

MEETING

HENDON AREA PLANNING COMMITTEE

DATE AND TIME

WEDNESDAY 9TH DECEMBER, 2015

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4AX

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

Chairman: Cllr Maureen Braun

Vice Chairman: Cllr Brian Gordon

Councillors

Sury Khatri
Hugh Rayner

Gill Sargeant
Agnes Slocombe

Claire Farrier

Substitute Members

Mark Shooter
Val Duschinsky
Tom Davey

Helena Hart
Dr Devra Kay

Charlie O'Macaulay
Zakia Zubairi

In line with the Constitution's Public Participation and Engagement Rules, public questions or comments must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is 10AM on Friday 4 December 2015. Requests must be submitted to Sheri Odoffin sheri.odoffin@barnet.gov.uk 020 8359 3104

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

Andrew Charlwood – Head of Governance

Governance Service contact: Sheri Odoffin sheri.odoffin@barnet.gov.uk 020 8359 3104

Media Relations contact: Sue Cocker sue.cocker@barnet.gov.uk 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	MINUTES	1 - 4
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	
5.	PUBLIC QUESTION AND COMMENTS (IF ANY)	
6.	MEMBERS' ITEMS (IF ANY)	
	EDGWARE WARD	
7.	1 Rectory Lane Edgware HA8 7LF	5 - 16
	WEST HENDON WARD	
8.	Ground Floor Flat 3 Simon Court 4 Needd Crescent London NW4 3RR	17 - 22
	HENDON WARD	
9.	Mulberry Close London NW4 1QL	23 - 36
10.	1 Newark Way London NW4 4JG	37 - 48
	HALE WARD	
11.	John Keble Church Deans Lane Edgware HA8 9NT	49 - 56
	MILL HILL WARD	
12.	3 Abbey View Mill Hill London NW7 4PB	57 - 64

13.	30 - 32 Thirleby Road London NW7 1BQ	65 - 72
14.	Any Item(s) the Chairman decides are urgent	

FACILITIES FOR PEOPLE WITH DISABILITIES

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone Sheri Odoffin sheri.odoffin@barnet.gov.uk 020 8359 3104. People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our committee rooms also have induction loops.

FIRE/EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by uniformed custodians. It is vital you follow their instructions.

You should proceed calmly; do not run and do not use the lifts.

Do not stop to collect personal belongings.

Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions.

Do not re-enter the building until told to do so.

This page is intentionally left blank

Decisions of the Hendon Area Planning Committee

4 November 2015

Members Present:-

AGENDA ITEM 1

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

Councillor Claire Farrier
Councillor Sury Khatri
Councillor Hugh Rayner

Councillor Gill Sargeant
Councillor Agnes Slocombe

1. MINUTES

RESOLVED - That the minutes of the meeting held on 17 September 2015 be approved as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

There were none.

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

Member	Agenda Item	Interest declared
Councillor Slocombe	Item 7 36 Woolmead Avenue	Councillor Slocombe declared a pecuniary interest as one of the speakers was an ex colleague. Councillor Slocombe left the meeting room during the consideration of this item and therefore did not take part in the consideration or voting process.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

There was none.

5. PUBLIC QUESTION AND COMMENTS (IF ANY)

There were none.

6. MEMBERS' ITEMS (IF ANY)

There were none.

7. 36 WOOLMEAD AVENUE LONDON NW9 7AY - 15/04227/HSE

The Committee noted the tabled addendum.

The Committee having heard oral objections from Councillor Adam Langleben (speaking as a Ward Member) and Mr Geoffrey Johnson.

RESOLVED TO APPROVE the application as per the Officer's report and tabled addendum.

Votes were recorded as follows:

In favour: 4

Against: 2

Abstentions: 1

8. THE HENDON 377 HENDON WAY LONDON NW4 3LP - 15/05457/FUL

The Committee noted the tabled addendum.

Having considered the Officer's report the Committee:

RESOLVED TO APPROVE the application in line with the Officers reports and the tabled addendum including 3 additional conditions

1. The proposed extraction equipment shall only be operated between the hours of 09.00 and 18.30.

Reason: To ensure a satisfactory amenity in regards to noise levels; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (2012) and policy CS13 of the Local Plan Core Strategy (2012).

2. Prior to commencement of works details of the siting and design of the extraction and ventilation equipment and the associated mitigation measures shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure a satisfactory amenity in regards to noise levels; and to protect the amenities of the area in accordance with Policy DM01 and DM04 of the Development Management Policies DPD (2012) and policy CS13 of the Local Plan Core Strategy (2012).

3. a) No development other than demolition works shall take place until details of all odour control measures have been submitted to and approved in writing by the Local Planning Authority.

- b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

Votes were recorded as follows:

In favour: 7

Against: 0

Abstentions: 0

9. 7 EDGEWORTH AVENUE LONDON NW4 4EX - 15/05663/S73

The Committee having heard oral objections from Mr Peter Sondhelm:

RESOLVED TO APPROVE the application as per the Officer's report **and including the following additional informative:**

"The applicant is advised any future extensions proposed on site may not be considered favourably by the council".

Votes were recorded as follows:

In favour: 4

Against: 2

Abstentions: 1

10. HENDON WARD

11. 3 DANESCROFT GARDENS, LONDON, NW4 2ND - TPF/00584/15

Having considered the Officer's report the Committee:

RESOLVED TO REFUSE CONSENT for the felling of 1 x Pine for the following reason:

The loss of the tree of special amenity value is not justified as a remedy for the alleged property damage on the basis of the information provided.

Votes were recorded as follows:

In favour (give consent): 3

Against: (Refuse consent): 4

Abstentions: 0

12. HALE WARD

13. 122 HALE LANE LONDON NW7 3SE - 15/05335/FUL

Having considered the Officer's report the Committee:

RESOLVED TO APPROVE the application as per the Planning Officer's recommendations in the report and with the following amendment to condition 1

(plan numbers) to include addendum an email received from David Mansoor dated 4th November 2015 and the additional condition:

"The use of the basement extension hereby permitted shall at all times be ancillary to and occupied in conjunction with unit G2 and shall not at any time be occupied as a separate unit or dwelling.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

Votes were recorded as follows:

In favour: 6

Against: 0

Abstentions: 1

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

There were none.

The meeting finished at 8.45 pm

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

Reference: **15/05487/OUT**

Received: 1st September 2015

Accepted: 21st September 2015

Ward: Edgware

Expiry 16th November 2015

Applicant: Mrs Linda Edwards

Proposal: Demolition of the existing structure and erection of a 4 storey building including a basement and roof garden with D1 community area of 500 m sq, 4 no open market self-contained residential units and 3 assisted living units within 1 no self-contained residential unit. Provisions for 7 no parking spaces, refuse and amenity space, associated vehicular access and hard and soft landscaping (OUTLINE APPLICATION)

AGENDA ITEM 7

Recommendation: Refuse

Reasons for refusal:

- 1 The proposed development by reason of the increased height and siting of the rear element would give rise to an unacceptable loss of outlook and sense of enclosure 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).

Informative(s):

- 1 The plans accompanying this application are:

12051-15 Rev A
Proposed Elevations 1 x 4 Rev A
Proposed Elevations 2 x 4 Rev A
Proposed Elevations 3 x 4 Rev A
Proposed Elevations 4 x 4 Rev A
drg-01 Rev A
drg-02 Rev A
drg-03 Rev A
drg-04 Rev A
scheme-10 Rev A
Design and access statement

- 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 £16,065 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 £55,269 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 northeast. 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: 15/02839/OUT

Address: 1 Rectory Lane, Edgware, HA8 7LF

Decision: Refused

Decision Date: 29 July 2015

Description: 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)

The application was refused for the following reasons:

- 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 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 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.

Reference: H/00890/13

Address: 1 Rectory Lane, Edgware, HA8 7LF

Decision: Withdrawn

Decision Date: 3 March 2014

Description: Erection of two storey building block including rooms in roof space to facilitate 6no. self contained residential units (Outline Application including appearance, layout and scale).

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.

The application as refused for the following reasons:

- The proposal, by virtue of its size and design, would form a dominating and visually obtrusive feature to the detriment of the character and appearance of the streetscene and general locality.
- Insufficient amenity space has been provided for the future occupiers of the proposed flats.

- The proposal makes no provision for car parking within the curtilage of the site which would result in an increase of kerbside parking on the surrounding roads to the detriment of the free flow of traffic, highways safety and residential amenity.
- The proposed flats, by reason of their poor stacking would result in an unsatisfactory form of development to the detriment of the amenities of the future occupiers.

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 buildings on the site and the erection of a new four storey plus basement development with on-site ground floor level car parking. The proposed development would incorporate 342sq.m of floorspace for the existing charitable functions at the ground floor and basement level. The application proposes four self contained flats for the private market comprising 3 x 2 bed and 1 x 3 bed and a unit with three bedrooms for the assisted living in association with the Larches Trust. All private market units will include balcony space while there would also be provision of 80sq.m of roof garden space.

The building would be 23m long and would be 13m high at its highest point at the top of a lift shaft overrun. This lift shaft separates two built elements including a 12m frontage section overlooking Rectory Gardens at four storeys and a three storey rear section to a height of 9.5m. The building would be primarily constructed from brick with the second floor finished in render. The windows on the north elevation would be obscure glazed.

The scheme provides parking for 6 spaces comprising five for the market flats including one disabled parking space and one space for the Larches Trust. Refuse and cycle storage is provided on the ground floor.

This scheme is intended to overcome the reasons for refusal set out in the previous application following the refusal of the planning application at the Hendon Area Committee on 27 July 2015. Members endorsed officer's objections on the basis of height, design, scale, bulk and massing as well as harm to neighbour residential amenity and an unfeasible parking layout preventing appropriate access to storage for refuse and cycles.

This application proposes a reduction in height of the building by 6.0m as well as changes to external materials and alterations to the glazing to ensure that no overlooking would occur to properties in Rectory Gardens.

4. Public Consultation

Consultation letters were sent to 98 neighbouring properties.

4 responses have been received, comprising 4 letters of objection. One objector has requested to speak at the Committee.

The objections received can be summarised as follows:

- The scheme would result in the loss of car parking spaces in Rectory Lane currently enjoyed by traders operating within Station Road.
- The scheme would add to local congestion as a result of the 7 units of accommodation.
- The scheme would affect the daylight and sunlight conditions for adjoining properties.
- The scheme constitutes over development of the site and in the context of Century House would be overbearing.
- The development would be out of character with the streetscene, particularly that of Rectory Gardens.
- The development would be overbearing.
- The development would cause overlooking resulting in a loss of privacy.
- Poor surface drainage conditions locally would be worsened by the proposed development.
- The scheme would result in the loss of a community facility.

This application has been called in by Councillor Gordon (Hale Ward).

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.

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

Land use

Planning permission is sought for the redevelopment of the site to form a four storey plus basement mixed use development including over 340sq.m of charity and community use floor space, four flats and three assisted living bedrooms. This application constitutes a resubmission of a previous refusal. The scheme was refused on the grounds of its height, size, scale bulk and massing. The scheme would also have had an inappropriate design, given rise to overlooking and would have a poor ground floor layout that would prevent the effective storage of waste and cycles and access to these facilities and the building. At the Area Planning Committee on 27 July, Members advised that regard should be had to the existing and proposed use of the site, however this would on balance have been undermined by the poor design combined with the excessive height and relationship with adjoining buildings and the character and appearance of the streetscene.

The revised scheme does not result in a loss of the Use Class D floorspace as a result of the reduction of the scheme. Instead there has been a decreased in the number of flats within the development. Although the scheme does not generate the same level of D class floorspace as the most recent scheme, the on-site provision is still greater than that which exists at present.

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, character and appearance

The previous application (15/02839/OUT) proposed a substantial 6 storey plus basement development constructed from render and aluminium cladding panels. The proposed development would have been significantly taller than most buildings in its immediate context which is the residential suburban environment of Rectory Gardens and would have been visible above frontage development in Station Road. The proposed building would have loomed large over the immediately neighbouring property and would have been an incongruous addition to the streetscene.

The amended scheme hereby submitted incorporates a reduction in the height of the principal part of the development from 18.0m down to 12m. However, the rear element has increased in height from 6.95m to 9.5m (an increase of 2.5m). In addition, the materials have reverted from predominantly render and aluminium cladding to predominantly brick.

It is considered that the proposal is now in line with expectations of both officers and Members in respect of the height, bulk and massing. The proposed materials used within the development responds to local character and distinctiveness as well as the use of render.

The scheme does incorporate a material increase in the height of the rear element from 6.95m to 9.5, constructed in brick. The amenity issues will be discussed subsequently. However, it is considered that the size and scale of the proposed development would not be out of character with the general form of development within Rectory Gardens and would be subordinate to both the larger element within the scheme and also the frontage development within Station Road.

It is considered that the scheme would now overcome the first reason for refusal on the decision notice for 15/02839/OUT.

Amenity

The previous scheme was considered to create an unduly harmful sense of enclosure for neighbouring properties to the scheme reducing outlook. In addition, the proposed development would have facilitated overlooking into gardens and dwellings thereby causing a loss of privacy.

It is considered that the proposed and revised development would overcome the overlooking and loss of privacy aspect by way of the use of obscure glazing to windows on the west elevation. This would result in one bedroom in each unit having no outlook from a habitable room. The use of obscure glazing to bedrooms would prevent overlooking to the neighbouring properties at 27 - 28 Old Rectory Gardens.

However, although the front portion of the development has dropped by 6.0m, the rear portion has increased by more than 2.5m to a total height of 9.5m. This would have a direct impact on 28 Old Rectory Gardens. Other properties within this street block

including 23 - 27 Old Rectory Gardens would not be significantly harmed by this development. The rear part of the proposed development would generate substantial harm to residential amenity given the proximity of the proposed development to the rear elevation of 28 Old Rectory Gardens. The rear boundary does not run parallel to the flank boundary of the application site and the separation distance between the rear elevation and side boundary ranges from 3.5m to around 7m plus the 1m gap beyond the boundary. In addition, the proposed development reintroduces concerns about the impact of the proposed development on the daylight that may be currently enjoyed by the neighbour at 28 Rectory Gardens. A daylight and sunlight assessment was prepared and considered in the evaluation of the previous planning application. This demonstrated that the 18m high tower and the 6.95m high rear portion would not harm daylight and sunlight exposure despite being positioned to the south of much lower residential dwellings. It is considered that the tower element would have a lesser light impact than the previous proposal. Nevertheless, the impact of the proposed development on 28 Old Rectory Gardens changes. The daylight assessment indicated that ground floor windows of the property would have a VSC in some cases of less than 27. However, this would be mitigated by the fact that no reductions would have been less than 0.8 their previous value. It is not known what implications the revised development might have on daylight amenity as a result, as no survey has been prepared to support this application. It is possible that two to three windows at 28 Old Rectory Gardens might subsequently fail.

The harm that would arise is indisputable and in arriving at an overall recommendation for this application, it will be necessary to determine whether the harm that this development would generate for the occupiers of this property is greater than or less than the benefits that the development would deliver. In this case, the development would not be feasible (financially) without the four flats. The applicant has also advised that the assisted living units are also fundamental and essential to be provided on the site and without this provision supported living care for at least three people would be absent and their lives would be at risk. Ultimately, without the flats, the scheme would not be financially viable and the trustees cannot agree to proceed with the scheme without providing the living spaces for vulnerable young adults. However, the fact that the London Borough of Barnet has been deficient in providing adequate support services in the community to the extent that people's lives are at risk is not a material planning consideration where other legislation exists to achieve the

The National Planning Policy Framework (NPPF) sets out the principles that should be adhered to in considering development. The document sets out a principle for a presumption in favour of sustainable development. Where development is deemed to be sustainable, it should, in the language of the NPPF be determined without delay. Paragraph 17 (Core planning principles) states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. However, the NPPF requires local planning authorities to take account of and support local strategies to improve health, social and cultural wellbeing for all and deliver sufficient community and cultural facilities and services to meet local needs. The Core Strategy outlines that the Council will seek to ensure that vulnerable adults will benefit from housing choices. However a strand of sustainable development is about ensuring that development protects amenity, achieves good design but also provides for housing need.

Precedents generated from previous appeal decisions are rare and as a result it is difficult to find appropriate direction in respect of the balance between the material planning considerations. The provision of three bedrooms which could provide living spaces for up to 6 people would generate community wide benefits and the applicant has sought to

demonstrate that these benefits are more significant than the harm that would otherwise occur to the neighbour at 28 Old Rectory Gardens. There are no mitigating factors proposed by the applicant which would overcome the harm that the scheme would generate.

In conclusion, the scheme would have a significant impact on the amenity and would provide community benefits in the wider public interest. However, protecting residential amenity would also be in the wider public interest and it is considered that the benefits in this case do not outweigh the harm caused.

Highways

The previous scheme was refused finally on the impractical layout for parking which compromised rational storage of and access to cycles and waste. It is still considered that the means by which refuse containers and cycles can be manoeuvred into the site is still impractical. However, in this instance, it is considered the use of pre-commencement conditions would be relevant in this instance to secure a more practical arrangement.

The car parking provision remains the same from the previous scheme and as a result would be acceptable.

5.4 Response to Public Consultation

The design of the proposed development would now be acceptable in respect of height, size, scale and design following the reduction of the building's overall height. Its appearance would now be more subordinate within the streetscene and would form a proportionate relationship to neighbouring properties. Access, highways and parking were deemed to be acceptable in the previous planning application and given the high PTAL rating, the provision of on site parking and the deterrent of CPZ parking, would not harm the effectiveness of the highway network. Construction of the proposed development would have significant implications on access and local traffic circulation, but could be secured through planning condition.

The scheme would not have an impact on the amenities of the occupiers of the flats above the Station Road retail properties given the distance between them and the reduction in the height of the building. In addition, it is considered that the scheme would not compromise the vitality or viability of the retail parade.

Nevertheless, it is considered that the proposed development would significantly affect the amenity of the occupiers of 28 Old Rectory Gardens which would have greater harm than the benefit that would arise from the community benefits for the people that the charity serves to care for. The proposed development would be contrary to the policies of the Development Plan and would not constitute sustainable development as outlined by the NPPF.

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 within the rear portion would have a substantial impact on the residential amenity of the adjoining occupiers at 28 Old Rectory Gardens.

The scheme is considered to overcome the other previous reasons for refusal, however, the increase in height to the rear is a material enlargement which generates its own harm and impact which is contrary to the policies of the Development Plan.

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.

This page is intentionally left blank

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

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

None

Officer's Assessment

1. Site Description

The application site comprises of a two storey building with rooms in roofspace and a basement parking area all facilitating 9no self-contained flats; the site forms part of Neeld Crescent, a residential road within the West Hendon ward of the South area.

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

2. Site History

Reference: H/04925/13

Address: Flat 1, Simon Court, 4 Neeld Crescent, London, NW4 3RR

Decision: Approved

Decision Date: 19 November 2013

Description: Submission of details pursuant to condition 4 (levels), condition 6 (materials), condition 7 (means of enclosure), condition 8 (refuse) and condition 11 (Landscaping) of planning permission W12942D/07 dated 24/09/2007.

3. Proposal

The application seeks consent for the construction of a single storey side extension to facilitate a playroom for Flat No.3 within Simon Court; it would have a depth of 9.75m with a maximum height of 3.9m. Given the 'angled' nature of the site, the proposed extension would have a width of 2.45m at the front and a width of 5.1m at the rear. It would be set back from the front building line by 4.3m.

4. Public Consultation

Consultation letters were sent to 37 neighbouring properties.

25 responses have been received, comprising 13 letters of objection and 12 letters of support

The objections received can be summarised as follows:

- quality of amenity space and landscaping. Loss of garden space
- concerns raised with the design
- trees
- parking
- impact on local community or environment
- reference to enforcement cases on the site

- concerns raised in regards to security

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

Para 14.13 of the Barnet Residential Design Guidance SPD states that where there is a consistent and coherent architectural character, the extension should not detract from it. Any extension should sit comfortably with the main building and with neighbouring houses.

The extension has been designed to make the best use of the unusual angle of the site and has been set back 1.3m from the front building line of the main building as to minimise any impact on the streetscene and thus character of the road. Furthermore, given the size of the site, the proposal is able to sit comfortably within the site without resulting in an overdevelopment or adversely impacting the character of the host building itself.

The design of the extension, in regards to the materials proposed and the roof form, would reflect the existing style of the main building and would serve to be a subordinate and proportionate addition to the property.

The proposed by reason of its siting, does not face directly onto any neighbouring properties and thus is not considered to detrimentally impact the visual or residential amenities of neighbouring occupiers; it should be noted that the flank wall of the extension would face onto the car parking area at Trenchard Court, off Vivian Avenue. There is

sufficient parking at the site and the proposal would not impede on any usable amenity space.

There are a number of extensions on Neeld Crescent, varying in both sizes and styles. In comparison, the proposed addition at the host property is deemed to be relatively modest and would not negatively impact the character and appearance of the surrounding area.

Condition will be attached to the decision notice restricting the use of the extension to be used ancillary to the main building at all times and must not be converted into a separate self-contained units.

5.4 Response to Public Consultation

Largely addressed in assessment above. Other matters are as follows:

- The application does not propose any landscaping to the existing amenity space and it is not considered that a landscaping scheme is necessary given the nature of the proposal.
- There are no TPO's (Tree Preservation Orders) on site and the proposal would not result in the loss of any protected trees.
- The nature of the development is not considered substantial enough as to negatively impact the local community or environment.
- Each application must be considered on its own merits and previous applications and enforcements on site will be considered as a separate 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 locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

SITE PLAN



Location Mulberry Close London NW4 1QL

Reference: 15/02648/FUL

Received: 29th April 2015

Accepted: 5th May 2015

Ward: Hendon

Expiry 30th June 2015

Applicant: Mulberry Close Properties Limited

Proposal: Erection of 2 no. penthouse apartments to each of the 3 no. existing main blocks; demolition of existing single dwelling and erection of new single storey dwelling; remodelling of existing car park layout including relandscaping with the addition of 11 no. car parking spaces; relocation of entrance to refuse store to Sunny Gardens Road

AGENDA ITEM 9

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: L5 12 0001; L5 12 0005 B; L5 12 0010; L5 12 0011; L5 12 0015 B; L5 12 0020; L5 12 0025 C; L5 12 0028 A; L5 12 0030; L5 12 0031; L5 12 0035 B; L5 12 0040; L5 12 0045 C; L5 12 0048 A; L5 12 0050; L5 12 0051; L5 12 0055 B; L5 12 0060; L5 12 0065 C; L5 12 0068; L5 12 0070; L5 12 0080.

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 or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted

September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2015).

- 4 Before the development hereby permitted is first occupied, the 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, as shown on Plan No. L512 0005 Rev B shall be implemented in full accordance with the details shown on Plan No. L512 0005 Rev B 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).

- 5 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Plan No. L512 0005 Rev B; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 6 Before the development hereby permitted is first occupied, the details of screening, as shown on Plan Nos L512 0015 B; L512 0035 B and L512 0070, shall be implemented in full and retained as such thereafter.

Reason: To ensure that the amenities of the occupiers of neighbouring properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

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

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

- 8 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).

- 9 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 2015.

10 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2015.

11 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 12 Prior to the first occupation of the new dwelling house(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason:

To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy 5.15 of the London Plan (2015).

- 13 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwelling house(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason:

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8, 7.2 and 7.6 of the London Plan (2015) and policies DM02 and DM03 of the Barnet Development Management Policies document (2012).

- 14 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 25% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason:

To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012) and policies 5.2 and 5.3 of the London Plan (2015)

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £5538.28 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 £21361.94 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

- 3 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.

- 4 Any details submitted in respect of the Demolition and Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement

shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.

- 5 The applicant is advised that Parson Street is a Traffic Sensitive Route; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction and the Highways Authority should be consulted in this respect. The applicant must ensure that site and/ or delivery vehicles do not impede traffic on the public highway and that traffic flow on Finchley Road is maintained at all times.
- 6 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.
- 7 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 8 For any changes to the existing vehicle access or new vehicle accesses, the applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed vehicular access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant. This may involve relocation of any existing street furniture and would need to be done by the Highway Authority at the applicant's expense. Estimate for this and any associated work on public highway may be obtained from, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

Officer's Assessment

1. Site Description

The application site is a private residential development off Parson Street comprising of 3 main blocks of flats; Courtney House, Pembroke Hall and Thirlby Croft, all totalling 87no self-contained residential units. The properties are built in the Art Deco style common to other buildings in the area and have a consistent spatial pattern of development within the private estate itself; laid out to surround the Mulberry trees which serve the central forecourt when entering the site.

The site also includes a caretakers cottage, a garage site, 88 no. car parking spaces and an expanse of soft landscaping, some of which is covered by a group TPO (Tree Preservation Order).

The properties are not listed and the site does not fall within a designated conservation area.

2. Site History

Site Address: Courtney House, Pembroke Hall and Thurlby Croft, Mulberry Close, Parson Street, NW4

Application Number: W02930C

Application Type: Full Application

Decision: Refuse

Decision Date: 13/06/1979

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Roof extension to existing buildings to provide an additional four flats.

3. Proposal

The application seeks consent for the following works:

- 2no penthouse apartments to each of the 3 main blocks of residential flats
- Demolition of single storey dwelling (caretakers cottage) and the erection of a new single storey dwelling
- Changes to existing car parking and landscaping to facilitate 11 no. car parking spaces in addition to the existing 88 no. car parking spaces and the addition of 14 no. new cycle spaces
- Relocation of the refuse store to the rear entrance at Sunny Gardens Road including widening of the existing gate to 2m

It should be noted that the plans have been amended since the original submission and a reconsultation with neighbouring properties was carried out.

4. Public Consultation

Consultation letters were sent to 257 neighbouring properties.

13 responses have been received, comprising 6 letters of objection, and 7 letters of support

The objections received can be summarised as follows:

- concerns that the proposals are to raise funds for repair works to the blocks
- buildings are likely to lose their architectural integrity
- noise and disturbance during construction
- subsidence
- the saleability and loss of value of the existing flats
- concerns raised as to who would fund the development
- loss of privacy
- noise and disturbances with new tenants in roofspace

The letters of support can be summarised as follows:

- will help fund needed repairs to the buildings
- will improve amenities for all residents

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, DM17.

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

Residential Design Guidance (adopted April 2013)

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:

- The principle of 2no penthouse apartments to each of the 3 blocks
- The principle of the replacement caretakers cottage
- Character and appearance of the site and surrounding area
- Impact on the amenity of future and adjoining neighbours and occupiers
- Relocation of the refuse store
- Highways impact

5.3 Assessment of proposals

The principle of the creation of penthouses within the roofspace of the three blocks of flats

Part of the roofs of each of the blocks is currently in use as roof terraces and although it could be argued that the proposals would result in the loss of the amenity space for the existing residents, this is not considered to cause unacceptable harm, given the existing area of landscaped grounds serving the blocks; therefore the principal of creating additional residential units within the roofspace is considered acceptable. The proposal includes private amenity area within the roof area for the use of the occupiers of the proposed flats.

The principle of the replacement of the caretakers cottage

The current caretakers cottage is single storey and is not considered to be causing an adverse impact on the amenities of the occupiers of the houses behind in Florence Street. These houses have small gardens; the proposal has been designed to maintain the single storey element at the boundary line and then to raise the height of the building away from the boundary (still maintaining the single storey aspect of the dwelling).

The bulk and massing is similar to the existing building and would be within a similar footprint to the existing caretakers cottage; the principle of the replacement of the caretakers cottage is therefore considered acceptable.

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

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

In addition to the NPPF, Policy CS5 of the Core Strategy states that the Council "will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design".

Furthermore, 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".

Penthouses in roofspace:

The additional flats would be only partially visible from the ground floor at the front of each block; the dormers are considered to respect the proportions of the existing building and roof and would be in keeping with the character and appearance of the estate and individual blocks. The rear of Courtney House is viewable from Parson Street and the footpath link to Sunny Gardens Road and therefore the penthouses on this block would not extend to the rear building line so as to ensure minimal visibility when walking along Parson Street. The rear of the penthouses would facilitate outdoor amenity space for the occupiers of the proposed units and screening has been proposed. Similarly, the rear of Pembroke Hall faces onto St Mary's Church of England High School and therefore the penthouses on this block also do not extend to the rear building line, where private outdoor amenity space and screening is proposed. Visibility from the school is lessened by the presence of existing trees along this boundary. Thurlby Croft is one of the more visually prominent blocks and can easily be viewed when walking along Parson Street; in this case, the proposal has been amended since the original submission to reduce the bulk and massing of the proposed roof area at the side facing Parson Street, furthermore, although the penthouses do extend to the rear building line of Thurlby Croft, the terrace area is proposed to face onto Parson Street to act as a 'natural buffer; and minimise the presence of 'built form' when seen along Parson Street. Overall, the addition of the units to the roofspace is considered to be done in a sympathetic manner without detracting from the architectural merit of the individual blocks. The materials to be used in the construction of the flats is in-keeping with the character of the buildings and has taken into consideration the visual impact the proposals would have on the private estate itself and the surrounding area. Solar panels are proposed to be located on the new roofs.

Replacement caretakers cottage:

The replacement cottage is considered to be of a similar size and siting to the existing cottage and would not increase the bulk and massing of the development considerably so as to justify a refusal of the application on this basis. The height of the building along the boundary (facing onto Florence Street) has been maintained and the increase in height to form a pitched roof is considered to be set away sufficiently from the rear of the gardens on Florence Street, so as to protect the amenities of those residents. This element of the proposal is deemed to be an improved alternative to the existing somewhat dilapidated cottage on site.

The proposed landscaping is considered to not only improve the appearance of the private estate, but to also benefit the residents as it would increase the number of car parking spaces available for the residents.

The impact on the amenity of future and adjoining neighbours and occupiers

In terms of the internal amenity space standards for future residents, policy 3.5 of the London Plan requires that 3 bedroom flats have a minimum Gross Internal Area (GIA) of between 74-95m². The proposed flats have a GIA as follows:

Courtney House:

Flat A and B approx 126.15m² GIA

Pembroke Hall:

Flat A and B approx 118.2 GIA

Thurlby Croft:

Flat A approx 139.1m² GIA

Flat B approx 118.7 GIA

Given that all proposed flats vastly exceed the required minimum GIA, the LPA is satisfied that the future occupiers of the units will have sufficient quality internal amenity.

With regard to outdoor amenity space, the council's Sustainable Design and Construction SPD specifies the importance of providing outdoor amenity space in order to provide good living conditions to occupiers. The SPD states that flats should provide "5 m² of space per habitable room". There is sufficient private and communal amenity space provided to meet this requirement.

Although it can be argued that the roof of the blocks are a form of amenity space for the existing residents, the loss of the terrace areas is not considered to be harmful to their amenities in the context of the overall amenity space available at this site.

Amenity space for new residents in the form of the rooftop terraces is considered acceptable, subject to conditions to minimise overlooking.

Noise can be a significant nuisance in urban areas. Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential properties. The applicant should achieve the required sound insulation levels and this will be enforced by an appropriate condition attached to the decision.

Adjoining residents:

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

In addition to the requirements of Policy DM01, in respect of providing adequate daylight, sunlight, privacy and outlook for neighbouring properties, the Sustainable Construction and Design SPD states that the privacy of existing and future development should be protected and gardens and windows to habitable rooms should not be significantly overlooked.

Privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed). In new residential development there should be a minimum distance of approximately 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

Following a site visit to the application site, it was clear that, given distances to boundaries, the proposals adequately address any potential overlooking the blocks may pose to surrounding residential occupiers.

Relocation of refuse store access to Sunny Gardens Road

The relocation of the access to the existing (and proposed) refuse and recycling facilities to the rear of the site, to be accessed via Sunny Gardens Road, is considered acceptable and would not impede on the amenities of the existing or future occupiers of Mulberry Close or surrounding properties. The application includes the replacement of the existing refuse gate in this location and widening it to 2m which would not harm the character and appearance of the site or surrounding area. This would enable refuse vehicles to collect from Sunny Gardens Road avoiding the need to enter the site itself. There are trees in the vicinity of the access subject to a Tree Preservation Order but as there will be no increase in hardsurfaced area and the refuse vehicles will not enter the site it is considered that the trees can be adequately protected.

Highways

The LPA Traffic & Development Team were consulted as part of the application process and no objections have been raised to the proposals. A number of conditions and informatives have been suggested to be included as part of the decision.

5.4 Response to Public Consultation

Largely addressed in report above. The following objections are not material planning considerations.

- concerns that the proposals are to raise funds for repair works to the blocks
- noise and disturbance during construction
- subsidence
- the saleability and loss of value of the existing flats
- concerns raised as to who would fund the development

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.

SITE PLAN



Location **1 Newark Way London NW4 4JG**

Reference: **15/06189/HSE**

Received: 6th October 2015

Accepted: 6th October 2015

Ward: Hendon

Expiry 1st December 2015

Applicant: Mr M Dehabadi

Proposal: Two storey side extension

AGENDA ITEM 10

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 785/NW/01 (Existing Plans) dated Feb 2015
 - 785/NW/S1 (Location and Block Plans) dated Feb 2015
 - 785/NW/02 Rev C (Proposed Plans) dated Feb 2015
 - 785/NW/03 Rev C (Existing/Proposed Elevations) dated Feb 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 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation, of the extension hereby approved facing nos.69, 67, 65, or 63 Greyhound Hill.

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).

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

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

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

Officer's Assessment

1. Site Description

The application site contains a two storey semi-detached dwelling house forming a pair with No.3 Newark Way. The site is located on the East side of Newark Road, close to the junction with Greyhound Hill, NW4 4JG. The application property is not listed nor located on land designated as Article 2(3) (Conservation Area). There exist no outstanding conditions on the property which might limit development.

The dwelling is the first along the Eastern side of Newark Road, a short residential street which runs perpendicular to Greyhound Hill. The Northern side boundary of the site is thus abutting the rear boundaries of nos.61, 63, 65, 67 and 69 Greyhound Hill. Both the Southern side and rear boundary is shared with no.3 Newark Road.

Because of the curved nature of Newark Way, the front building line of the dwelling is perpendicular to the shared boundary with no.3 but not with the Northern side boundary, which is splayed towards the front. This has the effect of the front of the site being the widest point, with the narrowest point at the rear boundary. Newark road is subject to a South to North downwards gradient, meaning that the ground floor level of the application site is above that of properties along Greyhound Hill.

2. Relevant Site History

Reference: 15/04033/HSE
Address: 1 Newark Way, NW4 4JG
Decision: Decision Quashed - Pending Decision
Decision Date: 29.07.2015
Description: Two storey side extension

Reference: H/04124/14
Address: 1 Newark Way, NW4 4JG
Decision: Lawful
Decision Date: 31.10.2014
Description: Single storey side/rear extension and front porch.

Reference: H/03010/14
Address: 1 Newark Way, NW4 4JG
Decision: Lawful
Decision Date: 07.07.2014
Description: Roof extension involving rear dormer and 2no. rooflights to front to facilitate a loft conversion. Single storey rear extension.

Reference: H/02733/14
Address: 1 Newark Way, NW4 4JG
Decision: Prior Approval Required and Refused
Decision Date: 19.06.2014
Description: Single storey rear extension with a proposed depth of 5 metres from original rear wall, eaves height of 2.9 metres and maximum height of 2.9 metres.

Please Note:

Following the issuing of the certificate of lawful development H/03010/14 for works including a rear dormer window, officers were made aware of the fact that the property benefited from a two storey side extension which did not form part of the original dwelling house. The dormer window was not therefore lawful. Planning officers took the view that the dormer window did not cause significant harm to the amenities of neighbours or the appearance and character of the property and that it was not expedient to revoke the lawful development certificate.

Particularly pertinent to the determination of this application is planning application 15/04033/HSE dated 29.07.2015, which granted permission for a two storey side extension. However, this decision was revoked following a Judicial review (JR). A JR (being the process of challenging the lawfulness of a decision made by the Local Authority (LA)) did not assess the merits of the proposal but instead represented a challenge to the procedural undertakings of the LA in issuing its decision. In this instance, the council consented to the decision being quashed by the High Court on the basis the council did not take into account the objection of a neighbour when assessing the planning merits of the proposal.

Following this process, it falls to the LPA to reconsider the proposed development having rectified any defects found eg. with the completed public consultation process in order to ensure that the decision is subject to a duly considered process. In this case the applicant submitted a fresh application and it is this second application that is the subject of this report.

3. Proposal

This application proposes a two storey side extension to the property. Due to the aforementioned splayed plot, the side extension would have a front width of 3.25m but a rear width of 2.5m. At ground floor level, the side extension would extend for the full depth of the dwelling (8.8m) but at first floor level the front elevation would be set back by 1m from the adjacent front elevation meaning the depth at this level would be 7.8m. The two storey side extension would have a hipped, tiled roof with an eaves height to match the original roof of the dwelling and a ridgeline set below the adjacent ridgeline by 0.5m. At the time of the site visit for the application, works had commenced and were nearing completion.

4. Public Consultation

Consultation letters were sent to 13 neighbouring properties, 4 responses have been received comprising letters of objection from 3 residents as well as 1 letter of support. One of those letters of objection received was signed by one resident but was written on behalf of the 8 occupiers of the property and another was signed on behalf of the two residents who live at the same property.

Objections received may be summarised as follows:

- Loss of light
- Loss of outlook
- Cumulative impact of existing, 'unlawful' and proposed extensions over bearing
- Unbalancing effect upon pair of dwellings
- Out of character with the local area

- Tunnelling effect created
- Out of character with original Chalet-Style Houses
- Overbearing and over dominant design
- Decision was previously quashed due to non-conformance
- Over development of site
- Extensions are disproportionate to the original dwelling
- Applicant has been deceitful
- Concern over the indicated status of the application online
- Mal-administration - belief that the Local Authority has been deceitful in its approach
- Concerns over data protection
- Concern over the impacts of the privatisation of Council services
- Works have not been ceased following the quashing of the previous decision
- Construction works have been on-going during unsociable hours.
- Extensions do not comply with 'planning law' as well as Clauses 1.1, 1.2, 1.4, 1.5 and 1.7 of the Barnet Design Guidance DGN5.
- Obscuring glazing condition would reduce overlooking.
- Criminal damage caused during construction
- Previous LDC had been issued in error -request to revoke.
- Works have created engineering and stability issues
- Surrounding dwellings feature small garden sizes which will be impeded by the proposed development
- Cramped development
- Loss of vegetation within the site has worsened impact of development
- Request for an officer to come to site to inspect.
- Development will devalue properties.
- Number of habitable rooms created is disproportionate.
- Windows have been replaced which do not match the original.
- Proposal would reduce the 'gap' between properties, impacting character and increasing sense of enclosure.
- Access to the rear would not be retained.
- Objection to the hard surfacing of front garden for parking
- Conflict to Party Wall Agreement

Support comments received may be summarised as follows:

- Happy that neighbours are interested in improving and maintaining quality of the neighbourhood.
- Happy that building will be used as a single family dwelling.

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 March 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, 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 or the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

Potential impacts upon the character and appearance of the existing building, the street scene and the wider locality

The local area is characterised by single family dwelling houses, incorporating a mixture of semi-detached and detached dwellings. Overall there is strong cohesion within the design and style of dwellings in the local area which gives rise to an identifiable local character, with properties often being either single or double fronted by two storey bay projection and hipped tiled roofs. Notwithstanding this, a number of properties in the local area have been extended in various ways which have acted to increase variety to the character of the local area. Side extensions have previously been granted express permission at nos. 6, 20 and 25 Newark Way and would not be objected to in principle in this location.

The Councils Residential Design Guidance SPD 2013 advises that side extensions should be subordinate additions constructed with materials which are in keeping with the rest of the house. Side extensions should normally have a width of not more than half the width of the original house, should be set back from the front building line, should not contribute to a terracing effect and should be designed in such a way so as to minimize the visual impact to the street scene.

The proposed extension together with the existing side extension would have a width more than half the width of the original house. However, the proposed enlargement would remain a visually subordinate addition which would be clearly distinguishable as an extension to the property. Due to its width, design and roof form the overall proposed two storey extension would not appear as an incongruous feature within the street scene and nor appear out of character within the local area. The application dwelling is at the end of the row and policies relating to the preservation of characteristic 'gaps' are not applicable as the existing opening is not characteristic for the wider area. The visual prominence of the main architectural features of the dwelling (principally its bay projection and front facade) would not be detracted from due to the set back and down of the proposed massing and the proposed extension would not further unbalance the pair of dwellings. Furthermore the cascading ridgelines proposed would be sympathetic to the topographical nature of the site as well as other dwellings in the local area. Whilst it is acknowledged that the resulting dwelling would represent a departure from its original 'Chalet-Style' appearance, the dwelling as hereby proposed would not appear incongruous within the local area and would not cause significant harm to the character of the local area.

It is not considered that the proposed two storey side extension or the cumulative effect of both the proposed and existing extensions would lead to an impact upon the character and

appearance of the existing building, streetscene or local area which would substantiate a reason for refusal.

Potential impacts upon the amenities of neighbouring residents

The proposed extension would not project beyond either the front or rear building lines of the property and would thus cause no impact upon the occupiers of the adjoining property (no.3). The main issue for consideration is therefore whether the extension would have an unacceptable impact upon the occupiers of nos. 61, 63, 65, 67 and 69 Greyhound Hill.

No.69 Greyhound Hill was granted permission in 1996 (W10865) to be converted into a Doctor's Surgery (D1 use) and has been retained as such since. Due to an existing single storey garage, a group of large Evergreen trees and the fact that this property is non-residential, it is not considered that any significant impacts would be caused to this property.

A section of the proposed extension would abut the shared boundary with no.67 Greyhound Hill however due to the angled plot; this would only be for a length of 2.3m. For the rest of its extent, the proposed extension would be set away from the rear boundary of this property, reducing its visual impact. The proposed extension would also replace a garage which was abutting the shared boundary. The depth of flank wall abutting this boundary would thus actually be reduced by the scheme. Due to the distances between the proposed flank elevation and the rear elevation of this property (approx.13m) as well as the existing, taller massing of the existing dwelling, it is not considered that the proposed two storey side extension would reduce the outlook from the rear of this property to a level which would substantiate a reason for refusal. It is similarly not considered that there would be any significant reduction in levels of light into this neighbouring property due to the orientation of the property and the reduced height of the extension compared to the original ridgeline of the dwelling. It is not considered that cumulatively the development would represent an overdevelopment of the application site nor would the hereby proposed addition appear dominant or disproportionate to the exiting dwelling.

The proposal involves a two storey extension and will be used as part of the existing single family dwelling house and therefore not as a separate unit. However, in order to elevate the concerns raised by neighbours with regards to the extension being used as a separate unit a condition is recommended to be attached to the permission to ensure the dwelling remains in single family occupancy and not converted or used as a separate unit.

Due to the siting and design of the proposed extension as well as the distance between its closest neighbouring elevation and the boundaries of nos.65, 63 and 61, it is not considered that any significant reduction in residential amenities would be caused to these neighbouring occupiers.

5.4 Response to Public Consultation

Responses to comments which have not been previously addressed in the above appraisal:

- It should be highlighted once again that the decision to quash the previous planning application was on account of the LA failing to complete a full public consultation process and had no bearing on the planning merits of the application.
- No additional hard surfacing to the front is hereby proposed and does therefore not form a consideration for this application

- The dwelling retains permitted development rights and thus the replacement of windows could be completed without planning permission under Class A, Part 1 of Schedule 2 of the General Permitted Development Order 2015.
- There is no statutory or policy requirement to maintain a side access though the rear of a site. This is therefore not objectionable.
- None of the trees within the site are protected.
- A key aspect of the above appraisal was analysis which was completed through a site visit by the officer for the application in October 2015.
- In forming this recommendation, the Local Planning Authority has satisfied its duty to complete a formal period of public consultation as stipulated by Article 15 of the Development Management Procedure Order.
- The content of submitted comments form public documents. If images are attached to submitted objection comments then these also form public documents. This does not represent a breach of the Data Protection Act.
- Planning applications must always be assessed objectively. The approach taken by the applicant cannot therefore form a material consideration.
- Following the submission of comments, the status of the previous application was amended online.
- The contraventions to the clauses of the Design guidance detailed relates to a superseded supplementary policy documents which no longer a material consideration. This recommendation has been based upon the adopted policy documents listed above.
- The consideration of what forms a significant impact in terms of character is not based upon the amount of resulting habitable rooms but upon the visual impact of the proposed development.

The following points would not constitute material planning considerations as they would either be covered by separate legislation or would form a civil matter:

- Working hours for construction (Statutory nuisances would be covered by the Environmental Health Act 1990, as amended).
- Matters relating to Party Wall agreements
- Damages cause to property during construction
- The administration of previous planning applications / determinations
- The impact that a proposed development might form upon the valuation of surrounding properties.
- The impact upon the stabilisation of neighbouring properties (this would be covered by and assessed against statutory Building Regulations)
- The status of the Council's service provision is not a material planning consideration for this application.

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 the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. It is not considered that the proposed

development would have a significant impact upon the residential amenities of neighbouring residents. This application is therefore recommended for approval.

SITE PLAN:



This page is intentionally left blank

b) The site clearance and any mitigation measures shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 5 No site works (including any temporary enabling works, site clearance and demolition or any investigative works referred in any other conditions, or development) shall be commenced until detailed drawings of the approved antennas at a scale of 1:5 or 1:10 are provided to and approved by Council.

Reason: To safeguard the character and appearance of the streetscene and general locality in accordance of the area in accordance with policy DM01

Informative(s):

None

Officer's Assessment

1. Site Description

The application site is located at John Keble Church, Deans Lane, Edgware, HA8 9NT. This site is located on the corner of Deans Lane and Church Close. Residential land use surrounds the application site. Deansbrook Junior School and Deansbrook Infant School is located approximately 140 metres to the south of the application site. John Keble Church is a grade II listed building.

2. Site History

Reference: W00082A

Address: John Keeble Church Hall Church Close Edgware Middlesex

Decision: Approved subject to conditions

Decision Date: 15 June 1992

Description: Single storey side extension and external alterations

Reference: W00082B

Address: John Keble Church, Deans Lane Edgware

Decision: Approved subject to conditions

Decision Date: 5 June 1998

Description: Demolition of existing scout hut and adjoining shed and construction of replacement single storey building for Scouts and Guides

Reference: H/03948/08

Address: John Keble Church, Deans Lane, Edgware, Middx, HA8 9NT

Decision: Refused (appeal dismissed)

Decision Date: 29 December 2008

Description: Replacement of single glazed windows with double glazed windows.

Reference: W00082

Address: John Keble Church, Deans Lane, Edgware, Middx, HA8 9NT
Decision: Approved subject to conditions
Decision Date: 20 May 1965
Description: Use of Church Hall for a children's play group.

3. Proposal

This application seeks approval to install 8 kathrien (panel) antennas mounted to an existing metal balustrade located on the tower of the existing building. The metal balustrade is located approximately 17.5 metres above ground level. The proposed antennas will be painted black to match the colour of the existing metal balustrade. The supporting equipment for the antennas will be located internally within the tower. The purpose of the proposed works is to secure acceptable replacement 2G and 3G coverage within this area of Edgware resulting in the need to vacate the roof of Trafalgar House.

4. Public Consultation

Consultation letters were sent to 124 neighbouring properties. Seven responses have been received in regard to this application comprising 7 letters of objection. The letters of objection can be described as follows:

- The application site is a densely populated area and the proposal could result in health problems for surrounding residents and those who use the church
- The application site is close to schools
- The proposal could impact satellite dish signals
- The site is a religious and holy place where people frequently accumulate
- The antennas would reduce the value of properties in the area
- Alternative site have not been explored
- The address of the application site is incorrect
- There are bats in close vicinity of the church and no action has been taken to protect them
- The declaration of conformity is not complete
- There has been a lack of consultation

A letter was received from Historic England in regard to this application. Historic England did not consider it necessary for this application to be notified to them. They did not express any objection to the proposal.

Council's Urban Design and Heritage Department also commented on this application. Officers have indicated that the proposed antennas are not overly damaging to the significance of the heritage asset.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework

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

considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

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

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

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

The NPPF states that high quality communications infrastructure is essential for sustainable economic growth and plays a vital role in enhancing the provision of local community facilities and services. Local planning authorities are directed by the NPPF to support the expansion of telecommunications networks, ideally through the use of take advantage of existing structures in order to keep the number of telecommunication sites to a minimum. Further, the NPPF states that equipment should be sympathetically designed and camouflaged where appropriate. Additionally, local planning authorities are required to consider planning matters only and not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets the required guidelines for public exposure.

The Mayor's London Plan July 2011:

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

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

Core Strategy (Adopted) 2012:

The Core Strategy was adopted by the Council on September 11 2012. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

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

Development Management Policies (Adopted) 2012:

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Development Management Policies was adopted by the Council on September 11 2012. Therefore very significant weight should be given to the 18 policies in the DMP.

Relevant Development Management Policies (Adopted) 2012: DM01, DM02, DM06 and DM18.

5.2 Main issues for consideration

1. Whether harm would be caused to the heritage values of and/or visual appearance of the existing building.
2. Whether the proposed antennas would harm residential amenity.

5.3 Assessment of proposals

1. Whether harm would be caused to the heritage values of the building and the visual appearance of the application site and wider area.

Policy DM18 of Barnet's Development Management Policies document outlines Council's direction in terms of telecommunications related applications. This policy states that council will seek to ensure that the development of modern telecommunications equipment is sympathetic to Barnet's suburban townscape and countryside. Further, Policy DM18 states that the visual impact of telecommunications equipment on the character of an area and the appearance of property can be minimised through careful design, placement, colouring and landscaping. In regard to heritage assets, Policy DM18 states that the telecommunications equipment should preserve or enhance the special character and appearance of heritage assets. Additionally, the NPPF outlines that telecommunications equipment should be sympathetically designed and camouflaged where appropriate.

The existing building is a grade II nationally listed structure and as such, it is necessary to take into account the effect of the proposed antennas on the heritage values of the existing building. In regard to this matter it should be noted that this application has been assessed by Historic England and by Councils Urban Design and Heritage Department. Neither Historic England nor Council staff have raised any objection to the proposed antennas in terms of their effect on the heritage values of and/or visual appearance of the existing building.

It is considered that the plans included as part of the application provide a sufficient representation of the location and appearance of the proposed antennas from street level. These plans suggest that the proposed antennas will not be visually obtrusive. The antenna are positioned on an existing metal balustrade approximately 17 metres above ground level and are of a size which integrates well with the scale of the existing metal balustrade and the wider building as a whole. Further, it is proposed to paint the antennas the same colour as the metal balustrade (black).

As such, it is considered in this instance that the proposed antennas integrate well with the existing building, preserve its historic values, and do not compromise the visual appearance of the application site or wider area.

It should also be noted in regard to this matter that John Keble Church has ecclesiastical exemption from Listed Building Consent and as such, no listed building application has been submitted in association with this application.

2. Whether the proposed antennas would harm residential amenity

It is not considered that the proposed antennas would harm residential amenity in this instance. This determination is based on the siting and scale of the antennas. In particular, the antennas are located approximately 17 metres above ground level and are of a size and colour which integrates well with the existing building. Further, although the application site adjoins residential properties, the building subject to this application is located approximately 26 metres from the nearest boundary of a residential property. It should also be noted that this nearest property is separated from the application site by Church Close. The next closest residential boundary not separated from the site by a road is located approximately 30 metres from the subject building. As such, it is not considered that the antennas will limit the ability for any person to enjoy the amenity of their residential property in the vicinity of the application site.

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. Response to Consultation

A number of those matters raised in the letters of objection have been addressed in those paragraphs above and will not be given further consideration in this section.

It is not considered that the proposed antennas will impact satellite dish signals in the vicinity of the application site.

The effect an application may have on property values is not a material planning matter which can be taken into account.

In regard to the exploration of alternative sites for the proposed antennas, the application outlined the process given to choosing the proposed site and consideration of alternative sites. The application suggests that alternative sites were limited due to the predominance of residential land use and coverage requirement. Coverage plots have also been generated and included as part of the application. This demonstrates that there would be a significant drop in coverage in the area if the proposed replacement antennas at the application site were not provided. Further, it is indicated that the replacement installation would result in an overall improvement in coverage within the local area. It is also acknowledged in regard to this matter that the NPPF encourages the use of existing structures and directs local planning authorities to keep the number of telecommunication sites to a minimum. In this instance, an existing structure is being used and the subject antennas are replacing existing facilities on the roof of Trafalgar House which is located within the vicinity of the application site.

In regard to the incorrect address of the application site and the process of consultation, officers identified and corrected the address of the application site and reconsulted on this application. Further, officers have followed procedure in terms of those parties consulted. All properties within a 50 metre radius of the application site were consulted. Further a site notice was posted in the vicinity of the application site on 6 August 2015.

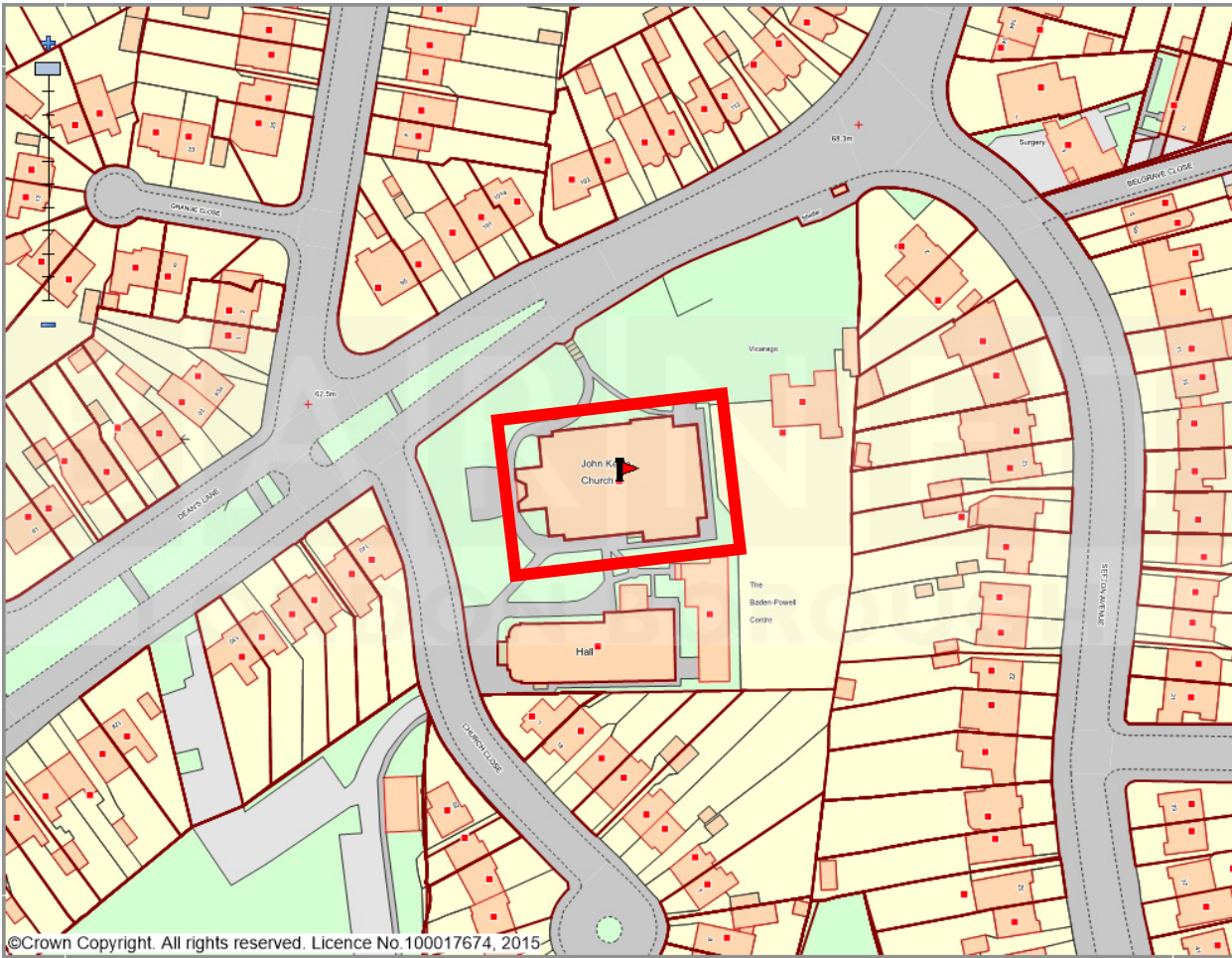
In regard to the presence of bats in the church, the applicant has included a letter from Thomas Ford & Partners Chartered Architects Surveyors confirming that an onsite visit was made to determine the presence of bats. This visit did not reveal any evidence of bats in the structure and suggests that the structure does not provide good living conditions for bats. Further, a condition has been recommended for inclusion within any potential approval for this activity which requires that no works take place until an ecological survey has been undertaken and approved by the local planning authority which investigates the presence of bats within the subject building. This survey is also required to detail any mitigation in the event of the presence of bats.

In regard to health and safety concerns, the application included a certificate demonstrating the Declaration of Conformity with ICNIRP Public Exposure Guidelines. As directed by the NPPF, no further consideration need be given to the effects of the proposed antennas on the health or safety of any person in the vicinity of the application site.

8. Conclusion

Having taken all material matters into account, it is considered that the proposal would preserve the historic value of the existing building and will not compromise the visual appearance of the application site or wider area. Further, it is not considered that the proposed works would impact residential amenity in the vicinity of the application site. As such, this application is recommended for approval.

Site Plan



Location **3 Abbey View Mill Hill London NW7 4PB**

Reference: **15/03203/HSE**

Received: 26th May 2015

Accepted: 16th June 2015

Ward: Mill Hill

Expiry 11th August 2015

Applicant: Mr Richard Benson

Proposal: Alterations to roof involving rearward extension to roof crown and insertion of roof light into crown element, extension to existing rear dormer with associated glazed juliette balcony and 1 No. roof light to side roof slope. Insertion of glazed doors and associated juliette balconies replacing 2 No. rear first floor windows. Single storey rear extension and raised rear patio with incorporated water feature. Conversion of garage into refuse, cycle garden store and utility space. Construction of 2.3m high boundary fence

AGENDA ITEM 12

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan [Received 16-June-2015], A.01b, A.02a, A.03a, A.04a, A.05c, A.06c, A.07a [Received 12-October-2015], A.08, A.13, A.14, A.15, A.16, A.17, A.18, A.19 and visuals (not to scale): A.09, A.10, A.11, A.12 [Received 16-June-2015], Arboricultural Report [Received 16-September-2015] and Topographical Survey [Received 12-October-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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

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

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

- 3 The materials to be used in the external surfaces of the building(s) shall be as those shown on the approved drawings and mentioned in the submitted planning application form and Design and Access Statement.

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 4 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the side elevations facing No. 2 Abbey View and No. 4 Abbey View.

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

- 5 The roof of the ground floor rear 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 application site contains a two-storey detached dwelling house plus rooms in the roof space located on the South side of Abbey View. The site does not fall within a conservation area and the proposal property is not statutorily listed. The house already has the benefit of a two storey rear extension approved under planning permission reference W10501 dated 02-December-1994 which has resulted in the house having a staggered rear elevation.

2. Site History

Reference: W10501

Address: 3 Abbey View, NW7 4PB

Decision: Approved Subject to Conditions

Decision Date: 02 December 1994

Description: Two storey rear extension, single storey side extension, new porch and pitched roof to existing single storey side extension.

Reference: W10501A

Address: 3 Abbey View, NW7 4PB

Decision: Approved Subject to Conditions

Decision Date: 12 April 1995

Description: Front and rear dormer windows and amendments to planning permission W10501 approved on 9 December 1994.

3. Proposal

This current proposal is for 'Alterations to roof involving rearward extension to roof crown and insertion of roof light into crown element, extension to existing rear dormer with associated glazed Juliette balcony and 1 No. roof light to side roof slope. Insertion of glazed doors and associated Juliette balconies replacing 2 No. rear first floor windows. Single storey rear extension and raised rear patio with incorporated water feature.

Conversion of garage into refuse, cycle garden store and utility space. Construction of 2.3m high boundary fence'.

The dimensions are as follows:

The proposed single storey rear extension would 'square off' the existing rear elevation and would be 4.2 metres deep on its south east side, some 3 metres from the boundary with No. 4 Abbey View. The extension on the north western side facing No. 2 Abbey View would be 6 metres deep and be between 2.5 metres and 1.2 metres away from that boundary. It would be 3 metres high to the flat roof and have a width of some 13 metres.

The slightly raised rear patio would measure approximately 0.2 metres high and 3.3 metres deep.

The extension to the existing crown element of the roof would remain at a width of 3.4m, extending rearwards in depth from 2.3m to 4.1 metres in order to accommodate further habitable space in the roof. The height of the roof would remain at 3.7 metres from the eaves to the top of the pitch.

The existing rear dormer would be extended width-wise to 2.8 metres, 1.9 metres high and approximately 2.1 metres deep.

The proposed replacement side boundary fence would measure 27.1 m in depth and 2.3 metres high. It would be installed at the side boundary adjacent to No. 2 Abbey View and would project beyond the rear extension by at least 4.3m, with the existing trees serving the rest of the length of this side boundary.

4. Public Consultation

Consultation letters were sent to 4No. neighbouring properties. 14No. comments have been received by way of objections.

Number of Speakers: 2No.

Comments received:

- *Loss of view from neighbouring rear garden opposite during winter months
- *Loss of character and out of keeping with the surrounding properties
- *Extension would set undesirable precedent
- *There may be an effect on the local wildlife
- *Overlooking, loss of outlook and sense of enclosure
- *Proposal property already extended and would increase significantly in depth beyond the rear of neighbouring house
- *Neighbouring amenity including loss of view from rear garden would be affected
- *Trees at boundary may be affected
- *Green roof to extension and Juliette balconies may lead to balcony in future
- *Increased width to the dormer will result in it breaching the hip of the roof and being very uncharacteristic of dormer windows generally.
- *Topographical Survey and Tree Survey / Arboricultural Assessment should be provided.
- *Extension would represent an over-development.
- *Falls outside the Residential Design Guidance
- *Ground floor extension does not comply with Permitted Development Regulations due to previous extensions
- *Light from the extension would shine through the trellis

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan July 2011

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

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

Barnet's Local Plan (2012)

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

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

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

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

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

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

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

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Roof extensions

The proposed extension to the roof would not result in the heightening of the roof but would extend the existing crown element rearwards forming a resultant depth of 4.1 metres in order to facilitate further habitable space in the roof. The Residential Design Guidance SPD 2013 states that roof extensions should be sympathetic to the main roof of the house. It is evident that properties on Abbey View have crown roofs and the proposed extension would not be uncharacteristic of other properties within the immediate vicinity. The extension to the existing dormer would result in a width of 2.8 metres and would measure considerably less than half the width of the roof. The dormer would sit subordinately within the roof and would not cause any further impact on the amenities of the neighbouring amenities. It is also not envisaged that the roof extension in general would impact the street scene negatively as no changes are being made to the front roof slope.

Single storey rear extension, rear terrace and side boundary fence

The relationship between the application site and No. 4 is such that, given the 3 metres distance between the flank wall of the proposed extension and the boundary together with the fact that No. 4 already extends beyond the rear of No. 3, the proposed extension would not adversely affect the amenities of the occupants of that property.

The relationship with No. 2 is such that the proposed extension would project 8.3 metres beyond the rear wall of No. 2. The boundary between the two properties is angled away

from No. 2 towards No. 3 and as stated already the extension would be between 2.5 metres and 1.2 metres from that boundary. There is screen planting along the boundary which would help to soften the impact of the proposed extension and combination of the fall in levels from No. 2 to No. 3 of some 0.5 metres and the introduction of the proposed 2.3 metres high fence would result in the proposed extension having an acceptable relationship with No. 2. It is not considered that it would be overbearing or visually obtrusive to an extent such as to warrant refusal.

It has been noted that a trellis is proposed at the top of the fence and that comments submitted have raised concerns about the spillage of light from the extension. However, it should be noted that the light from a domestic extension would not have a further impact on the neighbouring amenities than the existing dwelling.

The proposed rear terrace will be raised to 0.2 metres and would fall within permitted development and would have no further impact on the neighbouring amenities.

Conversion of garage

The conversion of the garage would allow for storage of refuse, cycle, garden store and utility space would be acceptable. The loss of garage would not have would have no adverse impact on the Highway as adequate off street parking exists at the site.

Rear fenestration

The changes to the rear fenestration including the change from windows to rear doors and associated glazed juliette balconies at first floor level would not result in any further impact on neighbouring amenities including overlooking, loss of privacy and a sense of enclosure. The associated green roof of the proposed rear extension below will be conditioned in order to prevent the roof being used as a balcony. Therefore, refusal on this ground would not be conducive.

Conclusion

It can be concluded that although the single storey rear extension would be deeper than that which is suggested within the Residential Design Guidance SPD 2013, nevertheless, given the character of the large plot, levels and proposed fence and screening of the trees, there would be no harm to the neighbouring amenities or character of the area. Therefore, the proposal is recommended for Approval, subject to conditions.

5.4 Response to Public Consultation

Dealt with within the main body of the report. However, no protected trees exist at the site and the site is not known as an area containing protected species, thus specific reports including an Arboricultural Report is not required for this application. However, the applicants submitted an Arboricultural Report which stated that no trees are intended for removal. But it should be noted that no permission is required for removal of trees at the site. It should also be noted that the applicants have submitted a Topographical Survey.

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

SITE PLAN



Location **30 - 32 Thirleby Road London NW7 1BQ**

Reference: **15/05783/HSE**

Received: 16th September 2015

Accepted: 29th September 2015

Ward: Mill Hill

Expiry 24th November 2015

Applicant: Mr Abdulaziz Almohamed

Proposal: Two storey rear extensions. Removal of balcony to rear elevation

AGENDA ITEM 13

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 950/1A; 2A; 3A; 4A

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).

- 5 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction -

Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

Informative(s):

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

Officer's Assessment

1. Site Description

The application site relates to a detached property located on the northern side of Thirleby Road. This road is predominantly residential in character which is part of a new residential development on the former Inglis Barracks site off Frith Lane, approved under planning reference W01708X/99 in 2002. The applicant has previously been granted permission to convert the two residential properties into a single family dwelling. Several of the trees to the rear of and adjacent to this site are included within a Tree Preservation Order (Ref: TRE/HE/72).

2. Site History

Application Number: H/03858/11

Application Type: Full Application

Decision: Approve with conditions

Decision Date: 15/12/2011

Proposal: Conversion of both properties at 30 & 32 Thirleby Road into single family dwelling.

Application Number: H/03055/12

Application Type: Householder

Decision: Refuse

Decision Date: 09/10/2012
Proposal: Single storey rear conservatory.

Reference: H/04265/13
Address: 30 - 32 Thirleby Road, London, NW7 1BQ
Decision: Approved under Appeal
Decision Date: 11 November 2013
Description: Retention of rear cover canopy to both properties.

3. Proposal

The application seeks permission for a two storey side extension to either side.

The proposed extensions would measure 0.85 metres deep and 2.8 metres wide. It would have a flat roof with a height between 6.85 and 7 metres due to the garden sloping down sideward and would infill existing corners.

4. Public Consultation

Consultation letters were sent to 3 neighbouring properties. 5 responses have been received, comprising 5 letters of objection.

The objections received can be summarised as follows:

- Alterations to landscape
- Loss of light
- Change of design and uniformity of properties
- Legal agreement with developer to not extend/alter the properties for 10 years
- Units conceived a single units, not as double large units
- Might encourage other similar developments
- Out of character
- Lost of value to the surrounding properties
- Drainage issues
- Property occupied for short periods
- Noise and debris from construction
- Alter the natural beauty of the area
- Effect of the existing canopy on the wildlife
- Existence of protected trees within the site

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 design of the proposal would complement the appearance of the main building in terms of proportion and materials. It is noted that although that the proposed extension would have a flat roof, this element would match the existing roof of the property and it's therefore considered acceptable and within keeping of the host property and wider area.

The proposed extension would not be visible from the front and thus has no impact on the streetscene. The additions would be of an appropriate scale and form and are acceptable in design terms.

The proposed extensions are considered as subordinate to the original house and would comply with the Residential Design Guidance SPD. It is therefore not considered that the proposal would materially harm the character and appearance of the existing building, the street scene and the wider locality.

Potential impacts upon the amenities of neighbouring residents

The proposed two storey rear infill extension to either side, would replace the existing first floor balconies and would be in line with the existing property, not projecting any further to the side or the rear and due to its location are not considered to have a detrimental impact on the amenities of the neighbouring occupiers in terms of overshadowing or loss of light.

The proposed new first rear window to either extension would have a similar location to the existing rear balconies and as a result the extension is not considered to have any further impact on the neighbouring in terms of overlooking or loss of privacy.

Other Matters

The proposed extensions would be over 6 metres away from the closest existing protected tree and it's not considered to interfere with the crown of this or any other existing protected trees. However a condition is required to ensure that the TPO trees are protected during construction works

5.4 Response to Public Consultation

Mainly covered in the report.

However, the following comments are not material planning considerations: Legal agreement / Restrictive covenant with developer to not extend/alter the properties for 10

years, loss of value to the surrounding properties.property occupied for short periods, noise and debris from construction.

With regard to the concerns raised in respect of the conversion of the this former pair of semi-detached houses to a single family house, it should be noted that this has been approved as set out in the history section of this report.

It is not considered that this proposal would adversely affect the natural beauty of the area.

Drainage issues - the host property is not situated within a flood risk area.).

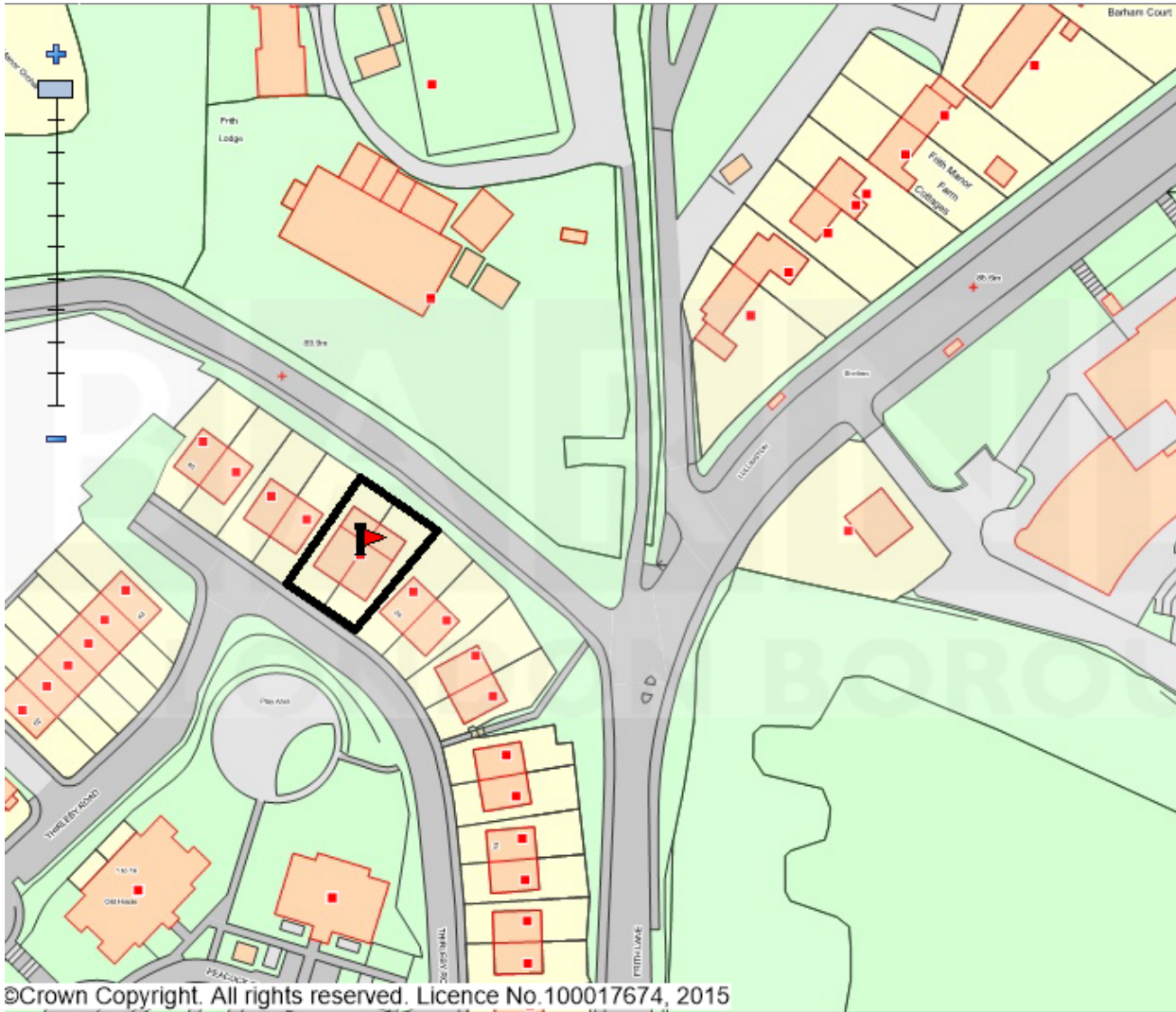
6. Equality and Diversity Issues

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

7. Conclusion

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, subject to conditions.

SITE PLAN



This page is intentionally left blank