

MEETING

FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE

DATE AND TIME

TUESDAY 10TH MAY, 2016

AT 6.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

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

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

Councillor Jack Cohen Councillor Alan Schneiderman Councillor Melvin Cohen
Councillor Jim Tierney Councillor Arjun Mittra

Substitute Members

Ross Houston Graham Old Reuben Thompstone
Anne Hutton Alon Or-Bach Gabriel Rozenberg
Shimon Ryde

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 5th May at 10AM.

Please note that the agenda order, as seen below, may change on the evening.

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

Andrew Charlwood – Head of Governance

Governance Service contact: Edward Gilbert, edward.gilbert@barnet.gov.uk, 020 8359 3469

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	1 - 6
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Report of the Monitoring Officer (If any)	
5.	Public Comments and Questions (If any)	
6.	Members' Items (If any)	
7.	Addendum	
	West Finchley Ward	
8.	4 Lovers Walk - 15/07639/FUL	7 - 24
9.	8 Redbourne Avenue - 16/1270/FUL	25 - 36
	Golders Green Ward	
10.	122 Cotswold Gardens, NW2 1PN - 16/0522/FUL	37 - 48
11.	14 Cotswold Gardens - 15/07872/HSE	49 - 58
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	Woodhouse Ward	
13.	40 Finchley Park - 16/0114/HSE	71 - 80
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14.	4 Clifton Gardens - 16/0566/FUL	81 - 92

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15.	189 The Vale - 16/0710/HSE	93 - 100
16.	Tudor Court 2 Crewys Rd - 16/0639/FUL	101 - 110
17.	6 Beechworth Close London - 16/1277/S73	111 - 126
18.	39 Woodstock road, NW11 8ES - 16/1416/HSE	127 - 134
19.	57 Hodford Road, NW11 8NL - 16/1445/HSE	135 - 144
20.	10-14 Accomodation Road - 16/0090/FUL	145 - 160
21.	Any item(s) the Chairman decides are urgent	

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Decisions of the Finchley and Golders Green Area Planning Committee

10 March 2016

Members Present:-

AGENDA ITEM 1

Councillor Eva Greenspan (Chairman)
Councillor John Marshall (Vice-Chairman)

Councillor Jack Cohen
Councillor Arjun Mittra
Councillor Alan Schneiderman

Councillor Melvin Cohen
Councillor Jim Tierney

1. MINUTES OF LAST MEETING

The minutes of the meeting held on 4 February 2016 were agreed and signed as a correct record.

2. ABSENCE OF MEMBERS

None.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS

Councillor John Marshall declared a non-prejudicial interest in item 12, Melvin Hall Golders Green Road London NW11 9QB – 15/07820/FUL, as he knew of the objectors as a passing acquaintance. He remained in the room during the consideration of this item and participated in the decision.

Councillor Arjun Mittra declared a personal and prejudicial interest in item 15, 706 High Road London N12 9QL – 15/06414/FUL, as he used to work for the developer's agent. He did not remain in the room during the consideration of this item or participate in the decision.

4. REPORT OF THE MONITORING OFFICER

None.

5. PUBLIC COMMENTS AND QUESTIONS

None.

6. MEMBERS' ITEMS

None.

7. ADDENDUM

The Committee's attention was drawn to the addendum to the report.

8. CHURCH WALK HOUSE, CHURCH WALK, LONDON NW2 2TJ - 15/05969/FUL

The Planning Officer presented the application. The Highways Officer also advised the Committee regarding the parking spaces available on site.

Having considered the application and heard oral representations from Mr John-Paul Flintoff and Mr Nick Spencer, and having heard from Mr Raoul Veevers on behalf of the applicant, the Committee:

RESOLVED to refuse the application, which was a reversal of the officer recommendation.

Reasons for refusal:

1. The proposed development, by reason of its size, height and siting would appear overbearing and visually dominating as viewed from the neighbouring properties on Lyndale Avenue, contrary to Policies DM01 of the Adopted Barnet Development Management Policies 2012, Policy CS5 of the Adopted Barnet Core Strategy 2012, and policies 7.4 and 7.6 of the Mayor's London Plan.
2. The proposed development, by reason of the number of units would result in an overdevelopment of the site, contrary to policies DM01 of the Adopted Barnet Development Management Policies 2012, Policy CS5 of the Adopted Barnet Core Strategy 2012, and policies 7.4 and 7.6 of the Mayor's London Plan.
3. The proposed development, by reason of the loss of a residential care home would be contrary to DM07 of the Adopted Barnet Development Management Policies 2012, Policy CS5 of the Adopted Barnet Core Strategy 2012, and policies 7.4 and 7.6 of the Mayor's London Plan.

Having been put to the vote, the following was recorded:

For – 2

Against – 4

Abstain – 1

9. 706 HIGH ROAD, LONDON N12 9QL - 15/06414/FUL

Councillor Mitra left the room for the consideration and voting on this item.

The Officer presented the report, and explained that as there was a mistake on the description of the site and had re-consulted residents accordingly.

Having considered the application and heard oral representations from Dr Patrick Erwin and Mr Jacques Astruc, and having heard from Mr Will Kumar on behalf of the applicant, the Committee:

RESOLVED to approve the application as set out in the Officer's report.

Having been put to the vote, the following was recorded:

For – 4*

Against – 3

Abstain – 0

*The Chairman used her casting vote to vote for the proposal.

10. 24 SOUTHWAY, LONDON NW11 6RU - 15/06258/HSE

The Officer presented the report.

Having considered the application and heard from Mr Russel Hunt on behalf of the applicant, the Committee:

RESOLVED to approve the application as set out in the Officer's report.

Having been put to the vote, the following was recorded:

For – 4

Against – 1

Abstain – 2

11. MELVIN HALL, GOLDERS GREEN ROAD, LONDON NW11 9QB - 15/07820/FUL

The Officer presented the report.

Having considered the application and heard oral representations from Mr Alexander Rabinovitch, the Committee:

RESOLVED to approve the application as set out in the Officer's report.

Having been put to the vote, the following was recorded:

For – 4

Against – 3

Abstain – 0

12. FURSBY HOUSE, 146B AND 146C NETHER STREET, LONDON N3 1PG - 15/07602/FUL

The Officer presented the report.

Having considered the application and heard oral representations from Mr Kieran Kettleton and Mr Salim Sabri, and having heard from Mr Kuldip Malhotra on behalf of the applicant, the Committee:

RESOLVED to approve the application as set out in the Officer's report and with the following additional condition:

If the constructed building is to be retained, internal and external alternations, including

(i) Reconfiguring the material layout and reverting back into two single dwelling houses

(ii) Subdividing the front and rear gardens fir each dwelling

(iii) Relocation of access gates to Fursby House must be fully completed and undertaken by 18th August 2016.

Reason: To comply with the issued Enforcement Notice.

Delete Condition 12 as duplicated

Having been put to the vote, the following was recorded:

For – 6
Against – 0
Abstain – 1

13. 11 MIDDLETON ROAD, LONDON NW11 7NR - 15/07926/HSE

The Officer presented the report.

The Committee heard oral representations from Mr Adam Quint, and heard from Mr Simon Millar on behalf of the applicant.

Having been put to the vote, the following was recorded:

For – 1
Against – 1
Abstain – 5

The Committee agreed to refer the item up to the next practicable meeting of the Planning Committee.

14. 1 CUMBRIAN GARDENS, LONDON NW2 1EB - 16/0469/FUL

The Officer presented the report.

Having considered the application and heard oral representations from Miss Iffat Mirza and Ms Luisa Vallejo, and having heard from the applicant, Mr Reza Fard, the Committee:

RESOLVED to approve the application as set out in the Officer's report.

Having been put to the vote, the following was recorded:

For – 4
Against – 1
Abstain – 2

15. 2 TEMPLARS AVENUE, LONDON NW11 0PD - 15/07084/FUL

The Officer presented the report.

The Committee RESOLVED to approve the application as set out in the Officer's report.

Having been put to the vote, the following was recorded:

For – 6
Against – 1
Abstain – 0

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

None.

The meeting finished at 9.30 pm

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Location **4 Lovers Walk London N3 1JH**

Reference: **15/07639/FUL**

Received: 14th December 2015

AGENDA ITEM 8

Accepted: 4th January 2016

Ward: West Finchley

Expiry 29th February 2016

Applicant: Mr & Mrs Ivan & Tatiana Vasin

Proposal: Construction of a two-storey detached family dwellinghouse with rooms in the roofspace and basement level with associated amenity space, parking and landscaping following demolition of the existing house

Recommendation: Approve subject to conditions

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

Site Location Plan - Drawing No. 129_p_001

Site Plan - Drawing No. 129_p_002

Existing site plan - Drawing No. 129_p_010

Existing Ground, First and roof plan - Drawing No. 129_p_012

Existing front and rear elevation - Drawing No. 129_e_030

Existing side elevations - Drawing No. 129_e_031

Proposed site plan - Drawing No. 129_p_011 - Revision A

Proposed basement and ground floor plans - Drawing No. 129_p_100 - Revision A

Proposed first floor, loft and roof plans - Drawing No. 129_p_101

Proposed front and rear elevation - Drawing No. 129_e_300 - Revision A

Proposed side elevations - Drawing No. 129_e_301 - Revision A

Proposed section 2-2 - Drawing No. 129_s_200

Tree survey and protection plan - Drawing No. 1

Arboricultural Impact Assessment

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 buildings 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 building hereby permitted is first occupied the proposed windows in the side elevation facing No. 5 Lovers Walk 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 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 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

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

- 7 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.

The Statement shall also include provision of protective fencing along the wall fronting Lovers Walk to avoid damage to the locally listed wall during construction.

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).

- 8 The use of the basement 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).

- 9 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).

- 10 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).

- 11 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 20% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission

Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

12 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.

13 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.

14 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 to E of Part 1 of Schedule 2 of that Order shall be carried out within the area of 4 Loves Walk 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).

- 15 Before development hereby permitted is occupied parking spaces shall be maintained/ provided within the site in accordance with drawing 129_p_010 and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with the proposed development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic.

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

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

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

Informative(s):

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

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £7,315 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 £28,215 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

- 3 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 4 Any details submitted in respect of the Construction Management Plan shall indicate how the hours of operation will be controlled, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.
- 5 For construction works adjacent to the public highways, the applicant must contact the Council on 0208 359 2000 for any necessary Highways Licenses.
- 6 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from Barnet House, 11th Floor Highways, 1255 High Road Whetstone London N20 0EJ
- 7 Please note that the applicant will be liable for any consequential damage to public highway that may result from the proposed development. Therefore the applicant is advised that photographic records should be kept of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.
- 8 The applicant is informed that Lovers Walk is a Scheduled footpath (Scheduled Footpath No 173 Nether Street to Grove Avenue), and must be kept unobstructed at all times.

- 9 It is recommended that demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.

Officer's Assessment

1. Site Description

The application site is a two-storey detached dwellinghouse, in the ward of West Finchley.

The front of the property faces onto Lovers Walk, with rear entrance from Sellars Hall Close. The existing dwelling is built from brick with white-painted render, and has a hipped tiled roof.

The site is not within a conservation area and is not a listed building. The wall running along Lovers Walk is locally listed.

It falls within an area of Special Archaeological Interest.

2. Site History

Reference: 15/05656/FUL

Address: 4 Lovers Walk, London, N3 1JH

Decision: Withdrawn

Decision Date: 18 November 2015

Description: Construction of a two-storey detached family dwellinghouse with rooms in the roofspace and basement level with associated amenity space and landscaping following demolition of the existing house

3. Proposal

The application proposes to construct a two-storey detached family dwellinghouse with rooms in the roofspace and a basement level, with associated amenity space, parking and landscaping following the demolition of the existing dwelling.

4. Public Consultation

Consultation letters were sent to 70 neighbouring properties.

20 responses have been received, comprising 19 letters of objection and 1 letter of comment.

The objections received can be summarised as follows:

- Inaccuracies in Design and Access Statement. Disagreements with points stated in D&A Statement.
- Demolition and construction (included associated vehicles, deliveries, equipment and skips) would result in an unacceptable level of disturbance, noise, highways, stress and safety of pedestrians (on Sellars Hall Close). Concerns over construction hours and access for emergency services.
- Not environmentally-friendly to demolish and rebuild.
- Impact on amenity of neighbouring occupiers
- Approval to basement could set a precedent
- Proposed dwelling out of scale
- Demolition and excavation impacts on wall which runs length of Lovers Walk and protected trees
- Objectors recommended conditions

- Objectors recommended fines/compensation/council tax relief

The representations received can be summarised as follows:

- Hendon and District Archaeological Society commented on the application. They recommended the imposition of an archaeological condition.

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, DM06, 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)

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

5.3 Assessment of proposals

Policy:

Policy DM01 of the adopted Development Management Documents DPD (2012) 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".

Policy DM01 continues to states that 'development proposal should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers'.

Policy DM06 states that all heritage assets will be protected in line with their significance. There will be a presumption in favour of retaining all 1,600 locally listed buildings.

Policy CS5 of the Core Strategy states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'.

Policy 7.6 of the London Plan (2015) states that buildings should be of the highest architectural quality and not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings.

Principle of replacement dwelling and impact on character and appearance of street scene and surrounding area:

The properties along Lovers Walk are mixed in character and style.

The properties to the west of the application site, No. 2 - 3 are a pair of two storey semi-detached properties in a simple style of white render and hipped roofs.

The property to the east of the application site, No 5, is a substantially wider property, in red brick and timber structure in a Tudor-style, with cat slide roof, gable ends and gable end projection.

There are clear architectural and stylistic differences along Lover's Walk. There are no designated heritage assets for the site which would influence the redevelopment of the site. The wall along Lover's Walk will be unaffected. For these reasons, no objections are

raised with regards to the principle of demolishing the existing building and its replacement with a new dwelling.

It is noted that the proposed replacement dwelling will be relatively contemporary in design. However, given the property is not within a conservation area and the relationship to neighbouring houses, it is considered that such an approach is reasonable and it would be unreasonable to be prescriptive in relation to the design, appearance and form of the development.

Furthermore, the proposed dwelling will be finished in brown brick and white-painted render with a tiled roof to match existing, similar to the materials seen on the existing dwellinghouse and surrounding properties.

In regards to the main roof, the proposed dwelling would have a gable end adjacent to the boundary of No. 5, which itself benefits from a gable-ended roof. The roof would be hipped adjacent to the boundary of No. 3, which has a hipped roof. The design therefore reflects the roof forms of both neighbouring properties.

The proposed dwelling would be no higher than that of No. 5, and would represent a slight reduction in height, when compared to that of the existing dwelling. The eaves height of the replacement dwelling would be same as the eaves height of the existing dwelling.

The application site is bordered by a high brick wall along Lovers Walk (a pedestrian pathway). The property is set back from Sellers Hall Close.

For the above reasons, it is not considered that the proposal would appear overly prominent within the streetscene or detrimental to the character and appearance of the surrounding area.

In general, the proposed bulk and massing is considered to be appropriate for the application site. The footprint of the proposed building would be similar to the footprint of the existing dwelling. The gable end projection on the front elevation would be similar to that seen on the existing property. The rear gable end projection would be no higher than the gable end projection at No. 5, and is not considered to disrupt the general building line of the properties along Lovers Walk.

The dwelling would feature a high level basement window to the rear elevation. The rear garden would be landscaped to a gradient to allow light into this window. There would be no other basement fenestration.

Given that the proposed dwelling is reflective of the general typology of properties along Lovers Walk in terms of size, scale and massing; the design of the dwelling house is considered to be acceptable and compliant with development plan policy.

Impact on amenity of neighbouring occupiers:

The proposed replacement dwelling would be of a similar footprint to the existing dwellinghouse.

At its closest point, the proposed dwelling would be sited at a distance of 0.55 metres from the boundary adjacent to No. 3. This is no closer than the existing property. The dwelling would project approximately 1 metre beyond the rear building line of No. 3 which is no further than the existing property.

The proposed front projection would be sited at a distance of 0.7 metres from the boundary of No. 3, and would be relatively in line with the front building line of this property.

At its closest point, No. 3 is 1 metre from the boundary of the application site. There would be a minimum flank to flank distance of 2 metres between the proposed dwelling and the property at No. 3. Furthermore, it was observed on site that all side windows at ground floor and first floor level at No. 3 facing the application site are either obscured-glazed or do not appear to be primary windows.

At its closest point, the existing dwelling is sited at a distance of 1.8 metres from the boundary adjacent to No. 5. The replacement would be sited at distance of 1.3 - 1.4 metres from this boundary. The property at No. 5 is sited at approximately 2 metres from the boundary. A flank to flank distance of 3.5 metres would be retained between the replacement dwelling and the property at No. 5. Taking into consideration these distances it is not considered the proposed projection on the rear elevation would impact the amenity of these occupiers to an unacceptable level.

Ground floor and first floor side windows facing the application site at No. 5 were noted on site. They are currently facing the existing property. It is not considered that the replacement dwelling would impact the outlook or light received from these windows to any greater extent.

As established, the roof form and design will respect those of the neighbouring properties.

It is not considered the new dwelling would cause undue overlooking or loss or privacy to neighbouring occupiers.

For the above reasons it is not considered the proposed dwelling would impact the amenity of neighbouring occupiers to an unacceptable level.

Impact on amenity of future occupiers:

The property would result in over 200 square metres of habitable floor space. The replacement dwelling would therefore meet, and exceed, the residential space standard requirements for a dwelling of this size, in accordance with Table 2.1 of the Sustainable Design and Construction SPD (2013).

The proposed dwelling would meet all the minimum room dimensions and floor areas set out in Table 2.2 of the Sustainable Design and Construction SPD (2013).

The property is required to provide 85 square metres of outdoor amenity space. The proposal would meet this, with over 90 square metres of outdoor amenity space.

It is considered that prospective occupiers of the dwelling would receive an acceptable level of daylight, outlook and privacy to all habitable rooms.

As such, it is considered the dwelling would provide an acceptable standard of accommodation for future occupiers.

Impact on highways and parking:

The existing parking provision consisting of one garage parking space and 1 additional space will be maintained for the new dwelling house. Access will continue to be as existing from Sellers Hall Close. The property fronts onto Lovers Walk, which is a Scheduled footpath (Scheduled Footpath No 173 Nether Street to Grove Avenue), and must be kept unobstructed at all times (this has been added as an informative to the recommendation).

A condition has been attached to this recommendation to ensure that site works or works on this development including demolition or construction work shall not commence until a Demolition and Construction Management Plan has been submitted to and approved by the Local Planning Authority.

For the above reasons, the parking provision is deemed acceptable on highways grounds, subject to the relevant conditions.

Impact on trees:

It is noted there are two Tree Preservation Orders on the neighbouring site at No. 3 Lovers Walk. There are no Tree Preservation Orders on the application site.

The applicant has provided an Arboricultural Report and accompanying tree survey which the Council's Tree Department have been consulted upon.

The Tree Officer has deemed that the footprint and size of the replacement dwelling would not have a significant impact on the surrounding trees. The Officer noted slight encroachment into the RPA of T7 Cypress (Cat C) which will not have a significant impact on the tree due to its size and location. The loss of two shrubs is acceptable.

However, the Officer did raise concern with the risk of harm to trees during the demolition and construction phases, including the neighbouring protected tree. The Tree Officer considered that with care it is possible to undertake this development, and has recommended that it would be beneficial to protect all the ground/soil with a temporary load bearing surface, not just within the RPAs.

As such, conditions have been attached to secure the submission of a detailed method statement before development commences on site to ensure trees are not damaged or harmed during demolition and construction.

Impact on wall:

It is noted that the 'Garden Wall to Sellers Hall' is a locally listed structure. It was listed by the Council on 30/04/1986. The wall runs along the length of Lovers Walk. Plans show that no works are proposed to the wall.

Taking into consideration the design, footprint, size, scale and appearance of the proposed dwelling, it is not considered the replacement dwelling would impact the historic or architectural interest of the locally listed structure to an unacceptable level. It is not considered it would not impact the setting of locally listed structure to an unacceptable level. Plans show that no works are proposed to the wall.

Regarding the impact of building activity (demolition and construction) a condition has been attached to secure a Demolition and Construction Management Plan before development commences.

5.4 Response to Public Consultation

- Inaccuracies in Design and Access Statement. Disagreements with points stated in D&A Statement.

This would not be considered justified grounds for refusal, in this instance.

- Demolition and construction (included associated vehicles, deliveries, equipment and skips) would result in an unacceptable level of disturbance, noise, highways, stress and safety of pedestrians (on Sellers Hall Close). Concerns of construction hours and access for emergency services.

Objectors concerns have been noted and have been carefully considered in the assessment of this application.

A certain degree of impact from demolition and construction is expected with any new development. It is not considered to be a justified reason for refusal in this instance.

A condition has been attached to this recommendation to ensure that site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management Plan has been submitted to and approved by the Local Planning Authority.

- Not environmentally-friendly to demolish and rebuild.

This would not be considered a justified reason for refusal, in this instance. A condition has been attached to ensure the new dwelling meets a certain standard of carbon dioxide reduction, in accordance with Building Regulation standards.

- Impact on amenity of neighbouring occupiers

As assessed in the main body of the report, it is not considered that the new dwelling would impact the amenity of neighbouring occupiers to an unacceptable level.

- Approval to basement could set a precedent

It is not considered that this would be a justified reason for refusal in this instance. Each case is considered on its own merits

- Proposed dwelling out of scale

As assessed in the main body of this report, it is not considered the dwelling would appear out of keeping with the character and appearance of the surrounding area.

- Demolition and excavation impacts on wall which runs length of Lovers Walk and protected trees

The impact on the protected trees has been assessed as part of this report.

The wall is not a statutory listed structure. The impact on this wall has been assessed as part of the main body of this report. A condition has been attached to secure the

submission of Demolition and Construction Management Plan before development commences to ensure there is no harmful impact to the surrounding area.

- Objectors recommended conditions

Noted. Where considered appropriate these conditions have been attached.

- Objectors recommended fines/compensation/council tax relief

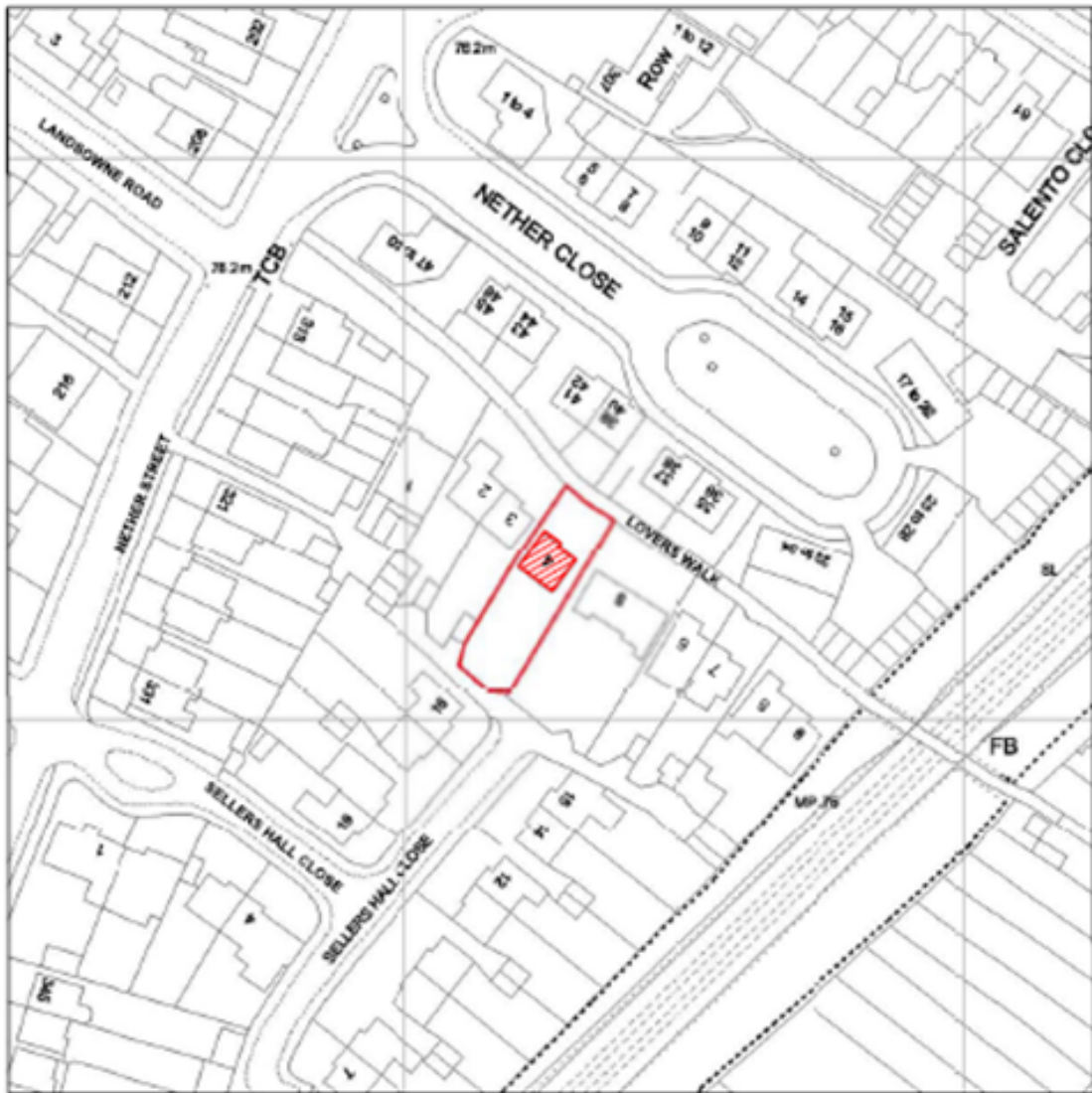
Noted. Conditions have been attached, as appropriate. The imposition of fines/compensation/council tax relief is not considered appropriate under this planning application.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered 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 or future occupiers. This application is therefore recommended for approval.



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4 Lovers Walk, London N3 1JH
Location plan scale 1:1250

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Location **8 Redbourne Avenue London N3 2BS**

Reference: **16/1270/FUL**

Received: 29th February 2016

Accepted: 8th March 2016

Ward: West Finchley

Expiry 3rd May 2016

Applicant: Mr Ray Gabriele

Proposal: Conversion of a dwelling house into 3no self-contained units associated car parking, amenity space, refuse & recycle storage area

AGENDA ITEM 9

Recommendation: Approve subject to conditions

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

PL01; PL02; PL03; PL04; PL05; PL06; PL07; PL08; 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 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).

- 4 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).

- 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
 - a) Prior to the first occupation the details of the proposed rear fencing hereby approved shall be submitted to and approved in writing by the Local Planning Authority.
 - b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 7 Notwithstanding the details shown on the plans the new fenestration 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).

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 or by telephoning 0208 359 7294.

Officer's Assessment

1. Site Description

The application site is located on the northern side of Redbourne Avenue, within close proximity to Ballards Lane and the Finchley Central Town Centre within the West Finchley ward. The site is located within a controlled parking zone (CPZ).

The site is not located within a Conservation Area and holds no individual designation.

The existing building is a two-storey semi-detached residential dwelling house, with rooms in the roofspace.

2. Site History

Reference: 15/03795/FUL

Address: 8 Redbourne Avenue, London, N3 2BS

Decision: Refused

Decision Date: 1 October 2015

Description: Conversion of a dwelling house into 3 self-contained units associated car parking, amenity space, refuse & recycle storage area.

The application was refused for the following reasons;

1 The proposed conversion to flats, by reason of the number and size of units proposed and associated general activity, would be an over-intensive use of the site which would detract from the established character of the area and would be detrimental to the amenities of neighbouring occupiers by reason of noise and disturbance. The proposals are contrary to policies DM01 and DM04 of the Adopted Barnet Development Management Policies (2012).

2 The development by reason of the proposed internal layout with the location of living rooms at first floor adjacent to the bedrooms of no.6 Redbourne Avenue would result in noise disturbance to the neighbouring occupiers. The proposals would be contrary to policies DM02 and DM04 of the Adopted Barnet Development Management Policies (2012) and Adopted Supplementary Planning Document on Sustainable Design and Construction (2013).

3 The proposals by reason of the size of the bin storage area required would be detrimental to the character and appearance of the streetscene and general locality, contrary to policy DM01 of the Adopted Barnet Development Management Policies (2012) and Adopted Supplementary Planning Document on Sustainable Design and Construction (2013).

4 In the absence of confirmation that the proposed parking spaces can be provided on site to serve future residents, the development would be likely to increase demand for on-street parking in the area, detrimental to the free flow of traffic and highway safety. The proposals would be detrimental to policy DM17 of the Adopted Barnet Development Management Policies (2012).

Reference: F/03344/14

Address: 8 Redbourne Avenue, London, N3 2BS

Decision: Refused
Decision Date: 15 August 2014
Description: Conversion of a dwelling house into 4 self-contained units. Associated works

Reference: F/04858/13
Address: 8 Redbourne Avenue, London, N3 2BS
Decision: Lawful
Decision Date: 30 October 2013
Description: Conversion of the garage into a habitable space including replacement of garage door with window to match existing.

Reference: F/06107/13
Address: 8 Redbourne Avenue, London, N3 2BS
Decision: Prior Approval Not Required
Decision Date: 23 January 2014
Description: Single storey rear extension with a proposed depth of 5 metres, eaves height of 2.87 metres and maximum height of 3 metres.

Reference: F/01781/14
Address: 8 Redbourne Avenue, London, N3 2BS
Decision: Refused
Decision Date: 30 May 2014
Description: Conversion of the existing single family dwelling into 5 self-contained flats with associated front landscaping and refuse/recycling facilities.

Reference: F/03957/13
Address: 8 Redbourne Avenue, London, N3 2BS
Decision: Lawful
Decision Date: 6 September 2013
Description: Extension to roof including hip to gable end and two rear dormer windows to facilitate a loft conversion.

Reference: F/03960/13
Address: 8 Redbourne Avenue, London, N3 2BS
Decision: Prior Approval Required and Refused
Decision Date: 10 October 2013
Description: Single Storey Rear Extension with a proposed depth of 5metres, eaves height of 2.87metres and max height of 3metres.

Reference: F/04852/13
Address: 8 Redbourne Avenue, London, N3 2BS
Decision: Approved subject to conditions
Decision Date: 18 December 2013
Description: Single Storey Rear Extension

3. Proposal

This application seeks consent for the conversion of the existing dwelling house into three self-contained flats; comprising two two-bedroom and one one-bedroom unit, with associated car parking, amenity space and refuse / recycling storage area.

4. Public Consultation

141 consultation letters were sent to neighbouring properties.
38 objections have been received, including a petition.

The views of objectors can be summarised as follows;

- Over intensive use of site
- Objection in principle to conversion
- Out of character
- Car parking
- Loss of front garden
- Sets precedent
- Noise disturbance
- Inconsistencies in submitted documents
- Density
- Bin store
- Layout

Internal / other consultations:

Finchley Society - 8 Redbourne Avenue is located in the character area comprising Nos. 6 to 48 and Nos. 3 to 51 that is characterised by single family dwelling houses. Though consent has been given for some conversions into flats and other uses, these do not detract from the predominant character of the road, and it is noted that there have been reconversions locally. This application should therefore be refused, and a clear message sent to the present owner that refurbishing the building and marketing it as a large family house is the best and most financially viable thing to do.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2015

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the

development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM08, DM17.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The acceptability of the proposed conversion into flats
- 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.
- Parking and highway impacts

5.3 Assessment of proposals

Extensions and alterations

The existing property benefits from various consents for extensions, detailed above. The works to the roof appear to have been completed.

No further extensions to the host application property are proposed under this application.

Principle of self contained units

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

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of

car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

Within Chapter 2 of the Core Strategy, which is a material consideration in the determination of this application, the Council state the following:

"The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flatted accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate."

It is recognised that it is not always appropriate to allow the conversion of a single family dwelling house into flatted accommodation. However, in the case of this application it is considered to be acceptable. From conducting the site visit and looking at planning history records it is clear that a number of other properties along the street have undertaken similar works, including numbers; 11, 14, 15, 42, 46 and 48. Furthermore the VOA website notes even more properties are in use as flats, however, as no planning consent was found they are not detailed.

As Redbourne Avenue is characterised by single dwelling houses, converted properties and purpose built flats it is considered that the proposed conversion of the existing single dwelling house into three self-contained units will not have detrimental impact on the character of the area and the principle of the conversion is considered to be acceptable.

Living conditions of future occupiers

It is considered that the current application for one one-bedroom, two two-bedroom units unit complies with the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan 2015 and is considered to provide adequate internal space for future occupiers.

One two- bedroom unit would occupy the full ground floor space with a separate, direct access to a private garden. A separate reception room is proposed in addition to the proposed lounge area and we count this as an additional bedroom, making this unit three bedroom. This unit would have an internal floor area of 114.7m² exceeding the minimum gross internal area for a three bedroom unit.

The one-bedroom unit would occupy part of the first floor, with access to a communal amenity space, shared with the other two-bedroom flat. This unit would have a floor area of approximately 65.9m² meeting minimum gross internal area for a one bedroom unit.

The two-bedroom flat would occupy part of the first floor and the attic space, with access to a communal amenity space, shared with the first floor flat. This unit would have a floor area of approximately 80.6m² this meets minimum gross internal area for a two-bedroom.

Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent

amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels; this will be enforced by an appropriate condition attached to the decision. The proposed internal stacking is considered appropriate and acceptable, helping to ensure a minimum of noise disturbance between the units.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room. It is proposed to split the existing rear garden into two, with the ground floor unit being provided the area directly adjacent the dwelling and the other units provided with the area to the rear of the garden. The ground floor unit would be provided with approximately 81m², exceeding the minimum requirement. The communal garden provided for the other units would be 126m², which would be acceptable.

An appropriate area for the storage of recycling and refuse bins has been provided at the front of the site adjacent to the proposed car parking area. Due to the concerns raised regarding its suitability a condition is suggested requiring additional information relating to the potential enclosure. No details of cycle storage have been provided and this must be sought through condition.

The site benefits from good accessibility, with close proximity to Finchley Central underground station and has a PTAL rating 4. It is considered to fall within an urban setting; the Finchley Central Town Centre, as defined in the London Plan. The London Plan Density Matrix therefore suggests a range of 45 to 260 units per hectare and 200-700 habitable rooms per hectare. Taking the site area of 0.0472ha, the proposal for three flats would equate to a density of 63.56 units per hectare (233.05 habitable rooms per ha). The proposed density fits within the ranges of the Matrix, it is therefore considered to be an appropriate development in terms of density.

The proposed development offers one parking space for each of the three units. It is therefore considered that the off street car parking provision for this scheme is acceptable. One of the reasons for refusal on the previous application related to car parking and an application has been made for the creation of new crossover; Highways officers have consulted residents on removal of the bay and this and the proposed crossover are still under consideration.

Impact on neighbouring amenity

There are no extensions proposed under this application.

Concerns have been raised regarding the overdevelopment of the host single family dwelling due to the number of units proposed and the disturbance from increased comings and goings; the proposed development would see an increase of two additional households, potentially 10 occupiers overall. The existing dwelling could easily accommodate upwards of 7 people and therefore it is not considered that the proposed conversion would be detrimental to the amenities of neighbouring occupiers.

As noted previously, the scheme has been amended at first floor to remove the living room and dining room from the shared party wall with the adjoining neighbour at 6 Redbourne Avenue and bedrooms are now proposed in this location. This is considered to have overcome one of the reasons for refusal in the previous application and will minimise potential noise disturbance resulting from the proposed conversion. This is considered to

have addressed the second reason for refusal on the previous application, reference: 15/03795/FUL.

The proposals are considered to be acceptable. It is considered that subject to compliance with the attached conditions, the proposed development as amended 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.

5.4 Response to Public Consultation

The issues raised in regards to insufficient parking are noted; three car parking spaces are proposed to the front of the site in line with Highways requirements. As detailed previously an application has been made to create an additional crossover and remove part of the existing bay. Highways officers have consulted residents on removal of the bay and this and the proposed crossover are still under consideration.

The concerns raised regarding the internal stacking are noted. However, the scheme has been amended from the previous refusal to show the removal of living and dining rooms at first floor to place bedrooms along the shared boundary with 6 Redbourne Avenue to ensure no noise disturbance to these existing occupiers. It is not considered necessary to amend the ground floor unit. This reason for refusal has now been addressed.

The objection raised in regards to the property remaining as a single unit is noted. However, the principle of converting these single dwellings into flatted developments along Redbourne Avenue has already been established with consent being given to other sites. It is considered therefore that the precedent has already been set.

In regards to concerns raised regarding the unsuitability of the proposed bin store area to the side of the property it is required through condition to resurvey the side of the property and provide further details of the proposal or an alternative.

In regards to the concerns raised about the proposed density of the development and that it creates an over intensive use of the host building, the above report sets out how the scheme is in line with London Plan requirements providing an appropriate density for the location. Due to this assessment it not considered that the proposed development will result in any detrimental noise disturbance to nearby occupiers ensuring their residential amenity is preserved.

In regard to the concerns raised about inconsistencies on the application form, the details provided were considered sufficient to make a proper assessment of the proposals and subject to the attached conditions the proposed development is considered to be acceptable.

Whilst there is sympathy with the regret over the loss of the front garden it is acceptable to create a hardstanding on the front of the residential property, and would currently be lawful under a certificate of lawfulness. Furthermore the permitted development requirements for the creation of a hardstanding states that the paving should be laid on a permeable bed to allow for the prevention of surface water drainage.

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 support the Council in meeting its statutory equality responsibilities.

7. Conclusion

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



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Location 122 Cotswold Gardens London NW2 1PN

Reference: 16/0522/FUL

Received: 26th January 2016

Accepted: 26th January 2016

Ward: Golders Green

Expiry 22nd March 2016

Applicant: Mr Reza G.fard

Proposal: First floor rear extension and conversion of property into 2no. self-contained flats

AGENDA ITEM 10

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement; Site Location Plan; 780/CG/01; 780/CG/02; 780/CG/03; 780/CG/04.

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

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

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

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

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

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

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

- 5 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).

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

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

- 7 Before the development hereby permitted is first occupied, the sub-divided amenity area(s) shall be implemented in full accordance with Drawing No. 780/CG/03 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).

- 8 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. 780/CG/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.

- 9 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).

- 10 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).

- 11 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).

- 12 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)

Informative(s):

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

to ensure that the proposed development is in accordance with the Development Plan.

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

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

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to

commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

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

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

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

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

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

3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

Officer's Assessment

1. Site Description

This application site relates to a two storey semi-detached property on the west side of Cotswold Gardens; a residential road which forms part of the Golders Green Estate. The property benefits from a single storey rear extension and a loft conversion.

This is not a listed building and the dwelling does not fall within a conservation area.

2. Site History

Reference: F/02167/08

Address: 122 Cotswold Gardens, London, NW2 1PN

Decision: Refused

Decision Date: 14.08.2008

Description: Retention of 2 No. dormer windows to rear and side

Reference: C13222B/05

Address: 122 Cotswold Gardens, London, NW2 1PN

Decision: Withdrawn

Decision Date: 30.03.2005

Description: Alterations to roof including hip to gable and addition of rear dormer window to facilitate a loft conversion

Reference: C13222A/04

Address: 122 Cotswold Gardens, London, NW2 1PN

Decision: N/A

Decision Date: Application Invalid of Receipt

Description: Alterations to roof including hip to gable and addition of rear dormer window to facilitate a loft conversion

3. Proposal

Planning permission is sought for a first floor rear extension and the conversion of the property into 2no. self-contained flats.

The ground floor will be converted into a one bedroom property with an open plan kitchen, dining and living area, a bathroom, bedroom and study. The second flat occupies the first and second floors. At first floor level it will host a rear extension that will project by 3m and measure 2.2m wide; this will host the kitchen leading into open plan sitting and dining room with 2 bedrooms and 2 bathrooms.

4. Public Consultation

70 consultation letters were sent to neighbouring properties.

Seven responses have been received, comprising seven letters of objection.

The objections received can be summarised as follows:

- Overcrowding is already an issue on Cotswold Gardens. As a close neighbour, I will be significantly impacted by this development through loss of light, restriction of view and parking problems from increase in road vehicles.
- Whilst the plans show there is existing parking for 2 cars, this is not true. No cars can be accommodated on the front garden as implied in the plans.
- It is estimated that 80% of our front gardens are now paved to provide off street parking. Flat conversions pave 100% of the front gardens to maximise parking. I would like to see conditions imposed for green areas to be kept or reinstated.
- The first floor rear extension will lead to a loss of privacy and the feeling of being continually overlooked.
- A by-product of overcrowding on this street is that there is a problem with fly-tipping.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2015

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The principle of the conversion
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the proposals would have an acceptable impact on highway and pedestrian safety

5.3 Assessment of proposals

Whether the principle of residential units is appropriate for the area

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

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

Within Chapter 2 of the Council's Development Management Policies, which is a material consideration in the determination of this application, the Council state the following:

"The conversion of existing dwellings into flats can have a cumulative effect that is damaging to the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street particularly where they are highly accessible. However, even in such locations they can

harm the character of areas by changing external appearance and increasing activity. Such activity can often involve more people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries."

The area has been surveyed and there is evidence that there are a significant proportion of converted residential properties in the locality. Therefore the proposed conversion is not considered to detract from the mixed character of the area, which accommodates both converted properties and single family dwelling houses.

The principle of converting the premises into two self contained flats would not harm the residential character of the area and would not result in over intensive use of the property. There are examples of conversion permissions in the Golders Green Estate as follows:

26 Cotswold Gardens - 2 flats in 2013 (F/02684/13)
44 Cotswold Gardens - 2 flats in 2011 (F/04269/11)
56 Cotswold Gardens - 2 flats in 2009 (F/00284/09)
76 Cotswold Gardens - 2 flats in 2011 (F/00075/11)
124 Cotswold Gardens - 2 flats in 2005 (C13222C/05)

8 Cumbrian Gardens - 3 flats in 2012 (F/00671/12)
54 Cumbrian Gardens - 3 flats in 2007 (C17086/07)

34 Pennine Drive - 2 flats in 2010 (F/04132/09)
71 Pennine Drive - 2 flats in 2011 (F/00859/11)
77 Pennine Drive - 2 flats in 2009 (F/00283/09)

10 Cleveland Gardens - 2 flats in 2011 (F/04060/11)
57 Cleveland Gardens - 2 flats in 2011 (F/02833/11)

5 Cheviot Gardens - 2 flats in 2007 (C16664A/07)
80 Cheviot Gardens - 3 flats in 2009 (F/01365/09)
113 Cheviot Gardens - 2 flats 2012 (F/03121/12)
145 Cheviot Gardens - 2 flats in 2011 (F/02295/10)
153 Cheviot Gardens - 2 flats in 2012 (F/04564/12)

Whether the proposal will provide suitable accommodation for future occupiers

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.

This policy also explains that 'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'. The extensions to provide for the new self-contained flats are designed to allow for adequate daylight to the proposed unit. The proposal is consistent with the Councils Sustainable Design and Construction SPD (2013) in relation to gross internal area, layout, privacy and access to daylight and the external manifestation of the building respects the constraints of the site and does not detract from the residential amenity of character of the area

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive

contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

The proposed units comply with the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan July 2011 and is considered to provide adequate internal space for future occupiers.

The proposal includes two separated amenity spaces at the rear of the site with separate access; the proposal accords with the outdoor amenity space Table 2.3 within the Sustainable Design and Construction SPD.

In addition, all habitable rooms proposed will have a reasonable outlook and be sufficiently large enough for light and ventilation to serve the varying room sizes. It is considered that the habitable rooms will provide a suitable level of amenity for future residents in accordance with Policy DM02 of Council's Development Management Policies.

Noise Transmission

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

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 3m and measure 2.2m wide; it is considered that the proposed extension would have an acceptable impact on the character and appearance of the existing building. The roof has been set down from the main ridge height and hipped to form a subordinate and proportionate addition to the dwellinghouse.

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

The proposed first floor rear extension is sited sufficiently away from neighbouring habitable windows as to avoid any overbearing impact or loss of light for neighbouring occupiers.

No windows are proposed to either of the side elevations of the proposed rear extension, only to the rear elevation and therefore it is not considered that the first floor rear extension will cause a loss of privacy or overlooking to the occupants of neighbouring properties. A condition is suggested to restrict the installation of any side facing windows without the prior written consent of the LPA.

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

The proposal is to convert the three bedroom house into two flats; a one bedroom and a two bedroom. As the no of bedrooms in the conversion remain the same as existing property and the fact that the property is already serviced by 2 parking spaces, it is not considered that the proposed development would cause additional parking pressures in the area therefore not considered that it would have a harmful impact on highway and pedestrian safety.

Bin Storage

The property includes sufficient space for a bin store for two self-contained units and a condition has been included relating to storage of refuse at the site

5.4 Response to Public Consultation

Mainly covered in the report

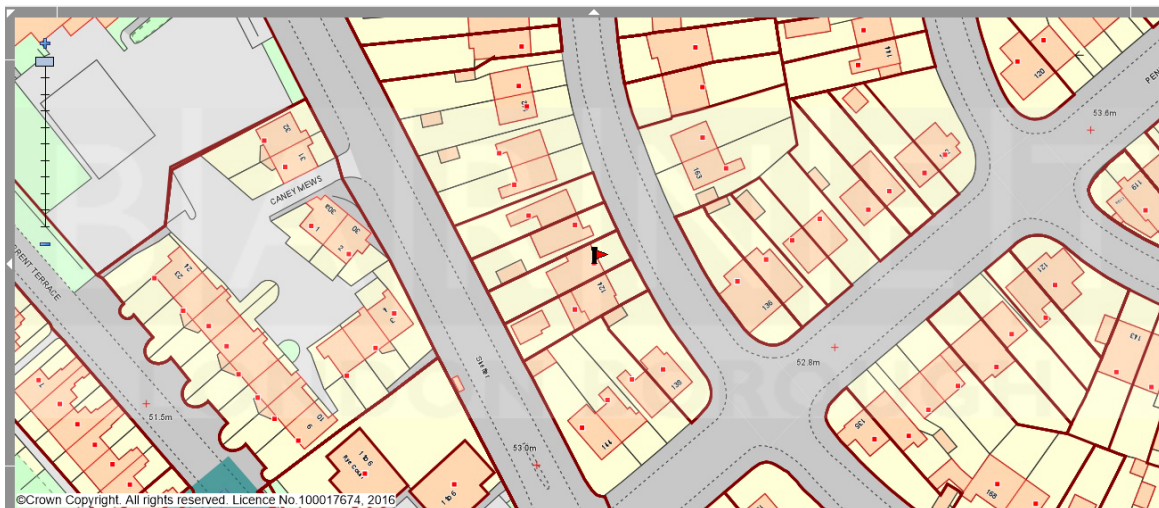
Fly-tipping is not a material planning consideration.

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location **14 Cotswold Gardens London NW2 1QR**

Reference: **15/07872/HSE**

Received: 23rd December 2015

AGENDA ITEM 11

Accepted: 11th January 2016

Ward: Golders Green

Expiry 7th March 2016

Applicant: Mr N Mousavi

Proposal: Two storey side extension following demolition of existing garage. Single storey rear extension. 1 no. rear dormer window and 3 no. rooflights to front to facilitate loft conversion. New front porch (AMENDED DESCRIPTION)

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, 001, 002, 005 REV A, 006 REV A and 007 REV 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 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

- 5 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.12 and No.16 Cotswold 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).

Informative(s):

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

Officer's Assessment

1. Site Description

The site property is a two-storey semi-detached single family dwellinghouse located on Cotswold Gardens. The property is not listed and does not lie within a Conservation Area.

The surrounding area is characterised by semi-detached single family dwellings, many of which have been extended in a variety of forms, including large first floor and roof extensions.

2. Site History

Reference: 15/06888/192

Address: 14 Cotswold Gardens, London, NW2 1QR

Decision: Lawful

Decision Date: 27 November 2015

Description: Extensions to roof involving hip to gable end, 3 no roof lights to front elevation, and rear dormer with juliette balcony

3. Proposal

The application seeks permission for a two storey side extension following demolition of existing garage, Single storey rear extension, rear dormer window and 3 no. rooflights to front to facilitate loft conversion, new front porch.

The plans originally proposed a two storey side extension following demolition of existing garage, Part first floor rear extension, Single storey rear extension.1 no. rear dormer window and 3 no. rooflights to front to facilitate loft conversion and new front porch. However amendments to these plans have been received following officer comments.

Amended plans have been received which have removed the first floor rear extension, reduced the siting, size and bulk of the proposed first floor side extension and reduced the size of the dormer. It is noted that the front porch would be larger than the original submitted plans but consultation on the amended plans has taken place with residents.

The two storey side extension would have a width of 2.4 metres and a depth of 8.3 metres. At first floor level, it would be setback 0.8 metre to the front and 0.5 metre from the side boundary. It would include a pitched roof at ground floor level and a gable roof set 0.6 metres below the main roof's ridge.

The proposed single storey rear extension would be 3.5 metres deep and 8.45 metres wide (including the part linked with the side extension). It would have a maximum height of 3 metres with a flat roof and a parapet 0.15 metre high on the east side.

The proposed front porch would be 3 metres wide, 1.7 metres deep and 3.4 metres high with a dual pitched roof.

The proposals also include a rear dormer window with 3no. rooflights on the front roof slope. The proposed rear dormer window would be 5.8 metres wide, 2.5 metres high and 4 metres deep.

4. Planning Considerations

4.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan March 2015

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted April 2013)

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

4.2 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.

4.3 Assessment of proposals

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

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

Policy CS5 states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'.

The Council's adopted SPD 'Residential Design Guidance' (2013) 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.

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

Para 14.20 precises that side extensions should ensure that the visual and residential amenities of neighbouring properties are not significantly affected.

Para 14.33 of the SPD states that dormer roof extensions should be subordinate features on the roof and should not occupy more than half the width or half the depth of the roof slope.

Para 14.54 of the SPD states that where a porch is on the front elevation, special care should be taken that it does not spoil the appearance of the property and street as well as the outlook of the neighbouring houses. Adding undue canopies can be unsightly as it is likely to protrude too far and dominate the front of the house. As houses differ in size and style, sometimes it is not possible to add a porch to a house.

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

The property is located on the eastern side of Cotswold Gardens where first floor side extensions are a common feature in this part of the street. Close to the host property, such extensions of varied form and size are visible at No.1, No.6, No.7, No.8, No.11 and No.13. Some of them are not setback from the front line of the main building and others lie alongside the side boundary (No.6, 7, 11 and 13). Whilst acknowledged that these extensions do not appear to have been built recently, they form part of the character of the surrounding area and must be taken into consideration.

Furthermore, the two storey side extension would adhere to Barnet's Residential Design Guidance in that the ridge would be set down by over 0.5 metre, the front wall would be set back from the main house by 0.8 metre at first floor level and a gap of approximately 3 metres would be maintained from the neighbouring property at first floor. It is noted that the gap would be 0.5 metre between the extension's flank wall and No.12. In this instance, it is considered it is sufficient and reflects the character of the area. As a result, the proposal would be of a form and scale that is sympathetic to the existing building and is not considered harmful the character of the area or the streetscene.

Barnet Residential Design Guidance SPD states that an appropriate depth for a single storey rear extension to a semi-detached dwellinghouse is 3.5 metres. The proposed extension would be 3.5 metres which complies with Council Guidance.

The proposed extensions to the roof involve a dormer and hip to gable end which would have a total volume of 37 cubic metres. This proposal complies with Permitted Development and the additional two storey side extension's roof is unlikely to exceed the 13 cubic metres remaining allowance for a semi-detached property. Furthermore, the roof extension benefits from a Certificate of Lawful Development (15/06888/192) and therefore,

could be built independently from this present planning application. It is considered that there is a high likelihood that the applicant would implement these works in any event.

The proposed porch (larger than the original proposal) would have a footprint of 5.1 square metres with a height which is above that suggested in Barnet's Guidance however; there are material considerations in this instance which render this aspect acceptable. Principally, there are many examples of front porches with varied size and design elsewhere in the street. In addition, No. 1 Cotswold Gardens, located opposite from the host property, benefits from a planning permission (F/04602/14) including a front porch significantly larger. As a result, the proposal has an acceptable impact on the character and appearance of the streetscene, site property and general locality.

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

Barnet's Residential Design Guidance advocates a minimum gap of 2 metres between the flank walls of properties at first floor level. The proposal would be setback 0.5 metre from the side boundary with No.12 but a gap of approximately 3 metres would be kept between the two properties. It would exceed what is currently visible in the surrounding area. In addition, No.12 benefits from a single storey rear and side extension with a maximum height of approximately 3.8 metres which would reduce the proposal's visual impact. The side windows facing the host property appear to accommodate a bathroom and the staircase which are not living areas. Therefore, it is not considered that the proposed first floor extension would have a harmful impact on residential amenities of neighbouring occupiers with regards to overbearing, loss of light or overlooking.

The two storey side extension would not be substantially visible from No.16 Cotswold Gardens; therefore, the proposal would not adversely impact the visual or residential amenities of these neighbouring occupiers.

At ground floor level, the adjoining property, No.16 Cotswold Gardens, benefits from a single storey rear extension of approximately 3 metres deep. The proposal would project 0.5 metre further than the neighbour's and include a slight setback from the side boundary with no.16. As a result, it is not considered that the proposal would have a harmful impact on the residential amenities of these neighbouring occupiers.

Neighbouring property No.12 benefits from a single storey rear and side extension which abuts the boundary with No.14. This extension appears to have the benefit of skylights. It should be noted that the extension would come closer to the boundary with the extension, however the rooflights are already in close proximity to the flank wall of the site property. Furthermore light to the bedrooms within the ground floor extension of no.12 is largely obscured by the existing parapet wall and ridge of the neighbouring side extension. The proposed side extension would be set off the boundary and lower in height than the main roof. It is not considered that by bringing the extension closer to the boundary, there would be a harmful loss of light or outlook to the room below. The proposed extensions would project only marginally further than No.14 and are not considered to have any detrimental impact on the amenities of these neighbouring occupiers.

The proposed hip to gable, rear dormer window and the 3no rooflights to front as well as front porch are not considered to adversely impact the visual or residential amenities of the neighbouring occupiers.

5. Public Consultation

Consultation letters were sent to 9 neighbouring properties.

7 responses has been received, comprising 7 letters of objection
Neighbours Wishing To Speak 1

The objections received can be summarised as follows:

- Overdevelopment / Overbearing
- Out of character
- Terracing effect
- Loss of light
- Conversion into 9 bed HMO
- Parking issues
- Affect the view from the garden
- Party Wall issues
- Construction works

The objections raised by objectors are noted. In regards to the proposal resulting in an overdevelopment of the site, overall, the amount of development is not unusual in the area and the proposal, as amended, is considered to be an acceptable addition to the host property. As such, it is not considered that it will be out of character with the surrounding area or have a detrimental impact on the residential amenities of the neighbouring occupiers with regards to loss of light or overbearing.

- Conversion into 9 bed HMO

Each application is judged based on its own merits therefore it is not possible to judge an application based on the impacts of the possible others developments. In this instance, the application relates to the extensions of a single family dwellinghouse and the proposal. The conversion into a 9 bed HMO would require planning permission.

- Parking issues

The residents' concerns regarding access to parking are duly noted and acknowledged. However, it is not considered that the proposals should impede parking, given that the extensions are mostly to the rear and side of the property and that it relates to a single family dwellinghouse.

- Affect the view from the garden

Loss of view is not a planning matter therefore it does not constitute a basis on which to refuse this proposal.

- Party Wall issues

Party Wall issue are a private matter and do not constitute a basis on which to refuse this proposal.

- Construction works

Construction works should only take place between 8am-6pm Monday-Friday and 8am-1pm on Saturday and at no other time.

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 **22 Brookside Road London NW11 9NE**

Reference: **15/07562/HSE**

Received: 11th December 2015

Accepted: 18th December 2015

Ward: Golders Green

Expiry 12th February 2016

Applicant: Mr & Mrs R Rosenblum

Proposal: Part single, part two storey rear extension following demolition of existing rear extension. New patio with access steps and railing. New front porch

AGENDA ITEM 12

Recommendation: Refuse

- 1 The proposed ground floor rear extension would, by reason of its size, scale, siting and depth of rearward projection, would have an overbearing relationship with 20 Brookside Road, resulting in an unacceptable loss of outlook and sense of enclosure, to the detriment of the residential amenities of the occupiers of this property. The application is therefore considered to be unacceptable and contrary to Policy DM01 of the Barnet Development Management Policies DPD (2012), Policies CS1 and CS5 of the Barnet Core Strategy (2012), Policy 7.6 of the London Plan (2015) and the guidance contained within the Barnet Residential Design Guidance Supplementary Planning Document (2013).

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (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.

- 2 The plans accompanying this application are:

Site Location Plan
Drawing No. BR - 22
Drawing No. BR - 221

Drawing No. BR - 222A [As amended]
Supporting information provided by applicant

Officer's Assessment

1. Site Description

The application site is a semi-detached property on the south-easterly side of Brookside Road, in the ward of Golders Green. Decoy Brook borders the site to the rear.

The site is not within a Flood Risk zone. It is not within a conservation area and is not a listed building.

2. Site History

Reference: 15/07569/PNH

Address: 22 Brookside Road, London, NW11 9NE

Decision: Prior Approval Required and Refused

Decision Date: 21 December 2015

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 3.3 metres

3. Proposal

The application seeks consent for the following works:

- Part single, part two storey rear extension following demolition of existing rear projection
- New patio with access steps and railing
- New front porch

The proposed ground floor rear extension would measure 4 metres in depth from the original rear wall of the property, 7.6 metres in width (the full width of the rear elevation) and 3.6 metres in eaves height (taking into consideration level differences) with a flat roof.

The proposed first floor rear extension would be built upon the proposed ground floor extension. It would measure 3 metres in depth, 5.6 metres in width and 6.3 metres in eaves height from ground level. With its crown roof this increases to a maximum ridge height of 7.4 metres.

The proposed front porch would project 1.7 metres from the main front wall of the property. It would measure 2.9 metres in width, have an eaves height of 2.5 metres and would be covered by the existing angled canopy.

Due to level differences, the application also proposes a raised platform from the proposed ground floor extension's sliding doors with access steps and a railing down to the main garden area. The platform would be raised 0.8 metres from ground level and would be 3.75 metres in width and 0.9 metres in depth.

There will also be new access steps down the sideway of the property to the garden.

Amendments were requested but none were forthcoming.

4. Public Consultation

Consultation letters were sent to 12 neighbouring properties.

2 responses have been received, comprising 2 letters of objection.

The objections received can be summarised as follows:

- Development would impact the outlook, light and privacy of occupiers at the neighbouring property of No. 24 Brookside Road and No. 20 Brookside Road
- Detrimental impact on highways, access and parking
- Extensions are out of scale
- Increased noise and disturbance
- Objection included reference to paragraph numbers set out in Chapter 14 of the adopted Residential Design Guidance SPD (2013)

Councillor Dean Cohen has requested the application be presented at area committee if Officer's are minded to recommend refusal for the scheme.

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

Proposed ground floor rear extension:

Paragraph 14.21 of the Residential Design Guidance SPD (2013) states that the depth of a single storey rear extension normally considered acceptable for semi-detached properties is 3.5 metres.

The proposal exceeds this guidance, with a proposed depth of 4 metres at ground floor from the original rear wall.

Paragraph 14.22 states that single storey rear extensions to the original house, need to ensure that:

- the depth and/or height of the extension does not cause a significant sense of enclosure, or loss of outlook from, or light to, principal windows of habitable rooms of neighbouring properties
- they do not look too bulky and prominent compared to the size of the main building and garden to which they relate

The proposed ground floor extension would measure the full width of the rear elevation and abut the boundary adjacent to No. 20 Brookside Road.

The property at No. 20 does not benefit from any rear extensions, and has retained its original rear 'L' shape projection.

For this reason it is considered that a proposed extension of 4 metres, on the boundary, at the application site would result in an unacceptable sense of enclosure and overbearing impact to the neighbouring property at 20 Brookside Road. Furthermore, it is considered the extension would result in an unacceptable loss of outlook to the rear ground floor windows closest to the application site at No. 20 Brookside Road.

In regards to the proposed extensions impact on the neighbouring property at No. 24 Brookside Road, this property has benefitted from a ground floor rear extension adjacent to the boundary of the application site (of a similar depth as the original 'L' shape projection). Furthermore the proposed extension would be sited at a distance of 1.2 metres from the boundary on this side. As such, it is not considered that the ground floor extension would have an unacceptable impact on the amenity of neighbouring occupiers at No. 24 Brookside Road.

In regards to character and appearance, it is noted that properties along this road benefit from rear extensions of various depths and sizes. As such, it is not considered that the proposed extension would impact the character and appearance of the host property to an unacceptable level.

In regards to the proposed raised platform from the doors of the proposed ground floor rear extension, it would measure 0.9 metres in depth. In terms of practicality, Officers consider that the depth would not give significant opportunity for occupiers to dwell or sit on this raised platform. As such, it is not considered it would cause a harmful level of overlooking or loss of privacy to either neighbouring property.

Proposed first floor rear extension:

Paragraph 14.23 of the Residential Design Guidance SPD (2013) states two storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable.

The proposed first floor extension would measure 3 metres in depth from the original rear wall. It would be sited at a distance of 2 metres from the boundary adjacent to No. 20 Brookside Road.

It would therefore be compliant with the above guidance, and is deemed acceptable.

In regards to the side adjacent to No. 24, it would project 3 metres and would be closer than 2 metres from the boundary (at a distance of approximately 1.2 metres). However, as established, the property at No. 24 benefits from a single storey rear extension adjacent to the boundary of the application site. Furthermore the first floor rear-facing window closest to the application site appeared, upon a site visit, to be obscure-glazed and all side windows at ground floor and first floor facing the application site are obscure-glazed. As such, it is not considered the proposed first floor extension would impact the amenity of neighbouring occupiers at No. 24 to an unacceptable level.

In regards to character and appearance it is noted that the first floor rear extension would have a crown roof. Although ideally the extension would have a subordinate pitched roof to match the host dwelling (in accordance with the advice set out in Paragraph 14.26) it is not considered that this crown roof would impact the character and appearance of the main building or surrounding area to an unacceptable level.

Proposed front porch:

The proposed front porch would infill the existing porch canopy. It would not project beyond the footprint of this existing canopy.

There are various examples of similar porch infill extensions along this side of Brookside Road. As such, the proposed front porch is deemed acceptable in regards to its impact on character and appearance of the application property and street scene.

It is not considered the infill porch would harm the amenity of the neighbouring occupiers at No. 24 Brookside Road.

Other material considerations:

It has been brought to the attention of officers during the consideration of this application that one of the applicant's family members suffers from a disability. The applicant has provided information in regards to the family's needs, in relation to the proposed extensions. It would appear that the family currently live elsewhere.

The information received is as follows:

1. Email from applicant sent to the Planning Officer on 20 January 2016, describing the family member's needs and the intentions for the proposed extensions to facilitate the necessary home adaptations.

The email also includes a copy of advice from a Barnet Grant Officer for Home Adaptations .

The Officer states in regards to meet the family needs:

"Broadly they can be achieved by one of two means, namely;

1. Installing a through floor lift to allow (child's name) to transfer between the ground floor and first floor. This would enable (name) to access a bedroom on the first floor and the main family room on the ground floor. We could adapt the bathroom and WC to make it accessible for her, including taking down the wall between the bathroom and WC. The front door could be ramped to provide wheel chair access. The garden in its present state

would be difficult to make accessible but we could look at this further when we have more idea of what you intend to do with the property.

2. The second option is to provide ground floor living facilities for (name) in the form of a bedroom and bathroom with WC. Due to the small size of the ground floor and the lack of any spare space, this would in all likelihood involve extending the property at the rear. The front and rear of the property would be made accessible as described in 1 above."

2. A letter from a leader at the PACE Centre (no date) sent via email on 01 February 2016 who states she has been working with the applicant's family. The letter explains the medical condition.

It recommends:

- The need for sufficient space to move around
- Adaptation to toilets and bathrooms
- Suitable handrails
- Wider doorways
- Level access to the front and rear into the garden
- Therapy sessions in the house and adequate space to do this

3. Notes sent via email on 20 March 2016 in regards to Occupational Therapist advice.

It recommends:

- Combine upstairs bathroom and toilet into one room. Provision of wet floor shower facilities and clos-o-mat toilet
- Ramping for access at the front of the property.
- A combination of ramping and step-lift to access the back garden.
- Through floor lift to access upstairs bedroom.
- Wheelchair access from the hallway to the living room.
- Ceiling track hoist

The document continues to state:

"The above recommendations were given however; the family would like to consider their own scheme. This means that the overall adaptations completed may not mirror the original OT recommendation. This report is therefore general guidance for the child's needs within whatever scheme the family ultimately decide to create in their home."

It follows on to state dimensions and layout requirements required to adapt the house, with accompanying plans (not to scale) of bedroom and shower room layout.

4. Supporting letter from the applicant sent by email dated 20 March 2016.

5. Occupational therapist suggested exercises, dated March 2016

Officers recognise that this a sensitive case and one which requires a careful balance between the needs of the applicant's disabled family member, and safeguarding the amenity of the neighbouring occupiers.

Upon full consideration of all the matters put forward by the applicant, Officers conclude that the applicant has failed to demonstrate why a revised design which conformed with the requirements of the Council's planning design guidance would not meet the relevant needs. It is therefore considered that, in this instance, the information provided by the applicant does not outweigh the harm identified to the amenity of neighbouring occupiers, which is contrary to development plan policy.

5.4 Response to Public Consultation

- Development would impact the outlook, light and privacy of occupiers at the neighbouring property of No. 24 Brookside Road and No. 20 Brookside Road

Noted. Outlook and privacy assessed in the main body of the report. It is not considered that, taking into account the orientation of these properties, the proposed extensions would impact light to an unacceptable level.

- Detrimental impact on highways, access and parking

It is not considered that the proposed extensions would impact highways or parking to an unacceptable level. Parking is available within the front garden

- Extensions are out of scale

Taking into consideration the prevailing character of the area, and examples of extensions of various depths and sizes nearby, it is not considered that it would impact the character and appearance of the host property or surrounding area.

- Increased noise and disturbance

It is not considered that the proposed extensions would create additional noise and disturbance

- Objection included reference to paragraph numbers set out in Chapter 14 of the adopted Residential Design Guidance SPD (2013)

Development plan policy and guidance has been considered in the assessment of this application.

6. Equality and Diversity Issues

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to pay regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

Equality duties require Authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different equality groups. It is an opportunity to ensure better decisions are made based on robust evidence.

Section 149 of the Act states that:

(1) A public authority must, in the exercise of its functions, have due regard to the need to-

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-

- (a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different to the needs of persons who do not share it;
- (c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(3) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular steps to take account of disabled persons' disabilities.

(4) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-

- (a) Tackle prejudice, and
- (b) Promote understanding

(5) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(6) The relevant protected characteristics are-

- Age;
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

It is considered that the applicant is within a protected group (disability). It is acknowledged that the proposals would benefit a disabled member of their family.

S149 (5) of the Act requires that the Council have due regard to the need to:-

'(5) having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:-

- (a) Tackle prejudice and
- (b) Promote understanding'

It is considered that the planning application itself provides an opportunity for an understanding of disabilities to be promoted.

In determining this planning application the Local Planning Authority must have due regard to the equality impacts of the proposed redevelopment of the site on those persons protected under the Equality Act 2010. This Act requires the Local Planning Authority to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.

The potential equality impacts have been highlighted above. Any equality impacts have also to be analysed in the context of the overall planning merits of the scheme and the benefits it will confer particularly on a disabled person.

In this instance, officers consider that the benefits to the applicant (within a protected group) would not outweigh the harm to the residential amenities of the neighbouring occupiers as a result of the proposal. Amendments have been requested from the agent for the application but these suggestions have not been taken on board. It is considered that there may be other options available to the applicant that could be implemented without adversely affecting the residential amenities of the neighbouring residents. Officers are happy to continue discussions to find a solution for the applicant.

7. Conclusion

Having taken all material considerations into account, it is considered that the development would have an adverse impact on the amenities of neighbouring occupiers, which is not outweighed by the benefits to the applicant. This application is therefore recommended for refusal.



Location **40 Finchley Park London N12 9JN**

Reference: **16/0114/HSE**

Received: 7th January 2016

AGENDA ITEM 13

Accepted: 12th January 2016

Ward: Woodhouse

Expiry 8th March 2016

Applicant: Mr Dulcie Rowe

Proposal: Demolition of existing conservatory and erection of part single part two storey rear extension

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, 40FP-PP-01, 40FP-PP-02, 40FP-PP-03C REV C, 40FP-PP-04C REV C and 40FP-PP-05C REV C.

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.38 Finchley Park and No. 1 to 3 Laurel Bank.

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 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.

Officer's Assessment

1. Site Description

The site property is a two storey detached single family dwellinghouse located on Finchley Park. The property is not listed and does not fall within a designated conservation area.

The surrounding area is predominantly residential with a mixture of houses and flats of different designs, predominantly of two and three storeys in height, providing a varied character with some noteworthy buildings, particularly the terraces at 22-30 Finchley Park and 44-50 Finchley Park.

2. Site History

Reference: N09246

Address: 40 Finchley Park London N12 9JN

Decision: Refused

Decision Date: 29 March 1989

Description: Two storey rear extension & single storey conservatory at rear.

Reference: 15/06641/HSE

Address: 40 Finchley Park, London, N12 9JN

Decision: Refused

Decision Date: 11 December 2015

Description: Two storey rear extension following demolition of existing conservatory

3. Proposal

The application seeks permission for a part single, part two storey rear extension following the demolition of the existing conservatory and canopy.

Amended plans have been received which reduced the siting, size and bulk of the proposed first floor rear extension.

The proposed ground floor would be 7.8 metres wide with a depth of 4.5 metres on the west side and 3.2 metres on the east side. At first floor level, the proposal would be 3.9 metres wide with a depth of 3.4 metres on the west side and 2.2 metres on the east side. It would include a crown roof at ground floor level with eaves height of 3 metres for a maximum height of 3.6 metres. A similar dual pitched roof as the existing rear projection is proposed at first floor. It would be set 0.3 metre below the main roof's ridge.

4. Planning Considerations

4.1 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 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.

4.2 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.

4.3 Assessment of proposals

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

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

Policy CS5 states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'.

The Council's adopted SPD 'Residential Design Guidance' (2013) 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.

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

Paragraph 14.23 of SPD states that two storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable. This is because they can be too bulky and dominant, and have a detrimental effect on the amenities of neighbours.

Paragraph 14.24 precises that two storey rear extension need to ensure they do not lead to:

- loss of light to, and outlook from, windows and glazed doors positioned close to the extension
- unacceptable sense of enclosure to house and garden
- overbearing impact
- harm to the character or appearance of the property and area.

A previous scheme was refused planning permission for the reasons that:

The proposed two storey rear extension by reason of its size, rearward projection and siting would appear unduly obtrusive and be detrimental to the appearance of the host property and out of context with the prevailing character and appearance of the area, contrary to policies 7.4 and 7.6 of The London Plan (2015), policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2013).

The proposed two rear extension, by reason of its size, siting and excessive depth, would cause a harmful loss of light, loss of outlook to the amenities of neighbouring occupiers at No.38 Finchley Park and 1 to 3 Laurel Bank, and would appear overbearing, causing harmful sense of enclosure. In this regard, the proposal is considered unacceptable and fails to comply with policy DM01 of the Adopted Development Management Policies DPD (2012), Policy CS1 and CS5 of the Adopted Core Strategy (2012) and the Barnet Adopted Residential Design Guidance SPD (2013).

The main change with this present application concerns a substantial reduction of the size and siting of the proposed extension.

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

This part of Finchley Park has a mixed character and includes rows of terraced properties, semi-detached houses as well as large blocks of flats. Many of these properties have been altered, and several benefit from two storey rear extensions. No.40 appears to be one of two detached properties in the street.

The site property has some features of historic and architectural interest. The front of the building would not change, the proposals relate to a part single and part two storey rear extension, following the removal of existing conservatory. It is however not listed or within a conservation area

At ground floor, the proposal includes the demolition of the conservatory and canopy. It would be replaced by a single storey rear extension with a depth of 4.5 metres on the west side and 3.2 metres on the east side. Barnet Residential Design Guidance SPD states that an appropriate depth for a single storey rear extension to a detached dwellinghouse is 4 metres. Taking into account that the existing conservatory, (located on the west side) is 5

metres deep and that both existing and proposed elements would have a similar height, the proposal would be of a form and scale sympathetic to the host property and is considered acceptable.

The first floor element would extend over 3 metres deep; however, it would have a minimum setback of 2.1 metres from the west side boundary and 3.4 metres from the east side boundary. It would also have a lower roof than the main roof of the property. As such, the proposed extension would adhere to Barnet's Residential Design Guidance and is considered acceptable. The proposed roof would replicate the existing rear projection roof's design and remains in keeping with the host property. The proposed first floor rear extension would be a proportionate addition to the property and would not have a harmful impact on the character of the area.

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

The host property is significantly set-back from neighbouring property No.38 Finchley Park. At first floor, No.38 benefits from a rear window located approximately 5 metres away from the rear line of No.40. The property also benefits from a two storey rear projection with a rear window sited approximately 6 metres away from the rear line of No.40.

It is noted that no.38 is set well forward of the site property. In this way the extension is not sited immediately outside the windows of no.38, instead it is sited alongside the garden. As mentioned above, at ground floor level, the proposal's depth has been reduced which would lessen its visual impact on No.38's amenities. Given the limited size of the proposed first floor extension and, considering the proposed set-back, the extension would not appear visually obtrusive and would not have a detrimental impact on the amenities of these neighbouring occupiers with regards to loss of outlook or overbearing.

In addition, given the sun orientation; the proposal would not have a harmful impact on No.38's amenities in terms of loss of light or overshadowing, as the building is located to the north-east of no.38.

Furthermore, the first floor extension would have no windows in the extension facing the garden of no.38 so there would not be harmful loss of privacy.

On the east side, the neighbouring properties consist of Laurel Bank which contains two blocks of flats. No.4 Laurel Bank, directly adjacent to the host property, is located at the back of the site. The proposal is unlikely to have harmful impacts on the amenities of these neighbouring occupiers.

The second block of flats, No. 1 to 3 Laurel Bank, benefits from many windows, including bays windows, directly facing towards No.40 Finchley Park. It is highly likely that there are living areas on this side of the block, especially considering the presence of the bays windows.

The existing building already is located in closer proximity to neighbouring windows than the extension, which is set 7.4m away from the boundary with these windows. There are no windows facing within the extension and as such there would not be harmful overlooking.

The extension is located to the west of Laurel Bank. It must be noted that under 'permitted development', a 3m deep rear extension could be constructed across the width of the house, as long as it is 2m from the side boundaries of the site, so would not need to be set in from Laurel Bank as much as proposed. It is not considered that any loss of light to the

windows of Laurel Bank would be so significant as to be harmful to the living conditions of neighbouring occupiers. The proposal, as amended, would maintain a gap of approximately 7.4 metres between the host property and these flats it is considered that this would be sufficient to mitigate any detrimental impact on the amenities of these neighbouring occupiers regarding loss of light and loss of outlook.

5. Public Consultation

Consultation letters were sent to 9 neighbouring properties.

11 responses have been received, comprising 11 letters of objection

Neighbours Wishing To Speak 10

The objections received can be summarised as follows:

- Overdevelopment
- Out of character
- Loss of light

The objections raised by objectors are noted. In regards to the proposal resulting in an overdevelopment of the site, the proposal, as amended, is considered to be an acceptable addition to the host property. As such, it is not considered that it will be out of character with the surrounding area or have a detrimental impact on the residential amenities of the neighbouring occupiers with regards to loss of light or overbearing.

The extension of the house to form a three bedroom house is not considered to be disproportionate.

It is noted that there are buildings of historic and architectural character on Finchley Park. The proposals would keep this intact, as the works only relate to the rear elevation and respect the appearance of the building.

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location **4 Clifton Gardens London NW11 7EL**

Reference: **16/0566/FUL**

Received: 28th January 2016

Accepted: 29th January 2016

Ward: Garden Suburb

Expiry 25th March 2016

Applicant: Mr Joey Ben Yoav

Proposal: Two-storey side and rear extension and extensions to the roof including a hip to gable and a rear dormer to facilitate the conversion of an existing single family dwelling into 3 self-contained flats.

AGENDA ITEM 14

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - No. 1 of 1 Rev 2, 2 of 2 Rev 2 (received: 07/03/16).
 - Parking Survey - received: 27/04/16.

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 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).

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

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

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

- 9 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).

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 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.

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 £853.00 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 £3,213.00 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

Officer's Assessment

1. Site Description

The application relates to a single family dwellinghouse.

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

2. Site History

Reference: 15/07329/HSE

Address: 4 Clifton Gardens, London, NW11 7EL

Decision: Approved subject to conditions

Decision Date: 26 January 2016

Description: Two storey rear extension. Rear dormer with 3 no. rooflights to front to facilitate hip to gable loft conversion.

3. Proposal

- Two-storey side and rear extension
- Extensions to the roof including a hip to gable and a rear dormer
- Conversion into 2no self-contained flats.

4. Public Consultation

Consultation letters were sent to 127 neighbouring properties.

10 letters of objection have been received.

Summary and comments below:

- Loss of light
- Lack of parking
- Noise and disturbance
- Out of character with the area
- Loss of a family house
- No refuse storage

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 :

Clifton Gardens 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. 1, 2, 5, 6, 7, 11, 12, 13, 16, 17, 22, 24, 28, 30, 32 and 34. 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	2 bedroom 4 person	70.5m ²
Flat 2	2 bedroom 4 person	69.2m ²
Flat 3	1 person	40.0m ²

Units 1 and 2 would exceed the minimum unit size requirements set out in the London Plan (2015). Although Flat 2 fails to meet this requirement the shortfall of 800mm² is negligible and unlikely to harm the living conditions of future occupiers and therefore considered acceptable in this instance.

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 2. The site is approximately 0.0168 hectares in size and the development includes 3 self-contained flats. Calculations show that the proposed scheme's density is approximately 166 units per hectare, and this is consistent with the density range for its context and the guidelines in the London Plan. All matters considered, the density of the development 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 m² per habitable room (definition of a habitable room is set out in the glossary including the maximum size considered before a room is counted as two (20 sqm)).

The ground floor unit would be provided with a private garden meeting the above standard and Flats 2 and 3 would be provided with a separate communal garden to the rear all of which would meet the above standards and considered acceptable.

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 of the extensions on the amenities of neighbouring occupiers was previously assessed under application reference 15/07329/HSE and considered acceptable.

The Impact on the appearance and character of the area:

The proposed extensions were previously approved under application reference 15/07329/HSE where the impact on the character of the area and impact on the living conditions of neighbouring occupiers were considered acceptable.

Parking and Highways

The applicant has submitted a parking survey undertaken on two separate typical weekday nights between the hours of 0030 and 0530 to determine the current parking uptake on the streets within the study area. The report concludes that the observed average overnight parking stress within the survey area is 66% which is low. The site is therefore not in an area of on-street parking stress.

In light of this survey, Barnet's Highways officers made the following comments:

Clifton Gardens can accommodate approximately 45 parking spaces, 85 parking permits have been issued in Clifton Gardens and therefore it is unlikely that a development with additional permit demand can be accommodated in Clifton Gardens.

In accordance with the Council Policy a residential unit within a CPZ is entitled to a maximum of 4 permits. This without any permit exemption could potentially result in a demand for 12 permits that cannot be accommodated in Clifton Gardens.

However, taking into consideration the following:

- The parking survey conducted by the applicant shows that parking spaces are available on roads in the vicinity of the site
- The proposal is for a conversion of the existing 4 bedroom dwelling;
- Site is located in a town centre location and within a CPZ;

The proposed conversion is acceptable on highway grounds.

7. Response to public consultation

Loss of light: The proposed extensions were previously approved under application reference 15/07329/HSE.

Lack of parking: Addressed in 'assessment of proposals'.

Noise and disturbance: Addressed in 'assessment of proposals'.

Out of character with the area: Addressed in 'assessment of proposals'.

Loss of a family house: Both the ground and first floor units area could appeal to a small family. The introduction of 2no new flats is considered to compensate for the loss of one family house.

No refuse storage: Sufficient space exists in the front garden to accommodate a suitably sized refuse store and has been secured by condition.

8 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.

9. Conclusion

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



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Location 189 The Vale London NW11 8TL

Reference: 16/0710/HSE

Received: 4th February 2016

Accepted: 4th February 2016

Ward: Childs Hill

Expiry 31st March 2016

Applicant: Mr & Mrs A Dale

Proposal: Single storey rear extension. New front porch

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, Drg.no. 16-01-01, Drg.no. 16-01-04 Rev C and Drg.no. 16-01-05 Rev C.

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

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

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

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

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

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

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

Informative(s):

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

Officer's Assessment

1. Site Description

The application site is a semi-detached single family dwellinghouse located on the north east side of The Vale which is predominantly residential in character. The property is not listed and does not fall within a designated conservation area.

2. Site History

Reference: 16/0707/192

Address: 189 The Vale, London, NW11 8TL

Decision: Lawful

Decision Date: 22 February 2016

Description: Extensions to roof involving hip to gable end, rear dormer with juliette balcony and 3 no roof lights to the front elevation

Reference: F/04885/08

Address: 189 The Vale, London, NW11 8TL

Decision: Unlawful

Decision Date: 13 February 2009

Description: Extensions to roof including hip to gable, rear dormer and alterations to ground floor rear doors. Part single, part two storey rear extension.

Reference: C16618/06

Address: 189 The Vale, London, NW11 8TL

Decision: Approved subject to conditions

Decision Date: 9 August 2006

Description: Part single, part two-storey rear extension.

Reference: F/00635/09

Address: 189 The Vale, London, NW11 8TL

Decision: Lawful

Decision Date: 17 March 2009

Description: Extensions to roof including hip to gable and rear dormer (Amended)

3. Proposal

The proposal is for a single storey rear extension and front porch.

The rear extension will have a flat roof with a maximum height of 3 metres. The extension will extend along the common boundary wall at no.191 with a depth of 3 metres. The proposal seeks to extend full width of the rear wall towards neighbouring wall at no.187. There will be a buffer distance of approximately 2.5 metres between the widened extension and the side flank wall of no.187.

The front porch would have a pitched roof and would project by 1.2metre from the front elevation, 2.5metres wide and have an eaves height of 2.3metres and a maximum height of 3 metres.

4. Public Consultation

08 consultation letters were sent to neighbouring properties.

7 responses have been received.

The objections received can be summarised as follows:

- structural problems / Movement of house
- Materials relating to render and fencing do not match
- Discomfort to living arrangements
- disproportionate scale
- loss of light
- loss of outlook
- overbearing
- loss of privacy
- noise hazard
- traffic problems
- objecting to the loft extension
- cause blockage and damage to drains

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

Impact on the character and appearance of the existing building, the street scene and the wider locality

The proposed extension will be a proportionate addition that will not detract from the established character and appearance of the host property. The proposed extension will still appear as a harmonious and subordinate addition to the host property.

Many of the houses in this part of The Vale have single storey porch additions at the front of the properties. The tile clad pitched roof will be in keeping with a number of other front porch extensions in the vicinity and is considered to be in keeping with the character of the house. The proposed porch would comply with the SPD on Residential Design Guidance.

Impact on the living conditions of neighbouring residents

It is worth noting that the proposed rear extension will be replacing an existing canopy. The existing canopy has no side and rear walls and has a height of 2.5 metres and a depth of 3.5 metres. The proposed new extension will be brick and will have an increased height of 0.5 metres but the depth will not increase beyond what exists. As such it is not considered that the proposed extension will have a detrimental impact on adjoining property at no.191.

The neighbouring property at no 187, benefits from a rear extension of approximately 4 metres. There is a sufficient buffer distance of approximately 2.5 metres between the side flank wall of the host property and the side flank wall of no.187 and as such it is not considered that the proposed extension will have a detrimental impact on this neighbour in terms of loss of light, outlook, privacy or visual impact.

Barnet's Residential Design Guidance states that a depth of up to 3.5 metres for a semidetached property is acceptable, as such would not have an impact on the neighbouring property at no.187 and 191 The Vale.

The front porch by reason of its size, siting and design would have an acceptable impact on the neighbouring properties and street scene.

The proposals would comply with the aforementioned policies and Council Residential Design Guidance and would be a proportionate addition to the dwellinghouse. It would have an acceptable impact on the character and appearance of the streetscene, site property, general locality and the residential amenity of neighbouring occupiers.

5.4 Response to Public Consultation

The objections received can be summarised as follows:

- structural problems / Movement of house

It is not a planning consideration

- traffic problems

It is not a planning consideration

- cause blockage and damage to drains

It is not a planning consideration

- objecting to the loft extension

The loft extension does not form part of this application

- materials relating to render and fencing do not match

A condition will be attached to ensure materials match existing

- Discomfort to living arrangements

Addressed in main report

-disproportionate scale
Addressed in main report

- loss of light
Addressed in main report

-loss of outlook
Addressed in main report

-overbearing
Addressed in main report

-loss of privacy
Addressed in main report

-noise hazard
It is not considered that an extension to a dwelling would cause harmful noise or disturbance.

The applicant has amended the proposal and reduced it from 4m to 3.5m, in order to address resident's concerns.

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 Tudor Court 2 Crewys Road London NW2 2AA

Reference: 16/0639/FUL

Received: 2nd February 2016

Accepted: 3rd February 2016

Ward: Childs Hill

Expiry 30th March 2016

Applicant: Mr J Frankel

Proposal: Mansard roof extension to form 1no self contained flat

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, EWG_003_102, EWG_003_103, EWG_003_104, EWG_003_105, EWG_003_400 REV C, EWG_003_401 REV E, EWG_003_402 REV E, EWG_003_403 REV A, EWG_003_404 REV A and EWG_003_405 REV 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 shown on the approved plans.

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 area located on the north east corner and facing No.713 Finchley Road shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

- 5 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 elevation facing No.713 Finchley 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

1. Site Description

The site property is Tudor Court; a four storey detached building located on the corner of Cricklewood Lane and Finchley Road and occupies a significantly prominent position in the street scene of both roads due to its height and changes in level in the surrounding area.

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

2. Site History

Reference: 15/06962/FUL

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Refused

Decision Date: 15 January 2016

Description: Mansard roof extension to form 1no self-contained flat

Reference: F/03127/14

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Withdrawn

Decision Date: 15 August 2014

Description: Two-storey side extension to provide two self-contained flats.

Reference: F/03198/14

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Refused

Appeal status: Allowed

Decision Date: 15 August 2014

Description: Two-storey side extension to provide 6 self-contained flats.

Reference: F/05718/13

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Refused

Appeal status: Allowed

Decision Date: 11 February 2014

Description: Two storey extension to provide 6no. studio flats.

Reference: F/04046/12

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved subject to conditions

Decision Date: 10 June 2013

Description: Extension to roof including new mansard roof to create 3no. self-contained residential units. New cycle store to ground floor level.

Reference: F/03629/10

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Refused

Decision Date: 13 May 2011

Description: Formation of 6 no. studio units: 3 at ground floor level (Crewys Road Elevation), 2 above shops at second floor level (Cricklewood Lane Elevation), 1 at third floor level (Cricklewood Lane Elevation). (OUTLINE APPLICATION)

Reference: C01482B/07

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Refused

Appeal status: Allowed

Decision Date: 1 August 2007

Description: Mansard roof extension to provide three new residential units with associated extended parapet and cornice, walkway and guard rail and roof terraces. Cycle store.

3. Proposal

The application seeks permission for a mansard roof extension to form 1no self-contained flat. The application also includes a terrace area to provide outdoor amenity space.

4. Planning Considerations

4.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan March 2015

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS15.

- Relevant Development Management Policies: DM01, DM02, DM03, 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.

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.

Planning Obligations SPD (April 2013)

4.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of residential units including the density of the development is appropriate for the area;
- Whether the proposal will provide suitable accommodation for future occupiers;
- Whether harm would be caused to the living conditions of neighbouring residents;

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether the proposals would have an acceptable impact on highway and pedestrian safety

4.3 Assessment of proposals

A previous scheme was refused planning permission (15/06962/FUL) for the reason that the proposed unit, by reason of its siting and orientation would create unacceptable levels of overlooking and loss of privacy to the occupiers of 713 High Road, to the detriment of the amenity of the occupiers of this property. The owners of no. 713 High Road would also overlook the proposed unit and therefore also leading to a loss of privacy. The application is therefore unacceptable and contrary to policies CS NPPF, CS1 and CS5 of the Barnet Core Strategy (2012), policy DM01 of the Barnet Development Management Policies document (2012), policy 7.6 of The London Plan (2015) and the guidance contained in the Barnet Residential Design Guidance Supplementary Planning Document (2013).

The main changes with this present application include the alterations to the fenestration, the relocation of the terrace on the west side of the flat and the addition of a glazed canopy above the terrace.

Whether the principle of residential units including the density of the development is appropriate for the area

As the existing building is a block of flats, the principle of one additional unit in this location is considered acceptable.

Whether the proposal will provide suitable accommodation for future occupiers

Space standard

The following unit is proposed:

2 bedroom 4 person 77m²

With regard to the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan (July 2015), the unit exceeds the requirement. All internal rooms would exceed Barnet's minimum size requirements set out in its Sustainable Design and Construction SPD and would provide future occupiers with a good standard of living.

Amenity space

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room (definition of a habitable room is set out in the glossary including the maximum size considered before a room is counted as two (20 sqm). The proposed roof terrace would meet this requirement with no appreciable overlooking of neighbouring residents.

Daylight, Privacy and 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).

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

An extant planning permission exists for 3 flats located on the same roof (F/04046/12) but fronting Cricklewood Lane and Crewys Road. The proposed unit would be set back 1.3 metres from the exterior façade, which is similar to the setback of the previous approved scheme sited above. It should also be noted that the windows have been positioned so as to prevent any overlooking or loss of privacy in the event both schemes are constructed simultaneously.

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

Policy DM01 of Barnet's Development Management Policies include makes explicit reference to protecting amenity and specifically that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. This point is also supported by Barnet's Sustainable Design and Construction SPD which states that 'in new residential development there should be a minimum distance of 21 m between properties with facing windows to habitable rooms to avoid overlooking.'

The closest property near Tudor Court is No.713 Finchley Road; a 7 storey building including residential units located between 6 to 10 metres away. The proposal, as amended, does not include any windows facing No.713 Finchley Road. The proposed terrace located on the east side corner was removed and a balustrade of 1.1m high would be installed on the north-east corner to prevent any access to this area other than for repair and maintenance purposes. In addition, the proposed terrace would be relocated on the west side of the unit and a glazed canopy would be sited above to prevent any overlooking to and from no.713 upper floors.

It is considered that the proposal has overcome the previous concerns regarding overlooking and loss of privacy between the rear facing habitable room windows of no. 713 Finchley Road and those of the application property and would not have harmful impacts on the visual and residential amenities of these neighbouring occupiers.

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

It is not considered that the proposals would harm highway or pedestrian safety.

5. Public Consultation

Consultation letters were sent to 175 neighbouring properties.

A site notice was erected on 11/02/2016

10 responses have been received, comprising 10 letters of objection

Neighbours Wishing To Speak 2

The objections received can be summarised as follows:

- Loss of privacy / overlooking
- The proposal would not enhance the neighbourhood and will not benefit the community and council
- Loss of outlook

- Loss of light
- Loss of view
- Loss of property value

The objections raised by objectors are noted. In regards to the proposal resulting in being detrimental to the neighbourhood, the proposal, as amended, is considered to be an acceptable addition to the host property. As such, it is not considered that it will be detrimental to the outlook of the surrounding area or be harmful to the residential amenities of the neighbouring occupiers with regards to loss of light, loss of privacy or overlooking.

Loss of view and loss of property value are not a material planning consideration therefore they do not constitute a basis on which to refuse this application.

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location **6 Beechworth Close London NW3 7UT**

Reference: **16/1277/S73**

Received: 29th February 2016

AGENDA ITEM 17

Accepted: 2nd March 2016

Ward: Childs Hill

Expiry 27th April 2016

Applicant: Miss Katherine Somers

Proposal: Variation of Condition 1 (Approved Plans) of planning permission F/01083/13 for "Erection of two new three-storey detached dwellings with basement accommodation using existing vehicular access from Beechworth Close, following demolition of an existing two-storey detached dwelling house" dated 13/05/2013. Variations to include alteration to hardstanding, change of use of the garage to a kitchen, changes to the fenestration to both houses, alteration to light wells, revised rooflight design, creation of lift overrun to both houses, new skylights to both houses, enlargement of basement.

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 6BW-P2-200 Rev B, 6BW-P2(10)-003 Rev B, 6BW-P2(10)-004 Rev A, 6BW-P2(10)-005 Rev A, 6BW-P2(10)-006 Rev A, 6BW-A1(12)-50 Rev A, 6BW-P2(12)-100 Rev A, 6BW-P2(12)-101 Rev B, 6BW-P2(12)-103 Rev B, 6BW-P2(12)-105 Rev B, 6BW-P2(12)-104, (received: 22/04/16).
 - No. TS-15-002-001 Rev D, 6BW-P2(12)-102 Rev A and 6BW-P2(10)-002 Rev C (25/04/16)

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

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

CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

- 3 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 4 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

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

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

Reason:

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

- 6 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the side elevation facings 1 Elm Walk and 5 Beechworth Close.

Reason:

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

- 7 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting

that Order) the building(s) hereby permitted shall not be extended in any manner whatsoever.

Reason:

To ensure the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties and protect the health of protected trees in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

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

- 9 In the event of installations of any extraction and ventilation equipment, details shall be submitted to and approved by the Local Planning Authority before installation and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 10 A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

- 11 All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 12 Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely

damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 13 Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 14 No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 15 No siteworks or works on this development shall be commenced before a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.

Reason:

To safeguard the health of existing trees which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

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

Reason:

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

- 17 The level of noise emitted from the any plant installed on site shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 18 Before the development hereby permitted is occupied, vehicular and cycle parking spaces shall be provided in accordance with the heeby approved drawing submitted as part of the application and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012), and CS9 of the Adopted Barnet Core Strategy DPD (2012).

- 19 This development must be begun within three years from 08.05.13.

Reason:

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

- 20 No development shall take place until a 'Demolition & Construction Method Statement' has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to.

Reason:

In the interests of highway safety and good air quality in accordance with Policy DM17 and DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 of the London Plan (2011).

- 21 Before the buildings hereby permitted are occupied the proposed windows in the side elevations facing 1 Elm Walk and 5 Beechworth Close shall be glazed with

obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 22 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 13% 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).

- 23 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).

- 24 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).

- 25 The roof of the buildings 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).

- 26 Continued monitoring of ground water levels should be carried out throughout the development and the results provided on request of the Local Planning Authority.

Reason: To safeguard the risk of flooding to the site and neighbouring properties in accordance with DM01 of the adopted Local Plan.

- 27 No development shall take place until a revised 'basement impact assessment' has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for:

- Desktop study of existing geological and hydrological conditions of the site and the wider area in order to identify areas susceptible to instability (ground and water movement) and localised flooding this needs to be site specific
- Detailed engineering study undertaken by a chartered engineer/geologist to assess local ground conditions, water movement, subsidence and drainage including through the use of boreholes, potential impacts on adjoining/nearby properties
- Identify suitable construction methods and mitigation measures for developments which may affect the stability of the host and neighbouring buildings and/or nearby structures, and hydrology (at the site and within the area), without placing additional pressure on other areas or on the local combined sewer network
- Devise a method for monitoring local ground conditions, water movement, subsidence and drainage
- The Audit Instruction Form (Section B) (see below) sets out a helpful checklist of information normally required in a BIA and you are encouraged to complete it when preparing your BIA for submitting with your planning application

Reason: To safeguard the risk of flooding to the site and neighbouring properties in accordance with DM01 of the adopted Local Plan.

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £40,425.00 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 £155,925.00 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

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

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

- 4 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 5 You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The council's supplementary planning document on Sustainable Design and Construction requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor

35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts:

a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

1) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and measurement of environmental noise; 2) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 3) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 4) Department of transport: Calculation of road traffic noise (1988); 5) Department of transport: Calculation of railway noise (1995); 6) Department of transport : Railway Noise and insulation of dwellings.

- 6 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.

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- 7 Wildlife and Countryside Act 1981 Obligations: Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

Officer's Assessment

1. Site Description

The application site is a large detached two storey flat roof dwelling located on Beechworth Close in the Childs Hill ward, the back of the property backs onto Elm Walk. Beechworth Close is characterised by detached dwellings with flat roofs. There is an existing access point onto the site from the public highway. A group tree preservation order exists surrounding the site. The site is not located within a conservation area.

2. Site History

Reference: 15/07605/S73

Address: 6 Beechworth Close, London, NW3 7UT

Decision: Refused

Decision Date: 08.02.2016

Description: Variation of Condition 1 (Approved Plans) of planning permission F/01083/13 for "Erection of two new three-storey detached dwellings with basement accommodation using existing vehicular access from Beechworth Close, following demolition of an existing two-storey detached dwelling house" dated 13/05/2013. Variations to include Internal alterations. Installation of access lift. Alterations to fenestration. Removal of garage and squaring off basement to House 1. Increase size of lightwell to rear of House 2, relocation of rooflights.

Reasons for refusal:

1. The plans submitted are considered to be inadequate, as they do not enable the full assessment of the proposed alterations to the building. On the basis of the plans supplied it is considered that the proposed development would, by reason of its design, be harmful to the character and appearance of the existing building, the street scene and this part of Beechworth Close. The application is therefore found to be unacceptable and contrary to policies 7.6 and 7.8 of the London Plan (Adopted 2015), policy CS5 of the Barnet Core Strategy (Adopted September 2012), policies DM01 of the Barnet Development Management Policies Document (Adopted September 2012).

2. The proposed unit would fail to provide future occupiers with sufficient private outdoor amenity space and as a result, the amenities of future occupiers would be significantly affected. The proposal is therefore found to be unacceptable and contrary to policies 3.5 and 7.6 of the London Plan (2015), policy CS5 of the Barnet Core Strategy (Adopted September 2012), policies DM01 and DM02 of the Barnet Development Management Policies Document (Adopted September 2012) and the advice contained in the Barnet Sustainable Design and Construction Supplementary Planning Document (Adopted 2012).

3. Insufficient information has been provided to demonstrate that the future occupiers of House 1 would have adequate space to manoeuvre their vehicles allowing them to enter and exit the site in a forward gear. The proposal would therefore create a situation prejudicial to highway and pedestrian safety and contrary to policy DM17 of the Barnet Development Management Policies Document (Adopted September 2012).

Reference: 15/03476/CON

Address: 6 Beechworth Close, London, NW3 7UT

Decision: Approved

Decision Date: 11.08.2015

Description: Submission of details of Conditions Nos.2 (Levels); No.3 (Materials); No.5 (Refuse Enclosures); 10 (Hard and Soft Landscaping); No.13 (Details - Excavations for Drainage); No.14 & 15 (Trees Protection); No. 20 (Noise); No. 24 (Method Statement) pursuant to planning permission Ref:F/01083/13 dated: 8 May 2013.

Reference: F/01083/13

Address: 6 Beechworth Close, London, NW3 7UT

Decision: Approve subject to conditions

Decision Date: 09.05.2013

Description: Erection of two new three-storey detached dwellings with basement accommodation using existing vehicular access from Beechworth Close, following demolition of an existing two-storey detached dwelling house.

3. Proposal

The current application proposes the following changes to a previously approved scheme (15/01592/FUL):

- Alteration to hardstanding
- Change of use of the garage to a kitchen
- Changes to the fenestration to both houses
- Alteration to light wells
- Revised rooflight design
- Creation of lift overrun to both houses
- New skylights to both houses
- Enlargement of basement

4. Public Consultation

Consultation letters were sent to 25 neighbouring properties.

7 letters of objection have been received.

The objections received can be summarised as follows:

- Loss of off street parking spaces
- Enlargement of basement
- Issues relating to construction management
- The roof additions are too large and could create a roof terrace and harm the character of the area.
- The construction management plan should be updated
- Harm to protected trees
- Increase stress in on street parking
- Overdevelopment

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, DM03, DM04, DM08, DM17.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)
Residential Design Guidance (adopted April 2012).

5.2 Main issues for consideration

- Whether harm would be caused to the character of the area
- Whether harm would be caused to the amenities of future and neighbouring occupiers
- Whether harm would be caused to any protected trees

5.3 Assessment of proposals

As the scheme is similar to that previously approved (F/01083/13), the following assessment will focus on the proposed changes highlighted above.

Alteration to hardstanding

Alterations to the previously approved hardstanding are relatively minor in scale and unlikely to harm the health of the nearby protected trees. To further safeguard these trees, a condition has been attached to this permission requiring the applicant to submit a tree protection plan and method statement, to be assessed and agreed by Barnet's tree officers prior to any works commencing on site.

Enlargement of basement

As the proposed basement is increasing in depth a condition has been attached requiring an amended version of the previously submitted Basement Impact Assessment which takes into account these proposed changes.

In relation to the previous application, the Council's Building Control Department Principal Structural Engineer has also confirmed the construction of the basement is unlikely to have a significant impact on groundwater flows, and provided normal good practice is used in the construction of the basement ground stability problems are unlikely. A condition has also been attached to ensure the monitoring of the drainage and future ground water monitoring is conducted.

Change of use of the garage to a kitchen

Sufficient space exists on the forecourt to meet Policy DM17 of Barnet's Development Management Policies relating to parking. The applicant has also submitted a swept path analysis (plan no. TS-15-002-001 Rev D) demonstrating how both vehicles could enter and exit the site in a forward gear, thus addressing the previous reason for refusal.

Changes to the fenestration to both houses

The alterations to the fenestration are considered acceptable. Issues relating to overlooking and privacy have been addressed through the attached conditions.

The addition of a lift overrun to both houses

The proposed lift overruns have been set in from the exterior walls by a sufficient distance so as to largely obscure them from public view and consequently they will not adversely affect the character of the area.

Alteration to light wells

Barnet's Residential Design Guidance includes explicit reference to basement extensions, specifically that 'for new residential development, basements should generally be limited to the proposed footprint and volume of the house or building. In larger buildings with extensive plots it may be possible to extend under part of the rear garden.' In a subsequent section it also states that 'the council seeks to ensure that basement development does not harm the established architectural character of buildings and surrounding areas, including gardens and nearby trees, and that no adverse impact is caused to the amenity of neighbouring properties.'

The previous application was refused as the extension to the side lightwell (House B) took up valuable amenity space thus harming the living conditions of future occupiers. The

revised scheme proposes only minor changes to the depth of this lightwell and would not protrude beyond the rear elevation. As this particular area of the site is not within any root protection area of nearby trees there are no objections on this basis.

Revised rooflight design and additional skylights

This element would preserve the character of the area.

5.4 Response to Public Consultation

Loss of off street parking spaces: Addressed in 'assessment of proposals' above.

Enlargement of basement: Addressed in 'assessment of proposals' above.

Issues relating to construction management: Although the construction management condition has been discharged (15/03476/CON) the proposed works are of a larger scale to those previously approved. To address these changes, it is deemed appropriate in this instance to re-attach a construction management condition which would need to be agreed with the local authority prior to works commencing on site.

The roof additions are too large and could create a roof terrace and harm the character of the area: The changes to the roof would not create issues of overlooking. A condition has also been included to prevent the use of the roof as a balcony.

Harm to protected trees: Although a condition relating to trees has been discharged (15/03476/CON) the proposed works are located within the root protection areas of several trees. To address these changes it is deemed appropriate in this instance to re-attach a tree impact assessment condition which would need to be agreed with the local authority prior to works commencing on site.

Increase stress in on street parking: Addressed in 'assessment of proposals' above.

Overdevelopment: The current application proposes only minor changes to the previously approved scheme and therefore not considered to be an overdevelopment of the site.

6. Equality and Diversity Issues

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

7. Conclusion

The application is recommended for APPROVAL.



Location **39 Woodstock Road London NW11 8ES**

Reference: **16/1416/HSE**

Received: 3rd March 2016

Accepted: 3rd March 2016

Ward: Childs Hill

Expiry 28th April 2016

Applicant: Mr Charles Lossos

Proposal: First floor rear extension

AGENDA ITEM 18

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan; WR-15-101-PL (existing layouts and elevations); WR-15-101-PL (proposed layouts and elevations);

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

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

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

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

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

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

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

- 5 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 37 and 41 Woodstock 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. 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 host property is a semi-detached single family dwelling situated on the the west side of Woodstock Road.

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

The surrounding area is characterised by a mixture of two and some three storey buildings containing dwelling houses and flats. Some of these have been extended considerably.

2. Site History

Reference: 15/01882/191

Address: 39 Woodstock Road, London, NW11 8ES

Decision: Lawful

Decision Date: 27 March 2015

Description: Use as 1 no. single family dwelling house

Reference: 15/06220/PNH

Address: 39 Woodstock Road, London, NW11 8ES

Decision: Prior Approval Required and Refused

Decision Date: 18 November 2015

Description: Single storey rear extension with a proposed maximum depth of 6 metres measured from the original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: 15/06526/192

Address: 39 Woodstock Road, London, NW11 8ES

Decision: Lawful

Decision Date: 19 November 2015

Description: Roof extension involving rear dormer windows and hip to gable

Reference: 15/07744/PNH

Address: 39 Woodstock Road, London, NW11 8ES

Decision: Prior Approval Not Required

Decision Date: 19 January 2016

Description: Single storey rear extension with a proposed maximum depth of 5.67 metre from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: C16407B/06

Address: 39 Woodstock Road, London, NW11 8ES

Decision: Approved subject to conditions

Decision Date: 4 May 2006

Description: Enlargement of existing two rear dormer windows.

Reference: C16407A/05

Address: 39 Woodstock Road, London, NW11 8ES

Decision: Refused

Decision Date: 20 January 2006

Description: New vehicular access and hardstanding. New dormer window to front elevation. Enlargement of existing two rear dormer windows.

3. Proposal

The applicant seeks permission for a first floor extension.

The extension would have a depth of 3.3 metres and a width of 6.2 metres. It would have a crown roof with a height of 6.4 metres to the eaves and maximum height of 7 metres.

4. Public Consultation

Consultation letters were sent to 8 neighbouring properties.
6 responses have been received, comprising 6 letters of objection.
No. of Speakers: 1

The objections received can be summarised as follows:

- overbearing/obstrusive
- loss of outlook
- sense of enclosure
- scale/architectural style
- character
- protudes beyond the building line
- side windows overlooking
- overdevelopment

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2015

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the

development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

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

The neighbouring property at no.37 at first floor level extends approximately in line with the ground floor rear extension under the prior approval (Ref: 15/07744/PNH) being constructed at the site property. The first floor extension would not extend as far rearwards as this at a depth set forward of 2m from the first floor rear wall of no.37.

Concerns have been raised that the construction of a first floor rear extension at this location would harm the character and appearance of the area and would be out of keeping with the appearance of the rear of the properties. There are a number of rear extensions on Woodstock Road, which extend beyond the original building line.

The proposed extension would have a crown roof extension of relatively low height. Although ideally in order to strictly accord to Residential Design Guidance the extension would have a higher pitched roof, this would appear awkward against the dormers on the main roof.

The extension would be of limited visibility, being sited at the rear of the house and obscured by the rear wall of no.37.

Furthermore, the design of the roof would be similar to no.47 Woodstock Road which is considerably more visible being on a corner.

Whilst the width of the extension does extend across the majority of the house, this again would be obscured to the south-east and would not significantly harm the character and appearance of the area.

The proposal is similar to other developments in the area and due to the size of the property and site plot it is considered to be a proportionate addition and not overdevelopment of the site.

It is considered that the proposed development would not detract from the scale and form of the host property. The hipped roof of the proposed extension would complement the host property. The proposed extension would appear as a subordinate addition to the host property and would have an acceptable impact on the character and appearance of the existing building and street scene.

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

Within Barnet's Residential Design Guidance it sets out that two storey rear extensions should not result in the 'loss of light to, and outlook from, windows and glazed doors positioned close to the extension' or lead to an 'unacceptable sense of enclosure to house and garden' and also not cause 'harm to the character or appearance of the property and area'. Four objections have been received in relation to the loss of light and outlook that would result from the construction of the first floor rear extension.

From No.41 Woodstock Road the proposed first floor extension would be located 2m from the adjacent shared boundary. There is an existing projecting rear bay window located at the rear of No.41. Taking into account the separation between the proposed extension and

the boundary, it is considered that the proposed first floor extension would not have a significant adverse impact on the light and outlook afforded to the rear of No.41 to warrant the refusal of the application. It is also considered that the setback between the proposed extension and the boundary would ensure the extension does not appear overbearing or create unacceptable sense of enclosure.

The proposed plans do not show any side windows and there is no concerns regarding the privacy of neighbours. A condition has also been added restricting any side windows. It is noted that although the CGI drawing shows a side window, this is not on the plans to be formally approved and no side windows had been approved. The CGI document is only for illustrative purposes.

The proposed extension would be 1 metre away from the side boundary with no. 37 and 2.1 metres from the flank wall of this neighbouring property. It is also noted that this neighbouring property extends some 5.3m beyond the original rear wall of the site property. The extension would extend across secondary windows which serve a living/dining area at no.37. These also have the benefit of south-west facing windows which serve this room. It is therefore not considered that the impact of the extension on this window would harm the amenities of neighbouring occupiers through outlook or light received. It is not considered that the impact on the access or pathway would be harmful in terms of loss of outlook or enclosure.

Given the proportions and the relationship between the proposal and the neighbouring properties, it is not considered that this scheme would be detrimental to the amenities of the occupants of any neighbouring property.

5.4 Response to Public Consultation

Addressed in the main report.

The design of the extension is considered to be acceptable taking into account the design of the existing house, the relationship to neighbouring buildings and the character of the area.

The height of the eaves of the extension would not exceed those of the existing house, and the roof would be relatively low in height.

The extension would have windows facing the rear garden, these would only overlook the existing rear garden.

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 Hodford Road London NW11 8NL**

Reference: **16/1445/HSE**

Received: 4th March 2016

Accepted: 10th March 2016

Ward: Childs Hill

Expiry 5th May 2016

Applicant: Mr Adam Sebba

Proposal: Demolition of existing outbuilding and erection of part single part two storey side and rear extension. New front porch

AGENDA ITEM 19

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; Drawing no. 100; Drawing no. 101; Drawing no. 102; Drawing no. 103; Drawing no. 01 Rev B; Drawing no. 02 Rev B; Drawing no. 03 Rev B; Drawing no. 04 Rev B.

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

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

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

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

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

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

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

- 5 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. 55 and no. 59 Hodford 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. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The application site relates to a semi-detached single family dwelling house located on the western side of Hodford Road which is predominantly residential in character, within the Childs Hill ward. The building is not listed nor does it lie within a conservation area.

2. Site History

Reference: 15/03152/FUL

Address: 57 Hodford Road, London, NW11 8NL

Decision: Approved subject to conditions

Decision Date: 16 September 2015

Description: New build of two storey house with basement and rooms in the roof.

Reference: 15/07698/PNH

Address: 57 Hodford Road, London, NW11 8NL

Decision: Prior Approval Required and Approved

Decision Date: 20 January 2016

Description: Single storey rear extension with a proposed maximum depth of 6 metres from original rear wall, with a maximum height of 4 metres and an eaves height of 3 metres.

Reference: 15/07915/HSE

Address: 57 Hodford Road, London, NW11 8NL

Decision: Refused

Decision Date: 29 February 2016

Description: Demolition of existing outbuilding and erection of part single part two storey side and rear extension, raised terrace. New front porch

Reference: 15/07916/192

Address: 57 Hodford Road, London, NW11 8NL

Decision: Lawful

Decision Date: 29 January 2016

Description: Roof extension involving side and rear dormer windows with 2no rooflights to front elevation to facilitate a loft conversion

Reference: 16/1042/HSE

Address: 57 Hodford Road, London, NW11 8NL

Decision: Approved subject to conditions

Decision Date: 18 April 2016

Description: Single storey side and rear extension with raised rear patio and steps following the demolition of the existing garage

Reference: F/05754/14

Address: 57 Hodford Road, London, NW11 8NL

Decision: Approved subject to conditions

Decision Date: 26 November 2014

Description: Single storey side and rear extension following demolition of existing garage. Front porch extension.

Reference: F/05751/14

Address: 57 Hodford Road, London, NW11 8NL

Decision: Refused

Decision Date: 24 December 2014

Description: Hip to gable roof extension with dormer window to the front and rear including 2no. front facing roof lights to facilitate a loft conversion.

3. Proposal

The applicant seeks planning consent for the following development following the demolition of the existing detached garage:

- Ground floor side and rear extension
- First floor rear extension
- First floor side extension
- New front porch

The ground floor extension at the boundary with no.55 would have a depth of 3.5m and would have flat roof with a height of 3.1m from the highest steps of the proposed raised decking. At the other side, the ground floor extension would project up to the level of the existing garage and would connect with the proposed side extension.

The ground floor side extension would be flush with the outermost front elevation and would extend up to the boundary with no. 59 with a depth of 18.4m. The extension would have a flat roof with a height of 3.4m measured from the front of the site.

The first floor side extension would have a width of 1.5m up to the existing rear elevation with a depth of 10.9m. The extension would be recessed from the front by 1m and would have a roof to match the original projecting wing.

The first floor side extension would be sited 3.5m from no. 55 and 3.3m from the boundary with no. 59 Hodford Road. The extension would have a depth of 2m with a subordinate hipped roof.

The front porch would result in an infill up to the level at the front with a lean-to roof.

4. Public Consultation

Consultation letters were sent to 7 neighbouring properties.

6 responses have been received, comprising 6 letters of objection.

The objections received can be summarised as follows:

- Application follows 49 Hodford Road, which was refused by the committee.
- First floor side extension would fill in the gap created by the side-to-side garages that typify this part of Hodford Road creating terracing effect
- Loss of views through site.
- Set a precedent
- Overshadowing and loss of light
- Excessively high wall with resulting in 1.5 storeys above neighbour
- Block-like design which is out-of-character with rest of the street.
- Amendments to this scheme do not contravene the overdevelopment of the site.
- Overbearing and unduly obtrusive.

- Construction up to the boundary and reduce access to the side.
- Fail to set back from front elevation.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

Planning consent has previously been granted for a single storey side and rear extension with a raised patio on the site (planning reference F/05754/14) and more recently for a similar extension (planning reference 16/1042/HSE) and therefore the principle of such development has been established. Both applications approved a rear extension with the same depth at the boundary with no.55 , however the latter approved a single storey rear extension with the same depth up to garage as proposed under the current scheme.

In accordance with the approved scheme, the ground floor extension at the rear would have the same depth near the boundary with no.55 and would accord with the Councils SPD Residential Design Guidance. Officers consider that the reduced height of the extension would ensure that there would be no significant impact on the occupiers of the neighbouring property; the height proposed at ground floor would be the same as previously approved. At the other boundary, the extension would project an additional 3m up to the siting of the existing garage. Given the existing structure, the extension at the side with this depth would not be out of character nor is it considered to be imposing on the amenities of the future dwelling at no.59; this would be the same depth as approved.

The proposed raised patio was previously approved at this depth and same design, and there are no material changes to consider this element unacceptable now.

The proposed ground floor side extension, as with the approved application (16/1042/HSE) would be sited at the boundary with no.59. It is not considered that there

would be any significant impact on neighbouring properties in terms of loss of light and outlook and the proposed extension is in keeping with the character of Hodford Road. The previous approval also included a flat roof design and a door to access the playroom. At ground floor, the extension would not be recessed from the front elevation however this is in accordance with the Residential Design Guidance SPD, which only requires first floor extensions to be recessed. Given the length of the front garden and siting of the ground floor side extension, it is not considered that this element is harmful to the streetscene of Hodford Road.

At the time of the site visit the property next door at no.59 had been demolished; consent was granted at this property for a replacement dwelling. From the approved plans on the adjacent site, there are no windows serving habitable room on the flank elevation fronting the host site at either ground or first floor level.

The first floor side extension would retain a gap of 1m at the front and 1.8m at the rear of the site, where the curtilage splays. Section 14.17 of the Residential Design Guidance SPD stipulates that "in order to reduce the visual impact of two storey or first floor side extensions, there should normally be a minimum gap of 2 metres between the flank walls of properties at first floor level (i.e. a minimum gap of 1m between the boundary and the extension at first floor level for most two storey extensions)". The approved scheme at no.59 itself retains a gap of approximately 1.1m from the boundary and therefore there would be at least a gap of 2m from the flank elevations of both dwellings at first floor level. The proposal is directly in accordance with the guidance and whilst the gap between buildings would be reduced, there would still be an adequate gap between the buildings and this would not be detrimental to the character of the streetscene. Whilst the views through the site would be reduced to some degree, it is not considered that this is sufficient to warrant refusal of the application. In addition, the roof reads as a subordinate feature due to the recessed ridge height and as such would respect the proportions of the dwelling.

At first floor rear, the extension would be sited a substantial distance from the boundary with both neighbouring dwellings and due to the modest depth, it is not considered that the extension would appear overbearing on the gardens of neighbouring occupiers. There are other examples of first floor rear extensions in the area and the proposal is considered to be subservient to the main dwelling.

Given the distance of the proposed extension to the rear of the garden both at ground and first floor levels, it is not considered to result in unacceptable levels of overlooking and this reason alone would not warrant refusal of the application.

The front porch is considered to be a modest addition and would be a modest addition when viewed from the streetscene.

5.4 Response to Public Consultation

The pressures of future planning applications on this site or any other on the road are not material considerations in the determination of the application.

In the determination of the application, particularly with regards to the comments raised by objectors about the 'block-like design', the previous extant approvals on the site have been reviewed and it is not considered that circumstances have changed to make the design of the extension unacceptable.

With regards to the objection regarding the extension at ground floor infilling up to the boundary, it must be noted that under permitted development an extension can have a similar width (albeit limited to the rear elevation). Similarly, at ground floor a side extension can be built up to the front elevation under permitted development. In addition, consent has already been granted for the ground floor side extension.

The objections draw comparison to the refusal at no.49 Hodford Road, where there is extensive planning history. Although the latest applications on this site were refused by the planning committee on grounds of over-development and terracing effect (15/07399/HSE, 15/07402/HSE, 15/07472/HSE), the appeal decision for an earlier application on the same site (15/01175/HSE) which included a larger first floor extension was not considered to be detrimental to the character of Hodford Road. Notwithstanding these decisions, every case is assessed on its own merits and the size of the extension at first floor level is considered to differ to those at no.49.

It is considered that the comments raised by the objectors have been addressed in the report above and by the amendments provided since neighbour consultation ended.

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location 10-14 Accommodation Road Golders Green NW11 8ED

Reference: 16/0090/FUL

Received: 6th January 2016

Accepted: 25th January 2016

Ward: Childs Hill

Expiry 21st March 2016

Applicant: Mr David Grunberg

Proposal: Demolition of existing building and erection of 8 dwellinghouses with associated refuse/recycling and cycle storage

AGENDA ITEM 20

Recommendation: Approve subject to s106

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. 1. Highways (traffic order) £2,000.00
"A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development."

2. Monitoring of the Agreement £100.00
"Contribution towards the Council's costs in monitoring the obligations of the agreement"

RECOMMENDATION II:

That upon completion of the agreement the Service Director of Development Management and Building Control approve the planning application under delegated powers subject to the following conditions:

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

- No. 324/P1 Rev C, 324/P8 Rev C, 324/P7 Rev C, 324/P10 Rev C, 324/P2 Rev C, 324/P3 Rev C, 324/P4 Rev C, 324/P5 Rev C, 324/P9 Rev C, 303/1 Rev A (received: 06/01/16).

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 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 The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been executed and planning permission has been granted for the redevelopment for which the contract provides. Evidence that this contract has been executed shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to any demolition works commencing.

Reason: To preserve the established character of the Conservation Area pending satisfactory redevelopment of the site in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM06 of the Local Plan Development Management Policies DPD (adopted September 2012).

5 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

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

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

6 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).

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

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

8 Before the commencement of development hereby permitted is undertaken details of the proposed double glazed windows at scale 1:10 including a section to show the thickness of the glazing and the spacer bar, and a sample window produced shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason: To safeguard the character and appearance of the Conservation Area in accordance with policy DM06 of the Development Management Policies DPD (adopted September 2012).

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 Polices document (2012).

10 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 so that mains water consumption would meet a standard of 105 per head per day or less. 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).

11 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 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).

12 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).

13 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 to D of Part 1 of Schedule 2 of that Order shall be carried out within the area of the site 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).

14 The approved development shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority prior to first occupation of the development. Such spaces shall be provided prior to first occupation and permanently retained thereafter.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted)

September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

15 Before the building hereby permitted is first occupied the proposed windows in the rear elevation facing Woodstock Road shall be glazed with obscure glass only and fixed shut and shall be permanently retained as such thereafter.

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).

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

RECOMMENDATION III:

0 That if an agreement has not been completed by 27/06/16 unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application 16/0090/FUL under delegated powers for the following reasons:

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £7,875.00 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 £30,375.00 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

Government at
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

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

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 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

Officer's Assessment

1. Site Description

The application site currently consists of a row of terraced offices buildings that are all occupied by an accounting firm. The site is located within Golders Green Town Centre conservation area.

2. Site History

Reference: 14/07267/FUL

Address: 10 - 14 Accommodation Road, London, NW11 8EP

Decision: Refused

Decision Date: 12.01.2015

Description: Demolition of existing buildings and construction of 8no three storey plus rooms in roofspace mews houses

Appeal Decision: Dismissed (24.11.2015)

Appeal Reference: APP/N5090/W15/3051158

Reasons for refusal:

1. The proposals would result in the loss of existing employment land. The proposals would be contrary to policy DM14 of the Adopted Barnet Development Management Policies 2012.
2. The proposals by reason of their layout and poor quality outlook, and lack of amenity space would provide an unacceptably poor level of amenity for future residents. This would be contrary to policy DM02 of the Adopted Barnet Development Management Policies and Supplementary Planning Document on Residential Design Guidance.
3. The proposals would result in a harmful level of overlooking and loss of outlook to the rear windows of the residential properties at on Golders Green Road. The proposals would be contrary to policy DM01 of the Adopted Barnet Development Management Policies and Supplementary Planning Document on Residential Design Guidance.
4. The proposals would appear overbearing and visually dominating as perceived from 30-36 Woodstock Road, resulting in a harmful loss of outlook and visual amenity. The proposals would be contrary to policy DM01 of the Adopted Barnet Development Management Policies.
5. The proposals would result in a visually dominating and obtrusive form of development that would be harmful to the character and appearance of the conservation area and out of scale with neighbouring buildings. The proposals would fail to preserve or enhance the character and appearance of this part of the Golders Green Town Centre conservation area. The proposals would be contrary to policy DM06 of the Adopted Barnet Development Management Policies 2012 and Golders Green Town Centre Conservation Area Character Appraisal Statement.
6. The proposals make inadequate provision for refuse storage within the development. In the absence of suitable refuse storage the proposals would be contrary to policies CS13 and CS14 of the Adopted Barnet Core Strategy.

7. The proposals would make no provision for off street parking and as a result would generate significant parking pressures on surrounding roads which would result in harmful impact on highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012.

Reference: F/05491/13

Address: 10 - 14 Accommodation Road, London, NW11 8EP

Decision: Prior Approval Required and Approved

Decision Date: 30 January 2014

Description: Change of use from B1 office to C3 residential (4 units)

Reference: F/00393/13

Address: 10 - 14 Accommodation Road, London, NW11 8EP

Decision: Refused

Decision Date: 20 March 2013

Description: Roof extension with front dormer windows to provide 2nd floor accommodation for existing A2/B1 use. Relocation of air conditioning units, installation of PV panels, raising of brick parapet wall/gutter, extended brick gable, new bike and bin stores and alterations to external fenestration. (Amended description)

3. Proposal

The proposal includes:

The demolition of existing buildings and construction of 8no. two storey, plus rooms in roofspace, mews houses with associated refuse/recycling and cycle storage

4. Public Consultation

183 consultation letters were sent to neighbouring properties.

15 responses have been received, comprising 15 letters of objection.

The objections received can be summarised as follows:

- Overdevelopment
- Out of keeping with the character of the conservation area
- Insufficient water pressure
- Loss of light
- Overlooking
- Noise and disturbance
- Lack of parking
- Loss of privacy
- Environmental impact
- Issues relating to refuse collection
- Impact on services such as water/sewage
- Oversupply of small units
- Overly dense housing
- Poor quality of space for future occupiers

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan July 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, CS13 and CS14
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, 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

A similar application to the current proposal was previously recommended for refusal by planning officers and subsequently dismissed on appeal heard by way of an informal hearing. The Inspector did not dismiss the appeal based on all the reasons for refusal as regarding several they found no issue. These matters are discussed further below.

The main issues for consideration in this case are:

- Whether the loss of the office space is considered acceptable

- Whether harm would be caused to the character and appearance of the conservation area, existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring and future residents.
- Whether the proposals would harm highway and pedestrian safety
- Whether the proposals would comply with sustainability requirements

5.3 Assessment of proposals

Whether the loss of the office space and principle of development is considered acceptable

On this matter the previous Appeal Inspector (APP/N5090/W15/3051158) concluded that:

'Having considered all the submissions carefully and from my own observations I am not persuaded, even if there were a demand for employment floorspace in the locality, that the appeal premises would be attractive to other prospective employment uses. Consequently, any prospect of retaining the premises in employment use would be, at best, very low...having had regard to all the evidence presented in relation to employment land I conclude, given the specific circumstances of the appeal site that the proposal would not conflict with DMP Policy DM14.'

With regard to the loss of office space, the current application is unchanged and considerable weight is given to the Appeal Inspectors comments highlighted above. This element is therefore considered acceptable.

Whether harm would be caused to the living conditions of neighbouring and future residents.

Planning offers previously raised concerns that future occupiers of the proposed units would benefit from poor quality outlook and a lack of private outdoor amenity space leading to an unacceptably poor standard of living for future residents.

On this matter the Appeal Inspector (APP/N5090/W15/3051158) concluded the following:

The proposal would provide residential units that are single aspect with all windows facing north east towards the rear of properties on Golders Green Road. The elevations show substantial sized windows, particularly to the 2nd and 3rd floors which is where the living and eating areas would be located. The appellant stated the size of the windows would be well in excess of those required by the Building Regulations although no sunlight or daylight calculations were submitted. Whilst there would be limited sunlight to the rooms given the shallow depth of the building the proposed accommodation would be likely to receive an adequate amount of daylight.

The proposal would occupy the whole site and the only external amenity space would be provided in the front facing terraces to each dwelling at 3rd floor level. The Council's standards set out in the Supplementary Planning Document Sustainable Design and Construction require 40 m² for dwellings up to 4 bedrooms whereas the proposal provides about 3 m² for each proposed dwelling. The standards do allow some flexibility within urban areas, subject to the provision of financial contributions to improve existing public open space. Although the proposal falls well short of the required external amenity provision and no financial contributions are offered I am however, not persuaded given the

inner city location of the site that the proposal would provide inadequate living conditions for the proposed occupants.'

Since the previous application the amenity space provided at third floor level has been removed and now situated on the second floor. While this space is slightly smaller than previously proposed, the level of amenity offered to future residents would be similar and considerable weight is therefore given to the Appeal Inspectors comments. Consequently, the proposed houses are likely to provide future occupiers with sufficient light, outlook and amenity, in accordance with Policies DM01 and DM02 of Barnet's Development Management DPD (2012).

Neighbouring Residents

In the previous application officers highlighted several issues relating to overlooking and loss of privacy and outlook for the occupiers of Golders Green Road whose properties back onto Accommodation Road. Due to the proximity of the application site to the rear elevation of these properties the impact of the proposed four storey building was also considered to be overbearing. When commenting on such matters the Appeal Inspector (APP/N5090/W15/3051158) concluded that:

'Many of the properties within the mews have already been converted to residential and, given the approval granted under the provisions of the GPDO for the premises to be converted to residential, the principle of residential use is accepted. Whilst the proposal would fail to provide the minimum distances between the buildings within urban areas it is not uncommon for shorter distances to be acceptable. From my visit I am satisfied that the distance that would be between the front of the proposed dwellings and the rear of the properties on Golders Green Road would be sufficient to afford the residents of both properties a satisfactory level of privacy.'

Other than roof lights in the rear plane of the roof the development would have no windows in the rear elevation that faces towards the properties in Woodstock Road. Interested parties have raised concerns regarding loss of privacy but given the relative positions of the proposed roof lights and nearby properties I am satisfied that any overlooking would be very limited and not to a degree that would justify the dismissal of the appeal.'

I have considered carefully all the evidence put forward by all the parties, including the interested parties, but I conclude that the proposal would not result in an unsatisfactory level of living conditions for either the proposed future residents or the existing occupiers of nearby properties. I therefore conclude the proposal would comply with BDMP DM01 and DM02. However, this does not outweigh my concerns regarding the impact of the development on the character of the area.'

The current scheme is similar to the previous application in terms of footprint and, with the removal of the fourth floor, the building is likely to appear less overbearing with fewer opportunities for overlooking. Bearing these points in mind the Appeal Inspectors comments are attributed significant weight and the scheme is found to be acceptable in this regard.

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

With regard to scale and massing, the previous Appeal Inspector (APP/N5090/W15/3051158) found that,

'The proposal would introduce a 4 storey building into the mews. The mews is a continuous row of buildings and whilst there are a number of building styles and heights the predominant form is two storey with some properties having dormers to provide a 3rd floor. However the proposal would result in an additional floor with floor levels and consequently the fenestration for each floor that would bear little relationship to the existing properties in the mews. This together with the overall scale of the proposal would result in a development that would look markedly out of place.'

As highlighted above, the plans have seen several revisions since the previously refused scheme the most noticeable of which is the removal of the fourth storey. The height of the proposed roof would now relate better to the neighbouring property at no. 9, being stepped down by 1.4m from its ridge.

In terms of design and fenestration, the proposed scheme has also been amended since the previous refusal. Where the elevation fronting Accommodation Road previously appeared somewhat confusing and overly fenestrated, the new design is considered an improvement and introduces a certain degree of rhythm to the street. While the design does not exactly mimic other buildings on Accommodation Road, the previous Appeal Inspector concluded that the principle of a modern build block in this location would be considered acceptable. Bearing in mind the revisions highlighted above, the proposed scheme has now addressed previous concerns and would indeed enhance the character of the conservation area in accordance with Policy DM06 of Barnet's Development Management Policies.

Whether the proposals would harm highway and pedestrian safety

Prior to the previous Hearing a signed and dated Unilateral Undertaking was submitted which would provide a financial contribution towards the Council's costs of changing a traffic order that would prevent the future residents from applying for residential parking permits. The Council accepted the Undertaking overcame its concerns regarding highway safety. The revised legal agreement is in the process of being reviewed by Barnet's Highways officers and legal team.

Whether the proposals would comply with sustainability requirements

The previous case officer's report found that the proposals made inadequate provision for refuse storage within the development. In response to these issues, the applicant has since revised the plans to include a recessed refuse area at ground floor level fronting Accommodation Road to meet Barnet's 'Provision of Household Waste & Recycling Service' guidance (July 2015). Not only would this amendment satisfy Policies CS13 and CS14 of Barnet's Core Strategy but the bins would now be shielded from public view thus serving to improve the character of what can be a cluttered street.

5.4 Response to Public Consultation

Overdevelopment: The proposed works are not of a sufficiently large scale to consider them an overdevelopment of the site.

Out of keeping with the character of the conservation area: Addressed within 'assessment of proposals' above.

Insufficient water pressure and issues relating to sewerage: Issues relating to water pressure and sewerage would be addressed through Building Control which is a separate process and in addition to planning. Bearing this in mind, limited weight has been attributed to such objections and not considered as sufficient reason for refusal.

Loss of light: Addressed within 'assessment of proposals' above.

Overlooking: Addressed within 'assessment of proposals' above.

Noise and disturbance: A certain degree of noise and disturbance is to be expected from any building works. The scale of the proposed works are not considered to be of a sufficiently large scale to warrant refusal of the proposed scheme.

Lack of parking: Addressed within 'assessment of proposals' above.

Loss of privacy: Addressed within 'assessment of proposals' above.

Environmental impact: While this is a material planning consideration there is unlikely to be sufficient harm to the environment as result of the proposed works to warrant refusal.

Issues relating to refuse collection: Addressed within 'assessment of proposals' above.

Oversupply of small units: The proposed housing would meet a local demand for housing.

Over dense: The proposed density would meet the London Plan (2015) policy relating to density.

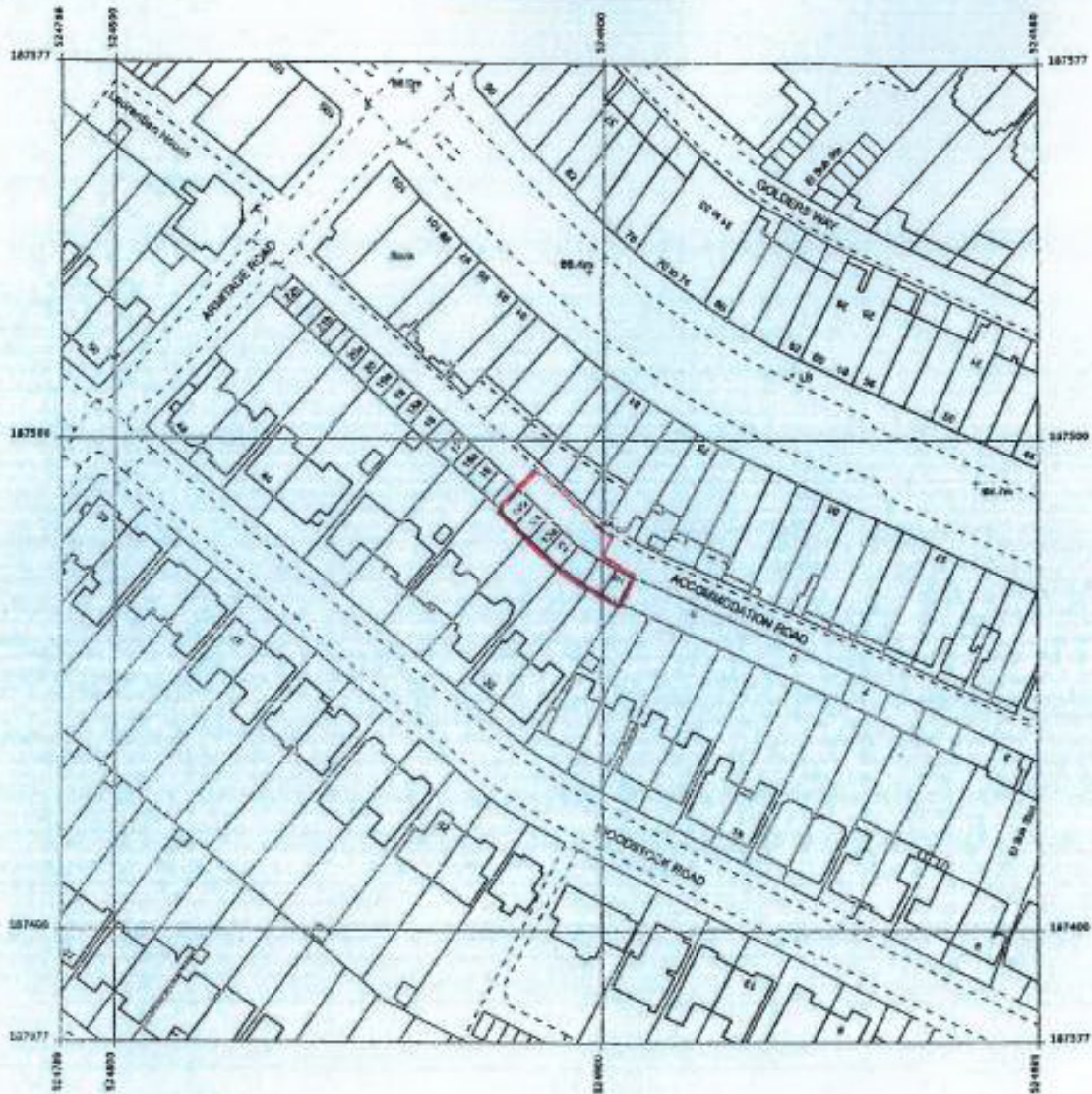
Quality of space for future occupiers: Addressed within 'assessment of proposals' above.

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

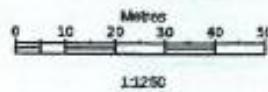
Having taken all material considerations into account, it is recommended that planning permission is recommended for APPROVAL.



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LONDON
NW11 8ED

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