

MEETING

HENDON AREA PLANNING COMMITTEE

DATE AND TIME

THURSDAY 4TH FEBRUARY, 2016

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 | Gill Sargeant | Claire Farrier |
| Hugh Rayner | Agnes Slocombe | |

Substitute Members

| | | |
|----------------|--------------|--------------------|
| Mark Shooter | Helena Hart | Charlie O'Macaulay |
| Val Duschinsky | Dr Devra Kay | Zakia Zubairi |
| Tom Davey | | |

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

Andrew Charlwood – Head of Governance

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

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

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Decisions of the Hendon Area Planning Committee

21 January 2016

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 previous meeting held on 9th December 2015 be recorded as correct apart from one correction to the start of paragraph 4 which corrected should read the “Councillor Khatri declared a non-pecuniary interest in item 5 on the agenda, 3 Abbey View, on the basis that he has met one of the objectors. He would however be in a position to vote.”

2. ABSENCE OF MEMBERS (IF ANY)

None received.

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

There were none.

4. PUBLIC QUESTION AND COMMENTS (IF ANY)

There were none.

5. MEMBERS' ITEMS (IF ANY)

None received.

6. NORTH LAND OF GARRICK ESTATE GARRICK INDUSTRIAL CENTRE IRVING WAY

Members agreed that the above application be deferred to a later meeting to allow for further consideration of the various planning matters raised by the proposed development. Councillor Farrier and Slocombe were not present during this discussion to defer the application and a vote was not taken.

7. 61 - 63 PARSON STREET LONDON NW4 1QT

TPF/00463/15 - 1 x Cedar of Lebanon (applicant's ref. T1) – Fell, T1 of Tree Preservation Order.

Following the planning officer's presentation, Committee **RESOLVED TO REFUSE CONSENT** for the following reason:

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

Votes were recorded as follows:

In favour (of the recommendation): 5

Against: 2

Abstain: 0

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

None

The meeting finished at 7.28 am

Location 1 Langley Park London NW7 2AA

Reference: 15/07332/FUL

Received: 2nd December 2015

Accepted: 2nd December 2015

Ward: Hale

Expiry 27th January 2016

Applicant: Mr Max Green

Proposal: Conversion of existing single family dwelling into 4 no. self-contained units with associated amenity space, cycle, refuse storage and provisions for parking. Extensions to roof involving hip to gable end, 1 no dormer and 1 no rooflight to the rear and 2 no rooflights to the front elevation. Single storey rear extension following the demolition of outbuildings. New front porch. Demolition of the single storey side extension and associated hard and soft landscaping

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. LNGEY-P401 Rev A, 402, 403, 404, LNGEY-L000, L001, 401 Rev A, LNGEY-S001, S401, LNGEY-P001, P002, P003, P004, LNGEY-E001, E002, E003, E401, E402, E403 and Confirmation Email dated 26/01/2016.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

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

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

4 a) Notwithstanding the details submitted as part of the application, before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

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

5 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.

6 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. LNGEY-L401 Rev A; 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.

7 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).

8 a) Before the development hereby permitted is first occupied, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

9 Prior to the first occupation of the new dwellinghouses (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).

10 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(1) 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).

11 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 77% for the ground floor, 78% at first floor and 78% in the loft 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).

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

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

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £2380.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £9180.00 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 For any new vehicle accesses or modifications to existing vehicle accesses the applicant will be required to submit a crossover application to the Highways Authority. The proposed access design details, construction and location will be reviewed as part of the application. Any costs for necessary works on the public

highways including re location of street furniture and reinstatement of redundant crossover to footway level, will be carried out at the applicant's expense.

- 4 For construction works adjacent to the public highways, the applicant must contact the Council on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.
- 5 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 Barnet House, 11th Floor Highways, 1255 High Road Whetstone London N20 0EJ
- 6 Please note that the applicant will be liable for any consequential damage to public highway that may result from the proposed development.

Officer's Assessment

1. Site Description

The application site contains a semi-detached dwelling located on the corner of Langley Park and Bunns Lane. The applicant property is not listed nor located on land designated as Article 2(3) (Conservation Area). There are protected trees along the eastern boundary of the site under reference 15/TPO/017. There exist no outstanding conditions on the applicant property which might limit development. The application property shares adjoining boundaries with No.3 Langley Park.

The application site benefits from an existing two storey side extension supporting a pitched roof and a rear dormer window. The Local Authority's Historic maps indicate that this extension has been in existence since at least 1935. The submitted planning statement contains photographs showing plans of these elements dated circa 1927. It is therefore considered that, on the balance of probability, these extensions were in existence prior to the 1st of July 1948 and should thus be deemed part of the original dwellinghouse.

2. Site History

Reference: 15/03086/192

Address: 1 Langley Park, London, NW7 2AA

Decision: Lawful

Decision Date: 3 June 2015

Description: Extension to roof including hip to gable end, rear dormer window and 3no. rooflights to facilitate a loft conversion. Single storey rear outbuilding

Reference: 15/03118/PNH

Address: 1 Langley Park, London, NW7 2AA

Decision: Prior Approval Required and Refused

Decision Date: 22 May 2015

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.8 metres and maximum height of 4 metres

Reference: 15/03248/PNH

Address: 1 Langley Park, London, NW7 2AA

Decision: Prior Approval Not Required

Decision Date: 22 June 2015

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.8 metres and maximum height of 4 metres

Reference: 15/03956/192

Address: 1 Langley Park, London, NW7 2AA

Decision: Lawful

Decision Date: 1 July 2015

Description: Erection of 2 no. single storey rear extensions

Reference: 15/04278/HSE

Address: 1 Langley Park, London, NW7 2AA

Decision: Approved subject to conditions

Decision Date: 22 September 2015

Description: Excavation of site to facilitate new basement level with 3 no. light-wells to front and side. Demolition of existing single storey side extension and erection of single storey rear extension.

3. Proposal

This application proposes the demolition of existing single storey side extension and erection of single storey rear extension a new front porch, a roof extension involving a hip to gable extension and rear dormer with associated rooflights to facilitate the conversion of the property into 4 self-contained flats.

The proposed single storey rear extension would extend 6 metres beyond the original rear elevation of the property along the shared boundary with no.3 Langley Park. Because of the historic extensions, the rear building line projects to the East side of the property. The proposed extension would therefore extend 4.65 metres beyond the original rear elevation on this side. The proposed single storey rear extension would support a crown roof with an eaves height of 2.8 metres, a maximum height of 4 metres and would feature no.3 flush rooflights on the flat section of the roof.

The proposed roof extension would involve a hip to gable roof extension extending at the same ridge height as the existing roof. The proposed rear dormer of 6.8 metres in width and 3 metres in depth. The proposal also includes 1 no. rooflight in the rear roofslope and 2 no. rooflights in the front roofslope.

4. Public Consultation

Consultation letters were sent to 56 neighbouring properties.
20 responses have been received, comprising 20 letters of objection.

The objections received can be summarised as follows:

- Overdevelopment of the site
- Highways issues.
- Inadequate turning space
- Dangerous access point for parking
- Flooding from inadequate drainage due to underground stream
- Concreting over of land would lower the quality of the appearance of the road.
- Condition from previous application stated the property shall remain as a single family dwelling.
- Increase in rat numbers.
- No restriction on residents permits.
- The bin storage areas are not adequate.
- It appears to be an application for a hostel / multiple occupancy
- Out of character
- The removal of trees would affect neighbouring outlook.
- Noise and disturbance from construction.
- It would damage the areas strong sense of community.
- Increase in noise and disturbance from use.
- No details regarding outbuilding to rear garden
- Substandard form of accommodation

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, DM08, 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

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:

- Principle of the development;

- Whether harm would be caused to the character and appearance of the existing building, the street scene;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposed accommodation would provide a satisfactory quality of living accommodation for future occupants;
- Whether the proposal would be detrimental to highway safety or parking.

5.3 Assessment of proposals

4.2 The Principle of the development

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

Paragraph 2.8.1 of the Development Management Policies DPD states that *"The conversion of existing dwellings into flats can have a cumulative effect that is damaging to the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street particularly where they are highly accessible. However, even in such locations they can harm the character of areas by changing external appearance and increasing activity. Such activity can often involve more people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries"*.

Although Langley Park is characterised by single family dwellinghouses, tax records show that a number of these houses have been converted into flats. Whilst express permission has not been granted for any conversion along the street within the last 10 years, an Inspector's report relating to a proposed conversion at no.24 Langley Park stated the following in 2008: *"About ten of the dwellings in Langley Park have already been converted into flats. All but two of the conversions contain two flats and the Council would not oppose such a proposal at the appeal dwelling"* (APP/N5090/A/08/2088073 dated 20/04/2009).

The application site is situated in a corner position, opposite a flatted development off Bunns Lane (Blanca Court) and in this instance, the principle of a conversion from a single family dwelling to flatted development is not considered objectionable, as flats are now considered a feature in the nearby neighbourhood.

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

The proposed rear extension has already been approved as part of application 15/04278/HSE, dated 18/09/2015 approved by committee. The depth of the dimensions of this extension are the same as that previously approved. Therefore it is considered that this application is a viable fall back option. The proposed extension is not considered to cause significant additional harm to the character of the original dwelling and would not impact upon the streetscene of Langley Park over and above what has previously been approved at committee.

In addition, under application 15/03086/192 dated 03/06/2015, the same hip to gable roof extension and rear dormer and associated rooflights as part of the current application were deemed lawful. As such, these elements could be built without the need for planning permission. As such, no objections are raised to these elements.

Although it is acknowledged that cumulatively the property is proposed to be extensively enlarged; because of its large plot size, natural screening and planning history it is not considered that the proposed developments would cause significant harm to the character and appearance of the dwelling or local area to warrant a reason for refusal. The developments would remain proportionate to the original dwelling and would not constitute an over development of this large corner plot. It is noted that the proposal includes the hardsurfacing of the front garden. However, the side and front are largely hardsurfaced already. In addition, the proposal includes the retention of the majority of the soft landscaping to the east of the site including the trees covered by a Tree Preservation Order under 15/TPO/017. A condition has been attached relating to the erection of tree protective fencing before the development commences.

Potential impacts upon the amenities of neighbouring residents

As aforementioned, the proposed single storey rear extension would have the same depth and height along the shared boundary with no.3 as the previously consented scheme. The proposed infill section would not cause harm to the amenities of any neighbouring resident. In order to ensure that the privacy of the occupiers of this neighbouring property is maintained, a condition to restrict the use of the flat roof will be added to the decision.

In addition, the proposed roof extensions would be the same as those deemed lawful under application 15/03086/192 dated 03/06/2015. As such, these elements could be constructed without the need for planning permission. Nevertheless, given that the hip to gable element would be on the side facing onto Bunns Lane and that there are no windows in the rear roofslope of No. 3 Langley Park, it is not considered that the roof extensions would appear overbearing or visually obtrusive to any neighbouring occupier.

It is noted that more occupants would make use of the existing entrance on the side facing No. 3 Langley Park. However, the occupants of these units would amount to similar amount of occupants that would occupy the existing unit. The larger unit would be accessed from the side facing onto Bunns Lane. As such, it is not considered that the proposal would significantly increase levels of noise and disturbance from the comings and goings from the site than the existing arrangement.

Whether the proposed accommodation would provide a satisfactory quality of living accommodation for future occupants.

The proposed development would subdivide the property into 4 self-contained flats that would comprise of the following:

- Ground floor front flat - 1 bedroom, 2 person unit of 54m² internal floorspace
- Ground floor rear flat - 3 bedroom, 5 person unit of 94m² internal floorspace
- First floor Flat - 2 bedroom, 3 person unit of 77m² internal floorspace
- Loft space flat - 1 bedroom, 2 person unit of 52m² internal floorspace

The proposed units would comply with the minimum floor areas as set out in the London Plan 2015. In the main the proposed habitable rooms would benefit from adequate daylighting and outlook. However, it is noted that the bedroom to the ground floor unit to

the front of the site would have a smaller window that would look out onto the car parking Area. This bedroom would not benefit from substantial amounts of daylight and outlook. Nevertheless, the other proposed habitable rooms of this unit would benefit from quality levels of outlook and daylight and given that there are no houses to the east of the site to which the proposed bedroom window would look on to. It is not considered that the lack of outlook and daylighting to this bedroom would be a justifiable reason for refusal in itself.

A scheme of this size, with 16 habitable rooms altogether (with rooms over 20m² counting as 2), would need to provide an amenity space of 80m². The proposal would include an amenity area of over 450m² for the proposed units. As such, the proposal would provide adequate levels of amenity space for the proposed units.

Impact on highways and parking.

The proposal is for modifications to existing 4+ bedroom house to provide 4 new flats comprising of 2 x 1-bedroom, 1 x 2-bedroom and 1 x 3-bedroom and includes 4 no. off-street parking spaces for the proposed development. The proposal would also make use of the existing dropped kerb and crossover for the existing car parking spaces on the site.

The proposals have been amended so that the car parking spaces have adequate turning spaces and ensure that vehicles can enter and exit the site in a forward manner. The Traffic and Development Department have raised no objections with the proposal following amendments, subject to condition. The Highway Engineer notes that the proposals would be acceptable with only 3 car parking spaces for the size of the units proposed. As such, the scheme is providing an over provision over and above what is required for the proposed units. Given the amount of off-street parking provision as part of the scheme, it was not considered necessary to restrict the amount of parking permits for the occupiers of the proposed units. The proposal would therefore comply with Policy DM17 of the Development Management Policies DPD.

It is noted that the proposed refuse area is shown to the front of the property. Notwithstanding this a condition has been attached relating to the submission of the details of refuse and any enclosure this may be located in. It is considered that the refuse could be located to the rear of the property without compromising the quality of the rear amenity area and could be dealt with by way of condition.

5.4 Response to Public Consultation

Mainly addressed in appraisal above.

The application relates to conversion of the property into self-contained units and not a hostel.

Noise and disturbance from construction works is not a material planning consideration.

The site is not within a flood risk zone, as such the increase in occupancy of the building is not considered to result in a significant increase in flood risk on the site.

There is no evidence before the Local Planning Authority to suggest that the proposal will increase the number of rats within the area.

The condition as part of application 15/04278/HSE for the building to remain as a single family dwellinghouse was a restrictive condition, to enable the Local Planning Authority to maintain control over the use of the land, not to restrict it entirely from the conversion into self-contained units.

It is not considered that the proposal would result in a negative impact upon the local community.

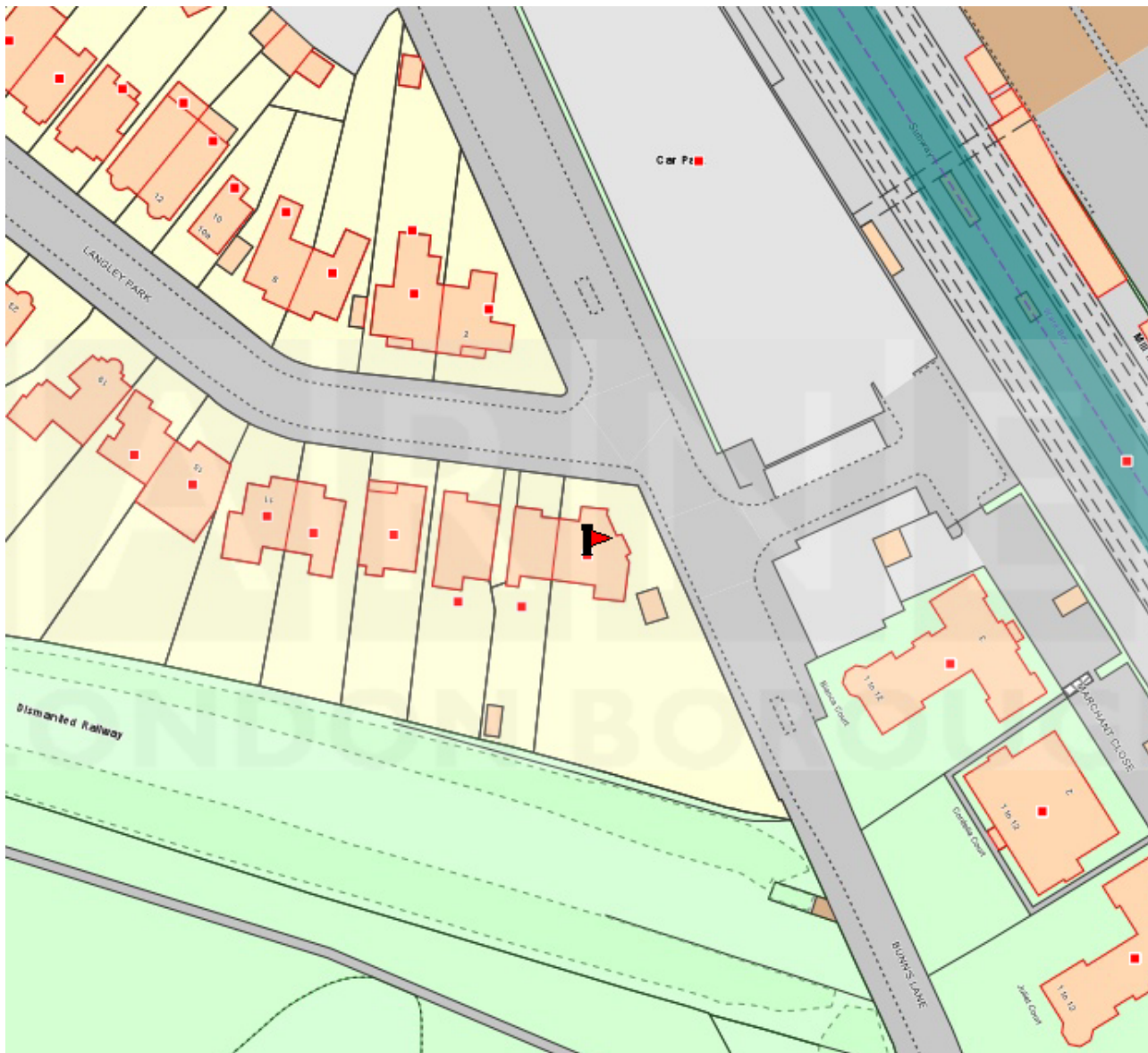
The communal playroom outbuilding in the rear garden has been removed from the drawings.

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location **16 Tretawn Gardens London NW7 4NR**

Reference: **15/07849/HSE**

Received: 22nd December 2015

Accepted: 22nd December 2015

Ward: Mill Hill

Expiry 16th February 2016

Applicant: Mr L Gainsley

Proposal: Demolition of existing side and rear extension and erection of part single part two storey side and rear extension. Creation of basement level with rear access. Conversion of garage into habitable space. Roof extension including 2 no. side dormers and 1 no. rooflight to rear to facilitate crown roof loft conversion and increase in roof height

AGENDA ITEM 7

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. 000 Rev 0; Drawing no. 001 Rev 0; Drawing no. 010 Rev 0; Drawing no. 011 Rev 0; Drawing no. 012 Rev 0; Drawing no. 013 Rev 0; Drawing no. 020 Rev 0; Drawing no. 024 Rev 0; Drawing no. 030 Rev 0; Drawing no. 209 Rev 0; Drawing no. 210 Rev 0; Drawing no. 211 Rev 0; Drawing no. 212 Rev 0; Drawing no. 220 Rev A; Drawing no. 222 Rev A; Drawing no. 224 Rev A; Drawing no. 230 Rev A; Drawing no. 232 Rev A; Drawing no. 240 Rev 0.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

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

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

- 4 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

- 5 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(s), of the extension(s) hereby approved, facing no.14 and no.18 Tretawn Gardens.

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).

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

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the 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 any works starting on site, further information on ground conditions and ground water levels should be submitted to establish how the soil will be stabilised during excavation and how ground water will be prevented from potentially entering the excavation and washing out soil to surrounding areas. Those details shall be submitted and agreed in writing by the Local Planning Authority before any works start on site. The development shall be implemented in accordance with the approved details and permanently retained in accordance with those details thereafter.

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

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 £5,019.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £19,359.00 payment under Barnet CIL.

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

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

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and

surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

Relief or Exemption from CIL:

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

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

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

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

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

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

Officer's Assessment

1. Site Description

The application is a two storey semi-detached dwelling located on the south eastern side of Tretawn Gardens within the Mill Hill ward. Due to the topography of the site, the properties are higher on the east. The change in ground levels is more evident from the front to the rear of the site, with the host property being sited at a higher level than the garden level.

2. Site History

Reference: W06052

Address: 16 Tretawn Gardens London NW7

Decision: Approved subject to conditions

Decision Date: 30.04.1979

Description: Single storey side/rear extension.

3. Proposal

The applicant seeks planning permission for the following development:

- Demolition of existing side and rear extension and erection of part single part two storey side and rear extension.
- Creation of basement level with rear access.
- Conversion of garage into habitable space.

At ground floor, the extension would have a depth of 7.1m across a width of 6.2m, near the boundary with no.18. At the other boundary the depth of the extension would be reduced by 3.7 m to match the existing rear elevation of no.14. The ground floor extension would have a flat roof with a height of 2.9m.

The side extension at ground floor would be sited at the boundary with no.14. The extension would have a false pitch roof at the front and flat roof at the rear to match the proposed rear extension.

The proposed rear terrace would project a further 1.2m from the proposed rear elevation and set 2m from the boundary with no.18 and 2m from the boundary with no.14. The applicant proposes screens on either side of the terrace to limit overlooking.

The basement would have an overall depth of 8.3m to match the outer level of the proposed terrace.

At first floor, the side extension would have a width of 1.9m and be sited 1m from the flank elevation of no.14. The roof of the main building would be increased by 0.2m and the roof of the side extension would match the height of the main roof.

The proposed first floor rear extension would have a depth of 2.1m and width of 4.1m. The first floor extension would be sited 1.2m from the flank elevation with no.18 Tretawn Gardens and 4.3m from the boundary with no.14 Tretawn Gardens. The roof of this extension would read as a subordinate addition given the lower ridge height.

At the front the applicant also proposes the re-levelling of the driveway by lowering it by approximately 0.2m. The proposed new brick wall will have a maximum height of 0.6m towards the property and 0.4m at the front of the site; this element would comply with the requirements of permitted development.

4. Public Consultation

Consultation letters were sent to 5 neighbouring properties.

17 responses have been received, comprising 15 letters of objection and 1 letter of support.

The objections received can be summarised as follows:

- Basement will disturb the water table and result in run-off to adjoining properties.
- Potential flooding to neighbouring properties
- Subsidence
- The area has a high water level
- Terrace will be deep into garden to the detriment of neighbours' amenities
- Overbearing first floor rear extension
- Greatly increase footprint of the house by 250%
- Adverse impact on appearance of streetscene
- Out of proportion with similar extensions in the area
- Depth of basement is excessive and will be highly visible
- Imposing design of ground floor extension
- Loss of privacy
- Overlooking into neighbours' gardens
- Loss of light
- Loss of garden
- Precedent for basement extensions in the area and borough
- History of groundwater flow problems
- Appearance of a three storey house at rear
- Overdevelopment
- Dormer windows would be out-of-character
- Increase in height would represent discontinuity in streetscene
- Neighbours on Sunnyfield (rear of site) were not consulted
- Eyesore for neighbours
- Similar scheme was refused on 5 Tretawn Gardens
- Removal of trees
- Basements are a departure from development in this area.
- Noise and smell during construction.
- Length of construction period
- Visually intrusive extensions
- Raising the ridgeline would disrupt the appearance of properties.
- Gap between properties would be less than 1m when measured from the chimney breast
- More than 50% of the garden taken up by concrete
- Building inconsistent with the form, scale and architectural style of the original building
- Bulky dormers

The letter of support received did not contain any comments. In addition, another letter of support was received however withdrawn shortly after.

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

Although the projection exceeds the recommended depth for detached dwellings, the proposed ground floor extension would match the existing projections of both neighbours and it is not considered that this would be out of character or visually intrusive given the context. In addition, the proposed terrace would be modest in its size and the details of the proposed screen would be conditioned to address concerns regarding overlooking. It is acknowledged that given the significant change in ground levels, there is naturally likely to be some level of overlooking into the gardens of neighbouring occupiers, however given the distance from mutual boundaries and modest depth, this is considered acceptable.

Given the difference in ground and garden levels, it is considered that the site lends itself to a basement/ lower ground floor accommodation and the principle of this element is considered to be acceptable. The proposed lower ground floor, due to its siting on the site would not result in detrimental levels of overlooking. The applicant has confirmed that the proposed plant room in the lower ground floor would contain the boiler and megaflo cylinder and a washing machine, and there would not be any external manifestations of mechanical equipment.

There are a wide array of extensions on Tretawn Gardens and it is not considered that the ground floor and basement extensions would be out of character.

At first floor level, the side extension would be sited 1m away from the boundary with no.14 (it would be 0.8m in distance from the chimney breasts); whilst the Residential Design Guidance SPD specifies that there should be a distance of 2m between flank walls, there are several examples of smaller gaps between properties on this section of the road including as approved at no.8 Tretawn Gardens (H/00792/14). As such the gap is considered to be acceptable. Furthermore, the Residential Design Guidance SPD also advises that side extensions should be recessed 1m from the front elevation; in this case,

a flush elevation would not be out of character particularly given the approved extensions within the vicinity. Amendments have been made to the scheme and the proposed ridge height has been lowered to match the height of the neighbouring property at 18 Tretawn Gardens. It is not considered that this would be detrimental to the streetscene.

The proposed first floor rear extension would not span the whole width of the property and due to the lowered ridge height, would read as subordinate feature. It is considered to be modest in depth and due to the distance between from both neighbouring occupiers, would not cause an unacceptable impact on the visual amenities of neighbouring occupiers.

The proposed side dormers are centrally located on the roofslope and in accordance with the Residential Design Guidance SPD specifying that dormers should be no more than half the width and half the height. The rooflight on the rear elevation would be small in size and centrally located on the roofslope.

The proposed garage conversion would not result in increased parking pressures on the road and as such is supported.

Finally, the changes to the ground levels to the front driveway are considered minor and would not be highly visible from the streetscene and there is existing hardstanding on the site.

5.4 Response to Public Consultation

The host does not lie within a Flood Risk zone (of any designation) or in a ground water protection zone in accordance with the Environment Agency maps. As such it is not considered that the development for the basement level would increase the risk of flooding. Furthermore, with regards to the comments regarding subsidence this is not a planning consideration; Building Regulations seek to ensure that any development is structurally sound.

The application referred to by one objector at 5 Tretawn Gardens (15/04184/RCU) was for a raised patio. It is considered that the relationship between this property and its neighbours, and the host property and the respective neighbours is very different. As such limited weight is given to this application which was refused. In addition, every case is assessed on its own merits.

The consultation for the development was in accordance with the statutory consultation process; the site at the rear immediately backs on to an allotment and not the properties on Sunnyfield; therefore the properties on Sunnyfield were not consulted.

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

6. Equality and Diversity Issues

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

7. Conclusion

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.



0 10m 20m 30m 40m 50m

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