

**MEETING**

**HENDON AREA PLANNING COMMITTEE**

**DATE AND TIME**

**TUESDAY 10TH MAY, 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**

**Councillors**

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

In line with the Constitution's Public Participation and Engagement Rules, requests to submit 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 Thursday 5 May 2016 at 10AM. Requests must be submitted to Sheri Odoffin 020 8359 3104  
Sheri.odoffin@barnet.gov.uk

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

**Andrew Charlwood – Head of Governance**

Governance Services contact: Sheri Odoffin sheri.odoffin@barnet.gov.uk

Media Relations contact: Sue Cocker 020 8359 7039

**ASSURANCE GROUP**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	MINUTES	1 - 6
2.	ABSENCE OF MEMBERS (IF ANY)	
3.	DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)	
4.	PUBLIC QUESTION AND COMMENTS (IF ANY)	
5.	MEMBERS' ITEMS (IF ANY)	
	<b>HENDON WARD</b>	
6.	Exegen House 1 New Brent Street London NW4 2DF	7 - 14
7.	71-73 Church Road London NW4 4DP	15 - 24
	<b>MILL HILL</b>	
8.	1 Devonshire Crescent London NW7 1DN	25 - 32
9.	129 Millway London NW7 3JL Erection of a two-storey dwelling house	33 - 46
10.	16-0318-FUL 129 Millway two storey extension	47 - 62
11.	26 Tretawn Gardens London NW7 4NR	63 - 70
12.	16 Tretawn Gardens London NW7 4NR	71 - 82
	<b>WEST HENDON WARD</b>	
13.	91 Audley Road London NW4 3EU	83 - 90
14.	100 Sevington Road London NW4 3RS	91 - 100

15.	57 Fosscote Road London NW4 3SE	101 - 110
16.	107 Station Road London NW4 4NT	111 - 118
17.	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 Jan Natynczyk [jan.natynczyk@barnet.gov.uk](mailto:jan.natynczyk@barnet.gov.uk) 020 8359 5129. 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

10 March 2016

Members Present:-

AGENDA ITEM 1

Councillor Maureen Braun  
Councillor Claire Farrier  
Councillor Helena Hart  
Councillor Sury Khatri

Councillor Gill Sargeant  
Councillor Agnes Slocombe  
Councillor Hugh Rayner

Apologies for Absence  
Councillor Brian Gordon

## 1. MINUTES

Resolved that the minutes of the previous meeting held on 4<sup>th</sup> February 2016 be recorded as correct apart from an amendment to the conditions for the application at 1 LANGLEY PARK LONDON NW7 2AA\_which should have included the following Cycle Parking Condition:  
Before the development hereby approved is first occupied details of the cycle parking storage facilities to be provided at the site (for the storage of not less than 7 cycles) shall be submitted to the Local Planning Authority and approved in writing. The development shall not be occupied until the cycle parking facilities approved under this condition have been provided at the site in full accordance with the details approved under this condition.

## 2. ABSENCE OF MEMBERS (IF ANY)

Councillor Brian Gordon gave his apologies and was substituted by Councillor Helena Hart.

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

Councillor	Item	Nature of Interest	Details
Maureen Braun Chairman		Non-pecuniary	That the Chairman lives on the same road as the planning application being considered.

## 4. PUBLIC QUESTION AND COMMENTS (IF ANY)

None.

## 5. MEMBERS' ITEMS (IF ANY)

None.

**6. 89-91 EDGWAREBURY LANE**

The Committee considered the planning officer’s report and addendum to the report.

Oral representations were received from Mr Andrew Shaw who objected to the application. The applicant Mr Springthorpe also spoke.

Following discussion of the item, Committee **RESOLVED TO REFUSE** the application, overturning the officer’s recommendation for the following reasons

Reason:

The proposed development would, by reason of their design size, mass and bulk, represent a disproportionate and overly dominant form of development which i would be detrimental to the character and appearance of this part of Edgwarebury Lane contrary to policies CS1 and CS5 of the Barnet Core Strategy (2012), policy DM01 of the Barnet Development Management Polices (2012), policies 7.4 and 7.6 of the London Plan (2015) and the guidance contained within the Barnet Residential Design Guidance Supplementary Planning Document (2013).

**Votes were recorded as follows:**

For	2
Against	4
Abstain	1

**7. 28 HERIOT ROAD LONDON NW4 2DG**

The Committee considered the planning officer’s report and report addendum.

Oral representations were received from Mr Jason Moleman who objected to the application.

Following discussion of the item, Committee **RESOLVED to APPROVE** the application as per the officer’s recommendation and additional conditions as outlined in the Addendum.

Water Consumption

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).

Reducing carbon dioxide emissions:

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 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 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).

**Votes were recorded as follows:**

For	5
Against	2
Abstain	0

**8. 27 SYDNEY GROVE LONDON NW4 2EJ**

The Committee considered the planning officer's report and report addendum.

Oral representations were received from Mr Jason Moleman who objected to the application.

Following discussion of the item, Committee **RESOLVED to APPROVE** the application as per the officer's recommendation and with the addition of an informative as follows:

Further development

The applicant is advised no further development will be viewed favourably on this site.

**Votes were recorded as follows:**

For	6
Against	1
Abstain	0

**9. 19 VICTORIA ROAD LONDON NW7 4SA**

Before committee considered this item, the meeting was adjourned at 7.20pm for 5 minutes as the Chairman, Councillor Braun declared an interest in 19 Victoria Road as a resident of the street. The Chairman informed the Committee that she was stepping down as Chairman. Councillor Rayner moved to vote for a new Chairman. Councillor Rayner voted for Councillor Slocombe and was seconded by Councillor Farrier. Councillor Slocombe duly took the Chair and Councillor Braun left the building.

The Committee considered the planning officer's report and report addendum.

Following discussion of the item, Committee **RESOLVED to APPROVE** the application as per the officer's recommendation and amended condition 1 as per addendum:

**Approved Plan**

The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 15/2011/1, Design and Access Statement (Received 02-December-2015) and 2016/001 (Received 25-January-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).

Agreed Additional condition:

- a) No development shall take place until details of the obscure glazing located on the face of the dormer hereby approved have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

**Votes were recorded as follows:**

For	4
Against	0
Abstain	2

Amended condition 1 as per addendum (Request made by Officers):

**Approved Plan**

The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 15/2011/1, Design and Access Statement (Received 02-December-2015) and 2016/001 (Received 25-January-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).

Agreed Additional condition (Request made by Cllr Khatri):



a) No development shall take place until details of the obscure glazing located on the face of the dormer hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

**10. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT**

None.

The meeting finished at 8.45 pm

This page is intentionally left blank

**Location**                      **Exegen House 1 New Brent Street London NW4 2DF**

**Reference:**                    **16/0357/FUL**

Received: 19th January 2016

Accepted: 26th January 2016

**Ward:**                         Hendon

Expiry 22nd March 2016

**Applicant:**                    Mr Rami Kanzen

**Proposal:**                    Extension to existing office building, to create additional 1 storey for office use

**AGENDA ITEM 6**

**Recommendation:** Refuse

- 1     The proposed development would, by reason of its design, size, bulk, mass and siting, be overbearing and visually obtrusive and result in an unacceptable sense of enclosure and loss of outlook at the west facing first floor windows at 79 Brent Street, to the significant detriment of the amenities of the occupiers of this property. The proposal would therefore not constitute a high quality design and would be contrary to policy 7.6 of the London Plan (Adopted 2015), policy CS5 of the Barnet Core Strategy (Adopted 2012) and policy DM01 of the Barnet Development Management Policies Document (Adopted 2012).

**Informative(s):**

- 1     The plans accompanying this application are:
  - Existing: no. PL 11 Rev A, PL 13 Rev A, PL 17 Rev A, PL 15 Rev A, PL 9 Rev A, PL 2 Rev A, PL 4 Rev A, PL 6 Rev A (received: 19/01/16)
  - Proposed: no. PL 12 Rev A, PL 14 Rev A, PL 16 Rev A, PL 10 Rev A, PL 3 Rev A, PL 5 Rev A, PL 7 Rev A, PL 8 Rev A (received: 19/01/16)
- 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. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 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 £4,900.00 payment under Mayoral CIL at this time.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking were set at a rate of £0 per sq m. This planning application was assessed as liable for a £0 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](mailto:cil@barnet.gov.uk).

## Relief or Exemption from CIL

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)
2. Residential Annexes or Extension: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk).

Please visit [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) for further details on exemption and relief.

## **Officer's Assessment**

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

### **1. Site Description**

The application site is located within Brent Street Town Centre at the eastern junction of New Brent Street and Cowley Place. The property adjoins 79 Brent Street, which contains residential accommodation, to the east. The site currently contains a two storey building with a flat roof providing use class B1 office accommodation.

### **2. Site History**

Reference: 15/05704/FUL

Address: Exegen House, 1 New Brent Street, London, NW4 2DF

Decision: Refused

Decision Date: 30 November 2015

Description: Extension to existing office building, to create additional 1 storey for office use

### **3. Proposal**

Extension to existing office building, to create additional 1 storey for office use

### **4. Public Consultation**

Consultation letters were sent to 143 neighbouring properties.

0 responses have been received.

### **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 (DPD). Both DPDs were adopted on 11 September 2012.

Barnet Core Strategy Policies:- CS NPPF, CS1, CS5, CS6, CS8, CS9, CS12, CS13, CS14 and CS15

Barnet Development Management Policies Document Policies:- DM01, DM02, DM03, DM04, DM11, DM14 and DM17

Local Supplementary Planning Documents:

The Council has adopted a supplementary planning document (SPD) which is relevant to the assessment of this application, the Sustainable Design and Construction SPD (2013). This document is a material planning considerations in the determination of this application.

## **5.2 Main issues for consideration**

The main issues in the assessment of this application are considered to be the:

- Principle of providing additional (use class B1) office floorspace at the site.
- Proposals impact on the amenities of neighbouring occupiers.
- Impact of the proposal on the character and appearance of the existing property and wider area.
- Proposals parking facilities and impact on highway and pedestrian safety.

## **5.3 Assessment of proposals**

As highlighted in the planning history above, a similar application was previously refused for the following reason:

*The proposed development would, by reason of its design, size, bulk, mass and siting, be overbearing and visually obtrusive and result in an unacceptable sense of enclosure and loss of outlook at the west facing first floor windows at 79 Brent Street, to the significant detriment of the amenities of the occupiers of this property. The proposal would therefore not constitute a high quality design and would be contrary to policy 7.6 of the London Plan (Adopted 2015), policy CS5 of the Barnet Core Strategy (Adopted 2012) and policy DM01 of the Barnet Development Management Policies Document (Adopted 2012).*

The applicant has since revised the original plans to provide a sloping roof to the part of the extension facing the neighbouring flat. Officers consider that the changes have failed to successfully overcome this reason for refusal. A request for amendments was sent to

the agent but no revised plans have been received. As all other aspects of the proposal were previously deemed acceptable the following assessment will focus on this reason for refusal.

The principle of additional office space in the town centre and the appearance of the extension in relation to the street scene are considered acceptable.

#### Impact on the amenities of neighbouring occupiers:

Development plan policies require that proposals represent high quality design and allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users.

In terms of visual impacts, the proposed development would result in a relatively blank wall approximately 5.9m in height being situated directly opposite existing west facing windows in the first floor rear elevation of 79 Brent Street, set at a distance of approximately 8.3m and covering the full width of the windows. It is considered that the design, size, bulk, mass and siting of the proposed addition to the existing building is such that it would result in a development with a visually obtrusive and overbearing relationship on and which causes an unacceptable loss of outlook and sense of enclosure at west facing windows to neighbouring first floor properties at 79 Brent Street. The application is therefore found to be unacceptable and contrary to development plan policy in this regard.

The application is accompanied by an assessment of the schemes impact on the daylight and sunlight conditions at neighbouring properties. While it is recognised that this has a number of limitations, based on the findings of the assessment it is considered probable that the scheme would not result in unacceptable impacts on daylight and sunlight at neighbouring properties. The application is therefore found to be acceptable in this regard.

Given the nature of the use proposed (office floorspace) it is considered that any potential concerns regarding overlooking and loss of privacy at neighbouring properties could be adequately addressed through the use of a suitable condition requiring windows that are fixed shut and have obscured glazing and a condition preventing the insertion of new windows without the benefit of express planning permission (had the application not been found unacceptable in other regards).

#### **5.4 Response to Public Consultation**

N/A

#### **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 application is found to be contrary to development plan policies in the ways identified in previous sections of this report. As there are no material considerations which outweigh the harm caused by the proposals conflict with these development plan policies the application is found to be unacceptable in these respects. The application is therefore recommended for REFUSAL.





This page is intentionally left blank

**Location** 71-73 Church Road London NW4 4DP

**Reference:** 15/07439/FUL

Received: 7th December 2015

Accepted: 7th January 2016

**Ward:** Hendon

Expiry 3rd March 2016

**Applicant:** Mr Avi Dodi

**Proposal:** Extension to existing second floor to provide 2no. self contained flats

AGENDA ITEM 7

**Recommendation:** Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement; 330/100; 330/101A; 330/102A; 330/103D; 330/105C.

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

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

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

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

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

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 6 a) 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).

- 7 Prior to the first occupation of the new units (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).

- 8 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. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 7294.

- 3 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a 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 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](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

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

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

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

2. Residential Annexes or 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](http://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**

This property site is a former office on Church Road in Brent Street Town Centre, which has been converted to residential properties under prior approval procedure for 10 units. This application proposes two additional units creating a total of 12 units. There are no on-site parking facilities; Church Road has pay and display bays and Johns Avenue has a Controlled Parking Zone (CPZ) operating from 9am-5pm.

### **2. Site History**

Reference: 15/04633/FUL

Address: 71-73 Church Road, London, NW4 4DP

Decision: Approve subject to conditions

Decision Date: 21.09.2015

Description: Extension to existing second floor to provide 1no. self contained flat

Reference: H/02551/14

Address: 71-73 Church Road, London, NW4 4DP

Decision: Approved

Decision Date: 17.06.2014

Description: Change of use from Class B1 (office), to Class C3 (residential) (7 units)

Reference: W01303

Address: 71-73 Church Road, London, NW4 4DP

Decision: Approved

Decision Date: 09.08.1967

Description: Change of use to offices and photo processing

Reference: W01303A

Address: 71-73 Church Road, London, NW4 4DP

Decision: Refused

Decision Date: 09.06.1967

Description: Erection of an additional storey

Reference: W01303B

Address: 71-73 Church Road, London, NW4 4DP

Decision: Approved

Decision Date: 01.12.1976

Description: Erection of an additional 900 sq.ft (83.5 sq-metres) storey (second floor) along the Church Road frontage

Reference: W01303C

Address: 71-73 Church Road, London, NW4 4DP

Decision: Approved

Decision Date: 06.06.1977

Description: Alterations to 'north light' glazing to form mansard with dormer windows

Reference: W01303D

Address: 71-73 Church Road, London, NW4 4DP

Decision: Approved



Decision Date: 09.05.1979

Description: Formation of second storey to provide 83.5 sq.ft (900sq.ft) of additional office accommodation

### **3. Proposal**

Planning permission is sought for the extension to existing second floor to provide 2no. additional self contained flats.

The proposed rear extension will project to the rear by 11.5m closest to No.69 Church Street and 8m along the boundary with No.77-79 Church Street. The proposed development will measure 9m wide and host a flat roof.

### **4. Public Consultation**

156 consultation letters were sent to neighbouring properties.

5 responses have been received, comprising 5 letters of objection.

The objections received can be summarised as follows:

- Johns Avenue has major parking problems in the evenings and on weekends
- Life is being made a misery as residential units are continually being given parking permits without additional parking being made available. We cannot park near our houses
- This site is already overdevelopment and these extra flats are putting pressure on parking and local services

### **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, DM04, DM08, DM17.

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.

### ul 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 the principle of the development is acceptable
- 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 future occupiers
- Whether harm would be caused to the living conditions of neighbouring residents
- Whether the proposals would have an acceptable impact on highway and pedestrian safety

### **5.3 Assessment of proposals**

#### Whether the principle of the development is acceptable

The proposals would create two additional residential flats on a building that has been recently converted to flats.

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

The extension has been set in from the side facing Johns Avenue and set in from the rear boundary of the site.

Whilst flat roof rear extensions are not normally considered to be acceptable at upper floor levels, given the design of the existing building it is considered that no harm would result to the character of this area.

#### Whether harm would be caused to the living conditions of future occupiers

Flat 8 would have a Gross Internal Area (GIA) of approx 35m<sup>2</sup> for the 1 bed flat and Flat 9 would have a GIA of 24.8m<sup>2</sup> for a studio which would be marginally lower than the London Plan Standard of 37 square metres. It is not considered given the relatively minor shortfall, that refusal could be justified.

It is noted that no external amenity space would be provided for the units and this is similar to other flats in the area. The site is within walking distance to Sunny Hill Park and located within a town centre location. The units have relatively good outlook to the west and east and would provide 2 additional much needed residential accommodation within an accessible area. It should also be noted that an inspector allowed for student accommodation at 81 Church Road without any provision of amenity space.

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

The neighbouring property is also a three storey development with no windows facing the proposed development. It is not considered that the proposed development will overlook or cause loss of privacy to neighbouring residents.

The introduction of two additional flats to an already substantial sized block of flats is not considered to have a detrimental impact upon the living conditions of neighbouring residents.

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

The proposals involve the creation of a studio flat and a one bed flat. The proposals would provide no parking for the additional accommodation. The site is located on the corner of Church Road and Johns Avenue. Church Road has pay and display bays and Johns Avenue has a 9am-5pm CPZ.

It is not considered that the addition of 2 units within a town centre would cause harmful additional parking pressures in the area. It is not considered that it would have a harmful impact on highway and pedestrian safety.

## 5.4 Response to Public Consultation

N/A

## 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, the proposed development would have an acceptable impact on the character and appearance of the application site and the streetscene. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



**Location**                    **1 Devonshire Crescent London NW7 1DN**

**Reference:**                **16/0823/HSE**

Received: 9th February 2016

Accepted: 9th February 2016

Expiry 5th April 2016

AGENDA ITEM 8

Ward:                        Mill Hill

Applicant:                 Mr T Stovek

Proposal:                 Part single, part two storey side and rear extension following demolition of existing conservatory

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan and Drawing Nos. 1DC-100, 101-A, 102-A, 103-A, 104-A.

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     Before the building hereby permitted is first occupied the proposed window at first floor level in the south flank elevation shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 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 flank elevations of the extension hereby approved.

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

**Informative(s):**

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.

## Officer's Assessment

### 1. Site Description

The application site one of a pair of two storey, semi-detached dwellings, located on the southern side of Devonshire Crescent. Devonshire Crescent is characterised by pairs of semi-detached dwellings of a similar style. The attached neighbouring property is to the north of the site, and the rear gardens of Nos. 76-82 Devonshire Road are to the south of the site beyond a narrow access track.

### 2. Site History

None relevant.

### 3. Proposal

This application proposes a part single, part two storey side and rear extension following demolition of existing conservatory. The proposed extension would increase the width of the host dwelling by 1.4 metres, with the first floor element at the side set back 1m from the front wall. The extension would project 11.1m along the side of the building. At ground floor level it would project 3.5m beyond the rear of the existing building and at first floor level would project 3m beyond the rear. To the rear, the extension would form a single storey projection 7.2 metres wide (set a maximum of 1.2 metres from the southern side boundary). The first floor element would be 4m wide, and set 3.2m from the common boundary with the attached neighbouring property.

### 4. Public Consultation

This application was originally advertised as "*Part single, part two story side and rear extension following demolition of existing conservatory. Roof extension involving rear dormer window with 1no rooflights to front elevation to facilitate a loft conversion*". Consultation letters were sent to 12 neighbouring properties, and six letters of objection were received, making the following comments:

- Upper level extension will block light into garden, kitchen and patio to neighbouring property.
- Privacy will be compromised by new structure.
- Excavation works could compromise neighbouring properties.
- New build would not be within the character of other houses on the Crescent.
- Proposal may have party wall implications.
- Proposal will destroy the balanced view of the street.
- Roof extension is massive and out of proportion and outlook in relation to the original property.

In addition, Cllr John Hart has requested this application be referred to the Committee, and has raised the following objections:

- The proposed side and rear extensions, with loft extension, will convert a two-up, two-down semi-detached house into a five bedroomed dwelling of overbearing size in its context.
- The small rear gardens of Nos. 76, 78, 80 and 82 Devonshire Road will suffer loss of light, privacy and amenity owing to the bulk and height of the proposed development as it extends and fills the rear garden of No 1 Devonshire Crescent.
- Its semi-detached partner will be dwarfed, affecting the street scene negatively at the entrance to the crescent.

During the course of the application, amendments were made to reduce the size of the proposed extensions as follows:

- Reduce the width of the extension when viewed from the rear from 8.4m, to 7.2m.

- Reduce the depth of the first floor rear-projecting element from 3.5m to 3m.
- Extension to project parallel to the flank wall of the existing house, rather than tapering out to follow the line of the flank boundary.
- Remove the rear dormer window.

Following receipt of amended plans, the description of the proposal was changed to "*Part single, part two storey side and rear extension following demolition of existing conservatory*" and an additional public consultation period was opened. Any responses received to that consultation will be reported in an addendum to this committee report.

## **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, 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**

The proposed extension has been reduced in scale and massing since the originally submitted scheme. When viewed from the front, the proposed extension would have a limited width and would appear as a clearly subservient addition to the original dwelling. The extension would project rearward parallel to the flank wall of the original building, to ensure some space remains between the flank elevation and the flank boundary of the site. To the rear, the proposed extension would remain subordinate in width at first floor level. The proposed extension, having regard to its massing and design, would appear as an appropriate and subservient addition to the host building which would not detract from its original scale and appearance.

It is noted that to the south of the application site is a track providing access to the rear of properties which front Devonshire Road. This track ensures additional spacing and openness between the flank wall of the proposed extension and the side boundary, and ensures the resultant building would not appear cramped within its plot.

In terms of neighbour impact, the proposed extension would extend 3.5 metres beyond the rear of the original building at ground floor level adjacent to the attached neighbouring

property. This depth would comply with the Residential Design Guidance SPD and would not appear overbearing or visually intrusive when viewed from No. 2 Devonshire Crescent. The first floor element would have a depth of 3m and would be set 3.2m from the common boundary with the attached neighbouring property. As a result, the first floor element would not appear overbearing when viewed from No. 2.

The rear gardens of the properties fronting Devonshire Road are approximately 13m deep. The access track beyond is approximately 2m wide. Therefore the proposed extension would be at least 15 metres from the rear of properties fronting Devonshire Road. The majority of the proposed extension would be read against the bulk and massing of the flank elevation of the existing building, and therefore would not materially change the aspect from the rear of Nos. 80 or 82 Devonshire Road, or appear overbearing or visually intrusive when viewed from these properties. The first floor rear element would primarily be to the rear of No. 80. However it would appear as a subordinate element and would be approximately 17.5 metres rear of that neighbouring property. As a result of the distances involved, it is not considered that the proposal would appear overbearing or visually intrusive from this or any other neighbouring property.

No windows are proposed to be inserted in the flank wall of the extension facing No. 2 Devonshire Crescent. There would be two windows in the flank elevation, facing the rear of properties which front Devonshire Road. The first floor window would be obscure glazed. Subject to a condition restricting the insertion of any further windows in these flank elevations it is not considered that the privacy of neighbouring properties would be compromised.

#### **5.4 Response to Public Consultation**

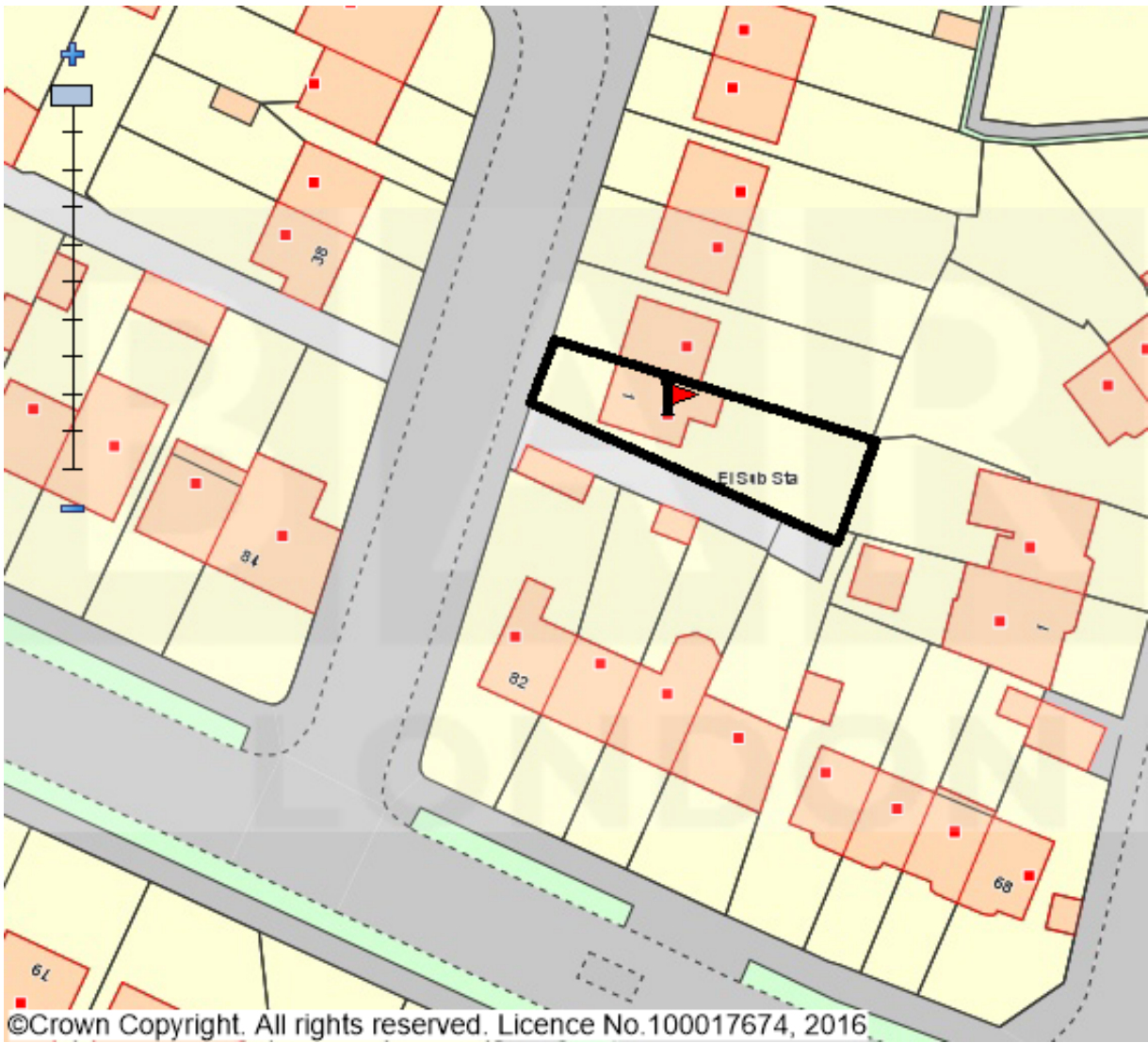
The objections raised are mostly addressed in the appraisal above. Comments in respect of the Party Wall act, or property prices, are not material planning considerations.

#### **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.



This page is intentionally left blank

**Location**                    **129 Millway London NW7 3JL**

**Reference:**                **16/0317/FUL**

Received: 18th January 2016

Accepted: 21st January 2016

Ward:                        Mill Hill

Expiry 17th March 2016

Applicant:                Mr Oliver Bruh

Proposal:                Erection of a two-storey dwelling house with provisions for parking and amenity space

AGENDA ITEM 9

**Recommendation:** Approve subject to conditions

- 1 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.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: A01, A02, A03, A04 and A05.

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).

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

- 4 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. A02; 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.

- 5 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

- 6 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).

- 7 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.

- 8 Prior to the first occupation of the new dwellinghouse(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).

- 9 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(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).

- 10 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 10% 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).

- 11 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).

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be carried out within the area of 129 Millway hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 13 Condition: Before the permitted development commences details of the refuse collection arrangements shall be submitted to and agreed by the Local Planning Authority.

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

- 14 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).

- 15 Prior to construction commencing, the applicant shall submit for approval by the Council, details of a drainage strategy for the development setting out sustainable urban drainage system (SUDS) for the site. The SUDS shall be installed prior to occupation of the dwellings and shall be retained thereafter in accordance with the details approved by way of this condition.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan (2015).

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



Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area to comply with policy DM01 of the Barnet Development Management Policies Document (2012).

- 17 Before the development hereby permitted is 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 and shall be provided at the site in accordance with the approved details before the development is occupied.

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

- 18 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 19 Prior to the first use of the dwelling hereby permitted the approved access, circulation/turning areas and parking spaces shall be fully implemented and

shall be retained thereafter and used only for purposes of access, circulation, turning and parking.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2015.

**Informative(s):**

- 1 The plans accompanying this application are: A01, A02, A03, A04, A05.
- 2 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.
- 3 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 4 Any highway approval as part of the planning process for the alteration to the existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for crossover under Highways Act 1980. Removal or relocation of any existing street furniture or alteration to road markings or Controlled Parking Bays would be subject to public consultations and would be done at the applicant's expense, under a rechargeable works agreement, by the Council's term contractor for Highway Works.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team as part of the crossover application. The outcome of this assessment cannot be prejudged. Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 5 Gated access is proposed for the development. Please ensure that a minimum of 6m space is maintained fronting the gate to allow a vehicle coming off the public highway to wait whilst the gate is opening.

## Officer's Assessment

### 1. Site Description

The application site relates to a parcel of land located to the west of 129 Millway. The site is enclosed and surrounded by Nos 5-10 Northway Crescent to the north and 13-19 Glendor Gardens to the west. The immediate area is characterised by detached and semi-detached single family dwelling houses.

The subject site is not within a conservation area and is not identified as being subject to flooding. The site does not contain any listed building or protected trees.

### 2. Site History

Reference: 16/0318/FUL

Address: 129 Millway London NW7 3JL

Decision: Pending consideration

Decision Date: N/A

Description: Erection of 2 no, two storey semi-detached houses with provisions for parking and amenity space

Reference: H/05640/13

Address: Land To The Rear Of 129 Millway, London, NW7 3JL

Decision: Allowed on appeal (Appeal Reference APP/N5090/A/14/2218941)

Decision Date: 08/09/2014

Description: Erection of a two-storey single family dwelling following demolition of existing garage with access from Millway. (AMENDED ADDRESS AND DESCRIPTION)

Reference: H/00463/13

Address: 129 Millway, London, NW7 3JL

Decision: Withdrawn

Decision Date: N/A

Description: Erection of a two-storey single family dwelling in rear garden, following demolition of existing garage

Reference: W09636B

Address: 129 Millway, London, NW7 3JL

Decision: Approved subject to conditions

Decision Date: N/A

Description: Single storey rear conservatory extension.

Reference: W09636A

Address: 129 Millway, London, NW7 3JL

Decision: Approved subject to conditions

Decision Date:

Description: Single storey rear extensions.

Reference: W09636

Address: 129 Millway, London, NW7 3JL

Decision: Approved subject to conditions

Decision Date:

Description: Single-storey rear extension and dormer windows at rear and side.

### **3. Proposal**

The application seeks permission for the erection of a two-storey single family dwelling in the rear garden following the demolition of the existing garage. A new access route is proposed between Nos 129 and 131 Millway measuring 3.76m in width.

The proposed new dwelling would measure approximately 12m in width, 14.7m in depth and 6.5m in height with a flat roof.

The proposal would be larger than the development granted consent under appeal reference APP/N5090/A/14/2218941 representing an increase in building width of approximately 3.2 metres (from 8.8 metres wide to 12 metres wide), an increase in building depth of approximately 2.7 metres (from 12 metres to 14.7 metres), and an increase in building height by approximately 0.5 metres (from 6.07 to 6.5 metres).

Outside of changes in the scale of the proposal and some internal layout changes, including the addition of a fourth bedroom at first floor, there are no other significant changes to the form, access, landscaping or boundary treatments when compared with that previously approved.

Hardstanding is proposed for the entrance fronting on to Millway and 2no parking spaces will be provided in the front forecourt.

New entrance gates are proposed between Nos 129 and 131 Millway although no details have been provided regarding their size.

### **4. Public Consultation**

Consultation letters were sent to 85 neighbouring properties.

6no objections have been received, and these comments are summarised as follows:

- Proposal larger than permitted in APP/N5090/A/14/2218941.
- Questioned whether the Inspector makes reference to the scale of the development.
- Highway concerns.
- Concerns with surface water run off caused by an increased hardstanding area, and the levels of the site.
- Out of scale and proportion compared to surrounding properties.
- Overlooking caused by the level at the proposed site.
- Noise concerns.
- Impact on wildlife.
- Loss of mature trees.
- Concern with parking.
- Bats in the area, but there has not been a bat assessment.
- Concerns with the precedent this would set.

### **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 Government's 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 (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, CS10, CS11, CS15.
- Relevant Development Management Policies: DM01, DM02, DM04, DM08 and DM17.

#### Supplementary Planning Documents

##### Sustainable Design and Construction SPD (adopted April 2013)

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

##### 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 development 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 development 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.

## **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 and the surrounding area;
- Whether the building would provide suitable living conditions for future occupants;
- Impact on the living condition and the amenities of neighbours;
- Impact on highway safety.

## **5.3 Assessment of proposals**

### Principle of the development

The principle of residential development on the site has been established through the allowed planning appeal made under reference APP/N5090/A/14/2218941, which related to the construction of a single dwelling house on the site, albeit of a smaller scale. The Inspector outlined that within Barnet Local Plan Policy CS5 in paragraphs 10.7.1 to 10.7.4 it refers to the contribution development in gardens can make to housing delivery. The policy also outlines that the robust approach would be taken to proposals involving the loss of gardens, that would be detrimental to the suburban character that makes Barnet a distinctive place. The Inspector goes on to establish due to the scale and height of that proposed development, that the distance between the proposed development from the highway, and the surrounding boundary treatment and mature planting, means that the site is not overly visible from the public domain.

The proposed development is larger in scale than the one proposed under application reference H/05640/13 which was subsequently allowed on appeal. By comparison with the previously approved plans, the proposal subject of this application represents an increase in building width of approximately 3.2 metres (from 8.8 metres wide to 12 metres wide), an increase in building depth of approximately 2.7 metres (from 12 metres to 14.7 metres). The height of the building is also proposed to increase by 0.5 metres (to be 6.5 metres in total height).

In the context of the previous appeal decision, which determined that the principle of this type and style of development in this location would be acceptable, it is not considered that the above mentioned increases in width, depth or height would have a significant impact on the visibility of the dwelling from outside the subject land. As it is considered that the proposed dwelling in this application would not have a substantially different appearance to that previously approved, it is considered to result in an acceptable visual impact.

### Impact of the proposal on the character and appearance of the area

Policy DM01 states that 'Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

Objections have been received which make reference to the appearance and design of the proposed development being out of keeping with the established character at this site. The Inspector considered that the development proposed under application reference H/05640/13 would not be harmful to the established character of the area in the context its

siting, distance from the highway and it not being overly visible. He goes on to outline that the lack of a direct road frontage would be at odds with the majority of other dwellings, but that he did not consider that it would 'results in any particular harm to the established character of the area nor erode local distinctiveness'.

The development proposed would be larger in scale than the dwelling proposed under application H/05640/13. However, it is considered that the scale of the property, and particularly its height would not be significantly different to the previously allowed development. In that context, it is considered that the development proposed would not have a sufficiently significant adverse impact on the character and appearance of the area to justify the application being refused.

The design of the proposed dwelling, which is larger in scale, shares architectural similarities with the development previously allowed on appeal. The Inspector points to that design being appropriate in the context of the site. It is considered that the design of the proposal would therefore be acceptable.

#### Impact the proposal would have on the amenities of neighbours

Overall it is considered that the design, size, bulk and siting of the proposed development is such that it would be in keeping with the objectives of development plan policies and planning guidance that seek to preserve and protect the amenities of neighbouring occupiers. It is found that the development would not be overbearing, visually obtrusive or cause unacceptable overlooking, overshadowing, losses of daylight, sunlight, aspect, privacy or outlook. As the development is for one new dwelling, it is considered that the coming and goings from the site will not be of a frequency to raise significant amenity concerns to neighbours with regard to noise.

The proposed first floor balconies are comparable in size and locations to that previously approved on appeal, and are therefore not considered to result in unreasonable impact on the adjoining property owners.

The application is found to be acceptable and compliant with the objectives of development plan policies on the protection of the amenities of neighbouring occupiers subject to the conditions recommended.

#### Whether the building would provide suitable living conditions for future occupants

This application has been assessed against the Sustainable Design and Construction SPD which outlines minimum living accommodation standards. It is found that the proposed dwellings would meet the necessary internal floor areas in all respects. The remaining outdoor amenity area would also be of a sufficient size. Further, the dwellings would afford future occupiers with an acceptable level of outlook and natural light. As such, the development would provide a sufficient level of accommodation for potential occupiers.

#### Impact of the proposal on highway safety

Policy DM17 states that dwellings of 4 or more bedroom should provide 2 to 1.5 parking spaces. There are 2 no car parking spaces proposed to comply with Policy DM17.

It should also be noted that this application has been assessed by the Council's Traffic & Development Department who have not raised any objections to the proposal subject to the inclusion of relevant conditions and informatives.

#### Other issues

Comments have been received regarding the loss of trees on site and the impact that this could have on wildlife. Prior to the submission of this application, an arboricultural

assessment had been submitted alongside the application made under reference H/05640/13. None of the trees to be removed are protected by tree preservation order, and it is not considered that the loss of the trees outlined on the plans would have a significant impact on the amenity of the area..

With regards to the biodiversity on site, no evidence has been submitted of the animals such as bats being located on site. The site is not a recognised area of significance for nature conservation in the Borough. Furthermore, a substantial area of garden would be retained and a number of new trees would be planted within the site, potentially creating new habitats.

#### **5.4 Response to Public Consultation**

Concerns raised have been discussed in the main body of this report.

#### **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, achieves suitable standards regarding the quality of accommodation for future occupants, and is considered acceptable by Council's highways department. This application is therefore recommended for approval subject to conditions.





This page is intentionally left blank

**Location**                    **129 Millway London NW7 3JL**

**Reference:**                **16/0318/FUL**

Received: 18th January 2016

Accepted: 21st January 2016

Ward:                        Mill Hill

Expiry 17th March 2016

Applicant:                Mr Oliver Bruh

Proposal:                Erection of 2 no, two storey semi-detached houses with provisions for parking and amenity space

AGENDA ITEM 10

**Recommendation:** Approve subject to conditions

- 1 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.

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

- Artist's Impression A 01
- Proposed Site Plan A 02
- Proposed Floor Plans A 03
- Proposed Sections and Elevations A 04
- Section Cut A 05
- Location Plan

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies 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).

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

- 4 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing number A 03; 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.

- 5 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

- 6 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).

7 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.

8 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(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).

9 The roof of the development 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).

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be carried out within the area of 129 Millway hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 11 Before the development hereby permitted is first occupied details of the location and type of cycle storage shall be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the storage of cycles.

Reason: To ensure cycle parking is provided in accordance with policy DM17 of the Adopted Barnet Development Management Policies DPD (2012) and the London Plan (2015).

- 12 The development hereby approved 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)

- 13 Prior to the first occupation of the new dwellinghouse(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).

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

Reason:

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

- 15 Before the development hereby permitted is 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 and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

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

- 16 Before the development hereby permitted is occupied, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority, implemented and retained as such on site thereafter.

Reason:

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

- 17 Before the building hereby permitted is first occupied the proposed window(s) in the first floor side elevations of the proposed dwellings shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 18 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 19 Prior to the first use of the dwelling hereby permitted the approved access, circulation/turning areas and parking spaces shall be fully implemented and shall be retained thereafter and used only for purposes of access, circulation, turning and parking.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2015.

- 20 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).

- 21 Prior to construction commencing, the applicant shall submit for approval by the Council, details of a drainage strategy for the development setting out sustainable urban drainage system (SUDS) for the site. The SUDS shall be installed prior to occupation of the dwellings and shall be retained thereafter in accordance with the details approved by way of this condition.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 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.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £10,500.00 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 £40,500.00 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](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

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

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

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

2. Residential Annexes or 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](http://legislation.gov.uk)

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

- 3 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 4 Any highway approval as part of the planning process for the alteration to the existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for crossover under Highways Act 1980. Removal or relocation of any existing street furniture or alteration to road markings or Controlled Parking Bays would be subject to public consultations and would be done at the applicant's expense, under a rechargeable works agreement, by the Council's term contractor for Highway Works.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team as part of the crossover application. The outcome of this assessment cannot be prejudged. Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 5 Gated access is proposed for the application. Please ensure that a minimum of 6m space is maintained fronting the gate to allow a vehicle coming off the public highway to wait whilst the gate is opening.

## **Officer's Assessment**

### **1. Site Description**

The application site relates to a parcel of land located at 129 Millway, London, NW7 3JL which is situated on the western site of Millway. The site is irregularly shaped and deep, particularly in comparison to the immediately surrounding plots. The existing site contains a two storey detached dwelling.

The site is surrounded by residential dwellings. The immediate area is characterised by detached and semi-detached single family dwellings.

The site is not indicated as being subject to flooding hazard and is not located within a conservation area. Further, the site does not contain any listed buildings or protected trees.

### **2. Site History**

Reference: 16/0317/FUL

Address: 129 Millway London NW7 3JL

Decision: Pending consideration

Decision Date: N/A

Description: Erection of a two-storey dwelling house with provisions for parking and amenity space

Reference: H/05640/13

Address: Land To The Rear Of 129 Millway, London, NW7 3JL

Decision: Allowed on appeal

Decision Date: 21.01.2014

Description: Erection of a two-storey single family dwelling following demolition of existing garage with access from Millway. (AMENDED ADDRESS AND DESCRIPTION)

Reference: H/00463/13

Address: 129 Millway, London, NW7 3JL

Decision: Withdrawn

Decision Date: N/A

Description: Erection of a two-storey single family dwelling in rear garden, following demolition of existing garage

Reference: W09636B

Address: 129 Millway, London, NW7 3JL

Decision: Approved subject to conditions

Decision Date: 09.04.1998

Description: Single storey rear conservatory extension.

Reference: W09636A

Address: 129 Millway, London, NW7 3JL

Decision: Approved subject to conditions

Decision Date: 08.11.1996

Description: Single storey rear extensions.

Reference: W09636

Address: 129 Millway, London, NW7 3JL

Decision: Approved subject to conditions

Decision Date: 12.03.1991

Description: Single-storey rear extension and dormer windows at rear and side.

### **3. Proposal**

This application seeks permission for the erection of a pair of semi-detached two-storey dwelling houses in the rear garden of the property located at 129 Millway. following the demolition of the existing garage. A new access route is proposed between Nos 129 and 131 Millway measuring 4.2 m in width.

The proposed new development would be a of contemporary style and would measure approximately 14 m in width, 13 m in depth and would have a hipped roof 7.5 m in height (6 m to eaves). Each proposed dwelling would be 7.1 m wide.

Each dwelling would contain 4 double bedrooms and would therefore be capable of accommodating 8 people. The ground floors would comprise 1 bedroom and the kitchen/living/dining areas, while the second floors would contain 3 bedrooms.

Hardstanding is proposed at the front of the dwellings. A canopy (car port) is proposed to the front of each dwelling which would project 5.7 m, and provision has been made for 4 car parking spaces, being 2 for each dwelling.

### **4. Public Consultation**

Consultation letters were sent to 80 neighbouring properties and a site notice was posted on 04.02.2016.

Nine objections have been received. These comments are summarised as follows:

- Proposal larger than permitted in APP/N5090/A/14/2218941.
- The increase in the scale of the building is unacceptable.
- The building would be visible from the public domain.
- Questioned whether the Inspector makes reference to the scale of the development.
- Highway concerns.
- The provision of refuse storage is not practical.
- Concerns with surface water run off caused by an increased hardstanding area, and the levels of the site.
- Out of scale, proportion and appearance with surrounding properties.
- This application represents an overdevelopment of the site.
- Overlooking and loss of privacy.
- Noise concerns - two houses would produce greater noise.
- Security concerns
- Impact on wildlife.
- Loss of mature trees.
- Concern with parking, its proximity to adjoining occupiers and fumes.
- Bats in the area, but there has not been a bat assessment.
- Concerns with the precedent this would set.
- With the change in the scale of the development, would an Inspector now give a different view?

- The difference in the scale, form and number of units for this site should mean that the application is significantly different to the scheme allowed at planning appeal, and this scheme should be viewed afresh.

## **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 (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, CS10, CS11, CS15.
- Relevant Development Management Policies: DM01, DM02, DM04, DM08 and DM17.

#### Supplementary Planning Documents

## Sustainable Design and Construction SPD (adopted April 2013)

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

## Residential Design Guidance SPD (adopted April 2013)

- Sets out information for applicants to help them design developments 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.

- In respect of amenity, states that developments 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.

## 5.2 Main issues for consideration

The main issues for consideration in this case are:

1. Principle of the development;
2. Whether harm would be caused to the character and appearance of the existing building, the street scene and the surrounding area;
3. Whether harm would be caused to the living conditions and the amenities of neighbours;
4. Whether the building would provide suitable living conditions for future occupants;
5. Whether harm would be caused to parking conditions and highway safety

## 5.3 Assessment of proposals

### Principle of the development

The principle of residential development on this part of the application site has been established by way of appeal decision APP/N5090/A/14/2218941, which related to the construction of a single dwelling house. In this appeal decision, the Inspector highlighted Barnet Local Plan Policy CS5 in paragraphs 10.7.1 to 10.7.4 which refers to the contribution development in gardens can make to housing delivery. This policy also outlines that a robust approach would be taken to proposals involving the loss of gardens, which can be detrimental to the suburban character that makes Barnet a distinctive place. The Inspector went on to establish that the scheme was not characteristic to the general pattern of development in the area, but the site is not overly visible from the public domain due to the scale and height of the development, its distance between from the highway, and the surrounding boundary treatment and mature planting.

Although the semi-detached dwellings proposed in this application would be wider (by approximately 5.5 m), deeper (by approximately 1 m), and higher (by approximately 1.5 m)

than the dwelling approved under appeal decision APP/N5090/A/14/2218941, it is not considered that the proposed dwellings would be materially more prominent when viewed from the street scene or any other public domain.

It should also be acknowledged that the use of the structure for single family occupancy is the same as that use approved under appeal decision APP/N5090/A/14/2218941.

Whether harm would be caused to the character and appearance of the existing building, the street scene and the surrounding area

Policy DM01 states that 'Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

The development proposed is of a contemporary design. A hipped roof form is proposed for the dwellings and would incorporate gable features. It is considered that this roof form is in keeping with that of surrounding properties. In reference to the design of the scheme allowed under appeal decision APP/N5090/A/14/2218941, the Inspector outlined that the design of the scheme, whilst different to surrounding properties, would 'create a fresh, new entity in its own right' and that it would not be harmful to the established character of the area in the context of its siting, distance from the highway and it not being overly visible. The Inspector went on to outline that the lack of a direct road frontage would be at odds with the majority of other dwellings, but that it 'would not result in any particular harm to the established character of the area nor erode local distinctiveness'. These considerations are directly relevant to the scheme proposed by way of this application and therefore establish the design and siting of the structure as acceptable in planning terms.

Although the height of the dwellings would be approximately 1.5 m higher than that approved by way of appeal decision APP/N5090/A/14/2218941, it is not considered that the height of the dwellings would be significantly at odds with that of surrounding properties or with that previously approved to the extent that it would result in adverse harm.

Given those matters outlined above, it is not considered that the proposed dwellings would harm the character or appearance of the existing building, the street scene or the surrounding area.

Whether harm would be caused to the living conditions and the amenities of neighbours

It is considered that the design, size, bulk and siting of the proposed development is such that it would be in keeping with the objectives of development plan policies and planning guidance that seek to preserve and protect the amenities of neighbouring occupiers.

The structure would not be overbearing or visually obtrusive when viewed from adjoining properties, nor would it cause a loss of daylight, sunlight or outlook. This determination is based on the siting of the building. It would be approximately 2.6 m from the southern boundary and 3.1 m from the northern boundary. Additionally, the building would be no closer than 15 m to the western boundary and 5 metres from the eastern boundary. Further, the proposed building would be no closer than 22 m to the nearest adjoining dwelling.

It is noted that two terraces would be included at first floor level within the front elevation of the building, it is not considered that these terraces would result in any adverse overlooking or a loss of privacy as they are limited in scale and overlook the front parking area. Further, it is noted that the proposal would not see any imposing terrace or balcony features in the side or rear elevations of the building. A condition has also been recommended to ensure that windows located within the first floor side elevations are obscure glazed. Given this, it is not considered that the building would cause unacceptable overlooking or a loss of privacy.

The development is for 2 new dwellings with 4 car parking spaces. It is acknowledged that the use of the site would have an increased intensity compared to the single dwelling approved under appeal decision APP/N5090/A/14/2218941. In this appeal, the Inspector outlined that 'careful attention to the use of boundary treatment would help to mitigate the light, disturbance and overlooking resulting from vehicle and pedestrian movements'. Whilst there would be an increase in the use the site, over and above the single dwelling previously approved, it is not considered that another single family dwelling would have a materially different impact on the frequency of comings and goings to justify this application being refused. A condition has been recommended relating to future soft and hard landscaping on the site.

#### Whether the building would provide suitable living conditions for future occupants

This application has been assessed against the Sustainable Design and Construction SPD which outlines minimum living accommodation standards. It is found that the proposed dwellings would meet the necessary internal floor areas in all respects. The remaining outdoor amenity area would also be of a sufficient size. Further, the dwellings would afford future occupiers with an acceptable level of outlook and natural light. As such, the development would provide a sufficient level of accommodation for potential occupiers.

#### Whether harm would be caused to parking conditions and highway safety

Policy DM17 states that dwellings with 4 or more bedrooms should provide 2 to 1.5 parking spaces. The submitted plans show that 4 car parking spaces would be provided on site, being 2 for each dwelling. This parking provision would comply with Policy DM17 and is therefore considered acceptable.

It should also be noted that this application has been assessed by the Council's Traffic & Development Department who have not raised any objections to the proposal subject to the inclusion of relevant conditions.

#### Other Matters

Comments have been received regarding the loss of trees on site and the impact that this could have on wildlife. None of the trees to be removed are protected by way of a tree preservation order, and it is not considered that the loss of any trees would have an adverse impact on the amenity of the application site or the wider area. A condition has been recommended relating to landscaping on the site which includes details to be submitted of any trees to be removed and/or retained.



With regards to biodiversity, no evidence has been submitted of bats or any other animals being located on the site. Further, it should be noted that the site is not located within an area of importance for nature conservation. The proposed development retains a substantial garden area and through replacement planting creates potential for new habitats.

#### **5.4 Response to Public Consultation**

The majority of those concerns raised in the letters of objection have been discussed in the main body of this report.

The nature of surface water and drainage on the site is not a planning matter.

It is not considered that the proposal in itself would compromise security in this area.

The location of the refuse store will be controlled by way of a condition.

#### **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 recommended conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the wider locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers and would provide a suitable standard of accommodation. Further, the development is considered acceptable on highways grounds. This application is therefore recommended for approval subject to conditions.



**Location**                    **26 Tretawn Gardens London NW7 4NR**

**Reference:**                **16/0779/HSE**

Received: 8th February 2016

Accepted: 10th February 2016

Ward:                        Mill Hill

Expiry 6th April 2016

Applicant:                Mr Lee Espinoza

Proposal:                    Two storey rear extension involving ground and first floor. Side/rear extension to existing basement, associated raised terrace to the ground floor rear with railing and steps to the rear garden

AGENDA ITEM 11

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 1537-4-P-EXTG Rev A, 1537-4-P-100 Rev A, 1537-4-P-101 Rev B and 1537-4-E-200 Rev B (Received 06-April-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     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 facing No. 24 Tretawn Gardens and No. 28 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).

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

- 6 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).

- 7 The roof of the extension above the kitchen area of the upper ground 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 is a two storey 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: 16/1947/HSE

Address: 26 Tretawn Gardens, London, NW7 4NR

Decision: Approved subject to conditions

Decision Date: 22 April 2016

Description: Part lower ground floor, part two-storey rear extensions (Comprising of lower ground and ground floor levels). New garden terrace to lower ground floor

Reference: H/04729/12

Address: 26 Tretawn Gardens, London, NW7 4NR

Decision: Approved subject to conditions

Decision Date: 15 February 2013

Description: Part single storey rear extension

Reference: H/04728/12

Address: 26 Tretawn Gardens, London, NW7 4NR

Decision: Lawful

Decision Date: 29 January 2013

Description: Extension to roof including rear dormer window to facilitate a loft conversion.

Reference: W08185C/05

Address: 26 Tretawn Gardens, London, NW7 4NR

Decision: Refused

Decision Date: 8 February 2006

Description: Part single, part two storey rear extension.

Reference: W08185B

Address: 26 Tretawn Gardens, London, NW7 4NR

Decision: Refused

Decision Date: 14 March 1990

Description: Retention of two-storey side extension.

Reference: W08185A

Address: 26 Tretawn Gardens, London, NW7 4NR

Decision: Refused

Decision Date: 03 January 1990

Description: Retention of two-storey side extension with side eaves cut back to provide 150mm gap between the gutter and the gutter of the adjoining house.

Reference: W08185

Address: 26 Tretawn Gardens, London, NW7 4NR

Decision: Approved Subject to Conditions

Decision Date: 06 May 1987

Description: Two-storey side and single-storey front, side and rear extension.

### **3. Proposal**

The applicant seeks planning permission for the following development:

'Two storey rear extension involving ground and first floor. Side/rear extension to existing basement, associated raised terrace to the ground floor rear with railing and steps to the rear garden.'

The lower ground floor extension would be situated adjacent to the existing lower ground store room and would measure 5.4m wide and 6.4m deep not projecting beyond the existing lower ground floor. The lower garden terrace which would give access to the rear garden would project beyond the basement by approximately 3.5m with a width of 8m.

The ground floor rear extension would measure 4.5m deep, 5.1m wide, 3.1m high to the top of the flat roof from the raised patio level (same as existing) and would be set away from the neighbouring dwelling at No. 28 Tretawn Gardens by 1.5m. The associated raised terrace beyond the proposed ground floor element would be set above the basement element having a depth of 1.9m, a width of 5.3m and a height of 2.5m with access steps setting the patio away from the neighbouring side boundary by approximately 1m.

The first floor rear extension would have a depth of 3m, a width of 4.5m and would be set away from the side boundary with No. 28 by approximately 0.7m. It would measure 6.6m high to the eaves from the lower ground floor level and 8.6m high to the top of the pitched roof. It would be set down from the main roof by 0.6m.

### **4. Public Consultation**

Consultation letters were sent to 7 neighbouring properties.

6 No. responses have been received by way of objections

Speakers: 1No. person wishing to speak

The objections received can be summarised as follows:

- Water table will be disturbed and underground river flows in the area
- Foundation issues
- Loss of privacy
- Loss of character
- Effect on neighbouring amenities
- Out of proportion with similar extensions in the area
- Appearance of a three or four storey house at rear including loft

### **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**

The current proposal follows approval for a 'Part lower ground floor, part two-storey rear extensions (Comprising of lower ground and ground floor levels). New garden terrace to lower ground floor' decided under planning reference 16/1947/HSE dated 22-April-2016.

Although the projection exceeds the recommended depth for detached dwellings, the proposed ground floor extension would not be as deep as the existing ground floor rear element at the proposal property or the neighbouring ground floor rear element at number 28 Tretawn Gardens. Therefore it is not considered that this would be out of character or visually intrusive given the context. In addition, the proposed raised rear terrace would be modest in its size including depth and would be no deeper than the neighbouring ground floor rear element at No. 28. 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 fact that the terrace would not project beyond the neighbouring rear extension, this is considered acceptable.

It was evident from the site visit that there is a difference in ground and garden levels. It is therefore considered that the extension to the existing lower ground floor would also be acceptable. The proposed lower ground floor, due to its siting on the site would not result in detrimental levels of overlooking. It is also considered that a similar ground floor and basement extension exists at No. 28 and therefore would not be out of character in the immediate vicinity.

The difference between the approved and current scheme is the addition of a first floor rear extension. The proposed rear first floor element would have a depth of 3m deep facing the side boundary with No. 28. The extension would be set away from this side boundary by almost 0.8m. Whilst the Residential Design Guidance SPD specifies that there should be a distance of 2m between flank walls, there are examples of smaller gaps between properties on this section of the road and it is considered that due to the existence of a ground and lower ground floor extension at the neighbouring property at No. 28 Tretawn Gardens, the proposed first floor extension would not have an adverse impact on the character of the immediate vicinity. It should be noted that due to the proposal property being set down in levels in comparison to the No. 28, it is not envisaged that there would be an adverse impact on the visual amenities of neighbouring occupiers.



It can be concluded that the proposed extensions by reason of its size, siting and design would be an acceptable addition to the proposal property and would not have an adverse impact on the character of the area or neighbouring amenities and would fall within planning policies. The application is therefore recommended for Approval, subject to conditions.

#### **5.4 Response to Public Consultation**

It is considered that most comments raised by objectors have been addressed in the report above. However, in relation to water issues, the host property 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 would increase the risk of flooding. Furthermore, with regards to the comments regarding foundation issues this is not a planning consideration; Building Regulations seek to ensure that any development is structurally sound.

#### **6. Equality and Diversity Issues**

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

#### **7. Conclusion**

Having taken all material considerations into account, it is considered that the proposed extensions would have an acceptable impact on the neighbouring amenities, character and appearance of the application site and the locality. This application is therefore recommended for Approval.



©Crown Copyright. All rights reserved. Licence no. 100019980

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

**Reference:**                **16/1444/HSE**

Received: 4th March 2016

Accepted: 7th March 2016

Ward:                         Mill Hill

Expiry 2nd May 2016

Applicant:                 Mr L Gainsley

Proposal:                    Demolition of existing ground floor side and rear extension and erection of part single, part two storey side and rear extensions. Conversion of garage into habitable space. Construction of a new crown roof including increase in ridge height one dormer to each side elevation and 1no rooflight to the rear elevation.

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: Planning Statement Ref CA/2936; Design and Access Statement Rev B; Daylight and sunlight report ref JC/LSF/10912 by BVP; Planning Schedule of Areas; Drawing no. 000; Drawing no. 001; Drawing no. 010; Drawing no. 011; Drawing no. 012; Drawing no. 013; Drawing no. 022; Drawing no. 024; Drawing no. 030; Drawing no.210 Rev A; Drawing no.211 Rev A; Drawing no.212 Rev A; Drawing no.223 Rev A; Drawing no.220 Rev A; Drawing no.222; Drawing no.224; Drawing no.230; Drawing no.232 Rev B; Drawing no.240.

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 the commencement of the development hereby approved a Construction Management and Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and constructed in full accordance with the details approved under this Plan. This Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;

- iii. details of the measures to be implemented to manage the construction of the basement and minimise the impact of this process on the amenities of neighbouring occupiers and ground and surface water conditions in the area.
- iv. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- v. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- vi. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vii. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- viii. noise mitigation measures for all plant and processors;
- ix. details of contractors car parking arrangements; and
- x. details of interim car parking management arrangements for the duration of construction.

Reason: To ensure that the construction of the proposed development does not prejudice the amenities of occupiers of neighbouring properties and ground and surface water conditions in the area and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 9 Prior to the commencement of the development or any works associated with this consent starting on site full details (including details of the existing ground conditions and ground water levels) of the measures that the development would include to prevent the development resulting in unacceptable impacts on drainage and ground and surface water conditions in the area shall be submitted to and approved in writing by the Local Planning Authority. The development hereby consented shall be implemented in full accordance with the details approve under this condition prior to its being occupied or brought into use.

Reason: To ensure that the proposed development does not result in unacceptable impacts on drainage and ground and surface water conditions in the area and to comply with policies CS13, DM01 and DM04 of the Barnet Local Plan.

- 10 a) No site works (including any temporary enabling works, site clearance or demolition) or development shall take place until details of temporary tree protection measures to be implemented at the site 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 measures approved under this condition have been erected around existing trees in full accordance with the details approved under this condition. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these protected areas at any time.

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 (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 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.

## **Officer's Assessment**

### **1. Site Description**

The application site is a two storey 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.

Reference: 15/07849/HSE

Address: 16 Tretawn Gardens London NW7

Decision: Approved subject to conditions

Decision Date: 04.02.2016

Description: 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.

Reason for refusal: The proposed extensions would, by reason of their design, size, scale, bulk and mass, collectively fail to represent subordinate additions to the host property that respect its original design and the proportions of the original building and which overly dominate the property and constitute an overdevelopment of the site, to the detriment of the character and appearance of the individual property and wider area.

### **3. Proposal**

The applicant seeks planning permission for the following development:

- Demolition of existing ground floor side and rear extension and erection of part single, part two storey side and rear extensions.
- Conversion of garage into habitable space.
- Construction of a new crown roof including increase in ridge height one dormer to each side elevation and 1no rooflight to the rear elevation.

At ground floor, the extension would have a depth of approximately 7.2m 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 3.2m from the proposed raised terrace (SW elevation).

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 2.15m from the boundary with no.14. The applicant proposes screens on either side of the terrace to limit overlooking.

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.

At first floor, the side extension would have a width of 1.7m and be sited 1m from the flank elevation of no.14 (measured from the chimney breast or 1.2m from the main wall). 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 1.6m 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. 16 responses have been received, comprising 12 letters of objection and 4 letters of support.

The objections received can be summarised as follows:

- The objections do not respond to any of the objections raised in the refusal. (design, size, bulk and mass).
- Removal of the basement does not address objections.
- Proposal virtually unchanged except for removal of doors on rear elevation
- Three storey extension which is out of character
- Massively dominant and overdevelopment
- Impact on building lines
- Siting of garage at no.18 is an anomaly on street and should not be replicated.
- Set precedent
- Noise and dust from construction
- Disputes between neighbours- Human rights to privacy
- No.27 is out of character and opposite and therefore cannot provide a valid reference.
- Terrace will project beyond no.18 garage, at an elevated level- loss of privacy
- Steps will facilitate overlooking
- Remaining garden will be out of proportion with dwelling
- Visible cubic area increased with widening of first floor extension
- Damage to neighbouring property value
- Overbearing structure on neighbouring gardens/ unsympathetic
- Extension out of proportion with existing dwelling
- Existing garage is an original structure with limited foundations
- No objection to principle of extending however not to this scale
- Information regarding the description of the context of the site inaccurate in Apcar Smith report
- Proposed extension is a new trend of development on Tretawn Gardens.
- Comments regarding gaps between properties inaccurate.



- Side window could be obscured glazed however when it is opened would still allow visibility
- Council should specify that there should be no further extension on the property.
- Increase of 200%
- Disturbances of waterflow and potential flooding to neighbouring properties
- Highly visible from Sunnyfield and trees should be planted
- Comments by supporters inaccurate
- Extension with balcony makes it deeper than no.18

The letters received in support can be summarised as follows:

- No detrimental impact on neighbours
- Similar to other houses on the road
- Extensions would not be detrimental to streetscene.
- Dormer windows are standard on road
- Display of NIMBYism
- Raising the ridge by 200mm cannot represent overbearing development
- Not a "200% increase" but 83%- inaccurate and misinformed objections
- Depth of extension is as deep as that of its neighbour at no18
- Refusal of this application would only lead to appeal applications.
- Proposed extension no larger than development at no.8, 10, 17 and 27.

## **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, CS9, CS13.
- Relevant Development Management Policies: DM01, DM02, DM04, DM17.

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**

The scheme has been amended from the previously application refused by the Planning Committee in February 2016 (originally the application was recommended for approval by case officers) through the removal of the lower ground floor, the reduction in the depth of the first floor rear extension, and reduction in the width of the first floor side extension.

Although the projection exceeds the recommended depth for detached dwellings, the proposed ground floor extension would match the existing extension of no.14 and the position of the original garage of no.18. It is therefore 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 as previously accessed by officers in the last application, given the distance from mutual boundaries and modest depth, this is considered acceptable. There are a wide array of extensions on Tretawn Gardens and it is not considered that the ground floor would be out of character.

At first floor level, the side extension would be sited 1m away from the boundary with no.14 from the chimney breasts reducing the width of extension previously submitted; 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. 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.

The proposed first floor rear extension would not span the whole width of the property and would not project as much as the last application (reduction of 0.5m) due to the lowered ridge height and would read as subordinate feature. It is considered to be modest in depth and due to the distance from both neighbouring occupiers, (and as previously assessed) it 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.

Officers consider that the removal of the lower ground floor has significantly reduced the amount of development on the site. In addition, the first floor side extension has been reduced in width and at the rear the depth of the first floor extension has also been reduced. The information submitted by the applicant indicates that there has been a reduction of 60.5sqm (albeit mainly as a result of the removal of the lower ground floor which formed part of the previous application). It is considered that the amendments to the scheme compared to the proposal refused have addressed the previous concerns in terms of size, scale, bulk and mass. With regards to the design, whilst the proposal is the same in terms of design to the refused scheme, it is not considered that this would be out of character with other properties on Tretawn Gardens. The proposed extensions are considered to be subordinate and would not represent an overdevelopment of the site.

The sunlight and daylight assessment concludes that that the both neighbouring properties would continue to benefit from "long periods of average probable sunlight hours" and as such there would be no adverse effect on the daylight and sunlight of both 14 and 18 Tretawn Gardens.

For the reasons above, approval of the application is recommended.

#### **5.4 Response to Public Consultation**

"Removal of the basement does not address objections"- Since the consultation has ended, the side extension has been set 1m away from the side elevation (rather than 0.8m than original submitted) and the width of the first floor extension has been reduced.

"Set precedent", "No.27 out of character", "Proposed extension is a new trend of development on Tretawn Gardens"- Every case needs to be assessed on its individual merits and the proposal is found to be acceptable.

"Noise and dust from construction"- A condition is recommended to restrict the hours of construction and to manage the construction related impacts of the proposal.

"Terrace will project beyond no.18 garage- loss of privacy"- The terrace will be sited away from both boundaries and there will be a privacy screen (details required as a part of a recommended condition); as such it is not considered that this would have adverse effect of the privacy of neighbouring occupiers. It is accepted that given the siting of the properties on this section of the road in relation to the gardens set at a lower level, there is likely to be some level of overlooking. The access steps although sited along the boundary would be sited at a higher level than the neighbours' garden however it is not considered that this would result in an unacceptable level of overlooking.

"Remaining garden will be out of proportion with dwelling"- The reduction in the area of garden resulting from the proposal is not considered to be unacceptable and would not warrant a refusal of planning permission. In addition, there would be approximately 90sqm of garden space remaining.

"Damage to neighbouring property value"- This is not a material planning consideration.

"Overdevelopment"- The proposed works, on balance, are not considered to result in an overdevelopment of the site.

"Existing garage is an original structure with limited foundations not an extension"- this has been amended in the report for clarity.

"Comments regarding gaps between properties inaccurate"- there are other examples on the road where the gaps between dwellings are small. Notwithstanding this, the amended scheme has been reduced so that a 1m gap is retained from the adjoining dwelling (previously 0.8m).

"Side window could be obscured glazed however when it is opened would still allow visibility"- The drawings indicate the dormer window facing no.14 will be obscured glazed; this door serves a staircase. It has been conditioned that this retained as obscured glazed.

"Council should specify that there should be no further extension on the property"- The application has to be assessed as currently submitted and officers cannot prevent further future submissions.

"Disturbances of waterflow and potential flooding to neighbouring properties" - 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 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.

"Highly visible from Sunnyfield and trees should be planted" - The site at the rear immediately backs on to an allotment and not the properties on Sunnyfield.

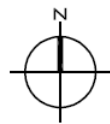
It is considered that all the other comments raised by objectors have been addressed in the report above.

## **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.



**Location**                      **91 Audley Road London NW4 3EU**

**Reference:**                    **16/0096/FUL**

Received: 7th January 2016

Accepted: 13th January 2016

**Ward:**                         West Hendon

Expiry 9th March 2016

**Applicant:**                    Mr David Malamatenious

**Proposal:**                    Conversion of single dwelling house into 3 no. self-contained flats and changes to rear fenestration.

**AGENDA ITEM 13**

**Recommendation:** Approve subject to conditions

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

- No. RE2/9ONW43EU/15/1 (received: 13/01/16)
- No. RE2/9ONW43EU/15/2 Rev B (received: 29/01/16).

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     a) 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).

3     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).

- 4 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.

- 5 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.

- 6 Prior to the first occupation of the new dwellinghouse(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).

- 7 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 10% 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).



- 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 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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 7294.

## **Officer's Assessment**

### **1. Site Description**

The application relates to a semi-detached single family dwellinghouse.

There are no specific restrictions on site.

### **2. Site History**

Reference: 15/00709/HSE

Address: 91 Audley Road, London, NW4 3EU

Decision: Approved subject to conditions

Decision Date: 21 May 2015

Description: `Single storey rear and side extension following demolition of existing outbuilding

Reference: W13986/05

Address: 91 Audley Road, London, NW4 3EU

Decision: Unlawful

Decision Date: 29 March 2005

Description: Alterations to roof including dormer window to rear roofslope and rear wing to facilitate a loft conversion.

Reference: W13986A/05

Address: 91 Audley Road, London, NW4 3EU

Decision: Lawful

Decision Date: 10 May 2005

Description: Alteration to roof including rear dormer window to facilitate a loft conversion.

### **3. Proposal**

The proposal includes:

Conversion of single dwelling house into 3 no. self-contained flats and changes to rear fenestration.

### **4. Public Consultation**

Consultation letters were sent to 117 neighbouring properties.

5 letters of objection have been received.

Summary and comments below:

- Overcrowding: The 3no proposed units would accommodate up to 4 people in total which is less than the existing house, suggesting there would be no overcrowding.
- Increase in on street parking pressure: Addressed in assessment of proposals.
- Works have already started on site: At the time of the site visit there were no changes taking place to the internal layout of the building.

- Impact on water pressure: Issues relating to water pressure would be considered by building control which is a separate process to planning. This issue has therefore been attributed limited weight in this instance
- Potential for unit to become an HMO: The application has been assessed against the proposed scheme which does not relate to the creation of HMO's. A condition has been included to prevent this change of use without planning permission.
- Overdevelopment: Addressed in 'assessment of proposals'.

## 5. Planning Considerations

### 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 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, DM03, DM04, DM08 and DM17

### Supplementary Planning Documents

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

## 5.2 Main issues for consideration

The main issues for consideration in this case are:

- i. The principle of flats in this location
- ii. The Impact on the appearance and character of the area
- iii. The impact on the amenities of neighbouring occupiers
- iv. Whether the proposal provides satisfactory living accommodation for future occupiers.
- v. Parking and highways

## 5.3 Assessment of proposals

The principle of flats in this location :

This particular section of Audley Road is characterised by a mixture of single family dwellinghouses and conversions. A search of the council tax records shows the following properties have previously been converted to flats: no. 56, 57, 58, 60, 62, 64, 65, 67, 68, 74, 77, 78, 79, 81, 88, 90, 92, 93, 94, and 107.

Bearing these points in mind, the principle of one additional conversion in this location is considered acceptable.

Whether the proposal provides a satisfactory living environment for future occupiers:

Floor Area :

The following units are proposed:

Flat 1	1 bedroom 2 person	71.6m <sup>2</sup>
Flat 2	1 person	45.5m <sup>2</sup>
Flat 3	1 person	44.8m <sup>2</sup>

All three units would exceed the minimum unit size requirements set out in the London Plan (2015).

Density

With regard to the London Plan 2015 and the Density Matrix found in Table 3.2, it is considered that the site can be defined as 'Urban' according to the London Plan definition and has a PTAL score of 3. The site is approximately 0.0156 hectares in size and the development includes 3 self-contained flats. Calculations show that the proposed scheme's density is approximately 187.0 units per hectare and this is slightly above the density range for its context and the guidelines (70-170units/hectare) in the London Plan.

Given the disparity is negligible and the fact other conversions in the street include three flats or more, the proposed density is considered to be appropriate for the area and therefore the Council has no objections on this matter.

Amenity Space:

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m<sup>2</sup> per habitable room (definition of a habitable room is set out in the glossary including the maximum size considered before a room is counted as two (20 sqm).

While the ground floor unit has been provided with sufficient amenity space the 2no. 1 person (studio) units have not. There are however site specific material considerations to take into account. First, both units exceed the minimum unit sizes set out in the London Plan (2015) and this additional internal space is considered to compensate for the lack of outdoor amenity space. Second, the site is located within a short walk of local parks which are considered reasonable substitutes when read in conjunction with the oversized units highlighted above.

#### Internal Stacking:

Policy DM04 part d. states that proposals will be refused if it leads to an unacceptable level of noise and disturbance unless the scheme can demonstrate any mitigation measures. The stacking is considered acceptable and would limit noise transfer between flats.

#### Light/outlook:

All habitable rooms are considered to benefit from sufficient light and outlook to provide future occupiers with a good standard of living which meet the requirements set out in Barnet's Sustainable Design and Construction SPD (2012).

#### The impact on the amenities of neighbouring occupiers

As the road is characterised by a mixture of conversions and single family dwellinghouses the comings and goings associated with the proposed units are unlikely to cause significant noise and disturbance likely to harm the living conditions of neighbouring occupiers.

#### The Impact on the appearance and character of the area:

An additional door is proposed on the rear elevation to the ground floor flat. The relatively minor changes to the rear fenestration are considered acceptable.

#### Parking and Highways

The proposal is to convert the existing 6 bedroom unit to provide 3x1bedroom units. The existing dwelling does not have any parking provision and comprises a 6 bedroom house. The proposed 3x1bedroom units would need to provide 2 parking spaces to accord with the parking standards as set out in the Development Management Policy DM17 for a site which located in PTAL 3. However, no parking is proposed for the conversion. Taking into consideration the following.

- The proposal is for a conversion;
- o The site is located within a CPZ;
- o The site is within a walking distance of the town centre;
- o The site is located within a PTAL rating of 3

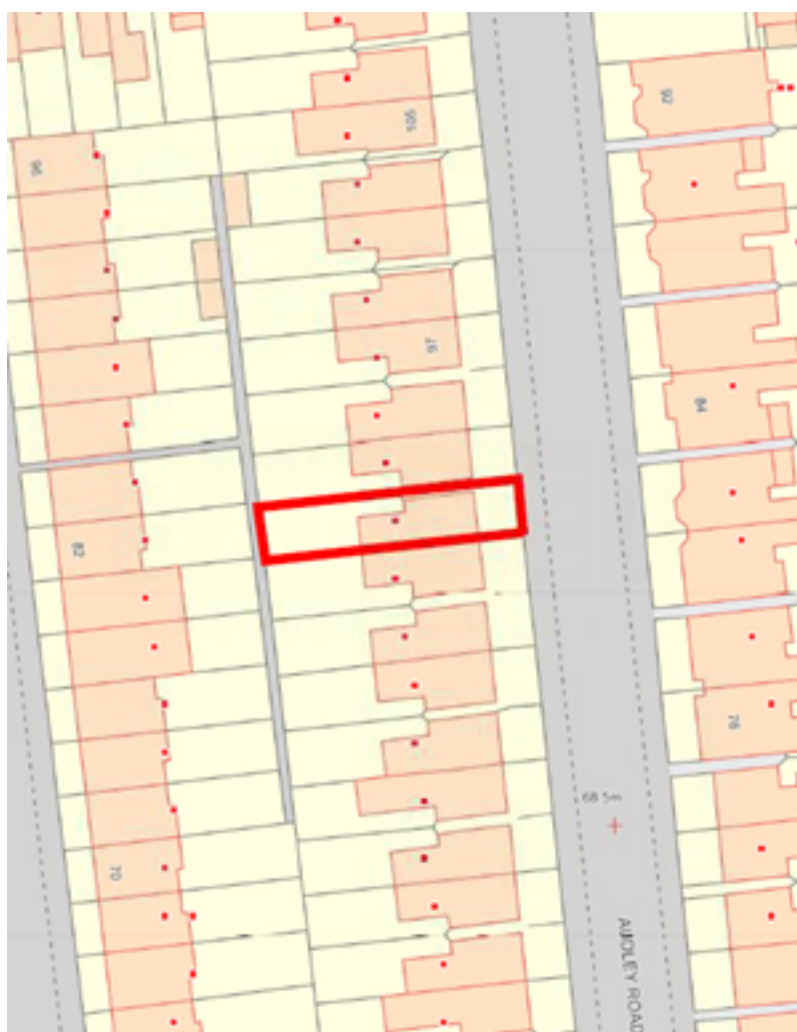
On balance the proposed development without any parking provision is acceptable on highway grounds.

## 7. 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.

## 8. Conclusion

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



**Location**                                **100 Sevington Road London NW4 3RS**

**Reference:**                            **16/0890/S73**

Received: 11th February 2016

Accepted: 15th February 2016

Ward:                                      West Hendon

Expiry 11th April 2016

Applicant:                                Mr Chaim Gurvitz

Proposal:                                Variation of condition 1 (plan numbers) pursuant to planning permission H/05806/13 dated 11/02/14 for `Two storey side extension to enlarge the existing 2no. flats. New extended pitched roof above gable feature and formation of a rear dormer, 1no. front and 1no. rear roof-light to facilitate a loft conversion to create 1no. additional self-contained flat`. Variation to include alterations to: roof shape, rear dormer, ground floor side extension, fenestration and two additional front facing rooflights.

**Recommendation:** Approve subject to conditions

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

100SR-PP2-02 Rev B, 100SR-PP203, 100SR-PP2-04 and location plan (received: 08/04/16).

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 the original permission (H/05806/13) dated: 11/02/14.

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

Reason:

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

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

Reason:

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

- 6 Before the building hereby permitted is first occupied the 4no proposed windows at first floor and roof level facing 15 Vivian Avenue shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 7 Prior to the first occupation of the new dwellinghouse(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).

- 8 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 6% 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).

- 9
- a) 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).

- 10
- 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).

#### **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 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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 7294.

- 3 The applicant is advised to implement the scheme in accordance with the hereby approved plans within 3 months of the decision, otherwise the Council will consider enforcement action.
- 4 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £4,995.00 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 £1,295.00 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](mailto:cil@barnet.gov.uk).

#### Relief or Exemption from CIL:

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

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

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

2. Residential Annexes or 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](http://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 site is a semi-detached dwellinghouse located on the eastern side of Sevington Road and attached to No. 98 Sevington Road.

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

### **2. Site History**

Reference: H/05806/13

Address: 100 Sevington Road, London, NW4 3RS

Decision: Approved subject to conditions

Decision Date: 11 February 2014

Description: Two storey side extension to enlarge the existing 2no. flats. New extended pitched roof above gable feature and formation of a rear dormer, 1no. front and 1no. rear roof-light to facilitate a loft conversion to create 1no. additional self-contained flat.

### **3. Proposal**

Variation of condition 1 (plan numbers) pursuant to planning permission H/05806/13 dated 11/02/14.

The variations include:

- Alterations to roof shape and rear dormer
- Alteration to the ground floor layout
- Alteration to the ground floor side extension
- Alteration to the fenestration in the side elevation
- The addition of two front facing rooflights

### **4. Public Consultation**

Consultation letters were sent to 70 neighbouring properties.

15 responses have been received, comprising 5 letters of objection and 10 letters of support.

The objections received can be summarised as follows:

- The extensions were not built in accordance with the approved plans
- Not in keeping with the character of the area
- Loss of outlook
- Increase in the number of occupants to that previously approved
- Increased stress on parking
- Increased noise and disturbance from use

### **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 and DM17.

### Supplementary Planning Documents

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

## **5.3 Assessment of proposals**

The applicant has failed to build the existing extensions in accordance with the previously approved plans (H/05806/13). The following assessment will focus on the differences between the previously approved scheme and the current proposal. The application proposes to retain the rear dormer and front rooflights as built. However the application proposes to lower the roofline of the first floor side extension so that it complies with the previously approved scheme.

For clarity, planners have requested four sets of plans which are available to view online:

- Previously existing
- Previously approved (H/05806/13)
- Existing
- Proposed

#### Alterations to roof shape and rear dormer:

Barnet's Local Plan Supplementary Planning Document: Residential Design Guidance 2013 (SPD) states that dormer extensions should be set in at least 1 metre on either side, be a subordinate feature and not occupy more than half the width or half the depth of the roof slope.

Although the proposed dormer to the rear is larger than that previously approved it would still adhere to all aspects of the above guidance and would have a similar effect on the character of the area when compared to the previously approved scheme (H/05806/13) .

The roof of the first floor extension is proposed to be lowered so that it complies with the approved scheme.

#### Alteration to the ground floor side extension:

The previously approved scheme proposed a two storey side extension. The current proposal deviates slightly from this design in that the ground floor element would remain as the previously existing but with a cantilevered first floor, supported by pillars. This amendment would cause no harm to the character of the street and has the benefit of allowing ease of access to the rear garden for the upper flats.

#### Alteration to the ground floor layout:

While there have been minor changes to the ground floor layout it has reverted back to the previously existing layout and is therefore considered acceptable.

#### Alteration to the fenestration in the side elevation:

An additional window has been included at first floor level and shown in the proposed plans as obscure glazed and would be secured through a suitably worded condition. As a result, there would be no issues relating to overlooking or a loss of privacy to neighbouring occupiers.

#### The addition of two front facing rooflights

Sevington Road includes a mixture of single family dwellinghouses and flat conversions. Under permitted development the houses within the street could construct the same number of roof lights as currently proposed (without the requirement for planning

permission). Although the application property does not benefit from permitted development right this point has been given some weight in this instance.

Moreover, it is considered that the proposed rooflights do not dominate the roof slope or significantly harm the appearance of the property and would provide future occupiers with increased levels of daylight and sunlight thus improving their living conditions. Taking into account the points raised above, on balance, the rooflights are considered acceptable in this instance.

### Conclusion

Bearing the above points in mind, the proposal would not be harmful to the character and appearance of the host property or the row of properties within which the application site is located and therefore would not conflict with the requirements of Policies CSNPPF, CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012 and Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012. These policies and guidance support sustainable development and require amongst other things that development respects local context and distinctive local character and respects the appearance, scale, mass, height and pattern of surrounding buildings and streets.

In terms of amenity, the living conditions of the occupiers of the adjacent dwellings would not be harmed. The proposal would therefore comply with the intention of Policy DM01 of the Development Management Policies and the Residential Design Guidance SPD to prevent such adverse effects.

### **5.4 Response to Public Consultation**

The extensions were not built in accordance with the approved plans: Addressed in 'assessment of proposals' above.

Not in keeping with the character of the area: Addressed in 'assessment of proposals' above.

Loss of outlook: Addressed in 'assessment of proposals' above.

Increase in the number of occupants to that previously approved: The proposed number of occupiers is identical to that previously approved.

Increased stress on parking: As the number of future occupiers has remained unchanged, so too has the parking requirement (previously found to be acceptable).

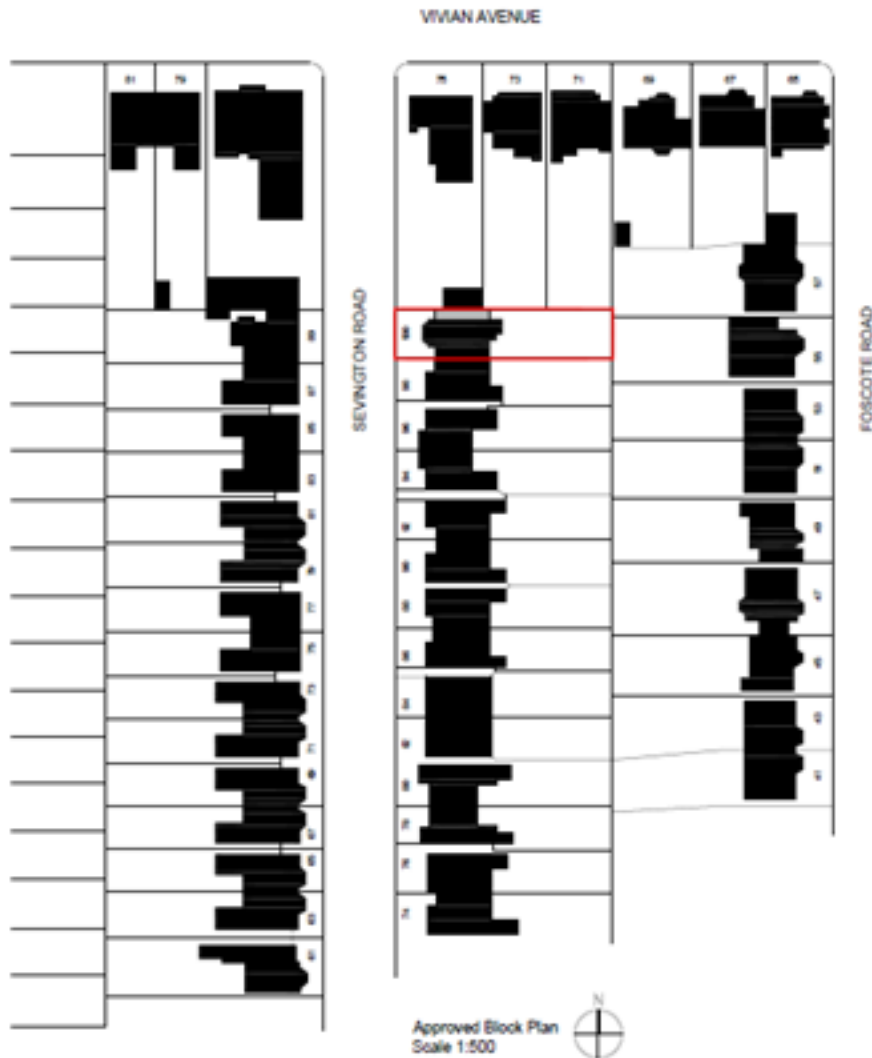
Increased noise and disturbance from use: The comings and goings of future occupiers would be identical to that previously approved.

### **6. Equality and Diversity Issues**

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

### **7. Conclusion**

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





**Location**                      **57 Foscoote Road London NW4 3SE**

**Reference:**                    **16/0572/FUL**

Received: 28th January 2016

Accepted: 1st February 2016

Ward:                              West Hendon

Expiry 28th March 2016

Applicant:                      Mr Dan Tamir

Proposal:                        Part single, part two storey rear extension, first floor side extension and loft conversion involving 2 additional rooflights to the existing rear elevation to increase the floorspace of existing flats

AGENDA ITEM 15

**Recommendation:** Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; 100; 101; 102; 200; 201; 202; 203

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(s), of the extension(s) hereby approved, facing the neighbouring properties.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the 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).

- 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).

#### **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](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a 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 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](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

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

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

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

2. Residential Annexes or 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](http://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**

This application site relates to a two storey detached dwelling on the west side of Foscote Road; the property is in use as 10 studio units.

The dwelling is not listed and it is not located within a designated conservation area.

### **2. Site History**

Reference: H/022209/11

Address: 57 Foscote Road, London, NW4 3SE

Decision: Lawful

Decision Date: 20.07.2011

Description: Retention of 10no self-contained studio units

Reference: W14579A/06

Address: 57 Foscote Road, London, NW4 3SE

Decision: Approved subject to conditions

Decision Date: 31.01.2007

Description: Part single, part two-storey rear extension. Loft conversion with side and rear dormers.

Reference: W14579/06

Address: 57 Foscote Road, London, NW4 3SE

Decision: Withdrawn

Decision Date: 26.09.2007

Description: Single storey rear extension and part two-storey rear extension. Loft conversion including dormer to rear and both sides.

### **3. Proposal**

Planning permission is sought for part single, part two storey rear extension, first floor side extension and loft conversion involving 2 additional rooflights to the existing rear elevation to increase the floorspace of the existing 4 bedsits comprising 1x2 bed unit; 1x1 bed unit; 2x2 larger bedsits. Rest of the 6 bedsits remain exactly the same size. The proposal does not increase the number of units just the floorspace to create larger units.

The part two storey rear extension will project to the rear of the property along the boundary with neighbouring property No.55 Foscote Road. At ground floor level it will project by 4m and measure 5.1m wide. The first floor rear extension would measure 3 meters deep and 4.4m wide with a pitch roof. The extension will be set in from the flank wall of property by 0.7m giving an overall gap of 1.7m from the boundary with No.55 Foscote Road.

The first floor side extension will project to the side by 2.5m for a length of 8.3m and set back from the front building line. The proposed first floor side extension is sited along the rear boundaries of properties No.65 and No.67 Vivian Avenue. Given the depth of the rear gardens of these properties it is not considered their amenities would be compromised as a result of this proposed extension.

## 4. Public Consultation

30 consultation letters were sent to neighbouring properties.

11 responses have been received, comprising 11 letters of objection.

The objections received can be summarised as follows:

- The owner did not apply for planning permission for the two studio flats next to my garage and using my neighbour's garden wall at No.67 & No.69 Vivian Avenue. There are no foundations at all for the wall for the studio flats.
- When owner of 57 Fosscote Road built extension at the property at Vivian Avenue the building collapsed to the ground and I think it was due to some wrong ideas.
- Since the studio flats were built at the mention address I have suffered for having water coming down from the gutter above my garage wall when it rains. My garage wall is wet most of the time. It is wrong for someone to increase the value of the property and I have to suffered devalue of my property because of that reason.
- We are asking owner of 57 Fosscote Road to move the wall at least half a meter away from our properties because of the danger it will cause. We do not oppose our neighbour's plan except that the walls must move either one meter or at least half a meter away and make sure that it doesn't cause any problem or damage to any of our properties. I am sure planners understand the problems and pain we have gone through and the danger it will occur in future and therefore it has to stop the mistake and make change to avoid troubles.

Whilst 11 objections were received, not many were available to view online.

## 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.

### ul 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 the alterations would be a visually obtrusive form of development which would detract from the character and appearance of the street scene

- 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

Within Barnet's Residential Design Guidance SPD it sets out that rear extensions should 'not look too bulky and prominent compared to the size of the main building and garden to which they relate'. The proposed rear extension will project by 4m at ground floor level and 3m at first floor level. At first floor level the rear extension has been stepped in from the boundary with neighbouring property No.55 Foscoote Road and has a lower ridge height than the host dwelling; the rear extension therefore appears as a subservient addition.

The design of development would complement the appearance of the main building in terms of proportion and materials. The extension is subordinate to the original house and would comply with the Residential Design Guidance SPD. Many dwellings along Foscoote Road have had rear extensions. It is therefore not considered that the proposal would not materially harm the character and appearance of the existing building, the street scene and the wider locality.

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

The proposed extensions will appear as subservient additions that will not extend beyond the rear elevation of neighbouring property No.55 Foscoote Avenue. It is not considered to adversely or detrimentally impact upon the residential amenity of neighbouring occupiers and therefore complies with Barnet's Residential Design Guidance SPD.

Comments have been received from neighbouring properties along Vivian Avenue with regards to the existing foundations of the applicant's property that runs along their boundaries. Their main concern is the strength of the wall and they would like to see the proposed extension set off their boundaries and do not oppose the principal of the side extension. Extensions can be built up to the boundaries and it would be unreasonable for officers to request a set back from the boundaries however, construction of the extension and structural/safety/drainage elements would be regulated under Building Control regulations

It is considered that the proposed development would have an acceptable impact on the character and appearance of the streetscene and would not have a significant adverse impact on the residential amenity of neighbouring occupiers.

### **5.4 Response to Public Consultation**

Addressed in report above.

### **6. Equality and Diversity Issues**

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

### **7. Conclusion**



Having taken all material considerations into account, the proposed development would have an acceptable impact on the character and appearance of the application site and the streetscene. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



This page is intentionally left blank

**Location** 107 Station Road London NW4 4NT

**Reference:** 15/07483/FUL

Received: 8th December 2015

Accepted: 13th January 2016

**Ward:** West Hendon

Expiry 9th March 2016

**Applicant:** Mr & Mrs Raffiuddin & Shahida Peracha

**Proposal:**

Change of Use from C3 (Dwellinghouse) to C2 (Residential institutions). Part two-storey, part first floor side and single storey rear extension. Extension to roof including new crown roof with 7no roof lights to front, side and rear elevations to provide additional accommodation for residents

AGENDA ITEM 16

**Recommendation:** Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; 15-SR-04 Rev:A; 15-SR-05 Rev:A; 15-SR-06 Rev:A; 15-SR-07 Rev:A; Design and Access Statement.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies 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 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing No. 109 Station Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance 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. 109 Station Road.

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

**Informative(s):**

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

## **Officer's Assessment**

Officer's Assessment

### **1. Site Description**

The application site is located on the western side of Station Road, located within the West Hendon ward.

### **2. Site History**

Reference: 15/05897/FUL

Address: 105 -107 Station Road London NW4 4NT

Decision: Withdrawn

Decision Date: 30 Oct 2015

Description: Single storey rear extension with flat roof following demolition of office and store room. Two storey side extension with 2no windows to rear, 1no to front elevation, 1no to ground floor, 3no to side elevation. Roof extension involving 2no rooflights to front and 1no rooflights to rear elevation (CHANGE OF REFERENCE NUMBER)

Reference: H/01965/11

Address: 105 -107 Station Road London NW4 4NT

Decision: Lawful

Decision Date: 17 Jun 2011

Description: Use of dwelling house as residential care home for no more than 4 residents.

### **3. Proposal**

This application involves change of use from C3 (Dwellinghouse) to C2 (Residential institutions). It should be noted that the premises has been in use as C2 for no more than 4 residents for a continuous period of more than 10 years and this application seeks permissions for a change of use together with extensions to provide additional accommodation for 7 residents; currently there are 4 residents at the premises and the proposal would provide accomodation for a total of 11 residents.

Extension works are also proposed which would include a part two-storey and part first floor side extension and a single storey rear extension. Extensions to roof are also proposed to include a new crown roof with 7no roof lights to front, side and rear elevations to provide additional accommodation for residents.

The proposed two storey side extension would be 3m wide at the front, and would have a depth of 12.5m, adjacent to the boundary with No. 109 Station Road. The extension would project rearwards of the rear elevation of the host property for 3.8m. The roof of the proposed part two storey, part first floor extension above garage extension would be hipped and would have a ridge height of 8.5m (5.5m to eaves) and is set down from the height of the main dwelling roof by 0.4.

The side extension is set back from the front elevation of the host dwelling by 1.2m.

The single storey rear extension proposed would have a depth of 4m and would have a flat roof which would be 2.8m high. This extension would be sited towards the boundary with No.105 Station Road.

The proposal would see the premises laid out as follows:

#### *Ground Floor*

Tv room  
Office  
Kitchen  
Bedroom 1  
Bedroom 2 with en suite bathroom

#### *First Floor*

Bedrooms 3, 4, 5 and 6 with a shared bathroom  
Bedroom 7 and 8 each with an en suite bathroom

#### *Second Floor*

Bedrooms 9, 10 and 11 each with an en suite bathroom

### **4. Public Consultation**

Consultation letters were sent to 55 neighbouring properties. 14no objections have been received, and the comments and concerns received are summarized as follows:

- Impact on residential amenity.
- Impact on the character and appearance of the area.
- Currently disturbance from residents at 105 Station Road, and this will be made worse.
- Safety of future due to location of site.
- Terracing effect caused by extensions.
- Impact on outlook.
- Overdevelopment.
- Intensify the use of the site.
- Poor amenity standard for future residents.
- Lack of communal space.
- Concerns with noise and rubbish.
- Loss of a family home.
- Scale of the proposal would make it difficult to manage.

### **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.

Particular regard is had to Policy 3.4; 4.1; 4.4.

### Barnet's Local Plan (2012)

#### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM09.

### Supplementary Planning Documents

#### Sustainable Design and Construction SPD (adopted April 2013)

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

#### Residential Design Guidance SPD (adopted April 2013)

- 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.

- Notes that the conversion of existing dwellings into flats can have a cumulative impact on environmental quality and the character of established residential areas. Conversions can harm the character of areas by increasing activity, with increasing activity resulting in more

people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries.

- Conversion proposals are likely to be resisted in areas of low density where predominantly there are single family occupation houses.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle
- Impact on the character and appearance of the street scene and general locality
- Impact on the amenities of neighbouring occupiers
- Standard of accommodation for future occupiers

## **5.3 Assessment of proposals**

### Principle

The development proposed is to expand the existing care facility, from a 4 bedroom unit to an additional 7 bedroom unit making a total of 11 units. Extension works are proposed to facilitate the additional bedrooms and reconfiguration of the existing layout.

An application for a lawful development certificate was submitted under application reference H/01965/11 which related to the conversion of 105-107 Station Road as a C2 (Residential Institution).

The application site has therefore established the principle of the C2 use..

### Impact on the character and appearance of the street scene and general locality

Concerns have been raised regarding the impact that the proposed extension works and the increase in the use of the site would have on the character and appearance of the area.

Taking into account the roof being set down from ridge of the main dwelling roof, and the side extension being set back from the front façade of the host building, it is considered that the proposed side extension would appear subservient to the bulk and mass of the host building. It is also considered that the proposed works would be of a design to complement the design of the host property and would be constructed of matching materials.

Additionally, as the use of the site as a C2 (Residential Institution) is established, it is not considered that the additional bedrooms would have a significant additional impact on the character and appearance of the area.

### Impact on the amenities of neighbouring occupiers

Concerns have been raised with regards to the negative impact the proposal would have on the residential amenity of neighbours. It is officer opinion that the rearward projection of the proposed two storey extension would not have a significant adverse impact on the residential amenity of the neighbours to justify the refusal of the application.



The proposed single storey rear extension would largely be obscured by the proposed two storey rear extension, and it is considered that the impact that it would have on the residential amenity of neighbours would not be severe.

Concerns have also been raised regarding the increase in the intensification of the use of the site and concern that this would lead to an increase in noise and general disturbance. In relation to the noise from the site, it is considered that whilst there would be an increase in the level of activity at the site, this would not have a significantly increased impact compared to the sites current use. On balance it is considered that the proposed extension works and the addition of more occupants would not have a severe impact on the residential amenity of neighbours - it is important to note that this is a C2 premises where the care would be provided within the premises and residents would not be leaving and coming back during the majority of time within care.

#### Standard of accommodation for future occupiers

Space standards for new development are outlined in Policy 3.5 (table 3.3) of the London Plan 2015 and also within Barnets Residential Design Guidance.

Upon review, the proposed bedrooms would provide sufficient space for future residents. The number of windows and rooflights outlined within the proposal will ensure that sufficient natural light would be afforded to the additional bedrooms.

On balance it is considered that the proposal would provide an acceptable level of amenity for future residents.

### **5.4 Response to Public Consultation**

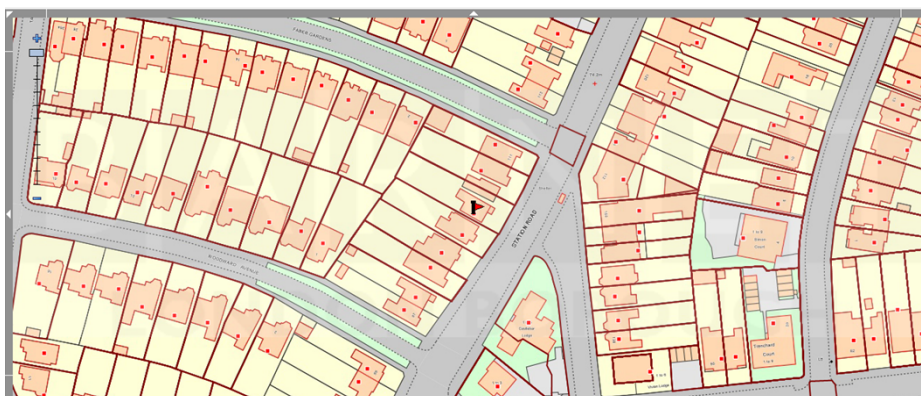
The grounds for objection have been discussed within the body of this report.

### **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.



This page is intentionally left blank