projects by no more than 3m from the principal building line of Lavender Court noting that there is an ancillary element to the side that is recessed from the rear. Given the separation distance and the limited projection the proposed development would have no harmful impact on the amenity currently enjoyed by Lavender Court.

227 Hale Lane is situated at a lower level than the application site and this is evident by virtue of a comparison of the eaves levels of the properties. In addition, due to a bend in the road, the property is orientated in such a way that its rear elevation overlooks the rear garden more directly. There is an extant application for a rear extension at this property that has yet to be constructed. It is considered that the proposed development would not compromise the implementation of this permission nor would the proposed development impact on any habitable room windows. Any habitable rooms would be in advance of the building line and as such would not generate any impact on their amenity in respect of daylight or privacy loss.

Penshurst Gardens are separated from the site by a mature tree screen however, there is a distance of more than 22m between the rear elevations with minimal levels change between the two rear gardens. As a result, it is considered that the separation distance is acceptable and there would not be any overbearing impact, sense of enclosure or loss of outlook caused by the proposed development to these properties.

Highways implications and parking demand

The proposed development relies on extensive car and comprises of an area of 8 car parking spaces to the front of what was previously 231 Hale Lane, effectively utilising the original parking area and a smaller parking area for four car parking spaces in front of what is currently 229 Hale Lane. The parking requirements of the site are met by the parking provision on site.

Although car parking is provided on site, effective access and egress to and from the site from the eastbound carriageway on Hale Lane would be impeded by the siting of a traffic island directly outside of 229 Hale Lane. This has been located here because, according to Highways officers, it represents the pedestrian desire line from adjoining roads on to and across Hale Lane. Relocation has been discussed with the planning agent to another point on Hale Lane. However, alternative locations are compromised by the position of crossovers at other residential properties nearby. As such, it is not possible to determine whether there would be a suitable alternative position. Nevertheless, the application must be determined on the basis of what has been provided on the submitted drawings. The position of this highway furniture would be an unacceptable obstacle to effective highway access to the site.

The highways officer has also raised an objection to the new crossover width serving the larger car parking area in the location that was previously 229 Hale Lane. This crossover is approximately 5.5m wide which exceeds the standardised crossover width of 4.8m in London. A crossover that exceeds the width of 4.8m would likely have an impact on pedestrian safety.

Neighbours have raised substantial objection to the possible highway impact that the proposed development would have on general highway safety, given that Hale Lane is a key connection between Edgware and Mill Hill that is highly trafficked. Objectors have provided photographic evidence of queues that have arisen on street due to overdevelopment in the local area. The agent has provided a transport assessment which sets out the anticipated trip generation for the site. The conclusion of this assessment states that the development of a nine unit scheme would generate similar trips to the existing two detached dwelling units currently in situ, largely based on the fact that the units within the development are significantly smaller units of residential accommodation.

5.4 Response to Public Consultation

Objections raised in relation to the design and appearance of the proposed development, the provision of flats rather than dwellings and the siting and layout of the proposed development have been upheld. Officers also agree with the objectors' concerns about too much of the frontage areas being used for car parking and its visual impact on this locality. The traffic island directly outside 229 Hale Lane would also limit the effectiveness of movements into and out of the site although it is considered that the trip generation that would be derived from this scheme would be accommodated by the existing highway conditions. However, it is officers' consideration that the proposed development would not be harmful to residential amenity for the occupiers of Lavender Court, 227 Hale Lane or the properties to the rear in Penshurst Gardens.

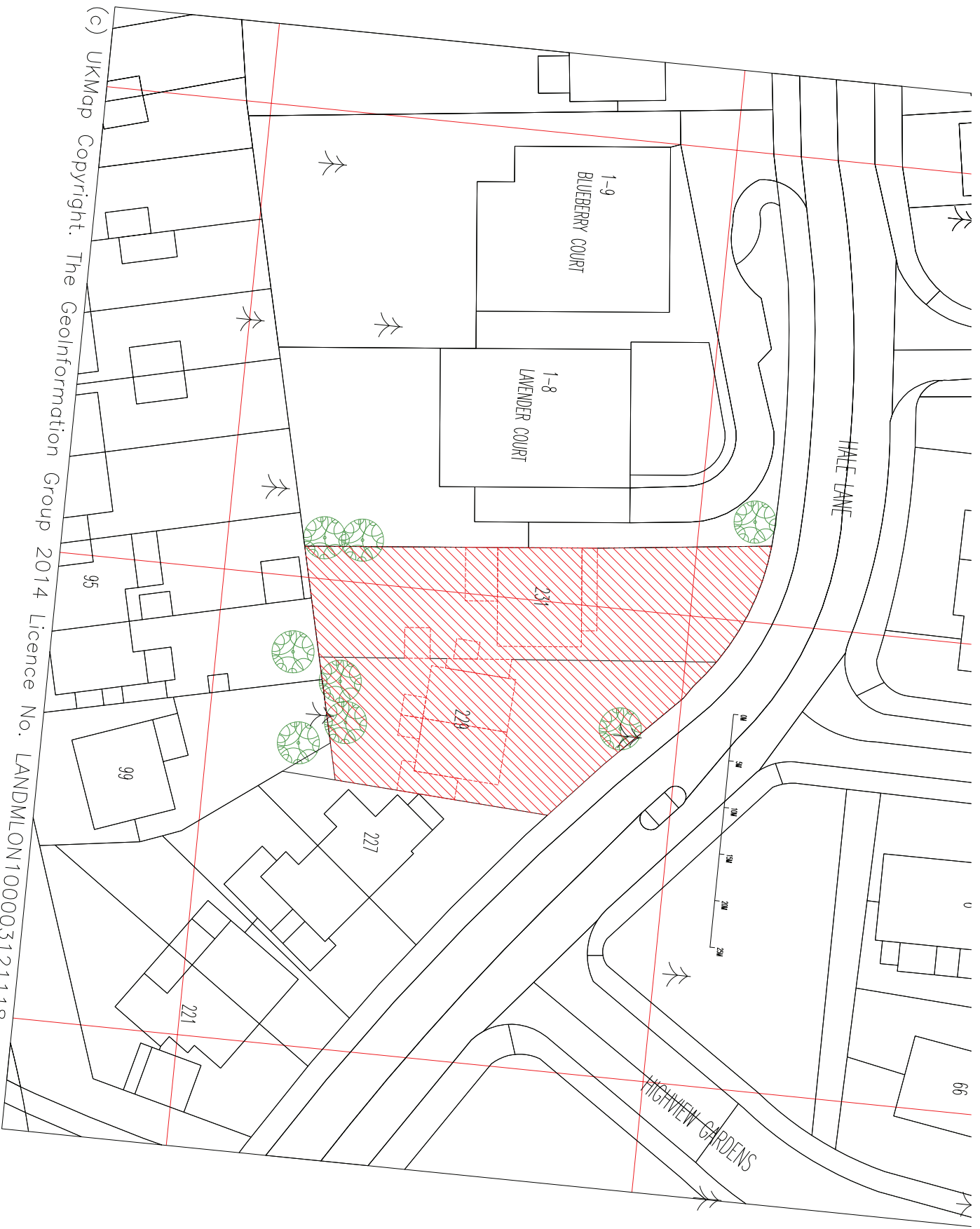
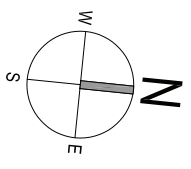
6. Equality and Diversity Issues

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 the proposed development would have a harmful impact on the character of the area in relation to design, appearance and siting. Furthermore, the proposed development would contribute to unacceptable highway conditions. Finally, the proposed development would not contribute to a high quality standard of accommodation for the future occupiers of the proposed development. Although the scheme would make a contribution to housing delivery meeting Borough house building targets and would not have an unacceptable impact on residential amenity, it is considered that the harm that the development would cause would be so significant as to be unacceptable and contrary to the policies listed above of the Adopted Local Plan and the National Planning Policy Framework.

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Location Land To The Rear Of 51 Finchley Lane London NW4 1BY

Reference: 15/02221/FUL

Received: 9th April 2015

AGENDA ITEM 12

Accepted: 9th April 2015

Ward: Hendon

Expiry 4th June 2015

Applicant: Mr K Drury

Proposal: Erection of new single storey dwelling

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Environmental Noise Assessment Report ref 6201/pja; PL-401; PL-402; PL-403; PL-404; PL-405; PL-406; PL-407; PL-408.

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 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 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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 CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

4 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

b) 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.

c) 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 CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2011.

5 Before the development hereby permitted is first occupied, 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.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

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

6 Before the development hereby permitted is first occupied or the use first commences the parking space shown on Drawing No. PL-403; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2011.

7 Before the building hereby permitted is first occupied the proposed window(s) in the rear elevation facing No. 51 Finchley Lane 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 Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 8 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 any elevation facing the neighbouring properties.

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 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 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.



Officer's Assessment

1. Site Description

The application site is an irregular piece of land sited to the rear of 51 Finchley Lane, fronting onto Tenterden Grove. The application site is fenced off from 51 Finchley Lane, is overgrown and benefits from a crossover onto Tenterden Grove.

The site does not fall within a designated conservation area.

2. Site History

Reference: H/06008/13

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Refused

Decision Date: 14 February 2014

Description: Erection of a single storey detached dwelling with rooms in roomspace at the rear of 51 Finchley Lane with access from Tenderden Grove. Associate provision of 1no. off-street parking space.

Reference: 15/08029/ENQ

Address: Land to the rear of 51 Finchley Lane, London, NW4 1BY

Pre-Application Advice

Description: New single dwelling unit

Reference: W13544F/07

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Approved

Decision Date: 25 September 2007

Description: Submission of details pursuant to Condition 6 (Materials) and 14 (Landscaping) of Planning Permission W13544B/05 dated 12-10-2005.

Reference: W13544D/07

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Approved subject to conditions

Decision Date: 8 May 2007

Description: Variation of condition 2 (Parking) of Planning Permission W13544B/05 dated 09-12-2005 to reduce the number of car parking spaces from 7 to 5 spaces, to provide a total of No. 1 car parking space per dwelling.

Reference: W13544G/07

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Application Received

Decision Date: No Decision Made.

Description: tbc NOT AN APPLICATION - PART OF W13544F/07

Reference: W13544E/07

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Approved

Decision Date: 27 September 2007

Description: Submission of details pursuant to Condition 13 (Contaminated Land) of Planning Permission W13544B/05 dated 12-10-2005.

Reference: W13544C/06

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Approved

Decision Date: 7 June 2007

Description: Submission of details pursuant to Conditions 5 (Levels), 10 (Refuse), 11 (Ventilation & extraction equipment) of Planning Permission W13544B/05 dated 12-10-2005.

Reference: W13544B/05

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Approved following legal agreement

Decision Date: 12 October 2005

Description: Demolition of the existing building and construction of a two storey building with associated habitable accommodation within the roofspace to provide a total of 5no. self-contained flats. Provision of 5no. off street parking spaces accessed off Finchley Lane, and 2no. spaces to the rear accessed off Tenterden Grove (7 in Total).

Reference: W13544A/04

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Refused

Decision Date: 11 June 2004

Description: Demolition of existing building and erection of three-storey building to provide a total of 6no. self-contained flats and provision of off-street parking accessed from Finchley Lane.

Reference: H/00852/09

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Approved

Decision Date: 22 May 2009

Description: Submission of details of Conditions 3 (Bicycle Parking), 8 (Means of Enclosure), 9 (Details of Proposed Screen Walls/Fences) and amendment to approved details of condition 10 (Refuse) pursuant to planning permission reference W13544B/05 dated 12/10/2005.

Reference: W13544/03

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Withdrawn

Decision Date: 24 February 2004

Description: Demolition of existing building and erection of three storey block (plus rooms in roofspace) to provide a total of 7no. self contained flats with provision of 6 car parking spaces accessed from Finchley Lane. Erection of two storey detached house rear of site fronting Tenterden Grove, with provision of 2 car parking spaces.

Reference: H/01416/09

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Approved

Decision Date: 3 July 2009

Description: Submission of details of condition 14 (landscaping) pursuant to planning permission W13544B/05 dated 12/10/05.

3. Proposal

The application seeks consent for the erection of a 1bedroom single storey detached dwelling at the rear of 51 Finchley Lane with access from Tenterden Grove and the associated provision of 1no off-street car parking space.

4. Public Consultation

Consultation letters were sent to 69 neighbouring properties.
12 responses have been received, comprising 12 letters of objection

The objections received can be summarised as follows:

- proposal would have a detrimental effect upon the amenities and character of the nearby area and residents
- concerns regarding the style of property
- reference made to Lifetime Homes/amenity
- concerns that a tree has recently been removed
- concerns regarding parking and increase in traffic
- reference to lack of distance between proposed dwelling and rear of 51 Finchley Lane
- concerns regarding computer generated images

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 2015

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 2050. 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 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

Impact on established character

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

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people. However, whilst the NPPF advocates that planning should not attempt to impose architectural styles or particular tastes it is considered proper to seek to promote or reinforce local distinctiveness.

Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development. Higher

densities should not be achieved at the expense of good quality design or the amenity of the surrounding area.

Policy DM01 states that proposed development should have an understanding of local characteristics and 'proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'. This policy also explains that 'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'.

It is advocated in Council's Residential Design Guidance SPD that the pattern of development refers to the arrangement of plots, buildings and spaces around the building which, repeated over an area, forms part of that area's character and identity. The pattern of development plays a vital role in defining the character of the street, influencing the perception of spaciousness and landscape capacity establishing daylight, outlook and privacy relationships between dwellings and influencing the perception of safety on the street and the accommodation of parking, storage and service requirements.

Previous application (ref: H/06008/13) for "Erection of a single storey detached dwelling with rooms in roofspace at the rear of 51 Finchley Lane with access from Tenterden Grove. Associated provision of 1no. off street parking space." was refused on 14th February 2014 for the following reason:

"The proposal, by reason of its design, bulk, scale and siting would be an incongruous addition and over development of a restricted site, harming the character and appearance of the streetscene and local visual amenity, contrary to..."

This was appealed by the applicant (appeal decision ref: APP/N5090/A/14/2220519 dated 9 Sept 2014 attached as an appendix to this report). The inspector disagreed with the Council's view that the proposal would have a harmful impact on the character and appearance of the area. The Inspector stated that a new dwelling on the site would not look out of character given the existing dwellings at no 47 and 47a Finchley Lane and as the proposed building would be largely screened from wider views by protected trees. Furthermore, the Inspector concluded that a proposed building on the site would not look cramped given the existing dwellings at 47 and 47a on similarly modest plots.

The appeal was dismissed on the basis of the impact the proposal would have on the living conditions of neighbouring occupiers, in particular the relationship of the proposal between 51 and 53 Finchley Lane.

Appeal decision is considered to be a material planning consideration and as such the principle of providing a new residential unit is acceptable.

Living conditions of neighbouring and future occupiers

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

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

adequate residential amenity. The relevant Residential Design SPD offers guidance for the assessment.

Policy DM02 states that 'Where appropriate, development will be expected to demonstrate compliance with the following national and London-wide standards supported by the guidance set out in the council's suite of Supplementary Planning Documents'.

Pre-application advice has been given to set the building further away from the boundary of no 51 Finchley Lane. The proposed building has been amended setting the building approximately 11.7m away from the boundary with no 51 as opposed to the previously refused 10.5m. Normally for 2 storey buildings council's policy advocates that a distance of 21m should be maintained. However, given the proposed building is of a single storey height this distance is considered to be acceptable in this instance. Apart from a very small kitchen window (which is to be obscure glazed) there are no other habitable windows proposed on the rear elevation facing directly onto no 51 and this addresses the concerns in regards to overlooking and loss of privacy issues.

It is not considered that there would be any undue overlooking from the kitchen window as this is conditioned to be obscure glazed and permanently fixed shut with only a fan light opening.

The proposals would provide approximately 50m² of amenity space. Whilst there was some initial concern that the amenity space is of limited depth, given the relatively small size of the unit, the proximity to town centre and the fact that a similar arrangement was considered acceptable by the previous appeal inspector, it is not considered that this would provide a harmfully poor level of amenity for future occupiers.

A condition has been attached to the decision requesting the submission of a hard and soft landscaping scheme in relation to the development; this is to ensure a satisfactory appearance to the development and protection of the amenities of neighbouring occupiers in line with the Council's policies.

Other material planning considerations

There are no concerns in regards to parking as the proposal includes the provision of 1 no off-street car parking space to the front of the site.

The refuse store is located within 10m of the highway as per Council Guidance.

A condition has been attached to the decision requesting additional information in regards to the appearance of the refuse enclosure and stating that the proposed car parking space must be provided prior to the first occupation of the unit.

5.4 Response to Public Consultation

Largely addressed in report 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

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

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